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GRESHAM  
SMITH AND  
PARTNERS

101 South Fifth Street  
Suite 1400  
Louisville, Kentucky 40202  
502.437.8800  
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REVISED DISTRICT DEVELOPMENT PLAN  
TAFEL MOTORS / MINI OF LOUISVILLE

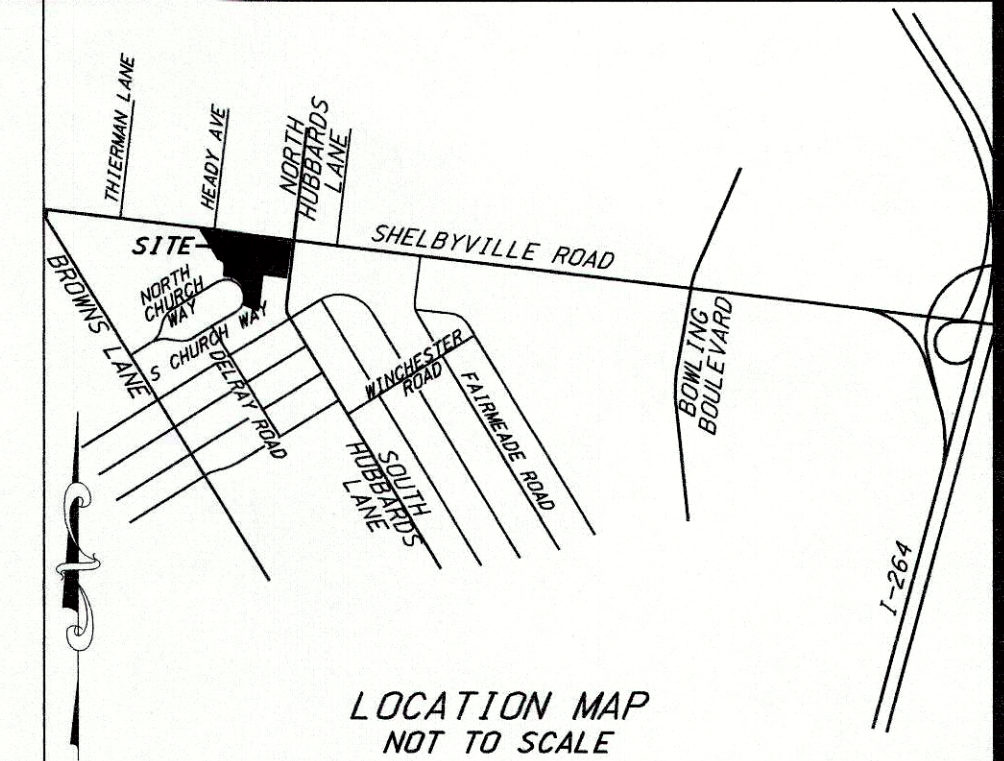
DEVELOPER:  
THE PETERSON GROUP  
4156 SHELBYVILLE ROAD  
LOUISVILLE, KY 40207  
PHONE: (502) 896-4411

No.	Date	Revision
1	6/25/09	AGENCY COMMENTS
2	7/17/09	AGENCY COMMENTS

CASE # 12803  
RELATED CASES:  
DOCKET # 9-5-95CV  
DOCKET # 9-5-95CV

JUL 20 2009  
PLANNING  
DESIGN SERVICES

FILE: 6232C22  
PROJECT: 24233  
DATE: JUNE 4, 2009



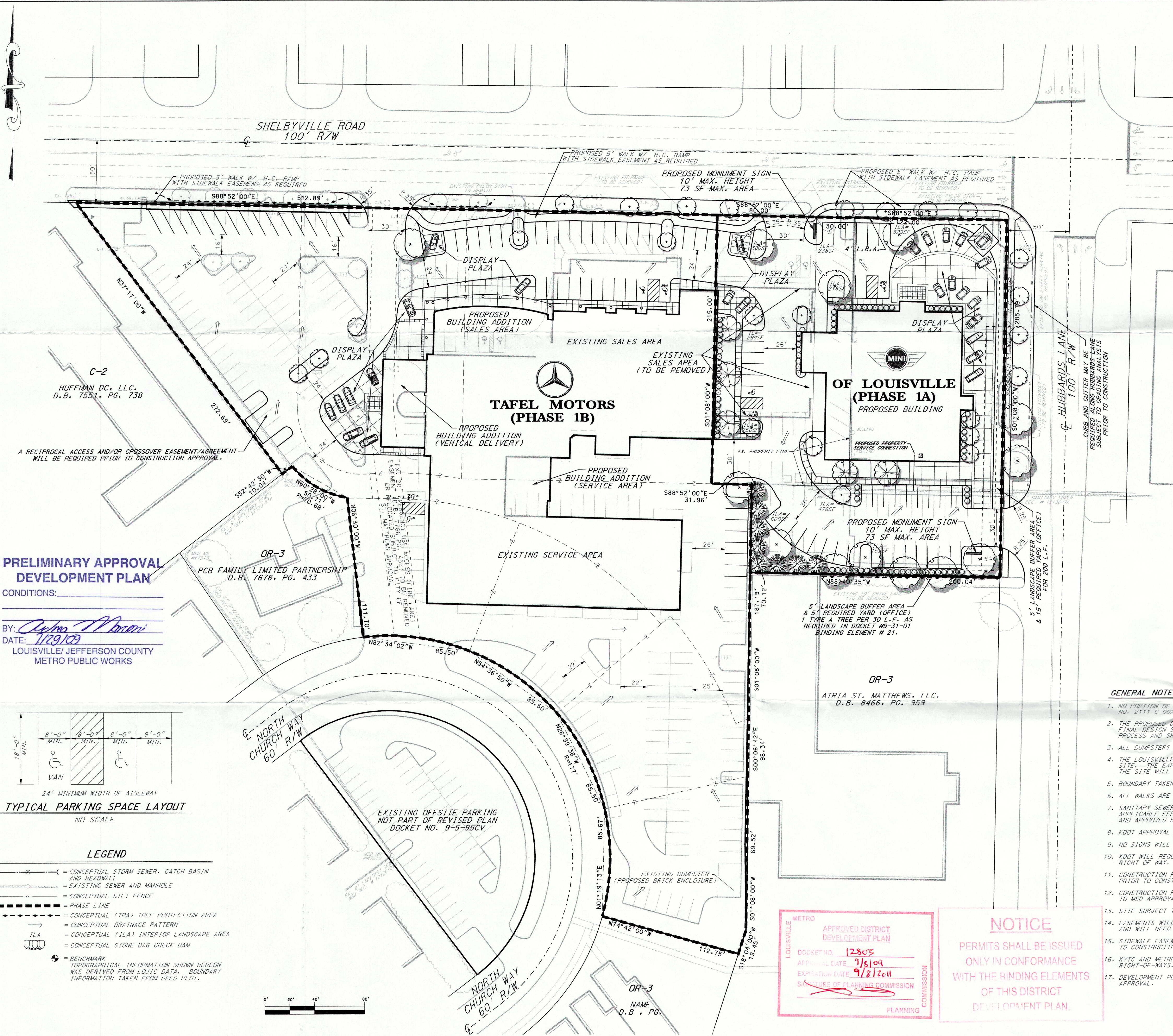
PROJECT SUMMARY	
TOTAL SITE AREA	= 5.3 AC.
EXISTING ZONING	= C-2
EXISTING FORM DISTRICT	= SUBURBAN MARKETPLACE
EXISTING USE	= CAR SALES / VACANT
PROPOSED USE	
PHASE 1A (CAR SALES & SERVICE)	= 1.5 ACRES
PHASE 1B (CAR SALES & SERVICE)	= 3.8 ACRES
PHASE 1A SUMMARY	
PROPOSED USE	= CAR SALES & SERVICE
BUILDING AREA	= 18,500 SF
BUILDING HEIGHT	= 2 STORY (40' MAX.)
FLOOR AREA RATIO	= 0.28 F.A.R.
DISPLAY SPACE (OUTDOOR)	= 3 SPACES / 488 SF OF DISPLAY
DISPLAY SPACE (INDOOR)	= 3 SPACES / 488 SF OF DISPLAY
NUMBER OF SERVICE EMPLOYEES	= 8 EMPLOYEES
NUMBER OF SERVICE BAYS	= 8 BAYS
PARKING SUMMARY	
CUSTOMER PARKING	= MINIMUM 10 SPACES
OFFICE PARKING (2,000 SF)	= 8 SPACES
SERVICE BAY PARKING	= 16 SPACES
SERVICE DEPARTMENT PARKING	= 4 SPACES
PARKING REQUIRED	= 29 SPACES
TOTAL PARKING PROVIDED	= 29 SPACES
V.U.A. SUMMARY	
TOTAL V.U.A.	= 25,070 SF
ILA REQUIRED (5%)	= 1,254 SF
ILA PROVIDED	= 2,854 SF
PHASE 1B SUMMARY	
PROPOSED USE	= CAR SALES & SERVICE
BUILDING AREA	= 48,000 SF
BUILDING HEIGHT	= 1 STORY (30' MAX.)
FLOOR AREA RATIO	= 0.28 F.A.R.
DISPLAY SPACE (OUTDOOR)	= 10 SPACES / 1,600 SF OF DISPLAY
DISPLAY SPACE (INDOOR)	= 10 SPACES / 1,600 SF OF DISPLAY
NUMBER OF SERVICE EMPLOYEES	= 20 EMPLOYEES
NUMBER OF SERVICE BAYS	= 20 BAYS
PARKING SUMMARY	
CUSTOMER PARKING	= MINIMUM 16 SPACES
OFFICE PARKING (2,800 SF)	= 8 SPACES
SERVICE BAY PARKING	= 56 SPACES
SERVICE DEPARTMENT PARKING	= 20 SPACES
PARKING REQUIRED	= 94 SPACES
TOTAL PARKING PROVIDED	= 95 SPACES
V.U.A. SUMMARY	
TOTAL V.U.A.	= 91,536 SF
ILA REQUIRED (5%)	= N/A *
ILA PROVIDED	= 4,628 SF
*ADDITIONAL ILA NOT REQUIRED PER ARTICAL 12	

### GENERAL NOTES

- NO PORTION OF THE SITE IS WITHIN THE 100 YEAR FLOOD PLAIN PER FIRM MAP NO. 2111 C 0029 E DATED DECEMBER 5, 2006.
- THE PROPOSED DRAINAGE AND STORM SEWERS SHOWN ON PLAN ARE CONCEPTUAL. FINAL DESIGN SHALL BE DETERMINED DURING THE CONSTRUCTION PLAN DESIGN PROCESS AND SHALL CONFORM TO MSD REQUIREMENTS.
- ALL DUMPSTERS AND SERVICE STRUCTURES ARE TO BE SCREENED PER ARTICAL 12.
- THE LOUISVILLE WATER COMPANY WILL PROVIDE DOMESTIC WATER SERVICE TO THE SITE. THE EXPENSES FOR ANY IMPROVEMENTS REQUIRED TO PROVIDE SERVICE TO THE SITE WILL BE THE RESPONSIBILITY OF THE OWNER/DEVELOPER.
- BOUNDARY TAKEN FROM DEED(S) AND DOES NOT CONSTITUTE A SURVEY.
- ALL WALKS ARE MINIMUM 5' WIDE WITH HANDICAP RAMPS AS REQUIRED.
- SANITARY SEWER SERVICE WILL BE PROVIDED BY CONNECTION AND SUBJECT TO APPLICABLE FEES. A REQUEST FOR SANITARY SEWER CAPACITY WILL BE SUBMITTED TO MSD AND APPROVED BY MSD.
- KDOT APPROVAL REQUIRED PRIOR TO CONSTRUCTION APPROVAL.
- NO SIGNS WILL BE PERMITTED WITHIN THE RIGHT OF WAY.
- KDOT WILL REQUIRE AN ENCROACHMENT PERMIT FOR ANY WORK IN STATE RIGHT OF WAY.
- CONSTRUCTION PLANS, BOND AND PERMIT ARE REQUIRED BY METRO PUBLIC WORKS PRIOR TO CONSTRUCTION APPROVAL.
- CONSTRUCTION PLAN APPROVAL FROM ST. MATTHEWS WILL BE REQUIRED PRIOR TO MSD APPROVAL.
- SITE SUBJECT TO MSD PLAN REVIEW FEES.
- EASEMENTS WILL BE REQUIRED FOR EXISTING 8" SANITARY SEWER LOCATED UNDER THE SITE AND WILL NEED TO BE GRANTED PRIOR TO CONSTRUCTION PLAN APPROVAL.
- SIDEWALK EASEMENT DEDICATION BY DEED OR MINOR PLAT MUST BE RECORDED PRIOR TO CONSTRUCTION APPROVAL BY METRO PUBLIC WORKS.
- KYTC AND METRO PUBLIC WORKS WILL NOT PERMIT AN INCREASE IN DRAINAGE RUNOFF TO RIGHT-OF-WAYS.
- DEVELOPMENT PLAN REQUIRED CITY OF ST. MATTHEWS APPROVAL.

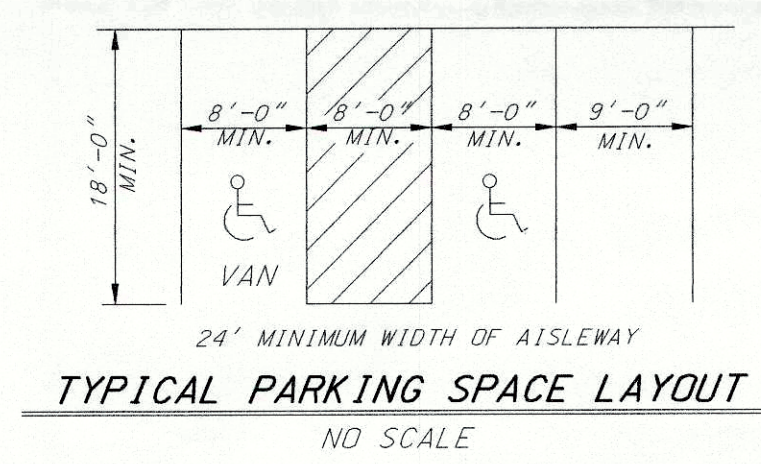
NOTICE  
PERMITS SHALL BE ISSUED  
ONLY IN CONFORMANCE  
WITH THE BINDING ELEMENTS  
OF THIS DISTRICT  
DEVELOPMENT PLAN.

METRO  
LOUISVILLE  
DOCKET NO. 12803  
APPROVAL DATE 7/15/09  
EXPIRATION DATE 9/15/2011  
SIGNATURE OF PLANNING COMMISSION  
COMMISSION  
PLANNING

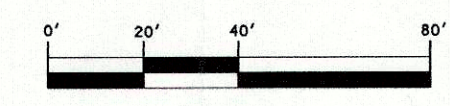


### PRELIMINARY APPROVAL DEVELOPMENT PLAN

CONDITIONS:  
BY: *Stephen M. Morris*  
DATE: 7/29/09  
LOUISVILLE/JEFFERSON COUNTY  
METRO PUBLIC WORKS



- LEGEND
- CONCEPTUAL STORM SEWER, CATCH BASIN AND HEADWALL
  - EXISTING SEWER AND MANHOLE
  - CONCEPTUAL SILT FENCE
  - PHASE LINE
  - CONCEPTUAL (TPA) TREE PROTECTION AREA
  - CONCEPTUAL DRAINAGE PATTERN
  - CONCEPTUAL (ILA) INTERIOR LANDSCAPE AREA
  - CONCEPTUAL STONE BAG CHECK DAM
  - BENCHMARK
- TOPOGRAPHICAL INFORMATION SHOWN HEREON WAS DERIVED FROM LQIC DATA. BOUNDARY INFORMATION TAKEN FROM DEED PLOT.





CITY OF ST. MATTHEWS

MUNICIPAL ORDER NO. 09-12

A MUNICIPAL ORDER RELATING TO APPROVAL OF REVISED DISTRICT DEVELOPMENT PLAN ON PROPERTY LOCATED AT 4156 SHELBYVILLE ROAD; 4158 SHELBYVILLE ROAD and 4170 SHELBYVILLE ROAD AND BEING IN THE CITY OF ST. MATTHEWS, AND CONTAINING BINDING ELEMENTS, CASE NO. 12803 (MINI Cooper/Mercedes Benz - 5.3 acres).

WHEREAS, the Development Review Committee (DRC) Louisville Metro Planning Commission, in its minutes dated August 26, 2009, has approved and recommended for approval to the City of St. Matthews, a Revised District Development Plan for a two phased project expanding the car sales and service use located at 4156 Shelbyville Road and construction of a MINI-Cooper dealership at 4158 and 4170 Shelbyville Road,

WHEREAS, the City Council approves said recommendations as modified herein, and adopts same, with binding elements, now, therefore,

BE IT ORDERED BY THE CITY OF ST. MATTHEWS:

Section 1. That the recommendation of the DRC of the Louisville Metro Planning Commission as contained in their above referenced Case No.12803 relating to a Revised District Development Plan for a two phased project expanding the car sales and service use located at 4156 Shelbyville Road and construction of a MINI-Cooper dealership at 4158 and 4170 Shelbyville Road, is approved subject to the binding elements as follows.

Section 2. The following Binding Elements shall attach to the subject property:

- The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission and to the City of St. Matthews for review and approval; any changes/additions/alterations not so referred shall not be valid.
- Use of the subject site shall be limited to an automobile service building and auto sales and other uses permitted in the C-1 district. There shall be no other use of the property unless prior approval is obtained from the Planning Commission/ LD&T Committee. Notice of a request to amend this binding element shall be given in accordance with the Planning Commission's policies and procedures. The Planning Commission/LD&T Committee may require a public hearing on the request to amend this binding element.
- The development shall not exceed 18,500 square feet of gross floor area for Phase 1A and 48,000 square feet of gross floor area for Phase 1B.
- There shall be no freestanding sign permitted on site without prior approval. Monument style signs that meet the size and height limits established in the "Policies for Future Development along Designated Parkways" may be approved by DPDS staff. Signs that exceed those limits are permitted only if approved by LD&T or the Commission. LD&T or the Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations. However, the existing Mercedes-Benz freestanding sign shall not be subject to this Binding Element. *Provided, however, all such signs shall be subject to approval by the City of St. Matthews.*
- No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.
- There shall be no outdoor storage on the site.
- Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff and height of the light standard shall be set so that no light source is visible off-site. Light levels due to lighting on the subject site shall not exceed .5 foot candles measured at the property line. The applicant shall obtain certification by a qualified expert in measurement

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of lighting levels prior to requesting a certificate of occupancy. Such certification shall be maintained on site at all times thereafter. This Binding Element shall not apply to existing outdoor lighting on the site.

8. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.

9. The applicant shall identify and submit for approval by designated DPDS staff, a plan showing the location of Tree Preservation Areas on site (exclusive of areas dedicated as public right-of-way) prior to beginning any construction procedure (i.e., clearing, grading, demolition). All construction shall be conducted in accordance with the approved Tree Preservation Plan. A partial plan may be submitted to delineate clearing necessary for preliminary site investigation. All Tree Preservation Plans must be prepared in accordance with the standards set forth by DPDS.

10. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:

- The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
- Easement permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
- The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
- The property owner, applicant, or developer shall submit to the Planning Commission and the Natural Resources and Environmental Protection Cabinet written procedures for the disposal that comply with applicable state and federal regulations. Said procedures shall be submitted prior to requesting a building permit and shall be followed for the duration of the use unless otherwise approved by the Planning Commission.

11. If a building permit is not issued within two years of the date of approval of the plan the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission and the City of St. Matthews.

12. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission and the City of St. Matthews.

13. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system.

14. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors, and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

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15. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.

16. The dumpster shall not be emptied between the hours of 7 p.m. and 7 a.m. under City of St. Matthews Code Section 50.04, or as St. Matthews Code may be amended from time to time.

17. The materials and design of proposed structures shall be substantially the same as depicted in the renderings as presented at the August 26, 2009 Development Review Committee meeting.

18. All areas containing commercial trash receptacles including dumpsters shall be individually enclosed and screened from public view. Dumpster enclosures shall be of brick (except for doors or gates) with the brick matching the main structure on the premises. All service structures and trash receptacles shall be screened in accordance with Article 12, Section 11 of the Zoning District Regulations, and permanently maintained.

19. The MSD easement in the area of the road closure shall remain, no structures shall be allowed over the easement.

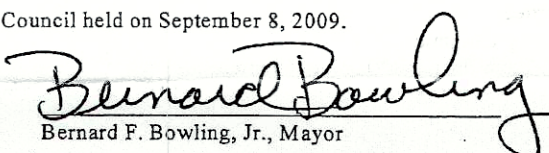
20. There shall be established and maintained (by the owner of the tract above described, his/its successors and assigns) in the approximate area of the road closure, and extending from Shelbyville Road to North Church Way, as shown on the Detailed District Development Plan, a fire lane with a minimum width of twenty (20) feet, legally marked as a fire lane, which shall be kept free of standing or parked vehicles, and which shall not be used for the loading or unloading of vehicles.

21. The applicant agrees to provide large (Type "A" from the Planting Manual) trees within the existing Atria buffer area along the south side of the proposed building. A minimum of one tree per 30 feet will be provided.

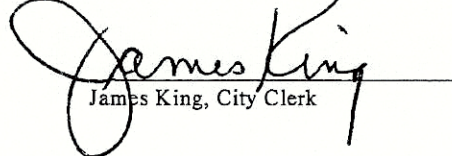
22. The above binding elements may be amended as provided for in the Zoning District Regulations upon approval of the City Council.

Section 5. This Municipal Order shall take effect upon its adoption by the City Council and signing by the Mayor.

Adopted at a regular meeting of the City Council held on September 8, 2009.

  
Bernard F. Bowling, Jr., Mayor

ATTEST:

  
James King, City Clerk

(002298FL12)

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