

**MINUTES OF THE MEETING
OF THE
DEVELOPMENT REVIEW COMMITTEE
July 20, 2022**

A meeting of the Development Review Committee was held on, July 20, 2022 at 1:00 p.m. in the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Committee Members present were:

Rich Carlson, Chair
Patti Clare, Vice Chair
Jeff Brown
Glenn Price

Committee Members absent were:

Suzanne Cheek

Staff Members present were:

Joe Reverman, Assistant Director, Planning & Design Services
Brian Davis, Planning Manager
Julia Williams, Planning Supervisor
Chris French, Planning Supervisor
Laura Ferguson, Legal Counsel
Pamela M. Brashear, Management Assistant

Others present:

Beth Stuber, Transportation
Tony Kelly, MSD

The following matters were considered:

DEVELOPMENT REVIEW COMMITTEE
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NEW BUSINESS

CASE NO. 22-DDP-0027

JULY 6, 2022 DRC MEETING MINUTES

On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution was adopted.

RESOLVED, that the Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on July 6, 2022.

The vote was as follows:

YES: Commissioners Brown, Price and Clare

NOT PRESENT FOR THIS CASE: Commissioner Cheek

ABSTAINING: Commissioner Carlson

DEVELOPMENT REVIEW COMMITTEE

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NEW BUSINESS

CASE NO. 22-DDP-0027

Request: Revised District Development Plan for a proposed child care center
Project Name: Ivybrook Academy
Location: 13550 La Grange Road
Owner: Healthcare, LLC
Applicant: Carrie Turk
Representative: Land Design & Development, Inc.
Jurisdiction: Louisville Metro
Council District: 19 – Anthony Piagentini
Case Manager: Chris French, Planning Supervisor

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the DRC meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:04:40 Chris French discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Ted Bernstein, Land Design and Development, 503 Washburn Avenue, Louisville, Ky. 40222

Summary of testimony of those in favor:

Ted Bernstein gave a power point presentation. The assisted use facility and proposed child center use will have a great effect on each other. There is one landscape waiver request and the remaining landscaping requirements will be adhered to for the development.

Ted Bernstein discussed children arrivals at the facility, drop-off times and car stacking (see recording for detailed presentation).

Deliberation

Development Review Committee deliberation.

An audio/visual recording of the Development Review Committee meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

DEVELOPMENT REVIEW COMMITTEE

July 20, 2022

NEW BUSINESS

CASE NO. 22-DDP-0027

Waiver of Land Development Code, Section 10.2.4 to omit the landscape buffer required along the zoning boundary line

On a motion by Commissioner Brown, seconded by Commissioner Price, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

WAIVER, the waiver will not adversely affect adjacent property owners both sides of the zoning boundary will be operated by the same use and owner; and

WAIVER, Community Form Goal 1, Policies 9 and 10 of Plan 2040 call to ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements and the impacts caused when incompatible developments unavoidably occur adjacent to one another. No transition is required in the area of the request as both sides of the boundary will be occupied by the same use; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as both the same use will occupy each side of the boundary; and

WHEREAS, the Louisville Metro Development Review Committee further finds the strict application of the provisions would deprive the applicant of the reasonable use of the land as the applicant would be required to provide buffering between the same use and disconnect the outdoor playground from the center.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the waiver of Land Development Code, Section 10.2.4 to omit the landscape buffer required along the zoning boundary line.

The vote was as follows:

YES: Commissioners Brown, Clare, Price and Carlson

NOT PRESENT AND NOT VOTING: Commissioner Cheek

Revised Detailed District Development Plan and Binding Elements

DEVELOPMENT REVIEW COMMITTEE

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NEW BUSINESS

CASE NO. 22-DDP-0027

On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, the conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites will be maintained. The site does not appear to contain any of these listed features; and

WHEREAS, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community will be provided as pedestrian and vehicular connection has been provided to connect with public rights-of-way; and

WHEREAS, there are no open space requirements pertinent to the current proposal; and

WHEREAS, the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community; and

WHEREAS, the Louisville Metro Development Review Committee finds the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent residential properties and roadways from parking areas; and

WHEREAS, the Louisville Metro Development Review Committee further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code, except where adequate relief has been justified.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Revised Detailed District Development Plan **SUBJECT** to the following Binding Elements and **ON CONDITION** that the total number of parking spaces provided will be verified on the site plan.

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.

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2. The development shall not exceed 95,760 square feet for the assisted living facility.
3. Signs shall be in accordance with Chapter 8 of the Land Development Code.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. 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.
6. Before any permit (including but not limited to building, parking lot, change of use, or site disturbance permit is requested:
 - a. 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.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
7. 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.
8. 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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9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 9, 2011 Development Review Committee meeting.

10. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained thereafter. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.

11. All street name signs, traffic control signs and pavement markings shall conform to the manual on uniform traffic control devices (MUTCD) requirements and be installed prior to construction of the first residence or building on the street and shall be in place at the time of the bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.

12. An easement shall be provided for future cross access to the adjoining property along northeast property line of OR portion of Tract 3 at such time as this portion of the property is developed. The Applicant shall construct the future connection on the subject property.

13. An encroachment permit and bond may be required by Metro Public Works for roadway repairs on all surrounding access roads to the subdivision site due to damages caused by construction traffic activities.

14. Should future roadway improvements for La Grange Road require the removal of the proposed center median in the right of way at the site's entrance, the median shall be removed at the owner's expense within 60 days of notice from Metro Public Works or the Kentucky Transportation Cabinet.

All binding elements from the approved Development Plan in case #15141 (9-56-05) are applicable to this site, in addition to the following:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.

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2. Before any permit (including but not limited to building, parking lot, change of use, or site disturbance permit is requested: a. 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. b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

3. 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.

4. 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.

CONDITION OF APPROVAL

1. The total number of parking spaces provided will be verified on the site plan.

The vote was as follows:

YES: Commissioners Brown, Clare, Price and Carlson

NOT PRESENT AND NOT VOTING: Commissioner Cheek

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NEW BUSINESS

CASE NO. 22-WAIVER-0090

Request: A pedestrian connection waiver and a building design waiver for
50% clear windows and doors
Project Name: City Barbeque
Location: 4027 Poplar Level Road
Owner/Applicant: P&M Investment Company /
Jurisdiction: Louisville Metro
Council District: 10 – Pat Mulvihill
Case Manager: Molly Clark, Planner I

00:14:49 **WITHDRAWN**

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NEW BUSINESS

CASE NO. 22-DDP-0044

Request:	Revised Detailed District Development Plan and Binding Elements
Project Name:	Blankenbaker Station II Lot 27
Location:	13001 Plantside Drive
Owner:	Toyota Material Handling Midwest Inc.
Applicant:	Toyota Material Handling Midwest Inc.
Representative:	Mindel Scott and Assoc.
Jurisdiction:	Louisville Metro
Council District:	11- Kevin Kramer
Case Manager:	Julia Williams, AICP, Planning Supervisor

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the DRC meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:15:32 Julia Williams discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Kent Gootee, Mindel, Scott and Associates, 5151 Jefferson Boulevard, Louisville, Ky. 40219

Summary of testimony of those in favor:

Kent Gootee stated the request is for an expansion. The development plan was updated to comply with the new tree canopy ordinance as well as modify it per the new parking requirements (see recording for detailed presentation).

Deliberation

Development Review Committee deliberation.

An audio/visual recording of the Development Review Committee meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Revised Detailed District Development Plan

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NEW BUSINESS

CASE NO. 22-DDP-0044

On a motion by Commissioner Brown, seconded by Commissioner Price, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, there do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

WHEREAS, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan; and

WHEREAS, there are no open space requirements pertinent to the current proposal; and

WHEREAS, the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community; and

WHEREAS, the Louisville Metro Development Review Committee finds the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks; and

WHEREAS, the Louisville Metro Development Review Committee further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Revised Detailed District Development Plan **SUBJECT** to the following Binding Elements:

All binding elements from the approved General Development Plan are applicable to this site, in addition to the following:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the

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Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.

2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. 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.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit)) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
5. 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.
6. 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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NEW BUSINESS

CASE NO. 22-DDP-0044

7. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the 9/2/15 DRC meeting and at the 7/20/22 DRC meeting.

8. The design of the outdoor amenity area is required to be approved by the Planning Commission or designee. The amenity area shall be shown on the landscape plan submitted for approval.

The vote was as follows:

YES: Commissioners Brown, Clare, Price and Carlson

NOT PRESENT AND NOT VOTING: Commissioner Cheek

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NEW BUSINESS

CASE NO. 22-DDP-0059

Request: Revised Detailed District Development Plan
Project Name: Flats at Bardstown
Location: 2044/2100 Buechel Bank Road, 4134 R Bardstown Road
and 4144 Bardstown Road
Owner: Hook Family Land LLC
Applicant: The Marian Group
Jurisdiction: Louisville Metro
Council District: 2- Barbara Shanklin
Case Manager: Julia Williams, AICP, Planning Supervisor

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the DRC meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:21:36 Julia Williams stated this case was continued from the July 6, 2022 DRC meeting. It was continued to determine if a waiver is needed, but it's not (see recording for detailed presentation).

The following spoke in favor of this request:

Cliff Ashburner, Dinsmore and Shohl, 101 South 5th Street, Louisville, Ky. 40202
Ashley Bartley, QK4, 1046 East Chestnut Street, Louisville, Ky. 40204

Summary of testimony of those in favor:

Cliff Ashburner said Ashley Bartley will give the presentation today (see recording for detailed presentation).

Ashley Bartley stated the previous case manager said a waiver was needed, but Mrs. Williams researched and found it's not necessary (see recording for detailed presentation).

Chair Carlson asked if a portion of the road could be widened to 20 feet. Ashley Bartley agreed to widen it 20 feet (see recording for detailed presentation).

Deliberation

Development Review Committee deliberation.

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NEW BUSINESS

CASE NO. 22-DDP-0059

An audio/visual recording of the Development Review Committee meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Revised Detailed District Development Plan and Binding Elements

On a motion by Commissioner Brown, seconded by Commissioner Price, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today and at the July 6, 2022 DRC meeting was adopted.

WHEREAS, the environmental constraints identified on the site are located in an area where no development is occurring. There are no historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

WHEREAS, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works and has approved the entrance onto Buechel Bank Road; and

WHEREAS, the open space provided on the plan for the multi-family proposal meets the Land Development Code requirements and the needs of the development; and

WHEREAS, the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community; and

WHEREAS, the Louisville Metro Development Review Committee finds the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks; and

WHEREAS, the Louisville Metro Development Review Committee further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Revised Detailed District Development Plan **SUBJECT** to the following Binding Elements **ON CONDITION** that the pavement be widened to 20 feet on the access road serving building 7 and 8:

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CASE NO. 22-DDP-0059

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. 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.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A minor subdivision plat or legal instrument shall be recorded dedicating additional right-of-way to Buechel Bank Road to provide a total of 40 feet from the centerline. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - d. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - f. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the January 6, 2022 Planning Commission meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
5. 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

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issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.

6. 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.

7. Upon the development of the adjacent commercial property to the east as retail, restaurant, office, residential or any other use determined by the Planning Director, and within 90 days of a request by the Planning Director, a pedestrian connection shall be made by the developer from the subject site to the commercial property to the east.

The vote was as follows:

YES: Commissioners Brown, Clare, Price and Carlson

NOT PRESENT AND NOT VOTING: Commissioner Cheek

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NEW BUSINESS

CASE NO. 22-DDP-0064

Request:	Revised Detailed District Development Plan with amenity area review
Project Name:	Quadrant III
Location:	Schutte Station Place (TB 39 Lot 551)
Owner:	Host Development LLC
Applicant:	Foresee Investment LLC
Representative:	Mindel Scott and Assoc.
Jurisdiction:	Louisville Metro
Council District:	11- Kevin Kramer
Case Manager:	Julia Williams, AICP, Planning Supervisor

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the DRC meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:26:37 Julia Williams discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Kent Gootee, Mindel, Scott and Associates, 5151 Jefferson Boulevard, Louisville, Ky. 40219

Summary of testimony of those in favor:

Kent Gootee discussed the loading docks, gas storage and access doors on the back of the building (see recording for detailed presentation).

Deliberation

Development Review Committee deliberation.

An audio/visual recording of the Development Review Committee meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Amenity Area Review and Revised Detailed District Development Plan

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NEW BUSINESS

CASE NO. 22-DDP-0064

On a motion by Commissioner Brown, seconded by Commissioner Price, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, the conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites will be provided. Landscaping and tree canopy will be provided as required and MSD buffers for intermittent streams have been provided; and

WHEREAS, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community are provided; and

WHEREAS, outdoor amenities for employees will be provided. Tree canopy is preserved to the rear of the development area; and

WHEREAS, the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community; and

WHEREAS, the Louisville Metro Development Review Committee finds the proposal is generally compatible with the overall site design and with the future use of the area; and

WHEREAS, the Louisville Metro Development Review Committee further finds the proposal conforms with Plan 2040 and the Land Development, except where relief has been requested.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Amenity Area and Revised Detailed District Development Plan **SUBJECT** to the following Binding Elements:

All general plan binding elements approved under docket 14489 and 21-AMEND-0009 are applicable to the requested change in zoning and revised detailed district development plan, in addition to the following:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.

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2. 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.

3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is requested:

a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.

b. A minor subdivision plat or legal instrument shall be recorded (creating the lot lines as shown on the approved development plan)

c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

d. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.

e. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the November 4, 2021 Planning Commission meeting. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.

4. 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.

5. 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

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other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

6. The site shall be limited to uses permitted in the PEC district and Magnet Manufacturing, an M-3 Industrial Use. No other uses shall be allowed unless approved by the Planning Commission in a public hearing.

The vote was as follows:

YES: Commissioners Brown, Clare, Price and Carlson

NOT PRESENT AND NOT VOTING: Commissioner Cheek

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ADJOURNMENT

The meeting adjourned at approximately 1:35 p.m.

Chair

Planning Director