

**MINUTES OF THE MEETING
OF THE
DEVELOPMENT REVIEW COMMITTEE
March 15, 2023**

A meeting of the Development Review Committee was held on March 15, 2023 at 1:00 p.m. in the Old Jail building court room, located at 514 West Liberty Street, Louisville, Kentucky 40202.

Committee Members Present Were:

Rich Carlson, Chair
Patti Clare, Vice Chair
Michelle Pennix

Committee Members Absent Were:

Bill Fischer

Staff Members Present Were:

Julia Williams, Planning Manager
Beth Stuber, Engineer Supervisor
Laura Ferguson, Assistant County Attorney
Sean McDowell, Management Assistant
John Michael Lawler, Planner I
Molly Clark, Planner II
Dante St. Germain, Planner II

The following matters were considered:

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APPROVAL OF MINUTES

MARCH 1, 2023 DEVELOPMENT REVIEW COMMITTEE MEETING MINUTES

On a motion by Commissioner Clare, seconded by Commissioner Pennix, the following resolution was adopted:

RESOLVED, that the Development Review Committee does hereby **APPROVE** the Minutes of its meeting conducted on March 1, 2023.

The Vote Was as Follows:

YES: Commissioners Carlson, Clare, and Pennix

ABSENT: Commissioner Fischer

DEVELOPMENT REVIEW COMMITTEE
March 15, 2023

NEW BUSINESS

CASE NO. 22-CAT2-0044

Request: A Category 2B Development Plan and Two Waivers from Land Development Code Section 5.6.1
Project Name/Location: 101 North 32nd Street
Owner/Applicant: West End Transport Partners, LLC
Representative: CRP & Associates, LLC
Jurisdiction: Louisville Metro
Council District: 5 – Donna Purvis
Case Manager: Julia Williams, AICP, Planning Manager

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

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

Agency Testimony:

00:04:35 Julia Williams presented the applicant's development plan.

00:07:15 Commissioner Clare clarified if she established the non-conforming rights. Julia Williams responded no. Williams recommended a Condition of Approval.

The Following Spoke in Support of This Request:

Craig Barnes, 2237 Fisherville Road, Louisville, KY 40022

Summary of Testimony of Those in Support:

00:08:41 Craig Barnes identified himself as a contractor.

00:09:26 Commissioner Carlson questioned Beth Stuber's opinion. Beth Stuber approved of the development plan.

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.

Waiver #1: Waiver from Land Development Code Section 5.6.1 to Allow Animating Features to Comprise Less Than 50% of the Exterior Façade Along West Market Street (22-WAIVER-0242)

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NEW BUSINESS

CASE NO. 22-CAT2-0044

Waiver #2: Waiver from Land Development Code Section 5.6.2.A.1.C.4 to Allow Traffic Circulation in Front of the Principal Building in the Traditional Work Place Form District (22-WAIVER-0243)

00:10:21 On a motion by Commissioner Clare, seconded by Commissioner Pennix, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

(Waiver #1) WHEREAS, the Louisville Metro Development Review Committee finds the requested Waiver will not adversely affect adjacent property owners since this section of wall is existing and will be painted with different colors or will have a mural; and

WHEREAS, the Louisville Metro Development Review Committee finds Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. Community Form Goal 1, Policy 12 calls for the proposal to design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Encourage the placement of parking lots and garage doors behind or beside the building rather than facing the street. The use of alleys for access to parking lots is encouraged, especially in downtown Louisville, Urban Center Neighborhoods, Traditional Neighborhoods and Traditional Market Place Corridors. Encourage elimination or reduction of parking minimums in areas readily accessible to transit routes. The request is mitigated because this section of wall is existing and will be painted with different colors or will have a mural; 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 since this section of wall is existing and will be painted with different colors or will have a mural; and

WHEREAS, the Louisville Metro Development Review Committee finds the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because this section of wall is existing and will be painted with different colors or will have a mural; and

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CASE NO. 22-CAT2-0044

(Waiver #2) WHEREAS, the Louisville Metro Development Review Committee finds the Waiver will not adversely affect adjacent property owners because the site is existing, and this is the same drive lane that is already used to access the site; and

WHEREAS, the Louisville Metro Development Review Committee finds Community Form Goal 1, Policy 12 calls for the proposal to design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Encourage the placement of parking lots and garage doors behind or beside the building rather than facing the street. The use of alleys for access to parking lots is encouraged, especially in downtown Louisville, Urban Center Neighborhoods, Traditional Neighborhoods and Traditional Market Place Corridors. Encourage elimination or reduction of parking minimums in areas readily accessible to transit routes. No screening or buffering being proposed at the corner due to truck circulation but landscape materials will be provided in a small green space near the railroad; 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 since this is the existing primary access to the site; and

WHEREAS, the Louisville Metro Development Review Committee finds the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because this is currently being used as the primary access to the site. Otherwise, the applicant would have to obtain a crossover access with the property to the East in order to access the site.

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver #1 from Land Development Code section 5.6.1 to allow animating features to comprise less than 50% of the exterior façade along West Market Street (22-WAIVER-0242) and Waiver #2 from Land Development Code section 5.6.2.A.1.C.4 to allow traffic circulation in front of the principal building in the Traditional Work Place Form District (22-WAIVER-0243), **ON CONDITION** that non-conforming rights, landscaping on North 32nd Street, and a mural or painting on West Market Street be established.

The Vote Was as Follows:

YES: Commissioners Carlson, Clare, and Pennix

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CASE NO. 22-CAT2-0044

ABSENT: Commissioner Fischer

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NEW BUSINESS

CASE NO. 23-EXTENSION-0003

Request: Second Extension of Expiration for a Detailed District
Development Plan with a Waiver
Project Name: The Storage Project Sycamore Station
Location: 12550 Sycamore Station Place
Owner: TSP Sycamore, LLC
Applicant: Dwayne Hunt
Representative: Jamie Cox, Vice Cox & Townsend, PLLC
Jurisdiction: Louisville Metro
Council District: 11 – Kevin Kramer
Case Manager: John Michael Lawler, Planner I

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

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

Agency Testimony:

00:14:14 John Michael Lawler requested an extension of expiration.

00:15:58 Commissioner Pennix questioned when the expiration is. John Michael Lawler answered August 16th, 2025.

The Following Spoke in Support of This Request:

Jamie Cox, 2303 River Road, Suite 301, Louisville, KY 40206

Summary of Testimony of Those in Support:

00:16:18 Jamie Cox acknowledged the worker shortage as a reason for the request.

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.

00:17:27 On a motion by Commissioner Clare, seconded by Commissioner Pennix, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

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CASE NO. 23-EXTENSION-0003

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested extension of expiration.

The Vote Was as Follows:

YES: Commissioners Carlson, Clare, and Pennix

ABSENT: Commissioner Fischer

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NEW BUSINESS

CASE NO. 22-CAT2-0003

Request:	Landscape and Building Design Waivers
Project Name:	Proposed Thornton's Gas Station
Location:	4900 Brownsboro Road
Owner:	4900 Brownsboro Road, LLC
Applicant:	Thorntons, LLC
Representative:	Dinsmore & Shohl, LLP
Jurisdiction:	Louisville Metro
Council District:	7 – Paula McCraney
Case Manager:	Molly Clark, Planner II

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

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

Agency Testimony:

00:18:39 Molly Clark presented the applicant's proposal for a 6,488 square feet Thornton's.

00:25:01 Commissioner Carlson requested to see the side renderings. Molly Clark elaborated that the elevations will be visible from Brownsboro Road and the off-ramp.

The Following Spoke in Support of This Request:

Cliff Ashburner, 101 South 5th Street, Suite 2500, Louisville, KY 40202

Summary of Testimony of Those in Support:

00:25:45 Cliff Ashburner acknowledged that the Thornton's is designed with the Department of Veterans Affairs Medical Center in mind.

00:35:43 Commissioner Pennix questioned the amount of cars in the queue. Cliff Ashburner responded that there is room for 12 to 15.

00:36:19 Commissioner Pennix clarified if the entrance is on 22. Cliff Ashburner confirmed that there are entrances on 22 and 42.

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00:38:34 Commissioner Pennix questioned the queueing distance. Cliff Ashburner reminded her that Public Works approved of the development plan.

00:40:05 Commissioner Clare clarified if there is a TARC on 22. Cliff Ashburner responded that there is one on the opposite side. Ashburner acknowledged that there is a crosswalk.

00:41:42 Commissioner Clare clarified if there is a landscape plan. Cliff Ashburner responded no. Ashburner elaborated that there will be more landscaping in the LBAs than what is present.

The Following Spoke in Opposition of This Request:

Nick Cotter, 5508 Hempstead Road, Louisville, KY 40207

Mary Hazelip, 3904 Old Brownsboro Road, Louisville, KY 40207

Summary of Testimony of Those in Opposition:

00:45:07 Nick Cotter disagreed with the development plan and Cliff Ashburner's description of Thornton's as an island. Cotter reminded him that there is a neighborhood near there. He acknowledged that the original development plan in 2016 is not consistent with Plan 2040.

00:50:12 Mary Hazelip elaborated that the neighbors were promised that this would not be a destination for 18-wheelers.

Rebuttal:

00:51:59 Cliff Ashburner acknowledged that Thornton's is not designed with 18-wheelers in mind. Ashburner confirmed that Thornton's has to have fuel deliveries and 18-wheelers can maneuver from 42 to 22.

Deliberation:

00:56:58 Commissioner Pennix advocated for the improvements at Thornton's. Commissioner Clare agreed.

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.

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Waiver #1: Waiver from Land Development Code Section 10.3.5.A.1 to Reduce the Parkway Buffer Landscape Buffer and Set Back from 30 Feet to 5 Feet and Reduce the Required Plantings

Waiver #2: Waiver from Land Development Code Section 10.2.4.A to Reduce the Required Landscape Buffer Area from 35 Feet to 5 Feet Along the Watterson Expressway

Waiver #3: Waiver from Land Development Code Section 5.5.1.A.1.B for Buildings Facing Two or More Streets to Not Have at Least One Customer Entrance Facing the Primary Street and One Customer Entrance Facing the Second Street or Instead of Two Entrances, a Corner Entrance

Waiver #4: Waiver from Land Development Code Section 5.5.1.A.3.A to Allow Parking Lots in Front of Buildings

Waiver #5: Waiver from Land Development Code Section 5.5.1.A.5 to Allow a Gas Canopy to Be Located Between the Principal Structure and the Public Street

Waiver #6: Waiver from Land Development Code Section 5.6.1.A.1 to Allow Facades to Have Less Than 75% Animating Features and to Not Provide 50% Clear Windows and Doors

00:58:06 On a motion by Commissioner Clare, seconded by Commissioner Pennix, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

(Waiver #1) WHEREAS, the Louisville Metro Development Review Committee finds the Waiver will not adversely affect adjacent property owners since the site has 4 road frontages which include 2 off ramps for the Watterson Expressway and a major and minor arterial state roads. The applicant is still providing buffers with plantings while maintaining enough square feet on the site to construct the gas station and the accessory structures. The proposal will also be decreasing impervious area; and

WHEREAS, the Louisville Metro Development Review Committee finds Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. Community Form Goal 1, Policy 9 calls 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

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methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and set back requirements. Community Form Goal 1, Policy 12 calls for the proposal to ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Encourage the placement of parking lots and garage doors behind or beside the building rather than facing the street. The use of alleys for access to parking lots is encouraged, especially in downtown Louisville, Urban Center Neighborhoods, Traditional Neighborhoods and Traditional Market Place Corridors. Encourage elimination or reduction of parking minimums in areas readily accessible to transit routes. Community Form Goal 1, Policy 20 calls to mitigate adverse visual intrusions when there are impacts to residential areas, roadway corridors, and public spaces. The applicant is still providing buffers with plantings while maintaining enough square feet on the site to construct the gas station and the accessory structures; 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 since the applicant is still providing buffers with plantings while maintaining enough square feet on the site to construct the gas station and the accessory structures; and

WHEREAS, the Louisville Metro Development Review Committee finds the strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land because the land has road frontage or highway off ramps on along all property lines. The applicant is still providing buffers with plantings while maintaining enough square feet on the site to construct the gas station and the accessory structures; and

(Waiver #2) WHEREAS, the Louisville Metro Development Review Committee finds the Waiver will not adversely affect adjacent property owners since the site has 4 road frontages which include 2 off ramps for the Watterson Expressway and a major and minor arterial state roads. The applicant is still providing buffers with plantings while maintaining enough square feet on the site to construct the gas station and the accessory structures; and

WHEREAS, the Louisville Metro Development Review Committee finds Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. Community Form Goal 1, Policy 9 calls to

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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 set back requirements. Community Form Goal 1, Policy 12 calls for the proposal to ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Encourage the placement of parking lots and garage doors behind or beside the building rather than facing the street. The use of alleys for access to parking lots is encouraged, especially in downtown Louisville, Urban Center Neighborhoods, Traditional Neighborhoods and Traditional Market Place Corridors. Encourage elimination or reduction of parking minimums in areas readily accessible to transit routes. Community Form Goal 1, Policy 20 calls to mitigate adverse visual intrusions when there are impacts to residential areas, roadway corridors, and public spaces. The applicant is still providing buffers with plantings while maintaining enough square feet on the site to construct the gas station and the accessory structures; 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 since the applicant is still providing buffers with plantings while maintaining enough square feet on the site to construct the gas station and the accessory structures; and

WHEREAS, the Louisville Metro Development Review Committee finds the strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land because the land has road frontage or highway off ramps on along all property lines. The applicant is still providing buffers with plantings while maintaining enough square feet on the site to construct the gas station and the accessory structures; and

(Waiver #3) WHEREAS, the Louisville Metro Development Review Committee finds the Waiver will not adversely affect adjacent property owners since the site has 4 road frontages which include 2 off ramps for the Watterson Expressway and a major and minor arterial state roads. The building will still provide clear windows and doors on other facades as well as plantings along all road frontages; and

WHEREAS, the Louisville Metro Development Review Committee finds Community Form Goal 1, Policy 4 calls to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and

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redevelopment projects. Community Form Goal 2, Policy 2 encourages development of non-residential and mixed uses in designated activity centers provided that proposed uses, density and design are compatible with adjacent uses and meets Form District guidelines; or when a proposed use requires a special location in or near a specific land use, transportation facility or when a use does not fit well into a compact center (e.g., car dealerships or lumber yards). With the proposal having frontages on all property lines, it is difficult for the applicant to provide entrances to every street frontage; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of Waiver of the regulation is the minimum necessary to afford relief to the applicant since the site has 4 road frontages which include 2 off ramps for the Watterson Expressway and a major and minor arterial state roads. The building will still provide clear windows and doors on other facades as well as plantings along all road frontages; and

WHEREAS, the Louisville Metro Development Review Committee finds the strict application of the provisions of the regulation would deprive the applicant reasonable use of the land since the site has 4 road frontages which include 2 off ramps for the Watterson Expressway and a major and minor arterial state roads. The building will still provide clear windows and doors on other facades as well as plantings along all road frontages; and

(Waiver #4) WHEREAS, the Louisville Metro Development Review Committee finds the Waiver will not adversely affect adjacent property owners since the site has multiple road frontages which makes it difficult to meet the regulation. The site will be replacing an existing gas station that has existed in the neighborhood for decades; and

WHEREAS, the Louisville Metro Development Review Committee finds Community Form Goal 1, Policy 4 calls to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. Community Form Goal 2, Policy 2 encourages development of non-residential and mixed uses in designated activity centers provided that proposed uses, density and design are compatible with adjacent uses and meets Form District guidelines; or when a proposed use requires a special location in or near a specific land use, transportation facility or when a use does not fit well into a compact center (e.g., car dealerships or lumber yards). The site has multiple road frontages which makes it difficult to meet the regulation. The site will be replacing an existing gas station that has existed in the neighborhood for decades. The applicant is also providing plantings and buffers along all street frontages; and

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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 since the site has multiple road frontages which makes it difficult to meet the regulation. The site will be replacing an existing gas station that has existed in the neighborhood for decades; and

WHEREAS, the Louisville Metro Development Review Committee finds the strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land since the property has multiple road frontages. The site will be replacing an existing gas station that has existed in the neighborhood for decades; and

(Waiver #5) WHEREAS, the Louisville Metro Development Review Committee finds the Waiver will not adversely affect adjacent property owners since the site has multiple road frontages which makes it difficult to meet the regulation. The site will be replacing an existing gas station that has existed in the neighborhood for decades; and

WHEREAS, the Louisville Metro Development Review Committee finds Community Form Goal 1, Policy 4 calls to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. Community Form Goal 2, Policy 2 encourages development of non-residential and mixed uses in designated activity centers provided that proposed uses, density and design are compatible with adjacent uses and meets Form District guidelines; or when a proposed use requires a special location in or near a specific land use, transportation facility or when a use does not fit well into a compact center (e.g., car dealerships or lumber yards). The site has multiple road frontages which makes it difficult to meet the regulation. The applicant is still providing plantings in reduced landscape buffers that will provide screening from the public roadways; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of Waiver of the regulation is the minimum necessary to afford relief to the applicant since the site has multiple road frontages which makes it difficult to meet the regulation. The site will be replacing an existing gas station that has existed in the neighborhood for decades; and

WHEREAS, the Louisville Metro Development Review Committee finds the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant since the site has multiple road frontages which makes it difficult to meet the regulation. The site will be replacing an existing gas station that has existed in the neighborhood for decades; and

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(Waiver #6) WHEREAS, the Louisville Metro Development Review Committee finds the requested Waiver will not adversely affect adjacent property owners since the site has 4 road frontages which include 2 off ramps for the Watterson Expressway and a major and minor arterial state roads. The building will still provide clear windows and doors on other facades as well as plantings along all road frontages; and

WHEREAS, the Louisville Metro Development Review Committee finds Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. Community Form Goal 2, Policy 11 calls for ensuring appropriate placement, design and scale of centers in Traditional Neighborhood, Neighborhood and Village Form Districts to ensure compatibility with nearby residences. Community Form Goal 2, Policy 15 calls for parking in activity centers should reflect the area's associated Form District standards to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations. The site has multiple road frontages which makes it difficult to meet the regulation. The applicant is still providing plantings in reduced landscape buffers that will provide screening from the public roadways; 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 since the site has 4 road frontages which include 2 off ramps for the Watterson Expressway and a major and minor arterial state roads. The building will still provide clear windows and doors on other facades as well as plantings along all road frontages; and

WHEREAS, the Louisville Metro Development Review Committee finds the strict application of the provisions on the regulation would create an unnecessary hardship on the applicant since the site has 4 road frontages which include 2 off ramps for the Watterson Expressway and a major and minor arterial state roads. The building will still provide clear windows and doors on other facades as well as plantings along all road frontages.

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver #1 from Land Development Code section 10.3.5.A.1 to reduce the parkway buffer landscape buffer and set back from 30 feet to 5 feet and reduce the required plantings, Waiver #2 from Land Development Code section 10.2.4.A to reduce the required landscape buffer area from 35 feet to 5 feet along the Watterson Expressway, Waiver #3 from Land Development Code section 5.5.1.A.1.B for buildings facing 2 or more streets to not have at least 1 customer entrance facing the primary street and 1 customer entrance facing the second street or instead of 2

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entrances, a corner entrance, Waiver #4 from Land Development Code section 5.5.1.A.3.A to allow parking lots in front of buildings, Waiver #5 from Land Development Code section 5.5.1.A.5 to allow a gas canopy to be located between the principal structure and the public street, and Waiver #6 from Land Development Code section 5.6.1.A.1 to allow facades to have less than 75% animating features and to not provide 50% clear windows and doors.

The Vote Was as Follows:

YES: Commissioners Carlson, Clare, and Pennix

ABSENT: Commissioner Fischer

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NEW BUSINESS

CASE NO. 22-DDP-0136

Request: Revised Detailed District Development Plan with Revision to Binding Elements
Project Name: J-Town Beach
Location: 10315 Watterson Trail
Owner: J-Town Beach, LLC
Applicant/Representative: Alex Rosenberg
Jurisdiction: Jeffersontown
Council District: 11 – Kevin Kramer
Case Manager: John Michael Lawler, Planner I

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

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

Agency Testimony:

01:01:24 John Michael Lawler presented the applicant's proposal for a golf simulator and seating area at J-Town Beach.

01:08:30 Commissioner Pennix clarified if J-Town Beach owns the neighboring properties. John Michael Lawler acknowledged that there is a cross-access agreement.

01:08:52 Commissioner Clare questioned the pedestrian plan. John Michael Lawler acknowledged that Transportation has advised J-Town to improve the crosswalk on the corner.

01:10:32 Commissioner Clare questioned the deletion of the cross-access agreement in the Binding Elements. John Michael Lawler acknowledged that J-Town owns the parking lot.

01:11:52 Commissioner Carlson clarified if Binding Element 8A needs to include Louisville Metro Public Works. Julia Williams and John Michael Lawler responded no.

The Following Spoke in Support of This Request:

Alex Rosenberg, 13000 Middletown Industrial Boulevard, Suite A, Louisville, KY 40223

Summary of Testimony of Those in Support:

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01:13:04 Alex Rosenberg acknowledged that J-Town asked the owner to improve the development plan. Rosenberg advocated for J-Town's removal of the cross-access agreement in the Binding Elements. Laura Ferguson agreed that the Binding Element is not needed as the improvements have been made.

01:16:58 Commissioner Clare elaborated that there are curb cuts on Peach Alley and Watterson Trail. Alex Rosenberg agreed.

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 with Revisions to Binding Elements

01:19:54 On a motion by Commissioner Clare, seconded by Commissioner Pennix, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds 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, the Louisville Metro Development Review Committee finds 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, the Louisville Metro Development Review Committee finds there are no open space requirements for the current proposal; and

WHEREAS, the Louisville Metro Development Review Committee finds 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 set backs; and

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

RESOLVED, the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the city of Jeffersontown that the requested Revised Detailed District Development Plan with revisions to Binding Elements be **APPROVED, SUBJECT** to the following Binding Elements:

1. 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 Jeffersontown for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Sign shall be in compliance with all applicable ordinances and regulations of the city of Jeffersontown.
3. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.
4. There shall be no outdoor storage, display, or sales permitted on the site. The applicant agrees to pave the parking lot within 180 days of approval by the legislative body.
5. Outdoor lighting (for parking lot illumination and security) shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90-degree cut-off and height of the light standard shall be set so that no light source is visible off-site.
6. 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.
7. Before any permit (including but not limited to building, parking lot, change of use, or alteration permit) is requested:
 - a. The Development Plan must receive full construction approval from the Jeffersontown Department of Public Works and Transportation and the Metropolitan Sewer District (700 West Liberty Street).
8. All Binding Elements requiring action and approval must be implemented within 180 days of legislative body approval, unless specifically waived by the Planning Commission.
9. 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

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NEW BUSINESS

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Binding Elements. Their 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.

10. 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.
11. The dumpster shall not be emptied between the hours of 10 p.m. and 7 a.m.
12. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 15, 2023 Development Review Committee meeting.
13. The closing time for the outdoor sports venue shall be 12:00 a.m.
14. The subject property shall meet the requirements of the CTC-2 Zoning District.
15. All off-street parking areas shall be permanently and continually maintained in good condition and free from potholes, weeds, dirt, trash, and other debris.

The Vote Was as Follows:

YES: Commissioners Carlson, Clare, and Pennix

ABSENT: Commissioner Fischer

DEVELOPMENT REVIEW COMMITTEE
March 15, 2023

NEW BUSINESS

CASE NO. 22-DDP-0142

Request: Revised Detailed District Development Plan
Project Name: Roe's Outdoor Services
Location: 9801 Whipps Mill Road
Owner/Applicant: 9801 Whipps Mill Land Trust
Representative: Land Design & Development
Jurisdiction: Louisville Metro
Council District: 7 – Paula McCraney
Case Manager: Julia Williams, AICP, Planning Manager

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

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

Agency Testimony:

01:23:05 Julia Williams presented the applicant's proposal for a 4,250 square feet Tree Care Service.

01:26:29 Commissioner Clare questioned the gravel usage. Julia Williams agreed that the gravel is used for maneuvering.

The Following Spoke in Support of This Request:

Ann Richard, 503 Washburn Avenue, Louisville, KY 40222

Summary of Testimony of Those in Support:

01:27:18 Ann Richard advocated for a reduction in the amount of gravel.

01:31:28 Commissioner Carlson clarified if there is a Binding Element that defines the hours of operation for equipment use. Ann Richard and Julia Williams presented Binding Element 13.

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-0142

01:34:22 On a motion by Commissioner Pennix, seconded by Commissioner Clare, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds 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, the Louisville Metro Development Review Committee finds 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, the Louisville Metro Development Review Committee finds there are no open space requirements pertinent to the current proposal; and

WHEREAS, the Louisville Metro Development Review Committee finds 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 set backs; and

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

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

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. No outdoor advertising signs, small free-standing 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. 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 Land Development Code 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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
7. 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.
8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 15th, 2023 Development Review Committee meeting.
9. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.

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10. When sidewalks are constructed along the portion of Whipps Mill Road adjacent to this property, a clearly defined, safe pedestrian access will be provided by the owner of the property from the public sidewalk through off street parking to building entrances.
11. No indoor/outdoor restaurants or consumption of alcoholic beverages.
12. The owner, at his own expense, will dedicate right-of-way as requested from Public Works to accommodate connection to the existing sidewalk along Whipps Mill Road.
13. The hours of operation will be from 7:00 a.m. to 10:00 p.m.
14. The following uses shall not be permitted on site without a duly noticed public hearing and approval by the Planning Commission: auction sales, automobile rental agencies, automobile repair garages, automobile sales agencies, billiard parlors and game rooms, bingo halls and parlors, boat sales, book binding, cleaning, pressing and drying establishments, dance halls, fraternities and sororities, exposition building or center, flea market, indoor paint ball ranges, laser tag, tattoo, body art and piercing parlors, package liquor stores, restaurants where dancing or entertainment is allowed, rubber stamp manufacture, skating rinks, taverns, bars and saloons, theaters, used car sales areas, automobile service stations, car washes, boarding and lodging houses and tourist homes.

The Vote Was as Follows:

YES: Commissioners Carlson, Clare, and Pennix

ABSENT: Commissioner Fischer

DEVELOPMENT REVIEW COMMITTEE
March 15, 2023

NEW BUSINESS

CASE NO. 23-DDP-0002

Request: Revised Detailed District Development Plan with Revised Binding Elements and Waivers
Project Name: Trinity High School Tennis Courts
Location: 150 Sears Avenue
Owner/Applicant: Trinity High School Foundation
Representative: Land Design & Development
Jurisdiction: St. Matthews
Council District: 9 – Andrew Owen
Case Manager: Dante St. Germain, AICP, Planner II

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

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

Agency Testimony:

01:36:10 Dante St. Germain presented Trinity High School's development plan.

01:42:19 Commissioner Clare clarified if the neighbors commented on the development plan. Dante St. Germain responded no.

01:42:28 Commissioner Clare clarified if the neighbors were notified. Dante St. Germain agreed.

The Following Spoke in Support of This Request:

Ted Bernstein, 503 Washburn Avenue, Louisville, KY 40222
Shawn Spalding, 500 West Jefferson Street, Suite 2000, Louisville, KY 40202

Summary of Testimony of Those in Support:

01:43:04 Ted Bernstein divulged that Trinity High School has agreed to fencing. Bernstein elaborated that the underground basin will be on the South side of the field.

01:50:42 Shawn Spalding confirmed that Trinity High School will use the courts from February to May during after-school hours. Spalding recognized that due to the size, the number of users will be limited.

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01:53:07 Ted Bernstein acknowledged that there will be no lighting.

01:53:57 Commissioner Clare clarified if there is a sidewalk on Oechsli Avenue. Ted Bernstein responded no.

01:55:02 Commissioner Clare confirmed that the entrance is on Sears Avenue. Ted Bernstein agreed.

01:56:38 Commissioner Clare recommended a Binding Element for the fence. Ted Bernstein agreed.

01:57:19 Commissioner Clare confirmed the location of the fence. Ted Bernstein agreed.

01:57:52 Dante St. Germain suggested that the Commissioners change Binding Element 4B from Chapter 10 to Article 12.

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.

Waiver #1: Waiver from Article 12.C.3 Part D.1.(a).1 to Permit Encroachment into a Required 15' Property Perimeter Landscape Buffer Area and Waive Required Plantings and Screening Along the North Property Line and a Portion of the West Property Line (23-WAIVER-0045)

Waiver #2: Waiver from Article 12.C.3 Part D.1.(a).7 to Permit Encroachment into the Required 4' Vehicular Use Area Landscape Buffer Area and Waive Required Plantings Along Sears Avenue and Oechsli Avenue (23-WAIVER-0045)

02:00:00 On a motion by Commissioner Clare, seconded by Commissioner Pennix, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

(Waiver #1) WHEREAS, the Louisville Metro Development Review Committee finds the Waiver will not adversely affect adjacent property owners as the use of the area where the encroachment occurs is not changing, and there is no screening in place now; and

WHEREAS, the Louisville Metro Development Review Committee finds the Waiver will not violate specific guidelines of Plan 2040 as Plan 2040 encourages appropriate buffering and transitions between uses that are significantly different in density or

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intensity. The use of the area where the encroachment occurs is not changing from its current 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 the use of the area of the encroachment is not changing, and providing the required LBA would significantly impact the use of the site; and

WHEREAS, the Louisville Metro Development Review Committee finds strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the LBA is required only because the entire site is being subjected to a Conditional Use Permit and the use of the area of encroachment is not changing; and

(Waiver #2) WHEREAS, the Louisville Metro Development Review Committee finds the Waiver will not adversely affect adjacent property owners as no LBA is currently provided along the Sears Avenue or Oechsli Avenue property frontages, and no adverse impacts have been evident; and

WHEREAS, the Louisville Metro Development Review Committee finds the Waiver will not violate specific guidelines of Plan 2040 as Plan 2040 encourages appropriate buffering and transitions between uses that are significantly different in density or intensity. The proposed use will not be significantly different in density or intensity from the current use, which does not provide an LBA; 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 the entire width of the lot is required for the proposed use; and

WHEREAS, the Louisville Metro Development Review Committee finds strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the LBA is required only because the entire site is being subjected to a Conditional Use Permit.

RESOLVED, the Louisville Metro Development Review Committee does hereby **RECOMMEND** that the city of St. Matthews **APPROVE** the requested Waiver #1 from article 12.C.3 part D.1.(a).1 to permit encroachment into a required 15' property perimeter Landscape Buffer Area and waive required plantings and screening along the North property line and a portion of the West property line (23-WAIVER-0045) and Waiver #2 from article 12.C.3 part D.1.(a).7 to permit encroachment into the required 4' vehicular use area Landscape Buffer Area and waive required plantings along Sears Avenue and Oechsli Avenue (23-WAIVER-0045).

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NEW BUSINESS

CASE NO. 23-DDP-0002

The Vote Was as Follows:

YES: Commissioners Carlson, Clare, and Pennix

ABSENT: Commissioner Fischer

Revised Detailed District Development Plan with Revised Binding Elements

02:01:50 On a motion by Commissioner Clare, seconded by Commissioner Pennix, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds there do not appear to be any environmental constraints or natural resources on the site. No historic assets are evident on the site; and

WHEREAS, the Louisville Metro Development Review Committee finds provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided. Louisville Metro Public Works has provided preliminary approval of the plan; and

WHEREAS, the Louisville Metro Development Review Committee finds no open space provisions are relevant to the proposal; and

WHEREAS, the Louisville Metro Development Review Committee finds 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 would be compatible with the existing and future development of the area. The site is already partially developed with athletic fields. The proposal would not be of significantly increased impact compared with the existing use; and

WHEREAS, the Louisville Metro Development Review Committee finds the Development Plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the city of St. Matthews Development Code.

RESOLVED, the Louisville Metro Development Review Committee does hereby **RECOMMEND** that the city of St. Matthews **APPROVE** the requested Revised Detailed District Development Plan with revised Binding Elements, **ON CONDITION** of the CUP and Variances related to this case at the April 24th, 2023 Board of Zoning Adjustment

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public hearing and that vinyl fencing be provided, **SUBJECT** to the following Binding Elements:

1. The development shall be in accordance with the approved District Development Plan, all applicable sections of the city of St. Matthews Development Code and agreed upon Binding Elements unless amended pursuant to the Development Code. Any changes/additions/alterations of any Binding Element(s) shall be submitted to the Planning Commission or the Planning Commission's designee, and the city of St. Matthews, for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small free-standing 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 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 article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. The property owner/developer shall receive the required Variances and Conditional Use Permit from the Board of Zoning Adjustment.
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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CASE NO. 23-DDP-0002

The Vote Was as Follows:

YES: Commissioners Carlson, Clare, and Pennix

ABSENT: Commissioner Fischer

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ADJOURNMENT

The meeting adjourned at approximately 3:05 p.m.

Chair

Planning Director