

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

A meeting of the Development Review Committee was held on February 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
Jeff Brown

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
Clara Schweiger, Planner I
Dante St. Germain, Planner II

The following matters were considered:

DEVELOPMENT REVIEW COMMITTEE

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APPROVAL OF MINUTES

FEBRUARY 1, 2023 DEVELOPMENT REVIEW COMMITTEE MEETING MINUTES

On a motion by Commissioner Brown, 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 February 1, 2023.

The vote was as follows:

YES: Commissioners Brown, Pennix, Clare, and Carlson

ABSENT: Commissioner Fischer

DEVELOPMENT REVIEW COMMITTEE

February 15, 2023

NEW BUSINESS

CASE NO. 22-WAIVER-0246

Request:	Waiver from Land Development Code Section 5.4.2.C.1 to Allow the Foot Print of a Proposed Accessory Structure to Exceed the Foot Print of the Primary Structure
Project Name:	Accessory Structure
Location:	6714 Old New Cut Road
Owner/Applicant:	Jamie and Jason Truman
Jurisdiction:	Louisville Metro
Council District:	13 – Dan Seum, Jr.
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:

00:04:45 John Michael Lawler presented the applicant's proposal to construct an addition to a structure.

00:08:12 Commissioner Carlson questioned the amount of stories. John Michael Lawler acknowledged that he is asking for one.

00:08:34 Commissioner Carlson clarified if this is a Contractor's Shop. John Michael Lawler responded no.

The Following Spoke in Favor of This Request:

Jason Truman, 6714 Old New Cut Road, Fairdale, KY 40118

Summary of Testimony of Those in Favor:

00:09:58 Jason Truman acknowledged that he keeps his equipment for his home renovation business in his vehicle.

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

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NEW BUSINESS

CASE NO. 22-WAIVER-0246

Waiver from Land Development Code Section 5.4.2.C.1 to Allow the Foot Print of a Proposed Accessory Structure to Exceed the Foot Print of the Primary Structure

00:11:51 On a motion by Commissioner Brown, 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 the Waiver will not adversely affect adjacent property owners as the proposed structure will be predominantly screened from other residential uses. It will also exceed the minimum additional set backs laid out in the code for accessory structures with foot prints that are less than 1.5x larger than the foot print of the principal structure. Additionally, all commercial uses of this building will take place within the proposed structure; and

WHEREAS, the Louisville Metro Development Review Committee finds Community Form Goal 1, Policy 9 calls to ensure an appropriate transition between uses that are substantially different in density or intensity and scale of development. The transition may be achieved through methods such as compatible building design and materials, height restrictions and set back requirements, landscaped buffer yards, and vegetative berms. The proposed structure is in compliance with Plan 2040 because of the enhanced set backs that will be observed and existing buffering from the fence; 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 because the building is the minimum size for storing their personal vehicles while also operating their home renovation equipment for their business, especially during the colder months; and

WHEREAS, the Louisville Metro Development Review Committee finds the 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 since they have the appropriate zoning to run their business and can observe increased set backs from other residential uses with the proposed structure.

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver from Land Development Code section 5.4.2.C.1 to allow the foot print of a proposed accessory structure to exceed the foot print of the primary structure.

The vote was as follows:

DEVELOPMENT REVIEW COMMITTEE
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NEW BUSINESS

CASE NO. 22-WAIVER-0246

YES: Commissioner Brown, Pennix, Clare, and Carlson

ABSENT: Commissioner Fischer

DEVELOPMENT REVIEW COMMITTEE

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NEW BUSINESS

CASE NO. 22-WAIVER-0219

Request: Two Waivers from Land Development Code Section 5.4.1 to
Allow a Garage Addition to Be Constructed
Project Name/Location: 846 South 32nd Street
Owner/Applicant: John Sutton
Representative: CRP and Associates, Inc.
Jurisdiction: Louisville Metro
Council District: 5 – Donna Purvis
Case Manager: Clara Schweiger, 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:

00:12:55 Clara Schweiger presented the applicant's proposal for a front-loaded garage.

00:16:38 Commissioner Brown requested to see the elevations. Clara Schweiger revealed that she does not have them.

00:16:49 Commissioner Carlson questioned if the square feet of the garage will exceed the residence. Carlson inquired if a requirement is needed. Clara Schweiger disagreed. Schweiger explicated that the garage will connect to the house.

00:17:59 Julia Williams agreed with Clara Schweiger.

The Following Spoke in Favor of This Request:

Charles Podgursky, 7321 New La Grange Road, Suite 111, Louisville, KY 40222
John Sutton, 846 South 32nd Street, Louisville, KY 40211
Jerron Brooks, 7419 Colt Drive, Louisville, KY 40214
Mark Langford, 831 South 33rd Street, Louisville, KY 40211
Douglas Williams, 4317 River Park Drive, Louisville, KY 40211
Connie McFarland, 139 North 41st Street, Louisville, KY 40212
George Fields, 4308 Hale Avenue, Louisville, KY 40211
Anna Weathers, 610 South 41st Street, Louisville, KY 40211

DEVELOPMENT REVIEW COMMITTEE

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NEW BUSINESS

CASE NO. 22-WAIVER-0219

Summary of Testimony of Those in Favor:

00:18:19 Charles Podgursky stated that John Sutton has issues entering his garage.

00:21:55 John Sutton elaborated that the neighborhood has been advised to avoid the area behind his house.

00:24:49 Jerron Brooks said his Dad is believed to have valuables and unable to defend himself.

00:26:23 Marc Langford agreed that the neighborhood is so dangerous, he no longer parks in front of his house due to break-ins.

00:29:04 Douglas Williams stated that it is the applicant's land and he can do what he wants.

00:34:12 Connie McFarland confirmed that her Uncle has health issues and is not fast enough to run. McFarland acknowledged that she knows people who are killed leaving their vehicles.

00:40:06 George Fields named homicide as a crime John Sutton is fighting against.

00:45:14 Anna Weathers advocated for support of the proposal.

00:47:21 Commissioner Pennix requested to see the neighboring houses with garages. Commissioner Clare acknowledged that there are 2 on the block.

00:47:50 Commissioner Brown clarified if the garages are front facing. Charles Podgursky agreed.

00:48:54 Commissioner Carlson questioned the amount of stories. Charles Podgursky acknowledged that he is asking for one.

00:48:59 Commissioner Clare clarified if the garage is for 1 or 2 cars. Charles Podgursky confirmed that the garage is for 2 cars.

00:50:28 Commissioner Brown questioned the dimensions. Brown elaborated that the neighboring garages are behind the houses, not in front. John Sutton confirmed that the front of his house is half and half.

Deliberation:

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NEW BUSINESS

CASE NO. 22-WAIVER-0219

00:53:23 Commissioner Brown answered that he is not in favor of the first waiver.

00:53:43 Commissioner Pennix recognized the change in the West End. Pennix advocated for approval of the proposal.

00:54:42 Commissioner Clare disclosed that the garage is too close to the road.

00:55:48 Commissioner Carlson advised that the garage is less wide.

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.

00:59:54 On a motion by Commissioner Brown, seconded by Commissioner Pennix, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby **CONTINUE** the requested Waiver #1 of Land Development Code section 5.4.1.C.3 to allow an attached front-loaded garage in the principal structure area and comprising more than 50% of the front façade of the house (22-WAIVER-0219) and Waiver #2 of Land Development Code section 5.4.1.E.3 to not provide access to parking through a rear alley (22-WAIVER-0008) to the March 1st, 2023 Development Review Committee meeting.

The vote was as follows:

YES: Commissioner Brown, Pennix, Clare, and Carlson

ABSENT: Commissioner Fischer

DEVELOPMENT REVIEW COMMITTEE

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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 and Associates, Inc.
Jurisdiction: Louisville Metro
Council District: 5 – Donna Purvis
Case Manager: Clara Schweiger, 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:

01:01:47 Clara Schweiger presented the applicant's proposal for a warehouse. Schweiger acknowledged that access from the entrance to the sidewalk and parking will be established.

01:10:19 Commissioner Clare clarified if circulation is on West Market Street. Clara Schweiger agreed.

01:10:36 Commissioner Carlson questioned the need for a continuance.

The Following Spoke in Favor of This Request:

Sam Hageman, 1652 Felix Avenue, Memphis, TN 38114
Charles Podgursky, 7321 New La Grange Road, Suite 111, Louisville, KY 40222
Craig Barnes, 2237 Fisherville Road, Finchville, KY 40022

Summary of Testimony of Those in Favor:

01:11:47 Sam Hageman agreed to landscaping. Hageman acknowledged that loading is in the back and parking in the front.

01:17:09 Charles Podgursky elaborated that the location has been in service since 1974.

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NEW BUSINESS

CASE NO. 22-CAT2-0044

01:19:35 Craig Barnes echoed Sam Hageman.

01:21:22 Commissioner Brown acknowledged the gravel on the frontage of South 32nd Street. Sam Hageman responded that there is no proposed plan to remove the gravel.

01:25:50 Commissioner Brown confirmed if removing the gravel was part of the review. Beth Stuber agreed.

01:26:24 Commissioner Brown verified if gravel is allowed in the right-of-way. Beth Stuber responded no.

01:27:25 Commissioner Clare speculated if there is a bus stop on West Market Street. Commissioner Brown confirmed that there is one.

01:28:58 Julia Williams established where the landscaping will be. Sam Hageman answered that the area is where the railroad crossing is. Hageman acknowledged the location as between the parking lot and wall.

01:33:45 Commissioner Carlson questioned the lawfulness of R-5. Laura Ferguson clarified that the applicant can file an appeal to the Board of Zoning Adjustment. Ferguson suggested that non-conforming rights be established, and a zoning change recognized.

01:34:52 Julia Williams confirmed that the information is filed.

Deliberation:

01:36:29 Commissioner Brown requested a continuance.

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.

01:37:08 On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby **CONTINUE** 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

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NEW BUSINESS

CASE NO. 22-CAT2-0044

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) to the March 1st, 2023 Development Review Committee meeting.

The vote was as follows:

YES: Commissioner Brown, Pennix, Clare, and Carlson

ABSENT: Commissioner Fischer

DEVELOPMENT REVIEW COMMITTEE

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NEW BUSINESS

CASE NO. 22-DDP-0119

Request:	Revised Detailed District Development Plan with Revised Binding Elements and Waiver
Project Name:	Clean Waves Express Wash
Location:	6208 New Cut Road
Owner:	Richard Chism
Applicant:	Clean Waves Express Wash
Representative:	Blomquist Design Group, LLC
Jurisdiction:	Louisville Metro
Council District:	25 – Khalil Batshon
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:

01:37:58 Dante St. Germain presented the applicant's proposal for a car wash.

The Following Spoke in Favor of This Request:

Marv Blomquist, 20529 Timberwood Circle, Suite D, Louisville, KY 40223
Richard Chism, 3500 Midway Road, Brandenburg, KY 40108

Summary of Testimony of Those in Favor:

01:41:52 Marv Blomquist agreed to mitigating features.

01:43:08 Richard Chism acknowledged that glass windows are hard to manage.

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 from Land Development Code Section 5.6.1.B.1.a to Permit a Primary Façade to Have Animating Features Along Less Than 60% of the Horizontal Length (22-WAIVER-0014)

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NEW BUSINESS

CASE NO. 22-DDP-0119

01:43:55 On a motion by Commissioner Brown, 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 the Waiver will not adversely affect adjacent property owners as mitigation of the Waiver is being provided in the form of enhanced tree planting along the façade; and

WHEREAS, the Louisville Metro Development Review Committee finds the Waiver will not violate specific guidelines of Plan 2040 as Plan 2040 does not address building facades in the Suburban Work Place Form District; 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 proposed use is a car wash and providing the required animating features would make this use impractical; and

WHEREAS, the Louisville Metro Development Review Committee finds the applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived by providing more tree plantings along the façade than would otherwise be required.

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver from Land Development Code section 5.6.1.B.1.a to permit a primary façade to have animating features along less than 60% of the horizontal length (22-WAIVER-0014).

The vote was as follows:

YES: Commissioner Brown, Pennix, Clare, and Carlson

ABSENT: Commissioner Fischer

Revised Detailed District Development Plan and Revised Binding Elements

01:44:48 On a motion by Commissioner Brown, 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 no natural resources are evident on the site. The applicant will provide required tree canopy; and

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NEW BUSINESS

CASE NO. 22-DDP-0119

WHEREAS, the Louisville Metro Development Review Committee finds provisions for efficient and safe pedestrian and vehicular transportation around and within the community and development 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 pertinent 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 land uses and site design would be compatible with the existing and future development of the area. The proposal is for a car wash in an existing activity and employment center; 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 and revised Binding Elements **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 additions/alterations/changes of any Binding Element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any additions/alterations/changes not so referred shall not be valid.
2. No balloons, banners, outdoor advertising signs, pennants, or small free-standing signs 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 construction or grading 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 construction activities, material storage, or parking are permitted within the protected area.
4. Before any permit (including but not limited to alteration, building, demolition, change of use, parking lot, or site disturbance) is requested:

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CASE NO. 22-DDP-0119

- a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
- b. The developer/property owner 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 legal instrument or minor subdivision plat shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
- d. The defined access easement providing access to Future Lots 2 and 3 shall be created with a legal instrument in a form acceptable to Planning Commission legal counsel 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.
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 contractors, purchasers, subcontractors, tenants, and other parties engaged in the 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. The design and materials of proposed structures shall be substantially the same as depicted in the rendering as presented at the February 15, 2023 Development Review Committee meeting.

The vote was as follows:

YES: Commissioner Brown, Pennix, Clare, and Carlson

ABSENT: Commissioner Fischer

DEVELOPMENT REVIEW COMMITTEE

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NEW BUSINESS

CASE NO. 23-AMEND-0001

Request:	Amendment to Binding Elements
Project Name:	Blankenbaker Access Drive Storage Facility Binding Element Amendment
Location:	11651 and 11661 Blankenbaker Access Drive
Owner/Applicant:	GDBA, LLC
Representative:	Land Design and Development
Jurisdiction:	Louisville Metro
Council District:	11 – Kevin Kramer
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:

01:45:36 Dante St. Germain presented the applicant's proposal to amend the Binding Elements.

The Following Spoke in Favor of This Request:

Mike Hill, 503 Washburn Avenue, Louisville, KY 40222

Summary of Testimony of Those in Favor:

01:50:31 Mike Hill articulated that the area in question is requiring grading.

01:55:35 Commissioner Clare elaborated on what plants will be eliminated. Mike Hill explicated that it is a mix.

01:56:17 Commissioner Carlson requested Dante St. Germain's estimation. Dante St. Germain elaborated that it is not evident what is being preserved.

01:57:16 Mike Hill demonstrated the area in the landscape plan.

01:58:06 Commissioner Carlson asked if the information works. Dante St. Germain clarified the specific plantings.

DEVELOPMENT REVIEW COMMITTEE

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NEW BUSINESS

CASE NO. 23-AMEND-0001

01:58:27 Julia Williams reminded them to not determine a specific classification.

Deliberation:

01:59:39 Commissioner Brown acknowledged that the odds of KYTC removing vegetation are low.

02:00:01 Commissioner Carlson questioned a condition of approval for KYTC. Julia Williams answered that the Development Review Committee has no knowledge of when KYTC removes vegetation.

02:02:04 Mike Hill agreed with Julia Williams.

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.

Amendment to Binding Elements

02:03:31 On a motion by Commissioner Brown, 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 the site currently includes a stream and tree canopy. Tree canopy is not proposed to be preserved in front of Building 2 to the extent shown at the original public hearing on December 16, 2021; and

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

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

WHEREAS, the Louisville Metro Development Review Committee finds the Metropolitan Sewer District has previously 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

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CASE NO. 23-AMEND-0001

WHEREAS, the Louisville Metro Development Review Committee finds the site plan is unchanged from the previously approved plan; and

WHEREAS, the Louisville Metro Development Review Committee finds the Amendment to the Binding Element as proposed would rely on trees in the public right-of-way to screen Building 2. Trees in the right-of-way can be removed by the responsible agency at any time, which would leave the Waiver with no mitigation for Building 2.

Blankenbaker Access Drive is state-maintained roadway.

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Amendment to Binding Elements, **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 additions/alterations/changes of any Binding Element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any additions/alterations/changes not so referred shall not be valid.
2. No balloons, banners, outdoor advertising signs, pennants, or small free-standing signs 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 construction or grading 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 construction activities, material storage, or parking are permitted within the protected area.
4. Before any permit (including but not limited to alteration, building, change of use, demolition, parking lot, or 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 developer/owner must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a certificate of occupancy. 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.
 - d. The design and materials of proposed structures shall be substantially the same as depicted in the rendering as presented at the December 16, 2021 Planning Commission meeting. A copy of the approved rendering is

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available in the case file on record in the offices of the Louisville Metro Planning Commission.

5. There shall be no outdoor music (amplified, live, piped, or radio) or outdoor entertainment or outdoor PA system audible beyond the property line.
6. No idling of trucks shall take place within 200 feet of residential structures. No overnight idling of trucks shall be permitted on-site.
7. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the land or structure 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 contractors, purchasers, subcontractors, tenants, 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.
9. The existing gate at the entrance to the frontage road from Blankenbaker Access Drive shall be removed prior to issuance of a building permit.
10. The frontage road from Blankenbaker Access Drive to the development site and along the development site frontage shall be expanded to 20' in pavement width with asphalt. All improvements shall be completed prior to issuance of a certificate of occupancy.
11. Tree preservation shall be provided in front of Building 2, and tree planting shall be provided in front of Building 4, in accordance with the presentation provided at the February 15, 2023 Development Review Committee hearing.

The vote was as follows:

YES: Commissioner Brown, Pennix, Clare, and Carlson

ABSENT: Commissioner Fischer

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NEW BUSINESS

CASE NO. 22-DDP-0083

Request:	Revised Detailed District Development Plan with Binding Elements
Project Name:	Farm Credit Mid-America
Location:	12501 Lakefront Place
Owner/Applicant:	Farm Credit Mid-America FLCA
Representative:	Milestone Design Group
Jurisdiction:	City of Jeffersontown/Louisville Metro
Council District:	11 – Kevin Kramer
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:

02:04:55 Julia Williams presented the applicant's proposal for an office.

The Following Spoke in Favor of This Request:

Tanner Nichols, 400 West Market Street, Suite 3200, Louisville, KY 40202
Diane Zimmerman, 12803 High Meadows Pike, Prospect, KY 40059
Kevin Bratetic, 12501 Lakefront Place, Louisville, KY 40299

Summary of Testimony of Those in Favor:

02:11:55 Tanner Nichols named Farm Credit as a national lender to farmers.

02:15:19 Commissioner Brown questioned the TIS. Brown acknowledged that there is not enough funding to make the changes. Dianne Zimmerman responded that the approved developments are not in the TIS.

02:20:57 Julia Williams interjected that there are 3 projects that affect the TIS.

02:22:59 Commissioner Brown confirmed that he is not in support of the proposal.

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CASE NO. 22-DDP-0083

02:25:21 Commissioner Pennix questioned the status of the TIS based on the approval of a development. Commissioner Brown acknowledged that a signal is not needed but is closing in on one.

02:26:26 Commissioner Pennix advocated for approval of the proposal. Commissioner Brown advised her that the level of service is 130 seconds.

02:27:24 Julia Williams acknowledged that this is between J-Town and Public Works. Commissioner Brown agreed. Brown suggested closing the gap through supplementation.

02:28:33 Tanner Nichols questioned the \$27,000. Beth Stuber elaborated that the cost is based on the number of cars.

02:29:11 Tanner Nichols announced that Farm Credit has agreed to finance the signal.

02:29:37 Beth Stuber confirmed that Louisville Metro has \$24,000 or \$26,000.

02:30:16 Tanner Nichols suggested a Binding Element for \$150,000.

02:30:40 Commissioner Clare elaborated that the number is less than that. Tanner Nichols agreed.

02:31:53 Tanner Nichols questioned how Farm Credit will be reimbursed.

02:35:14 Commissioner Brown acknowledged that Louisville Metro does not allow Recapture Agreements.

02:32:11 Beth Stuber corrected an error. Stuber elaborated that the number is \$17,400.

02:35:54 Kevin Bratetic asked how Farm Credit can make this work. Commissioner Brown informed him that it is possible the funds will not be reimbursed.

02:38:00 Laura Ferguson read an amendment to Binding Element 7.

02:40:09 Julia Williams suggested a continuance so the applicant can agree to the language.

Deliberation:

DEVELOPMENT REVIEW COMMITTEE

February 15, 2023

NEW BUSINESS

CASE NO. 22-DDP-0083

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.

02:41:00 On a motion by Commissioner Brown, seconded by Commissioner Pennix, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby recommend to the city of Jeffersontown that the requested revised detailed District Development Plan with Amendments to the existing Binding Elements be **CONTINUED** to the March 1st, 2023 Development Review Committee meeting.

The vote was as follows:

YES: Commissioner Brown, Pennix, Clare, and Carlson

ABSENT: Commissioner Fischer

DEVELOPMENT REVIEW COMMITTEE
February 15, 2023

ADJOURNMENT

The meeting adjourned at approximately 3:42 p.m.

Chair

Planning Director