

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE MEETING
November 2, 2022**

A meeting of the Louisville Metro Development Review Committee was held on Wednesday, November 2, 2022 at 1:00 p.m. at the Old Jail Courtroom, located at 514 West Jefferson Street, Louisville, KY 40202 and also via Cisco Webex Video Teleconferencing.

Commissioners present:

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

Commissioners absent:

Staff members present:

Brian Davis, Assistant Director, Planning & Design Services
Joe Haberman, Planning & Design Manager
Julia Williams, Planning & Design Supervisor
Chris French, Planning & Design Supervisor
Molly Clark, Planner II
Dante St. Germain, Planner II
Jay Lockett, Planner II
Ina Nakao, Historic Preservation Specialist
Travis Fiechter, Legal Counsel
Chris Cestaro, Management Assistant (minutes)

Other staff present:

Beth Stuber, Transportation
Tony Kelly, MSD

The following matters were considered

DEVELOPMENT REVIEW COMMITTEE MINUTES
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APPROVAL OF MINUTES

Minutes of the October 19, 2022 Development Review Committee meeting.

00:03:40 On motion by Commissioner Brown, seconded by Commissioner Price, the following resolution was adopted:

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on October 5, 2022.

The vote was as follows:

YES: Commissioners Price, Brown, Clare, and Carlson.

ABSENT: Commissioner Cheek.

**DEVELOPMENT REVIEW COMMITTEE MINUTES
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NEW BUSINESS

CASE NUMBER 21-DDP-0121

Project Name:	Proposed Grocery Store and Outlots
Location:	10201 Brownsboro Road
Owner(s):	The Deerfield Co.
Applicant:	Silken Gold Real Estate
Representative:	Land Design & Development
Jurisdiction:	Louisville Metro
Council District:	17 – Markus Winkler
Case Manager:	Molly Clark, Planner II

Agency Testimony:

00:04:34 Molly Clark stated notice was insufficient so the case needs to be continued to the November 16, 2022 DRC meeting.

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.

00:05:14 On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby **CONTINUE** this case to the November 16, 2022 Development Review Committee meeting.

The vote was as follows:

YES: Commissioners Price, Brown, Clare, Cheek and Carlson.

**DEVELOPMENT REVIEW COMMITTEE MINUTES
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NEW BUSINESS

CASE NUMBER 22-DDP-0067

Project Name:	Old Hady Road
Location:	Parcel ID 004702930000 & 004702940000
Owner(s):	Blankenbaker Old Hady Development
Applicant:	Blankenbaker Old Hady Development
Representative:	Land Design & Development
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson
Case Manager:	Dante St. Germain, AICP, Planner II

Agency Testimony:

00:06:14 Dante St. Germain stated the case needs to be continued to the November 16, 2022 DRC meeting.

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.

00:06:37 On a motion by Commissioner Brown, seconded by Commissioner Price, the following resolution was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby **CONTINUE** this case to the November 16, 2022 Development Review Committee meeting.

The vote was as follows:

YES: Commissioners Price, Brown, Clare, Cheek and Carlson.

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OLD BUSINESS

CASE NUMBER 22-CAT3-0021

Project Name:	St. Anthony's Gardens Phase II
Location:	2900 Fordhaven Road
Owner:	St. Anthony's Gardens Phase II
Applicant:	Land Design & Development
Jurisdiction:	Land Design & Development
Council District:	25 – Amy Holton Steward
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. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:07:31 Molly Clark presented the case, showed a Power Point presentation, and responded to questions from the Commissioners (see staff report and recording for detailed presentation). The applicant is proposing a multi-family development with 128 units on a parcel that is already zoned R-6.

The following spoke in favor of the proposal:

Ted Bernstein, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

Summary of testimony of those in favor:

00:11:36 Ted Bernstein presented the applicant's case, showed a Power Point presentation, and responded to questions from the Commissioners (see recording for detailed presentation and discussion). Bernstein stated the zoning is in place, is adjacent to Phase I of the development, and will be a continuation of that project. The area of development is pushed to the north to help stay off steep slopes and trees that are at the rear of the property.

The following spoke in opposition to the proposal:

No one spoke.

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CASE NUMBER 22-CAT3-0021

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.

00:22:00 On a motion by Commissioner Brown, seconded by Commissioner Price, the following resolution, based on the staff report and evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Category 3 Plan.

The vote was as follows:

YES: Commissioners Cheek, Price, Brown, Clare, and Carlson.

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NEW BUSINESS

CASE NUMBER 22-DDP-0048

Project Name:	Glenmary Club
Location:	10200 Glenmary Farm Drive
Owner:	AL CAT LLC/Valley Station Towne Center LLC
Applicant:	Chris Thieneman
Representative:	Dentons Bingham Greenebaum LLP
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel
Case Manager:	Chris French, AICP, Planning & Design Supervisor

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. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:28:44 Chris French presented the case, showed a Power Point presentation, and responded to questions from the Commissioners (see staff report and recording for detailed presentation). The Board of Zoning Adjustments have an application for a Conditional Use Permit (22-CUP-0175) that was continued from the October 31, 2022 meeting and will be heard on November 7, 2022.

The following spoke in favor of the proposal:

Jeff McKenzie, Dentons Bingham Greenebaum LLP, 3500 PNC Tower, Louisville, KY 40202

Chris Thieneman, 2606 Alia Circle, Louisville, KY 40222

Debi Bowling attempted to speak but was unable to do so due to technical issues with her computer

Summary of testimony of those in favor:

00:3245:00 Jeff McKenzie presented the applicant's case, showed a Power Point presentation, and responded to questions from the Commissioners (see recording for detailed presentation and discussion). The applicant is proposing to convert the

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abandoned golf course/club into a private club. The applicant is proposing to include some additional amenities on the site other than golf, including pickleball, a small wedding venue, and new swimming pool.

00:42:40 Commissioner Cheek asked about membership at the old golf club. McKenzie stated people who lived outside of Glenmary could have been members of the golf club, and that is the intention of the owner of this club.

00:49:20 Commissioner Brown asked about hours of operation. McKenzie said they are willing to have a binding element to limit hours of operation.

00:50:22 Commissioner Carlson asked the capacity of the restaurant. Carlson has concerns about the parking load that could be strained if there is an event at the same time as regular club activities on the site.

00:55:20 Commissioner Clare asked if there were designated places for temporary parking for events that may draw more people than would regularly be visiting the club. McKenzie said temporary parking areas have not been identified on the site yet.

01:02:00 Chris Thieneman spoke in support. Thieneman thinks this is a great re-use of the facility that has fallen in disrepair.

The following spoke in opposition to the proposal:

Don Cox, 500 W. Jefferson Street, Louisville, KY 40202

Joe Schweinhart, 10305 Long Barn Court, Louisville, KY 40291

Bob Thompson, 10303 Colonel Hancock Drive, Louisville, KY 40291

Summary of testimony of those in favor:

01:04:50 Don Cox spoke in opposition to the request and presented a PowerPoint presentation (see video for details). Cox stated the proposed use is more intrusive than the previously operating golf club and adversely impacts the surrounding properties. The proposed additions bring new sources of noise and congestion to the area.

01:23:01 Joe Schweinhart spoke in opposition to the request. He feels this is a commercial development in the middle of their neighborhood and is not interested in having non-Glenmary residents coming to and from the site. Schweinhart is not happy about the potential parking along streets.

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01:27:05 Bob Thompson spoke in opposition to the request. Thompson is a long-time resident of Glenmary. The golf course was an important part of the development, and he hopes the new use will be held to the same standard of providing peace and tranquility to the neighborhood. While residents are not opposed to the new club idea, there are concerns about deviating from the original intent of the space.

01:32:47 Commissioner Price asked for clarification about Private Proprietary Club. Travis Fiechter explained the definition and regulations associated with this use.

Rebuttal:

01:41:45 Jeff McKenzie provided rebuttal. McKenzie said this is a continuation of the previous use on the site and will be less intensive since the new use will be occupying less land.

01:52:19 Commissioner deliberation.

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

01:58:44 On a motion by Commissioner Brown seconded by Commissioner Price, the following resolution was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby **CONTINUE** the case to the November 16, 2022 Development Review Committee meeting.

The vote was as follows:

YES: Commissioners Cheek, Price, Brown, Clare, and Carlson.

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NEW BUSINESS

CASE NUMBER 22-CAT3-0013

Project Name:	2 nd and Market Hotel
Location:	127, 129, 131, 133, 137, 139 and 141 W Market Street, 123 S 2 nd Street
Owner:	Truvine Derby City LLC
Applicant:	Zyyo LLC
Representative:	Land Design & Development
Jurisdiction:	Louisville Metro
Council District:	4 – Jecorey Arthur
Case Manager:	Jay Luckett, 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. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

02:00:00 Jay Luckett presented the case, showed a Power Point presentation, and responded to questions from the Commissioners (see staff report and recording for detailed presentation). The applicant is proposing a hotel on the property. The Downtown Development Review Overlay Committee reviewed the request on November 2, 2022 and approved the proposed design of the structure.

The following spoke in favor of the proposal:

Ann Richard, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

Mose Putney, 525 E. Market Street, Louisville, KY 40202

Summary of testimony of those in favor:

02:02:20 Ann Richard presented the applicant's case, showed a Power Point presentation, and responded to questions from the Commissioners (see recording for detailed presentation and discussion). The site is currently vacant and unused. The applicant will be constructing a six-story hotel to occupy this corner. There are no

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proposed drop-offs on either Marker or Second Street. There is a proposed turnaround within the site away from the right-of-way.

02:08:20 Mose Putney spoke in support of the application. Putney explained the façade design and the types of uses that will be incorporated into the hotel.

The following spoke in opposition to the proposal:
No one spoke.

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.

02:11:15 On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution, based on the staff report and evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Category 3 Plan.

The vote was as follows:

YES: Commissioners Cheek, Price, Brown, Clare, and Carlson.

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NEW BUSINESS

CASE NUMBER 22-DDP-0105

Project Name:	Bubbas 33 at Southpointe Commons
Location:	10435 Southpointe Boulevard
Owner:	Bardstown Capital Corp
Applicant:	Bardstown Capital Corp
Representative:	Wyatt Tarrant & Combs
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel
Case Manager:	Jay Lockett, 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. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

02:12:15 Jay Lockett presented the case, showed a Power Point presentation, and responded to questions from the Commissioners (see staff report and recording for detailed presentation). The applicant is requesting a revision to change the previously approved medical office use to a restaurant. The building location is also flipped from the previously approved plan.

The following spoke in favor of the proposal:

Jon Baker, Wyatt Tarrant & Combs, 400 W. Market Street, Suite 2000, Louisville, KY 40202

Gregory Michalski, 3324 Bon Air Avenue, Louisville, KY 40220

Summary of testimony of those in favor:

02:14:44 Jon Baker presented the applicant's case, showed a Power Point presentation, and responded to questions from the Commissioners (see recording for detailed presentation and discussion). The owner believes will be a great complementary use to the grocery store that was recently approved.

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02:18:10 Commissioner Brown asked for clarification about which elevation faces which direction. Brown stated the building has been designed to provide visual interest internally and externally. Greg Michalski answered Commissioner Price's question about the number of flags on the site (six).

The following spoke in opposition to the proposal:

No one spoke.

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.

02:20:44 On a motion by Commissioner Brown, seconded by Commissioner Cheek, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Development Review Committee finds the site does not have any natural or historic resources,

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

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

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

WHEREAS, 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 except where waivers have been approved. Buildings and parking lots will meet all required setbacks, and

WHEREAS, the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code, therefore be it

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RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Revised Detailed District Development plan with the following binding elements:

1. The development shall be in accordance with the approved general 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.
2. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional review and binding elements. Additional review shall include but not be limited to setbacks, landscape and screening requirements, parking calculation, pedestrian connections, focal point, signage, and building design.
3. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
4. Use of the subject site shall be limited to retail, restaurants, bank and movie theater and other uses permitted in the C-2 district. There shall be no other use of the property unless prior approval is obtained from the Planning Commission or the LD&T Committee. Notice of a request to amend this binding element shall be given in accordance with the Planning Commission's policies and procedures. The Planning Commission/LD&T Committee may require a public hearing on the request to amend this binding element.
5. There shall be no direct vehicular access from parking lot to Wingfield Rd until an additional connection to Brentlinger Lane is provided and Wingfield Road *pavement* improvements are made.
6. Signs shall be in accordance with Chapter 8 of the Land Development Code.
7. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

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

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

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

b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways, but only if any of the developer's improvements encroach into the state right-of-way.

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

d. A road closure approval for a portion of Wingfield Rd, Case # 11641, shall be approved prior to recording a record plat.

e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.

f. The façade elevations shall be in accordance with applicable form district standards and shall be approved by PDS staff or DRC Committee prior to construction permit approval.

10. 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 otherwise provided in these binding elements or specifically waived by the Planning Commission.

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11. There shall be no outdoor music (live, piped, radio or amplified) or outdoor PA system audible beyond the boundary of the development site.
12. 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.
13. The materials of proposed structures shall be substantially the same as depicted in the Pattern Book as presented at the March 10, 2022 LD&T meeting.
14. The façade elevations shall be in accordance with applicable form district standards and shall be approved by PDS staff or DRC Committee prior to construction permit approval.
15. No overnight idling of trucks shall be permitted on-site.
16. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting plan of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained thereafter. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.
17. All street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
18. Hours of operation shall be discussed and determined at the detailed plan review and approval.
19. The Developer shall provide an enhanced landscape buffer on the subject property adjacent to the boundaries of the two historic resources (the Wingfield House (JF 147) at 9815 Wingfield Rd. and the L. Bates House (JF 148) at 10005 Wingfield Rd.), which shall contain two times the landscape plantings required by the LDC. The landscaping

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abutting these two properties shall be installed prior to requesting a certificate of occupancy for buildings F, G, H, I, or J.

Transportation Binding Elements

20. Prior to the construction plan's approval, the alignment and cross section of the proposed streets/connections to the south shown on the plan will be further reviewed and shall be revised if required per Transportation and Land Use Study recommendations and/or Metro Public Works. Any revisions will be reviewed and discussed with the developer prior to finalizing the Study recommendations and will maintain the full function and use of the proposed development.

21. Developer shall be responsible for any required utility relocations, final surface overlay, signage, striping and traffic control devices (if warranted), associated with required road improvements by the developer. Construction plans, bond, and KTC permit (only if developer improvements encroach into the state right-of-way) are required by Metro Public Works prior to construction approval and issuance of MPW encroachment permit. Developer shall not request a certificate of occupancy until road improvements are complete.

22. All street signs shall be installed by the Developer and shall conform to the *Manual on Uniform Traffic Control Devices* (MUTCD) requirements. Street signs shall be installed prior to occupancy of the first building in the development and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.

23. An encroachment permit and bond may be required by Metro Public Works for roadway repairs on Wingfield Road due to damages caused by construction traffic activities.

24. Phase 1 of the development shall consist of buildings A, B, C, D, and E as shown on the development plan presented at the May 20, 2010 Planning Commission Public Hearing ("Development Plan"). Construction approvals for Phase 1, excluding approvals for the relocation of the Teachers Association Building, identified as a 2,500 square foot office building on Tract 2 of the Development Plan (including but not limited to demolition, construction and occupancy), shall not be granted until such time as Kentucky Transportation Cabinet improvements as shown on the Development Plan have been let for construction and bonds have been secured for improvements which have been identified as being the responsibility of the applicant. Prior to requesting a Certificate of Occupancy for Phase 1, all roadway improvements as shown on the

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Development Plan and included in the Traffic Impact Study shall be constructed including the required traffic signal, which must be installed and operational. Phase 2 of the development shall consist of buildings F, G, H, I and J as shown on the Development Plan, and a detailed plan for any portion of Phase 2 shall not be approved until a permanent second access point is provided to connect the development to Brentlinger Lane.

25. At such time as Access Road "A" is constructed to the south property line of the Bates Elementary School property, and until a full secondary connection to Brentlinger Lane is constructed, Developer shall provide a gravel emergency access route through the rear of Cedar Creek Baptist Church or over other existing paved surfaces. Such route shall be located as exhibited on the map presented at the May 20, 2010 public hearing. The final location of this emergency access route shall be subject to the approval of the Fern Creek Fire Protection District (FCFPD), Louisville Metro Police Department, Louisville Metro EMS, and Cedar Creek Baptist Church. No building permit shall be requested until the final location of the emergency access route has been approved by all parties mentioned in this binding element.

The access route shall have an overhead clearance of all obstructions of at least 13 feet, 6 inches, shall be a hard-surface road, a minimum of 12 feet in width with 3 foot earthen shoulders, be capable of supporting a 30-ton fire apparatus, and shall be properly maintained, as determined by FCFPD. If any portion of the access route utilizes a green surface such as grass pavers or grasscrete, the route shall be appropriately marked as required by FCFPD. The emergency access shall include a gate in accordance with Louisville Metro's adopted gate standard and its location shall be determined at a future date. Furthermore, additional fire lane markings may be required for existing for emergency gates.

26. The Developer shall provide two curb cuts (one west of and one east of Access Road "A") onto the south side of SouthPointe Boulevard (Private Portion) for a proposed future development on an assemblage of all the adjoining tracts, subject to an infrastructure and maintenance cost sharing agreement acceptable to Developer. Notwithstanding anything herein to the contrary, access from adjacent properties shall not be required to be provided to SouthPointe Boulevard until such time as there are no restrictions on the issuance of certificates of occupancy for any portion of the SouthPointe Commons development.

27. Final design of roadway layout and typical road cross-sections for both, Southpointe Blvd and access road, will be determined at construction and/or detailed development plan stage, as appropriate, by Metro Public Works and coordination with Metro

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Bicycle/Pedestrian Coordinator. Final design of any on road bike facilities or multiuse path shall be approved by Metro Bicycle/Pedestrian Coordinator.

28. Prior to using Wingfield Rd for school traffic circulation, Wingfield Road section shall be resurfaced from SouthPointe Blvd through its intersection with Access Road "A". Developer shall install a 1 and ½" paving overlay per Metro Public Works requirements.

29. The Developer shall not route construction traffic along Wingfield Road at any portion east of Southpointe Blvd., except as may be required to construct improvements to Bates Elementary School, KRTA building, improvements to Wingfield Road and Access Road "A" from SouthPointe Commons to the south property line of Bates Elementary School.

30. Final design of Access Road "A" may be revised if required per Transportation and Land Use Study recommendations, provided that (1) any revisions of Access Road "A" will be reviewed and discussed with the SouthPointe Commons owner prior to finalizing the Study recommendations and will maintain the full function and use of the proposed development (2) Developer shall not be required to provide more than thirty-four (34) feet of pavement width for Access Road "A."

31. The applicant will work with staff on providing twice as many trees and screening than what is required in the 35' LBA adjacent to the Steven D. Webb property.

32. All property owners within 500 feet of a proposed blasting location shall be notified 30 days before any blasting operations occur, and be offered pre-blast surveys. Any homeowners who opt to have a pre-blast survey conducted shall be provided copies of all materials resulting from that survey including any photos and/or videos. Any blast survey shall be done in a manner consistent with Kentucky blasting regulations.

The vote was as follows:

YES: Commissioners Cheek, Price, Brown, Clare, and Carlson.

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NEW BUSINESS

CASE NUMBER 22-DDP-0113

Project Name: Happy Hounds Doggy Daycare
Location: 201 Park Place Drive
Owner: 201 Park Place LLC
Applicant: 201 Park Place LLC
Representative: Dinsmore & Shohl
Jurisdiction: Middletown
Council District: 19 – Anthony Piagentini
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. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

02:21:40 Dante St. Germain presented the case, showed a Power Point presentation, and responded to questions from the Commissioners (see staff report and recording for detailed presentation). The applicant is proposing to repurpose an existing structure on the site for a doggie daycare. A Conditional Use Permit for the commercial kennel operation (22-CUP-250) will be before the Board of Zoning Adjustments on November 7, 2022.

The following spoke in favor of the proposal:

Cliff Ashburner, Dinsmore & Shohl, 101 S. Fifth Street, Suite 2500, Louisville, KY 40202

Summary of testimony of those in favor:

02:27:01 Cliff Ashburner presented the applicant's case, showed a Power Point presentation, and responded to questions from the Commissioners (see recording for detailed presentation and discussion).

The following spoke in opposition to the proposal:

No one spoke.

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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.

02:34:42 On a motion by Commissioner Brown, seconded by Commissioner Price, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Development Review Committee finds there are no natural resources or environment assets appear to exist on the site,

WHEREAS, 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,

WHEREAS, no open space provisions are relevant to the proposal,

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

WHEREAS, the overall site design and land uses would be compatible with the existing and future development of the area. The proposal re-uses existing structures, and

WHEREAS, the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **RECOMMENDS** the City of Middletown **APPROVE** the requested Revised Detailed District Development plan with the following binding elements **ON CONDITION** the applicant is granted approval of the conditional use permit by the Board of Zoning Adjustments:

Existing 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

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changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee and to the City of Middletown for review and approval; any changes/additions/alterations not so referred shall not be valid.

2. The development shall not exceed 16,277 square feet of gross floor area.
3. The only permitted freestanding sign shall be located as shown on the approved district development plan. The sign shall not exceed 60 square feet in area per side and 8 feet in height. No sign shall have more than two sides.
4. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants, advertising balloons or banners shall be permitted on the site.
5. Outdoor lighting with can-type fixtures shall be directed down and away from surrounding residential properties and shall not illuminate surrounding residential properties.
6. All go-karts will be powered by Honda GX160, 5.5 hp engines or similar engines with properly working mufflers and properly designed enclosures. All go-karts must meet the following criteria: The maximum measured sound level may not exceed 63 dBA at a distance of 50 feet while operating at full throttle. The measurement shall be made in a flat area, with no intervening terrain or structures within 100 feet from either the go-kart or sound meter. The height of the microphone shall be approximately 5 feet above the go-kart. The sound meter used in the measurement shall meet ANSI Type II standards, and be calibrated immediately before the measurement. The applicant shall certify to the Planning Commission and the City of Middletown that this criterion is met initially and upon reasonable demand thereafter. The peak sound level shall not exceed 50 dBA at 1000 feet.
7. Outdoor music (live, piped, radio or amplified), outdoor entertainment, our outdoor PA system permitted on the site shall not exceed the sound levels specified in Binding Element 6, measured at a receptor located at the perimeter of the site.
8. Vehicles shall be limited to a maximum speed not to exceed 18 miles per hour. No racing of motor vehicles shall be allowed. They shall be designed to allow management to shut-off vehicles that violate operating procedures.
9. Operating hours for the public at the commercial kennel shall be between 7:00 a.m. and 12:00 midnight. Operation hours for the remainder of the site shall be between 9:00 a.m. and 12:00 midnight, Monday through Saturday, and 12:00 noon through 12:00 midnight on Sunday. Go kart operations shall cease at 11:00 p.m. every day.
10. There shall be no outdoor storage on the site.

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11. The applicant shall submit a plan for approval by the Planning Commission staff showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Any modification of the tree preservation plan requested by the applicant may be approved by the designated DPDS staff if the changes are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:

- a. Proposed site plan showing buildings, edges of pavement, property lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
- b. Preliminary drainage considerations (retention/detentions, ditches/large swales, etc.).
- c. Location of all existing trees/tree masses on the site as shown by aerial photo or LOJIC maps.
- d. Location of construction fencing for each tree/tree mass designated to be preserved.

12. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested, the appropriate conditional use permit shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.

13. If a building permit is not issued within one year of the date of approval of the plan, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.

14. 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.

15. 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 the site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and

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

16. The tree preservation plan, fencing plan, and the landscaping plan shall be subject to approval by the City Commission prior to implementation. Such approval may be at a regular or special meeting of the City Commission and approval shall not be unreasonably withheld.

17. All commercial trash receptacles shall be enclosed by a structure (wall) (except entrance gate which shall be of compatible material) to a height greater than the height of the commercial trash receptacle and permanently maintained.

18. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the June 12, 2003, LD&T meeting.

The vote was as follows:

YES: Commissioners Cheek, Price, Brown, Clare, and Carlson.

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ADJOURNMENT

The meeting adjourned at approximately 3:46 p.m.

Chairman

Division Director