

**MINUTES OF THE MEETING
OF THE
DEVELOPMENT REVIEW COMMITTEE
September 2, 2015**

A meeting of the Development Review Committee was held on Wednesday, September 2, 2015, at 1:00 p.m. in the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Committee Members present were:

David Tomes, Chairman
Jeff Brown, Commissioner
Rob Peterson, Commissioner
Donnie Blake, Commissioner

Committee Members absent were:

Chip White, Vice Chairman
Robert Kirchdorfer, Commissioner

Staff Members present were:

Emily Liu, Planning Director
Joseph Reverman, Planning Manager
Brian Davis, Planning Supervisor
Steve Hendrix, Planning Supervisor
Matthew Doyle, Planner II
Jon Crumbie, Planner II
John Carroll, Legal Counsel
Sue Reid, Management Assistant

The following matters were considered:

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APPROVAL OF MINUTES

Approval of the minutes of the August 19, 2015 Development Review Committee meeting

00:10:06 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted.

RESOLVED, that the Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on August 19, 2015.

The vote was as follows:

YES: Commissioners Brown and Peterson.

NO: No one.

ABSTAINING: Commissioner Blake and Chairman Tomes.

NOT PRESENT AND NOT VOTING: Vice Chair White and Commissioner Kirchdorfer.

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OLD BUSINESS

CASE NO. 15DEVPLAN1044

Request:	Category 3 Review and sidewalk waiver
Project Name:	Christ Temple Apostolic Church
Location:	723 South 45 th Street
Owner:	Christ Temple Apostolic Church
Applicant:	Christ Temple Apostolic Church
Representative:	Evans/Griffin, Inc.
Jurisdiction:	Louisville Metro
Council District:	5 – Cheri Bryant Hamilton
Case Manager:	Matthew R. Doyle – Planner II

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

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.

Agency Testimony:

00:11:04 Matthew Doyle presented the case (see staff report and recording for detailed presentation).

The following spoke in favor of this request:

Charlie Keyes, Keyes Architects, 3005 Taylor Blvd., Louisville, KY 40208

Summary of testimony of those in favor:

00:12:59 Charlie Keyes spoke on behalf of the applicant.

The following spoke in opposition to this request:

No one spoke.

00:14:55 On a motion by Commissioner Peterson, seconded by Commissioner Blake, the following resolution was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners since the abutting right-of-way would remain in its current state with the grass verge and fully matured Oak trees, and

WHEREAS, the Committee further finds that Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in

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the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. The waiver would not violate specific guidelines of Cornerstone 2020 since the Doerhoefer Ave functions more like an alley than a local street, and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the proposed development meets or exceeds all other applicable regulations of the Land Development Code, and

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of land or create an unnecessary hardship since the proposed development meets or exceeds all other applicable regulations of the Land Development Code; the applicant would have to remove an existing area that buffers the adjacent property owners from the church parking; the applicant would be the only property owner to provide a sidewalk along this stretch of Doerhoefer Ave; and, to properly construct the sidewalk, the applicant would lose parking spaces necessary to meet the minimum required parking spaces; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** 15DEVPLAN1044, Category 3 Review and Sidewalk Waiver, based on the staff report and the presentation heard today.

The vote was as follows:

YES: Commissioners Brown, Peterson, Blake and Chairman Tomes.

NO: No one.

NOT PRESENT AND NOT VOTING: Vice Chair White and Commissioner Kirchdorfer.

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NEW BUSINESS

CASE NO. 15WAIVER1025

Request:	Waiver to allow the parking lot to extend in front of the existing building
Project Name:	Mt. Horeb Missionary Baptist Church
Location:	1701 Gallagher Street
Owner:	Mt. Horeb Missionary Baptist Church
Applicant:	Mt. Horeb Missionary Baptist Church
Representative:	Renaissance Design Build, Inc.
Jurisdiction:	Louisville Metro
Council District:	6 – David James
Case Manager:	Matthew R. Doyle – Planner II

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

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.

Agency Testimony:

00:16:05 Matthew Doyle presented the case (see staff report and recording for detailed presentation).

The following spoke in favor of this request:

Nathan Grimes, Renaissance Design Build, 1012 S. 4th Street, Louisville, KY 40203

Summary of testimony of those in favor:

00:17:51 Nathan Grimes spoke on behalf of the applicant.

The following spoke in opposition to this request:

No one spoke.

00:18:52 On a motion by Commissioner Blake, seconded by Commissioner Peterson, the following resolution was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners since the proposal will provide the appropriate screening/buffering, and

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WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020 since the proposal will provide off-street parking for a church that does not have any currently, and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the proposal will provide off-street parking for a church that does not have any currently, and

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of land or create an unnecessary hardship since the church needs off-street parking spaces; now therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** 15WAIVER1025, Waiver to allow the parking lot to extend in front of the existing building, based on the staff report and testimony heard today.

The vote was as follows:

YES: Commissioners Brown, Peterson, Blake, and Chairman Tomes.

NO: No one.

NOT PRESENT AND NOT VOTING: Vice Chair White and Commissioner Kirchdorfer.

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NEW BUSINESS

CASE NO. 15CELL1003

Request: Request to construct a 195 foot monopole tower with a 4 foot tall lightning arrestor for a total height of 199 feet with a 5,625 square foot compound area.

Project Name: Thixton Lane
Location: 9212 Thixton Lane
Owner: Revocable Trust Agreement for Rena V. Crenshaw, Gilbert Crenshaw, Trustee
Applicant: Crown Castle Towers 06-2, LLC and Verizon Wireless
Representative: Christopher King, Lorch Naville Ward LLC
Jurisdiction: Louisville Metro
Council District: 22—Robin Engel
Case Manager: Steve Hendrix, Planning Supervisor

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

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Agency Testimony:

00:20:28 Steve Hendrix presented the case (see staff report and recording for detailed presentation).

The following spoke in favor of this request:

Chris King, Lorch Naville Ward LLC, 506 State Street, New Albany, IN 47150

Summary of testimony of those in favor:

00:25:09 Chris King spoke on behalf of the applicant and showed a PowerPoint presentation.

The following spoke in opposition to this request:

No one spoke.

00:41:58 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted:

A Waiver of the required 35 foot wide landscape buffer to a width of 12 feet and 6 inches with 33 white pines:

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WHEREAS, the Louisville Metro Development Review Committee finds that The reduction in the width of the landscape buffer waiver will not adversely affect adjacent property owners, since 33 white pines will be planted, and

WHEREAS, the Committee further finds that the waiver will not violate guideline 3, Compatibility, of Cornerstone 2020, which calls for the protection of roadway corridors and public areas from visual intrusions, so as not to negatively impact nearby residents and pedestrians, since the compound area will have an eight foot high wooden shadowbox fence and the trees, and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant, since 12 feet, 6 inches is an appropriate width for white pines, and

WHEREAS, the Committee further finds that the reduction allows the applicant to continue with the remainder of the land being continued as farmland and at the same time screening the base of the compound; and

Cell Tower

WHEREAS, the Louisville Metro Development Review Committee finds that the proposal meets the intents of the Compatibility Guideline (ensure compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development), the Visual Impacts Guideline (protect the character of residential areas, roadway corridors, and public spaces from visual intrusions and mitigate when appropriate), and the Guideline for Buffers (protect the character of residential areas, roadway corridors, and public spaces from visual intrusions and mitigate when appropriate. Mitigate the impacts caused when incompatible developments unavoidably occur adjacent to one another. Buffers should be used between uses that are substantially different in intensity or density. Buffers should be variable in design and may include landscaping, vegetative berms and/or walls and should address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, junk, outdoor storage, and visual nuisances), the proposed location is within a rural section of southeastern Jefferson County. The compound area will be screened with an eight foot wooden shadowbox fence and landscaped with 33 white pines. The monopole will be visible from various points in the area, and

WHEREAS, the Committee further finds that the proposal meets the intents of the Guidelines for Cellular Towers. Establish and enforce standards for the placement, height, design, and buffering of antenna towers for cellular telecommunications services

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and personal communications services. Antenna tower location and design must consider the effect of the tower on the character of the general area in the vicinity of the tower and the likely effects of the installation on nearby land uses and values. Issues that must be addressed include the necessity for the tower, co-location possibilities, design, mass, scale, siting, and abandonment and removal of antenna tower structures. The applicant states that there are no other suitable or willing co-locatable structures or structure owners identified within the vicinity to meet the coverage objectives. The applicant states they have considered the likely effects of the installation on nearby land uses and values and have concluded that there is no more suitable location reasonably available from which adequate service can be provided. The applicant further states that the proposed facility has been designed to accommodate additional wireless telecommunication carriers, thus reducing the need for additional towers in the area in the future, and

WHEREAS, the Committee further finds that the proposal meets the intents of the Guidelines for Community Facilities, as follows:

Community Facilities

15.21 Antenna Towers for Cellular Telecommunications

Cellular towers should be designed to:

- minimize impact on the character of the general area concerned,
- be sited in order from most preferred to least preferred :
 1. highway rights-of-way except designated parkways;
 2. existing utility towers
 3. commercial centers
 4. governmental buildings
 5. high-rise office structures
 6. high rise residential structures
- minimize the likely effects of the installation on nearby land uses and values;
- be designed to address compatibility issues such as co-location, mass, scale, siting, abandonment and removal of antenna tower structure.

Although the tower does not meet one of the above siting criteria, its placement has been taken into account to minimize the impact on the character of the general area, by its distance from the road, the proposed screening and landscaping. The siting criteria did not anticipate the demand and coverage area needed for cell phone use; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** 15CELL1003, application for a proposed 195 foot monopole tower with a 4 foot lightning arrestor for a total structure height of 199 feet, **AND** a Waiver of the

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required 35 foot wide landscape buffer to a width of 12 feet and 6 inches with 33 white pines.

The vote was as follows:

YES: Commissioners Brown, Peterson, Blake and Chairman Tomes.

NO: No one.

NOT PRESENT AND NOT VOTING: Vice Chair White and Commissioner Kirchdorfer.

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NEW BUSINESS

CASE NO. 15WAIVER1022

Request:	Sidewalk waiver along the McMahan Boulevard street frontage
Project Name:	None - Residence
Location:	2903 McMahan Boulevard
Owner:	Frank Fleck, Jr.
Applicant:	Frank Fleck, Jr.
Representative:	Frank Fleck, Jr.
Jurisdiction:	Cambridge
Council District:	18 – Marilyn Parker
Case Manager:	Jon E. Crumbie – Planner II

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

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.

Agency Testimony:

00:43:04 Jon Crumbie presented the case (see staff report and recording for detailed presentation.)

The following spoke in favor of this request:

Frank Fleck, Jr., 2903 McMahan Boulevard, Louisville, KY

Summary of testimony of those in favor:

00:45:23 Frank Fleck, Jr., the applicant, presented his case.

The following spoke in opposition to this request:

No one spoke.

00:50:40 Commissioners' deliberation

00:58:33 A motion was made by Commissioner Brown to **DENY** 15WAIVER1022, Waiver to not provide a sidewalk along McMahan Boulevard. The motion **FAILED** for lack of a second.

00:59:05 On a motion by Commissioner Blake, seconded by Commissioner Peterson, the following resolution was adopted:

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WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners since there are no sidewalks on the east side of McMahan Boulevard, and

WHEREAS, the Committee further finds that Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. The waiver would not violate specific guidelines of Cornerstone 2020 since the development is within an area that does not have sidewalks along McMahan Boulevard, and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the proposed development meets or exceeds all other applicable regulations of the Land Development Code, and

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of land or create an unnecessary hardship since the proposed development meets or exceeds all other applicable regulations of the Land Development Code; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does here **APPROVE** 15WAIVER1022, Waiver to not provide a sidewalk along McMahan Boulevard, based on the staff report and testimony heard today.

The vote was as follows:

YES: Commissioners Peterson, Blake, and Chairman Tomes.

NO: No one.

ABSTAINING: Commissioner Brown.

NOT PRESENT AND NOT VOTING: Vice Chair White and Commissioner Kirchdorfer.

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NEW BUSINESS

CASE NO. 15DEVPLAN1099

Request: Revised Detailed District Development Plan, Binding Element Amendments and Waivers from Section 5.5.1, Section 5.12.1, Section 5.9.2 and Section 10.2.12.B

Project Name: Tyler Retail Center

Location: 12611 Taylorsville Road

Owner: NEDCO LLC

Applicant: NEDCO LLC

Representative: Heritage Engineering LLC

Jurisdiction: Louisville Metro

Council District: 20 – Stuart Benson

Case Manager: Brian Davis, AICP, Planning Supervisor

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

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.

Agency Testimony:

01:00:45 Brian Davis presented the case (see staff report and recording for detailed presentation).

The following spoke in favor of this request:

Jim Calvery, Nicklies Development, 6060 Dutchmans Lane, Suite 110, Louisville, KY 40205

Steve Porter, 2406 Tucker Station Road, Louisville, KY 40299

Summary of testimony of those in favor:

01:06:00 Jim Calvery spoke on behalf of the applicant.

01:11:24 Steve Porter spoke in favor of the request. Mr. Porter stated he was speaking on behalf of the Tucker Station Neighborhood Association, and they support all of the waivers and think the whole expansion is going to be fine. He stated he would like to have an amendment to Binding Element Number 13 to include language "as amended by testimony of the applicant".

01:15:04 Jim Calvery stated they are in agreement with Mr. Porter's request. Mr. Calvery stated they have agreed to do something with some EIFS distractions that will look more like windows and work on the placement of the doors.

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CASE NO. 15DEVPLAN1099

The following spoke in opposition to this request:

No one spoke.

01:19:33 On a motion by Commissioner Brown, seconded by Commissioner Blake, the following resolution was adopted:

15DEVPLAN1099, Waiver #1, to allow parking in front of the structure

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners since all of the outlots along Taylorsville Road have parking between the buildings and the right-of-way, and

WHEREAS, the Committee further finds that Guideline 3, Policy 1 of Cornerstone 2020 states "Ensure compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district." Also, Guideline 3, Policy 23 states "Setbacks, lot dimensions and building heights should be compatible with those of nearby developments that meet form district guidelines." As previously discussed, Outlots 5A and 5C were developed under the original form district (Neighborhood) which was in effect when the development plan was originally approved. The proposed development of Outlot 5B is in keeping with the setbacks and pattern established by Outlots 5A and 5C. Therefore the waiver will not violate the comprehensive plan, and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the not allowing parking in front of the building would be out of character with the development, and

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation could deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant by reducing the amount of parking spaces on the site, which could in turn cause them to request a parking waiver or result in the construction of a smaller building than the one that is proposed; and

15DEVPLAN1099, Waiver#2, to waive the requirement that 40% of the building area be located on a second or above floor

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners since no other structures within the development are multi-story and the proposed building is in keeping with the existing character of the development, and

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WHEREAS, the Committee further finds that Guideline 3, Policy 1 of Cornerstone 2020 states "Ensure compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district." Also, Guideline 3, Policy 23 states "Setbacks, lot dimensions and building heights should be compatible with those of nearby developments that meet form district guidelines." The majority of the development was developed under the original form district (Neighborhood) which was in effect when the development plan was originally approved. The proposed buildings on both Tract 1 and Outlot 5B are in keeping with the character of the buildings currently in the development. Therefore the waiver will not violate the comprehensive plan, and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the form district was changed after the original rezoning and development plan was approved. The change to Town Center is what has caused this design requirement, and

WHEREAS, the Committee further finds that the applicant is proposing a building that is designed to be visually pleasing along the Taylorsville Road frontage as well as towards the "rear" of the property, which faces in towards the center of the development. Parking is available on both sides of the building; and

15DEVPLAN1099, Waiver #3, to not provide a direct walk connection to the public sidewalk

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners since other pedestrian connections are provided into the development at its main points of ingress/egress. No other properties have direct pedestrian access from Taylorsville Road, and

WHEREAS, the Committee further finds that the development site currently meets Guideline 9, Policy 1 because the design does promote easy pedestrian circulation within the development. There are sidewalks along Taylorsville Road and Stone Lakes Drive as well as pedestrian connections from these two roads into the development at its primary entrances. Therefore the waiver will not violate the comprehensive plan, and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since a pedestrian connection from Taylorsville Road would disrupt the existing berm, landscaping and fence that is along the right-of-way, and

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WHEREAS, the Committee further finds that the applicant has incorporated sidewalks along the frontage towards the interior of the development as well as a sidewalk into the property next to the drive entrance; and

15DEVPLAN1099, Waiver #4, to allow more than 120 feet between landscape islands within the existing parking lot

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners since interior landscape islands are constructed within the parking lot. Some of these interior landscape islands are larger than typical islands, and

WHEREAS, the Committee further finds that the development currently provides interior landscape islands with maturing trees throughout the parking areas. The landscaping is in keeping with Guideline 13, Policies 4 (Landscape Design Standards) and 5 (Tree Canopy). Therefore the waiver will not violate the comprehensive plan, and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the parking area was already constructed under the previously approved development plan for the site and installing additional interior landscape islands would take away existing parking spaces, and

WHEREAS, the Committee further finds that the applicant has constructed larger interior landscape islands, some as large as 3,000 sf, which are sometimes preferred to having many smaller interior islands which may not be capable of sustaining trees as they grow larger; and

15DEVPLAN1099, Revised Detailed District Development Plan

WHEREAS, the Louisville Metro Development Review Committee finds that the proposal has limited natural resources on the site. New trees will be planted throughout the development to meet LDC requirements, and

WHEREAS, the Committee further finds that provisions for safe vehicular and pedestrian transportation have been included in the proposed development plan, and

WHEREAS, the Committee further finds that there are no open space requirements for the development, and

WHEREAS, the Committee further finds that MSD has reviewed and approved the plan for the relocated detention basin, and

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WHEREAS, the Committee further finds that the proposed changes to the Kroger building and the new retail building on Outlot 5B are in keeping with the overall site design, and

WHEREAS, the Committee further finds that with the exception of the variance and waivers, the proposal meets the guidelines of the Comprehensive Plan and Land Development Code; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** 15DEVPLAN1099, Revised Detailed District Development Plan and Four (4) Waivers, with the **AMENDMENT** to Binding Element Number 13 that will include an updated rear elevation to be approved by staff with the EIFS to simulate a store frontage as discussed in the meeting and **SUBJECT** to the following Binding Elements, based on the staff report, applicant's justification and the testimony heard today.

Proposed 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.
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 binding elements.
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. The development shall not exceed 152,275 **199,306** square feet of gross floor area.
5. Signs shall be in accordance with Chapter 8 of the LDC.

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6. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
7. 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.
8. 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 Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 of the LDC, prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any certificates of occupancy.
 - 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.
9. If a building permit is not issued within two years of the date of approval of the plan or rezoning, whichever is later, 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.
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 specifically waived by the Planning Commission.

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11. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
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 and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the June 8, 2004 Planning Commission meeting. **The materials and design of the proposed Kroger expansion and the retail on Outlot 5B shall be substantially the same as depicted in the renderings presented at the September 2, 2015 Development Review Committee meeting.**
14. The façade elevations shall be in accordance with applicable form district standards and shall be approved by DPDS staff prior to construction permit approval.
15. No idling of trucks shall take place within 200 feet of single-family residences.
16. The applicant shall provide documentation showing that the development complies with all the regulations from LDC Chapter 4, Part 1, Section 3, Lighting, prior to the issuance of a construction permit. These regulations include the following items:
 - a. Mounting Height Limit
 - b. Luminaire Shielding
 - c. Canopy Lighting Level
 - d. Light Trespass

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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. The site shall be developed in accordance with the tree preservation areas delineated on the site plan and related notes. 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.

All plans setting out tree preservation areas must contain the following notes:

1. Tree preservation areas (TPAs) identified on this plan represent portions of the site the developer has designated to be left undisturbed during the development of roadways, utilities and similar infrastructure. These are not permanent preservation areas. Tree in these areas may be removed during construction of homes or buildings on individual lots.
2. Dimension lines have been used on this plan to establish the general location of TPAs and represent minimum distances. The final boundary for each TPA shall be established in the field by the applicant, developer, or property owner to include canopy area of all trees at or within the dimension line.
3. Tree protection fencing shall be erected around all TPAs prior to site disturbance (except as provided in these notes) to protect the existing tree stands and their root systems. The fencing shall be located at least 3 feet beyond the edge of the tree canopy and shall remain in place until all construction is completed. When trees must be removed in a TPA, the fence shall be relocated to protect all remaining trees within that TPA. When a tree mass contains both WPAs and TPAs, fencing shall only be required at the outer most perimeter of that tree mass.
4. No parking, material storage, or construction activities are permitted within the TPAs beyond that allowed for preliminary site investigation work.
5. Clearing necessary to provide access for survey work, rock soundings or other usual and customary site investigations shall be permitted prior to Site Disturbance Approval. Preliminary site investigations shall be carefully planned to minimize the amount of clearing required. Clearing should follow proposed roadway centerlines and should not result in a clear access way of more than twenty (20) feet in width. Cleared access

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ways beyond proposed roadways to assess individual lots shall not exceed 12 feet in width or encroach into any proposed open space lots. No trees exceeding eight (8) inches in diameter measured at a height of four and one-half feet above ground level shall be removed without prior approval by DPDS.

19. An original stamped copy of the approved Tree Preservation Plan shall be present on site during all clearing, grading, and construction activity and shall be made available to any Louisville Metro inspector or enforcement officer upon request.
20. Engineers will be onsite during construction to monitor sinkhole remediation if any sinkholes are discovered, and to insure stability of foundations in areas potentially affected by any sinkholes.
21. A geotechnical report shall be conducted for the site and the results shall be submitted to Public Works and MSD for review prior to construction plan approval. Construction methods and precautions recommended in the report shall be applied to construction within the development.
22. Geotechnical report of the entire site prior to land disturbance and dye tracing. Note: Dye tracing needs to be done since there are many springs in the area and some spring houses on properties in the area and sinkholes.
23. Have a "first flush" basin to catch runoff prior to discharging into a second basin.
24. Notification to the following should any changes to the binding elements or the detailed development plan be sought in the future:
 - 1) Stone Lakes Neighborhood Association.
Sue Baugh Mattlingly, 13812 Lakemont Court, Lou., Ky. 40299
267-0663 or 551-3666 or sm4consult@aol.com
 - 2) Grenden Fields Neighbors
Renee Mitchell, 4102 Berenger Fields Dr., Lou., Ky. 40299
297-8008, renee0055@hotmail.com
 - 3) Blackacre Foundation
Carolyn Cromer, 3200 Tucker Station Road, Lou., Ky. 40299
266-9802, carolyn.cromer@blackacrefoundation.org
 - 4) Tucker Station Neighborhood Association

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David Kaelin, 2421 Tucker Station Road, Lou., Ky. 40299
266-5891, kaelinfarms@aol.com

25. Buildings in the project shall, except for trim, have all walls constructed of finished quality brick or stone and glass, architectural EFIS, metal roofing and/or asphalt shingles. Rooftop equipment shall be screened from view. There shall be no signs above the roof line.
26. Outdoor storage, display and sales shall be permitted only as allowed by the Land Development Code.
27. Outdoor sales and display areas shall be limited to the designated area shown on the development plan. No refrigeration systems, refrigerators, freezers, coolers or similar equipment shall be located outside the building unless screened.
28. Outdoor storage of pallets and/or bundled or unbundled boxes shall be limited to the designated, screened area shown on the development plan. No other exterior storage shall be permitted on site unless in compliance with the Land Development Code.
29. Outdoor trash storage and the compactor or trash container unit shall each be contained in a screened area and shall be limited to the designated area(s) shown on the development plan. "Trash" shall include any pallets, cardboard boxes, extra shelving, disabled carts or any similar items.
30. All outdoor lighting shall be directed down and away from the surrounding properties and the adjacent streets. Light poles shall not exceed that allowable by the Land Development Code. Lighting fixtures shall be fully shielded and shall utilize flat lenses so that no light source (i.e. the lamp within the fixture) is visible off-site. Light levels due to lighting on the subject site shall not exceed 0.5 foot candles measured at the property line or that allowable by the Land Development Code. All luminaries mounted on or recessed into the lower surface of canopies or drive-through bays shall be fully shielded and utilize flat lenses. The maximum lighting level shall be 50 foot candles or that allowable by the Land Development Code.
31. Any fuel station canopy shall be a maximum of 19 feet tall and shall have a skirt extending 8 inches below the lower surface of the canopy.
32. The roof of any buildings shall have no skylights visible from the ground unless they are covered or shielded between dusk and dawn.

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33. No loading or deliveries, trash pickup, trash compacting audible beyond the property line, outdoor construction or maintenance, or parking lot cleaning or sweeping (except snow and ice) shall occur on the property between the hours of 11 PM and 6 AM.
34. No delivery trucks with lights, engines, refrigerator motors or similar equipment in operation shall be allowed to park on the property between the hours of 11 PM and 6 AM.
35. Any proposed landscaping plan shall include the retention of some existing trees and natural vegetation. There shall be a 35-foot buffer at the rear of the property which shall be maintained by the property owner.
36. Developer shall provide a traffic light at the corner of Taylorsville Road and St. Michael Road/Stone Lakes Drive as permitted by the Kentucky Department of Transportation.
37. Developer shall provide a 25 foot landscape buffer area along the entire western boundary.
38. A 25-foot landscape buffer area shall be provided along Taylorsville Road and a 15-foot landscape buffer (substantially as depicted in the PowerPoint presentation at the June 8, 2004 public hearing), in addition to the 15-foot easement along St. Michaels Church Road and shall contain a three or four-board "horse fence," extending north to the southern most entrance to the development, off St. Michaels Church Road as shown during the public hearing on June 8, 2004.
39. Enhanced landscaping along the west property line and Taylorsville Road shall be provided after collaboration with DPDS staff / Urban Design staff, as to the particular species of plantings. Enhanced landscaping along Taylorsville Road will include a 2 to 6 foot high berm.
40. Additional landscaping shall be provided, as per any agreements reached with individual property owners as set forth in the applicant's power point presentation (June 8th, 2004). As each detailed plan is submitted associated off site plantings shall be installed.
41. No more than two of the proposed restaurants on the site will be fast-food establishments.

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42. The proposed road improvements along Taylorsville Road and St. Michaels Church Drive shall be substantially as presented at the June 8, 2004 and July 7th, 2004, public hearings, as shown on the development plan, and as approved by the Department of Public Works / Ky Department of Transportation.
43. The developer shall contribute an amount equal to 20% of the cost of the design work for the Tucker Station Road / Taylorsville Road improvement project, such amount not to exceed \$20,000.00.
44. The developer shall, if requested by the Kentucky Department of Transportation, install traffic signal synchronization conduit as a part of the road improvements on Taylorsville Road.
45. The developer shall work with the Urban Design staff of Planning & Design Services and the Tyler Settlement Task Force on providing a historic plaque, marker or other "historic" feature in the public space along the westerly line of the property, which may also include benches and picnic tables.
46. The developer shall relocate the fuel station from along Taylorsville Road to St. Michaels Church Drive. In addition, the westernmost access to Taylorsville Road shall be removed; however, the developer reserves the right to construct said entrance at a later date with the approval of Louisville Metro Public Works and the Planning Commission based upon further traffic studies indicating that such entrance will promote public safety and welfare. The applicant will submit a revised plan eliminating the westernmost entrance and moving the fuel station to the St. Michaels Church Drive side of the development.

The vote was as follows:

YES: Commissioners Brown, Peterson, Blake and Chairman Tomes.

NO: No one.

NOT PRESENT AND NOT VOTING: Vice Chair White and Commissioner Kirchdorfer.

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NEW BUSINESS

CASE NO. 15DEVPLAN1103

Request:	Detailed District Development Plan and Waivers
Project Name:	Blankenbaker Station II Lot 27
Location:	13001 Plantside Drive
Owner:	Hosts Development LLC
Applicant:	Hosts Development LLC
Representative:	Mindel Scott and Assoc.; Bardenwerper Talbott and Roberts
Jurisdiction:	Louisville Metro
Council District:	20-Staurt Benson
Case Manager:	Julia Williams, AICP, Planner II

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

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.

Agency Testimony:

01:21:10 Julia Williams presented the case (see staff report and recording for detailed presentation).

The following spoke in favor of this request:

Bill Bardenwerper, Bardenwerper Talbott and Roberts, 1000 N. Hurstbourne Parkway, Louisville, KY 40223

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

Summary of testimony of those in favor:

01:24:16 Bill Bardenwerper spoke on behalf of the applicant and showed a PowerPoint presentation.

01:32:12 Kent Gootee spoke on behalf of the applicant in regard to the amenity area.

The following spoke in opposition to this request:

No one spoke.

01:36:29 Commissioners' deliberation.

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01:38:13 On a motion by Commissioner Blake, seconded by Commissioner Peterson, the following resolution was adopted:

15DEVPLAN1103, Waiver #1, to not provide vehicular and pedestrian connections between parking lots of abutting developments

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners since adjacent properties are likely to be similar in use, office/warehouse, where cross connectivity would interfere with tractor trailer circulation on the sites, and

WHEREAS, the Committee further finds that Guideline 2, policy 13 calls to Encourage adjacent development sites to share entrance and parking facilities in order to reduce the number of curb cuts and the amount of surface parking. Guideline 7, policy 13 calls for the requirement of joint and cross access easements according to standards set forth in the Land Development Code, to reduce traffic on major thoroughfares and to reduce safety hazards. Guideline 7, policy 16 calls for the promotion of joint access and circulation systems for development sites comprised of more than one building site or lot. The purpose of the requirements to be waived are to allow similar, compatible non-residential uses to access adjacent sites without use of the main road to reduce curb cuts, the amount of surface parking, and to reduce traffic on the main thoroughfare. The site is located where cross access would create more of a nuisance due to tractor trailer maneuvering, and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the site is located along roads that are not high traffic, and

WHEREAS, the Committee further finds that 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 existing roadways are not high traffic and the adjacent uses will be similar in that tractor trailers will utilize the site. Not providing cross connectivity allows each site to reduce tractor trailer conflicts; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** 15DEVPLAN1103, Waiver #1, to not provide vehicular and pedestrian connections between parking lots of abutting developments, based on the staff report and staff analysis on page 3 of the staff report.

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The vote was as follows:

YES: Commissioners Brown, Peterson, Blake and Chairman Tomes.

NO: No one.

NOT PRESENT AND NOT VOTING: Vice Chair White and Commissioner Kirchdorfer.

01:39:11 On a motion by Commissioner Blake, seconded by Commissioner Peterson, the following resolution was adopted:

15DEVPLAN1103, Waiver #2, to reduce the required amount of amenity area from 16,400 sf to 3,922 sf

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** 15DEVPLAN1103, Waiver #2, to reduce the required amount of amenity area from 16,400 sf to 3,922 sf, based on the justification that the waiver will not adversely affect adjacent property owners since the amenity area will only serve the subject site, and the waiver will not violate specific guidelines of Cornerstone 2020 since amenity areas will be provided on the site to accommodate the office use portions of the property, and 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 because the required 16,400 sf of amenity area is inappropriate and the proposed 10% office area for the amenity of 3,922 sf provided will be sufficient for the use of the site.

The vote was as follows:

YES: Commissioners Brown, Peterson, Blake and Chairman Tomes.

NO: No one.

NOT PRESENT AND NOT VOTING: Vice Chair White and Commissioner Kirchdorfer.

01:41:08 On a motion by Commissioner Blake, seconded by Commissioner Peterson, the following resolution was adopted:

15DEVPLAN1103, Detailed District Development Plan

WHEREAS, the Louisville Metro Development Review Committee finds that tree canopy requirements of the Land Development Code will be provided on the subject site, and

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WHEREAS, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan, and

WHEREAS, the Committee further finds that there are no open space requirements with the current proposal. A 3,922 sf amenity area is being provided, and

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

WHEREAS, the Committee further finds that the overall land uses are compatible with the existing and future development of the area. Buildings and parking lots will meet all required setbacks, and

WHEREAS, the Committee further finds that the development plan conforms to requirements of the Land Development Code with the exception of the requested land development code waiver to reduce the amount of outdoor amenity area; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** 15DEVPLAN1103, Detailed District Development Plan, based on the staff report, testimony heard today and the staff analysis on page 2 of the staff report, and **SUBJECT** to the following Binding Elements:

Proposed Binding Elements

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

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 164,000 square feet of gross floor area.

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

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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 9/2/15 DRC meeting.
9. The design of the outdoor amenity area is required to be approved by the Planning Commission or designee. The amenity area shall be shown on the landscape plan submitted for approval.

The vote was as follows:

YES: Commissioners Brown, Peterson, Blake and Chairman Tomes.

NO: No one.

NOT PRESENT AND NOT VOTING: Vice Chair White and Commissioner Kirchdorfer.

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NEW BUSINESS

CASE NO. 15DEVPLAN1107

Request:	Revised Detailed District Development Plan
Project Name:	Jefferson Crossing Phase 4 Senior Living
Location:	5104 Gemma Way
Owner:	Jefferson Crossings CD LLC
Applicant:	Weber Group, Inc.
Representative:	Heritage Engineering LLC
Jurisdiction:	Louisville Metro
Council District:	2-Barbara Shanklin
Case Manager:	Julia Williams, AICP, Planner II

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

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.

Agency Testimony:

01:42:21 Julia Williams presented the case (see staff report and recording for detailed presentation).

The following spoke in favor of this request:

John Campbell, Heritage Engineering, 642 S. 4th Street, Louisville, KY 40202

Summary of testimony of those in favor:

01:43:34 John Campbell spoke on behalf of the applicant.

The following spoke in opposition to this request:

No one spoke.

01:47:05 On a motion by Commissioner Blake, seconded by Commissioner Peterson, the following resolution was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that there does 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

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WHEREAS, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan, and

WHEREAS, the Committee further finds that the subject site meets Land Development Code requirements for open space, and

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

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

WHEREAS, the Committee further finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code; now, therefore be it

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** 15DEVPLAN1107, Revised Detailed District Development Plan, based on the staff report and testimony heard today, with the **ELIMINATION** of Binding Element Number 5b, and **SUBJECT** to the following Binding Elements:

Proposed Binding Elements

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

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 63,000 square feet of gross floor area for the residential structure.

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3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. 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.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit)) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
 - ~~b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.~~
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
6. 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.
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 9/2/15 DRC meeting.

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The vote was as follows:

YES: Commissioners Brown, Peterson, Blake and Chairman Tomes.

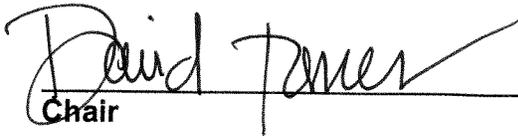
NO: No one.

NOT PRESENT AND NOT VOTING: Vice Chair White and Commissioner Kirchdorfer.

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ADJOURNMENT

The meeting adjourned at approximately 2:46 p.m.


Chair


Planning Director