

**LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE  
MEETING MINUTES  
AUGUST 2, 2017**

A meeting of the Louisville Metro Development Review Committee was held on August 2, 2017, at 1:00 p.m. at the Old Jail Building, 514 W Liberty Street, Louisville, KY 40202.

**Commissioners present:**

David Tomes, Chair  
Rich Carlson, Vice Chair  
Jeff Brown  
Laura Ferguson

**Commissioners absent:**

Emma Smith

**Staff members present:**

Brian Davis, Planning Manager  
Steve Hendrix, Planning Supervisor  
Laura Mattingly, Planner II  
Jay Lucket, Planner I  
Ross Allen, Planner I  
Joel Dock, Planner II  
Brian Mabry, Planning Supervisor  
John Carroll, Legal Counsel  
Kristen Loeser, Management Assistant

The following matters were considered:

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**APPROVAL OF MINUTES**

**00:05:10** On a motion by Commissioner Ferguson, seconded by Commissioner Brown, the following resolution was adopted:

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on July 19, 2017.

**The vote was as follows:**

**Yes: Ferguson, Brown, and Carlson**

**Absent: Smith and Tomes**

**Abstain: None**

**No: None**

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**NEW BUSINESS**

**CASE NUMBER 17WAIVER1019**

Project Name: Landscape waivers (LDC 2004 – City of Jeffersontown)  
Location: 2010 Plantside Drive  
Owner(s): Michael Potter – MIJA LLC  
Applicant: Ryan Potter – Flexo Wash  
Representative(s): Jon Baker Esquire – Wyatt, Tarrant, and Combs, LLP.  
Project Area/Size: 1.00 acre or 43,558.47 sf.  
Jurisdiction: City of Jeffersontown, KY  
Council District: 18 – Marilyn Parker  
Case Manager: Ross Allen – Planner I

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

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (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.**

*NOTE: This case was heard as the second item under New Business.*

**Agency Testimony:**

**00:09:25** Ross Allen presented the case (see Staff Report and recording for detailed presentation).

**The following spoke in favor of the request:**

Jon Baker, 500 W Jefferson, Suite 2800, Louisville, KY 40202

**Summary of testimony of those in favor:**

**00:13:30** Jon Baker spoke on behalf of the applicant who is requesting five waivers from the LDC. Flexowash, LLC is a company that sells environmentally friendly cleaning solutions for commercial and industrial printers. They have experienced steady growth and are looking for an expansion to house inventory and equipment that will be used for cleaning demonstrations. Mr. Baker reviewed the reasons for each waiver request. The hours of operation will be 8:00 a.m. to 5:00 p.m., and they receive three to four deliveries a day.

**00:24:00** Commissioners' deliberation

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**00:24:44** On a motion by Commissioner Brown, seconded by Vice Chair Carlson, the following resolution was adopted:

**WAIVER #1 of LDC Section 5.5.4.B.1 to reduce the 50 foot landscape buffer area to 10 feet along the rear property line for an approximate distance of 132 feet and not provide a 6 foot berm, adjacent to a residentially zoned R-4 parcel in a Neighborhood Form District:**

**WHEREAS**, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners since currently there is no LBA established along the western property line, the applicant is proposing to supplement the existing plantings as found on the western residentially zoned parcel with a 10 foot LBA and planting of eight foot evergreens, five feet on center, with an existing chain link fence to mitigate any visual effects from the proposed expansion/addition, and

**WHEREAS**, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020 because the proposed building expansion conforms to the pattern of development of the Suburban Workplace Form District and within the Bluegrass Research and Industrial Park, particularly the developed industrial, office, and warehouse properties located along Plantside Drive, 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 requests relief from the applicable LDC landscape and property perimeter buffer requirements, the applicant is meeting the spirit of these regulations because it will provide much needed landscaping enhancements on site, including added green space, reduced impervious areas, and a continuous 8-foot vegetative screen along the rear property line, all of which contribute to a significant improvement to the Subject Property, 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 because current placement of the existing building and associated access drive location are existing conditions and cannot be relocated, at least not without the applicant enduring unaffordable costs, and

**WAIVER #2 of LDC Section 5.6.1.B.1.a and 5.7.1.B.1.3 to allow the proposed façade, as found to the rear and located in a transition zone PEC to R-4, to not meet the standards for primary building façade, having less than 60% of the horizontal length being animated features:**

**WHEREAS**, the Committee further finds that The requested waiver will not adversely affect adjacent property owners, particularly the adjoining

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residential property to its rear. The applicable LDC provisions are intended to soften the often hard aesthetic look of industrial/warehouse buildings when those buildings face residentially-used properties. As set forth in the justification to the associated landscape waiver requests, the applicant is establishing a continuous 8-foot evergreen screen along the shared property line with the residential property, where no screen previously existed on the Subject Property. In addition, the adjoining residential property already has a robust vegetative screen along its rear property line, as well as existing tree canopy, which provides additional protection from views above the landscaping screen and into the Subject Property. As a result, the adjacent residential property owner to the rear will not be able to see the ground level of the applicant's proposed building expansion and the sections of the building located above the ground level that might be viewable will contain animating features. Hence, the adjoining property owner to the rear will not be adversely affected by the applicant's waiver request, and

**WHEREAS**, the Committee further finds that Guideline 3, Policies 1 and 2 call for the compatibility of all new development and revelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. The type of building materials may be considered as a mitigation measure and may also be considered in circumstances specified in the Land Development Code. When assessing compatibility, it is appropriate to consider the choice of building materials in the following circumstances: (1) projects involving residential infill; (2) projects involving non-residential uses; and (3) when specified in the Land Development Code. The proposal is for a non-residential use. The Land Development Code provides building design standards for non-residential and mixed use buildings. The purpose of the regulation is to provide visual interest and a human scale that are representative of the form district through the use of windows, columns, pilasters, piers, variation of material, entrances, storefront windows, and other animating features along no less than 60% of the façade. The applicable LDC provisions are intended to soften the often hard aesthetic look of industrial/warehouse buildings when those buildings face residentially-used properties. As set forth in the justification to the associated landscape waiver requests, the applicant is establishing a continuous 8-foot evergreen screen along the shared property line with the residential property, where no screen previously existed on the Subject Property. In addition, the adjoining residential property already has a robust vegetative screen along its rear property line, as well as existing tree canopy, which provides additional protection from views above the landscaping screen and into the Subject Property. As a result, the adjacent residential property owner to the rear will not be able to see the ground level of the applicant's proposed building expansion and the sections of the building located above the ground level that might be viewable will contain animating features. Hence, the adjoining property owner to the rear will not be adversely affected by the applicant's waiver request. The applicant is

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providing landscaping improvements to the rear area of the subject property, where virtually no landscaping existed before. Additionally, the property is located within the Bluegrass Research and Industrial Park, the majority of which is located within the Suburban Workplace Form, where buildings very similar in nature to what the applicant proposes here are located throughout the Industrial Park. Moreover, the very configuration the applicant is requesting with its building expansion appears to be the standard pattern of development along this stretch of Plantside Drive and how the industrial and warehouse buildings located thereon relate to the rear yards of the residential properties fronting Old Hickory Road. Hence, the applicant's waiver request is compatible with the surrounding area and complies with Cornerstone 2020, and

**WHEREAS**, the Committee further finds that the extent of the waiver is the minimum necessary to afford the applicant relief. The applicant is providing animating features along the upper level of its rear-facing facade, where windows will be installed. Flexo Wash intends to use this portion of the proposed building expansion to store valuable product inventory and associated machinery, and the windows will be installed above the area where it is more appropriate for security measures. The applicant will install an 8-foot vegetative screen to help create a suitable transition between the residential and PEC properties, which will offset any negative impacts resulting from the applicant's request to not use animating features on less than 60% along the horizontal length of the rear-facing facade's ground- floor level, and

**WHEREAS**, the Committee further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant in this case. The applicant proposes to install a continuous vegetative screen along the fence on its rear property line, which will bolster an already existing thick vegetative screen on the adjoining residential property. As a result, the applicant would be forced to include animating features along the ground level of the proposed warehouse's rear-facing facade, which, because of the existing and proposed screens, will be viewable only to its employees. The applicant's compliance with this LDC Section poses considerable security risks to the applicant that it simply cannot afford to undertake, and

**WAIVER #3 of LDC Section 10.2.4.A, tables 10.2.3 and 10.2.4, to reduce the required 15 foot Landscape Buffer Area (LBA) to .46 feet along the southern property line (side yard) between the existing access drive on the subject property and the adjacent (southern) PEC zoned property; and to reduce the 15 foot LBA to 6.97 feet along the northern property line between the northeastern corner of the proposed expansion and the adjacent (northern) PEC zoned property:**

**WHEREAS**, the Committee further finds that the waiver will not adversely affect adjacent property owners because, except for the proposed building expansion into a

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portion of the LBA along the north property line, the encroachments into required landscape buffer areas largely represent existing conditions. Moreover, the applicant is reducing the impervious area located on the Subject Property by 4,052 square feet (11.7% reduction for the site) and replacing it with green space. Much of this added green space will be along the north property line, where the applicant's proposed building addition won't negatively impact its adjacent neighbor, an auto collision repair center, because the neighbor's existing building shares a property line near applicant's proposed expansion. The portion of the south property line where the applicant is requesting less than a foot of LBA reflects an existing condition; the existing access drive will remain to allow cars to access the parking area in the rear of the Subject Property and trucks to make efficient and safe maneuvers when accessing the proposed loading area. A recessed loading dock is a part of the proposed building expansion and will face the PEC property to the south, which has a much larger parking area thereon that also includes a loading area directed toward the Subject Property. Existing trees along the Subject Property's southern property provides some softening between the neighboring properties' parking areas. The adjacent properties to the north and south do not have established perimeter property LBAs along their respective shared property lines with the subject property. Currently, there is no LBA established on the Subject Property's western property line, which is shared with a residential property; a strong tree canopy and thick evergreen screen exists on the residential property, however the applicant proposes to supplement the already effective screen with a 10-foot LBA along its rear property line, which will be planted with a solid, 8-foot evergreen screen to further mitigate any visual effects from the proposed building expansion, VUA and parking areas. There is an existing electrical easement occupying the rear 50 feet of the Subject Property and provides access to overhead electrical power lines, which span the rear yards of the properties located along this stretch of Plantside Drive. Said electrical power lines are high enough above the property and do not consume all SO-feet of the easement, however, so that the applicant can safely establish the proposed 10-foot LBA along the existing chain-link fence. In contrast, to the exiting condition, where the previous property owner utilized its rear yard as a staging area for materials used on offsite commercial construction jobs, the applicant proposes a clean, landscaped parking and vehicular use area-a measurable improvement to a non-existent transition area between PEC and residentially zoned properties. The omission of an ILA in the rear parking and VUA will not adversely affect the neighboring property owners because the overall net effect of the proposed landscaping on the Subject Property will compensate for any loss of benefit from the inclusion of a small ILA within the compact parking and VUA in the rear of the property. Therefore, the requested waivers will not adversely impact adjoining properties, and

**WHEREAS**, the Committee further finds that Guideline 3, Policy 9 of Cornerstone 2020 calls for protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate. Guideline 3, Policies 21

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and 22 call for appropriate transitions between uses that are substantially different in scale and intensity or density, and mitigation of the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, Policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter airborne and waterborne pollutants. The proposed building expansion conforms with the pattern of development of the Suburban Workplace Form District and the pattern of development in the Bluegrass Research and Industrial Park, particularly the developed industrial, office and warehouse properties located along Plantside Drive. The waivers will not violate specific compatibility and design guidelines of Cornerstone 2020 because the proposed development, relative to how it relates to the Subject Property, will be compatible in layout, massing, scale, and size to other uses within the same corridor. Indeed, the adjacent properties to the north and south currently have existing buildings that encroach into the transitional zone buffer area and associated rear LBAs in a similar fashion to what the applicant now proposes with its building expansion. This pattern of development is firmly established along Plantside Drive, including those properties fronting Plantside and backing up to those properties that front Old Hickory Road. Therefore, the applicant's proposed development respects the predominant rhythm, massing and spacing of the existing development in the immediate area. The applicant's proposed expansion to the existing building, along with the addition of a cleaned-up, landscaped parking and maneuvering area, represent a strong economic investment on the subject property, where the applicant is excited to relocate and grow its current business operations. In addition, the applicant's proposed landscaping improvements will improve the Plantside Drive streetscape with three new street trees and added bushes to screen the on the south property line, toward the front of the Subject Property. The existing location of the access drive and proposed parking and vehicular maneuvering areas will allow for proper and safe circulation on the site. The proposed development will not have any adverse traffic, lighting, or other visual impacts to surrounding property owners. For all the foregoing reasons, the requested waivers will not violate Cornerstone 2020, and



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**WHEREAS**, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant because the location of the current office and warehouse building and associated access drive that serve the property are existing conditions which are unlikely to change. Moreover, the existing office and warehouse building on the Subject Property predated the applicable property perimeter LBA requirements of the LDC, which, given the relatively narrow width of the parcel, would require removing the existing access drive south of the building to comply with the LBA requirement along the south property line. Consequently, the waiver of the applicable landscape and buffer regulations is the minimum necessary to afford relief to the applicant so that it can provide the necessary safe and efficient VUA and parking areas on site to serve its growing business. Though the applicant requests relief from the applicable LDC landscape and property perimeter buffer requirements, the applicant is meeting the spirit of these regulations because it will provide much needed landscaping enhancements on site, including added green space, reduced impervious areas, and a continuous 8-foot vegetative screen along the rear property line, all of which contribute to a significant improvement to the Subject Property, 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 and would create an unnecessary hardship on the applicant because the current placement of the existing building and associated access drive location are existing conditions and cannot be relocated, at least not without the applicant enduring unaffordable costs. Additionally, the Subject Property is a relatively narrow infill site which will utilize an existing access drive on the south of the existing building, leaving a limited area to provide on-site parking and VUA for loading/unloading. The requested waiver will enable the applicant to provide adequate parking and safe VUA for its proposed use on the Subject Property without negatively impacting the surrounding area. If the waiver for the access drive is not granted, the applicant will be unable to improve and utilize the property as proposed, and

**WAIVER #4 of LDC Section 10.2.4.B to allow an existing 50 foot electrical line easement to overlap the 10 foot LBA along the rear property line by 100%:**

**WHEREAS**, the Committee further finds that the waiver will not adversely affect adjacent property owners because existing electrical easement occupying the rear 50 feet of the Subject Property and provides access to overhead electrical power lines, which span the rear yards of the properties located along this stretch of Plantside Drive. Said electrical power lines are high enough above the property and do not consume all 50-feet of the easement, however, so that the applicant can safely establish the proposed 10-foot LBA along the existing chain-link fence, and

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**WHEREAS**, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020 because the proposed building expansion conforms with the pattern of development of the Suburban Workplace Form District and the pattern of development in the Bluegrass Research and Industrial Park, particularly the developed industrial, office and warehouse properties located along Plantside Drive. The waivers will not violate specific compatibility and design guidelines of Cornerstone 2020 because the proposed development, relative to how it relates to the Subject Property, will be compatible in layout, massing, scale, and size to other uses within the same corridor, and

**WHEREAS**, the Committee further finds that the extent of waiver of the regulations is the minimum necessary to afford relief to the applicant because the electrical power line easement, the location of the current office and warehouse building and associated access drive that serve the property are existing conditions which are unlikely to change. Moreover, the existing office and warehouse building on the Subject Property predated the applicable property perimeter LBA requirements of the LDC, 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 and would create an unnecessary hardship on the applicant because the electrical power line easement, current placement of the existing building and associated access drive location are existing conditions and cannot be relocated, at least not without the applicant enduring unaffordable costs, and

**WAIVER #5 LDC Section 10.2.11 to not provide the required 7.5% or 1,314.9 sf. of Interior Landscape Area (ILA) within the vehicular use area (VUA) located behind the proposed addition/expansion:**

**WHEREAS**, the Committee further finds that the requested waivers will not adversely affect adjacent property owners because, the applicant is reducing the impervious area located on the subject property by 4,052 square feet (11.7% reduction for the site) and replacing it with green space. The omission of an ILA in the rear parking and VUA will not adversely affect the neighboring property owners because the overall net effect of the proposed landscaping on the Subject Property will compensate for any loss of benefit from the inclusion of a small ILA within the compact parking and VUA in the rear of the property, and

**WHEREAS**, the Committee further finds that Guideline 13, Policy 5 calls for standards to ensure the creation and/or preservation of tree canopy as a valuable community resource. The purpose of interior landscape areas is to break up large impervious areas and allow for a greater distribution of tree canopy coverage. The applicant's requested waivers will not violate Cornerstone 2020 because the proposed building expansion

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conforms with the pattern of development of the Suburban Workplace Form District and the pattern of development in the Bluegrass Research and Industrial Park, particularly the developed industrial, office and warehouse properties located along Plantside Drive. The waivers will not violate specific compatibility and design guidelines of Cornerstone 2020 because the proposed development, relative to how it relates to the Subject Property, will be compatible in layout, massing, scale, and size to other uses within the same corridor. The applicant's proposed expansion to the existing building, along with the addition of a cleaned-up, landscaped parking and maneuvering area, represent a strong economic investment on the Subject Property, where the applicant is excited to relocate and grow its current business operations. In addition, the applicant's proposed landscaping improvements will improve the Plantside Drive streetscape with three new street trees and added bushes to screen the VUA on the south property line, toward the front of the Subject Property. The existing location of the access drive and proposed parking and vehicular maneuvering areas will allow for proper and safe circulation on the site. The proposed development will not have any adverse traffic, lighting, or other visual impacts to surrounding property owners, and

**WHEREAS**, the Committee further finds that the extent of waiver of the regulations is the minimum necessary to afford relief to the applicant because the location of the current office and warehouse building and associated access drive that serve the property are existing conditions which are unlikely to change. Moreover, the existing office and warehouse building on the subject property predate the applicable ILA requirements of the LDC allowing the necessary safe and efficient VUA and parking areas on site to serve its growing business. Though the applicant requests relief from the applicable LDC landscape and property perimeter buffer requirements, the applicant is meeting the spirit of these regulations because it will provide much needed landscaping enhancements on site, including added green space, reduced impervious areas, and a continuous 8-foot vegetative screen along the rear property line, all of which contribute to a significant improvement to the Subject Property, 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 and would create an unnecessary hardship on the applicant because the electrical power line easement, current placement of the existing building and associated access drive location are existing conditions and cannot be relocated, at least not without the applicant enduring unaffordable costs. Additionally, the subject property is a relatively narrow infill site which will utilize an existing access drive on the south of the existing building, leaving a limited area to provide on-site parking and VUA for loading/unloading. The requested waiver will enable the applicant to provide adequate parking and safe VUA for its proposed use on the subject property without negatively impacting the surrounding area. If the waiver for the access drive is not granted, the applicant will be unable to improve and utilize the property as proposed, and

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**WHEREAS**, the Committee further finds that, based on the staff report and the evidence and testimony presented today, that all of the applicable guidelines of Cornerstone 2020 are being met; now, therefore be it

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **RECOMMEND** that the City of Jeffersontown **APPROVE** Waivers 1 through 5 as referenced above.

**The vote was as follows:**

**Yes: Ferguson, Brown, and Carlson**

**Absent: Smith**

**Abstain: Tomes**

**No: None**

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**NEW BUSINESS**

**CASE NUMBER 17MOD1002**

Project Name: The Vinings  
Location: 9502 Williamsburg Plaza  
Owners: BEC JDGV I, LLC  
Applicant: Jefferson Development Group  
Representative: Bardenwerper Talbott & Roberts  
Jurisdiction: Hurstbourne  
Council District: 18 – Marilyn Parker  
Case Manager: Laura Mattingly, 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. (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.**

*NOTE: This case was heard as the first item under New Business.*

**Agency Testimony:**

**00:06:24** Laura Mattingly stated that the applicant is requesting that the case be continued.

**The following spoke in favor of the request:**

Bill Bardenwerper, 1000 N Hurstbourne Pkwy., Louisville, KY 40223

**Summary of testimony of those in favor:**

**00:06:46** Bill Bardenwerper requested that the case be continued to the next Land Development & Transportation Committee meeting.

**00:07:54** On a motion by Commissioner Brown, seconded by Commissioner Ferguson, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **CONTINUE** case number 17MOD1002 to the August 10, 2017 meeting of the Land Development & Transportation Committee.

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**The vote was as follows:**

**Yes: Ferguson, Brown, and Carlson**

**Absent: Smith**

**Abstain: Tomes**

**No: None**

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**NEW BUSINESS**

**CASE NUMBER 17DEVPLAN1121**

Project Name: Waterfront Botanical Gardens  
Location: 1620 River Road  
Owner(s): Louisville Metro  
Applicant(s): Kasey Maier, Botanica, dba Waterfront Botanical Gardens  
Representative(s): Matt Wolff, --Sabak, Wilson & Lingo, Inc.  
Existing Zoning: (W-2)-Waterfront Development Review Overlay District  
Existing Form District: Downtown  
Jurisdiction: Louisville Metro  
Council District: 9 – Bill Hollander  
Case Manager: Steve Hendrix, Planning 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. (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:**

**00:28:14** Steve Hendrix presented the case (see Staff Report and recording for detailed presentation).

**The following spoke in favor of the request:**

Matt Wolff, 608 S 3<sup>rd</sup> Street, Louisville, KY 40202

**Summary of testimony of those in favor:**

**00:30:03** Matt Wolff spoke on behalf of the applicant who is requesting a Community Facility Review for Phase 1 of the Waterfront Botanical Gardens. Mr. Wolff provided an overview of the project details.

**00:40:08** In response to Commissioner Brown, Mr. Wolff stated that they have had discussions with Fire and other agencies to ensure the access along Frankfort Avenue will accommodate busses and emergency vehicles.

**00:41:54** Commissioners' deliberation

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**CASE NUMBER 17DEVPLAN1121**

**00:44:35** On a motion by Vice Chair Carlson, seconded by Commissioner Brown, the following resolution was adopted:

**WHEREAS**, the Committee further finds that, based on the staff report and the evidence and testimony presented today, that all of the applicable guidelines of Cornerstone 2020 are being met; now, therefore be it

**RESOLVED**, the Louisville Metro Development Review Committee does hereby find that the Community Facility Review for Phase 1 of the Waterfront Botanical Gardens is in accordance with the Comprehensive Plan and is **APPROVED**.

**The vote was as follows:**

**Yes: Ferguson, Brown, Carlson, and Tomes**

**Absent: Smith**

**Abstain: None**

**No: None**



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**NEW BUSINESS**

**CASE NUMBER 17MINORPLAT1048**

Project Name: Gilezan Minor Plat  
Location: 16608 Dry Ridge Road  
Owner(s): Gilezan Properties, LLC  
Applicant: James C. Florence, Kevin Young - Land Design  
Jurisdiction: Louisville Metro  
Council District: 20 – Stuart Benson  
Case Manager: Brian Mabry, 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. (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:**

**00:46:10** Brian Mabry presented the case (see Staff Report and recording for detailed presentation).

**The following spoke in favor of the request:**

Kevin Young, 503 Washburn Avenue, Louisville, KY 40222

**Summary of testimony of those in favor:**

**00:48:16** Kevin Young spoke on behalf of the applicant who is requesting a waiver of LDC section 7.8.60.B.4 to allow individual single-family driveway access to a collector level roadway. In response to Commissioner Brown, Mr. Young stated that Visser Drive is part of the applicant's property.

**00:49:59** On a motion by Commissioner Brown, seconded by Vice Chair Carlson, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners as access will serve single-family residences and traffic will be the minimum necessary to serve them, and

**WHEREAS**, the Committee further finds that Guideline 3, Policy A.6 strives to mitigate adverse impacts of traffic from proposed development on nearby existing communities.

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The waiver will not violate specific guidelines of Cornerstone 2020 as the proposed subdivision will serve single-family residences and traffic will be the minimum necessary to serve them. The community abutting Dry Ridge Road is currently a low-density community, 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 as the existing property is vacant and will be used for low-density development. Requiring a shared driveway with an easement between the five lots would create an unnecessary hardship on the applicant, thus depriving the applicant of reasonable use of 60.6 acres of land, 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 as they would be prevented from using a large piece of property in a manner that meets LDC and Cornerstone 2020 guidelines. LDC section 7.8.60.B.4 prohibits Planning Commission staff from approving the minor subdivision, unless a waiver is granted, and

**WHEREAS**, the Committee further finds that, based on the staff report and the evidence and testimony presented today, that all of the applicable guidelines of Cornerstone 2020 are being met; now, therefore be it

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the waiver of the LDC section 7.8.60.B.4 to allow individual single-family driveway access to a collector level roadway.

**The vote was as follows:**

**Yes: Ferguson, Brown, Carlson, and Tomes**

**Absent: Smith**

**Abstain: None**

**No: None**

**DEVELOPMENT REVIEW COMMITTEE MINUTES  
AUGUST 2, 2017**

**NEW BUSINESS**

**CASE NUMBER 17DEVPLAN1019**

Project Name: 9903 Brownsboro Road  
Location: 9903 Brownsboro Road  
Owner(s): Commonwealth Bank & Trust Co.  
Applicant: Commonwealth Bank & Trust Co.  
Representative(s): Stites & Harbison, PLLC  
Project Area/Size: 2.74 acres  
Existing Zoning District: C-1  
Existing Form District: RC, Regional Center  
Jurisdiction: Louisville Metro  
Council District: 16 – Scott Reed  
Case Manager: Joel P. Dock, 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. (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:**

**00:51:35** Joel Dock presented the case (see Staff Report and recording for detailed presentation).

**The following spoke in favor of the request:**

Greg Ehrhard, 400 W Market Street, Louisville, KY 40202

**Summary of testimony of those in favor:**

**00:57:50** Greg Ehrhard spoke on behalf of the applicant who is requesting a revised detailed district development plan, a waiver, and amendments to binding elements. The initial development plan was approved in 2007, but was never implemented.

**00:59:51** Commissioners' deliberation

**01:00:17** On a motion by Commissioner Brown, seconded by Vice Chair Carlson, the following resolution was adopted:

**DEVELOPMENT REVIEW COMMITTEE MINUTES  
AUGUST 2, 2017**

**NEW BUSINESS**

**CASE NUMBER 17DEVPLAN1019**

**Waiver of LDC section 10.2.4.B to allow easements to overlap a Landscape Buffer Area by more than 50%**

**WHEREAS**, the Louisville Metro Development Review Committee finds that the waiver will not adversely impact adjacent property owners as the required planting material will be provided and due to the property's location within a form district transition zone the required number of plantings will be planted at 1.5 times the minimum required, and

**WHEREAS**, the Committee further finds that Guideline 3, Policy 9 calls for protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate. Guideline 3, Policies 21 and 22 call for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, Policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter airborne and waterborne pollutants. Each of these aforementioned policies will be adhered to upon the granting of the waiver as the required dimension and planting material is not being altered to provide relief from the provision, and

**WHEREAS**, the Committee further finds that the extent of the waiver is the minimum necessary to provide relief as easements must be provided to ensure the proper drainage on-site and plantings are being provided as required by 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 the land or would create an unnecessary hardship on the applicant as easements must be provided to ensure the proper drainage on-site and plantings are being provided as required by the Land Development Code, and

**DEVELOPMENT REVIEW COMMITTEE MINUTES  
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**NEW BUSINESS**

**CASE NUMBER 17DEVPLAN1019**

**WHEREAS**, the Committee further finds that, based on the staff report and the evidence and testimony presented today, that all of the applicable guidelines of Cornerstone 2020 are being met; now, therefore be it

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the waiver of LDC section 10.2.4.B to allow easements to overlap a Landscape Buffer Area by more than 50%.

**The vote was as follows:**

**Yes: Ferguson, Brown, Carlson, and Tomes**

**Absent: Smith**

**Abstain: None**

**No: None**

**01:00:51** On a motion by Commissioner Brown, seconded by Vice Chair Carlson, the following resolution was adopted:

**Revised Detailed District Development Plan**

**WHEREAS**, the Louisville Metro Development Review Committee finds that there do not appear to be any significant natural or historic features that would impede the development of the subject site. The 30' parkway buffer is being provided as required to preserve and enhance the aesthetic quality of Brownsboro Road, and

**WHEREAS**, the Committee further finds that Provisions for safe and efficient vehicular and pedestrian transportation within the development and the community is provided the subject site will maintain pedestrian and vehicular cross connectivity across the three lots, with an adjacent site to the West, and upon the redevelopment of the site to the East. A single shared entrance for all three lots provides vehicular access onto Brownsboro Road. Pedestrian connection from the site is being provided to existing and proposed sidewalks along the frontage, and

**WHEREAS**, the Committee further finds that the development site provides the required 30' parkway buffer along Brownsboro Road, Landscape buffering, and outdoor patio for the coffee shop, 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

**DEVELOPMENT REVIEW COMMITTEE MINUTES  
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**NEW BUSINESS**

**CASE NUMBER 17DEVPLAN1019**

**WHEREAS**, the Committee further finds that the overall site design and land uses are compatible with the existing and future development of the area as the area and land uses are predominantly automobile dependent given their proximity to the interstate and low population density. Drive-thru facilities for restaurants, banks, or similar activities are not uncommon within the area or regional center form district located throughout the County. Building materials of brick, stone, and paneling are consistent with development on the same and opposite side of Brownsboro Road. Appropriate landscaping is provided to ensure transition between incompatible uses and to enhance views along the parkway, 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 (LDC) as safe pedestrian and vehicular connections to adjacent sites and the public right-of-way are provided; building materials and site design are compatible with the surrounding area and form district; appropriate transitions are being made; and the area has a population, workforce, and employment to support the use, and

**Amendment to General Plan Binding Elements/Revised Detailed District Development Plan**

**WHEREAS**, the Louisville Metro Development Review Committee finds that there do not appear to be any significant natural or historic features that would impede the development of the subject site. The 30' parkway buffer is being provided as required to preserve and enhance the aesthetic quality of Brownsboro Road. Additionally, the drive-thru queuing begins at the rear of the building and the slight angular orientation of the building helps to shield queuing for a greater distance traveling Westbound along the parkway, and

**WHEREAS**, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within the development and the community is provided the subject site will maintain pedestrian and vehicular cross connectivity across the three lots, with an adjacent site to the West, and upon the redevelopment of the site to the East. A single shared entrance for all three lots provides vehicular access onto Brownsboro Road. Pedestrian connection from the site is being provided to existing and proposed sidewalks along the frontage, and

**WHEREAS**, the Committee further finds that the development site provides the required 30' parkway buffer along Brownsboro Road, Landscape buffering, and outdoor patio for the coffee shop, and

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**CASE NUMBER 17DEVPLAN1019**

**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 as the area and land uses are predominantly automobile dependent given their proximity to the interstate and low population density. Drive-thru facilities for restaurants, banks, or similar activities are not uncommon within the area or regional center form districts throughout the County, and

**WHEREAS**, the Committee further finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan as Guideline 2, Policy 13 encourages shared parking and access; Guideline 3, Policy 1 encourages 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; and Guideline 8, Policy 9 encourages the avoidance of access to development through areas of significantly lower intensity or density development if such access would create significant nuisances. The proposed amendment to binding element to allow for a development containing a restaurant with a drive-thru facility is incorporated into a proposal with shared access and cross connectivity across three sites that is compatible in both design and land uses with the area, as well as the form district. Access to the drive-thru facility is being provided in an activity center generating large amounts of traffic. The new facilities will provide increased amenities for the areas users or passers-by, and

**WHEREAS**, the Committee further finds that, based on the staff report and the evidence and testimony presented today, that all of the applicable guidelines of Cornerstone 2020 are being met; now, therefore be it

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the revised detailed district development plan, **SUBJECT** to the following binding elements:

**Binding Elements: 9-64-01 (GDDP)**

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes, additions or alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.

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**NEW BUSINESS**

**CASE NUMBER 17DEVPLAN1019**

2. Prior to development (includes clearing and grading) of the general district development plan portion of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan from the Planning Commission. Each plan shall be in adequate detail and subject to additional binding elements. The additional binding elements may relate, but not be limited, to the following items:
  - a. screening, buffering, landscaping, tree preservation
  - b. density, floor area, size and height of buildings
  - c. points of access and site layout with respect to on-site circulation
  - d. land uses
  - e. signage
  - f. loading berths
  - g. parking
  - h. sidewalks
  - i. site design elements relating to alternative transportation modes
  - j. outdoor lighting
  - k. minor subdivision plat approval
  - l. air pollution
  - m. the timing of construction to coincide with the availability of flood protection measures, municipal sewer and water service, and adequate fire protection
  - n. dumpsters
3. The detailed development plan portion of the site shall not exceed 31,587 square feet of gross retail floor area.
4. The center freestanding identification sign and any other permitted freestanding signs shall be monument style signs (no pole signs permitted), located as shown on the approved development plan. No portion of the signs, including the leading edge of the sign frame, shall be closer than 30 feet to front property line. No sign shall exceed 60 square feet each in area per side and 6 feet in height each. No sign shall have more than two sides. There shall be no electronic reader boards. There shall be no free standing sign allowed on the portion of the site approved as a general plan. The freestanding sign shown on the detailed plan along KY 22 shall be shared with the portion of the site approved as a general plan.
5. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
6. There shall be no outdoor storage, display or sales permitted on the site.



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7. Outdoor lighting (for parking lot illumination and security) shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90-degree cutoff and height of the light standard shall be set so that no light source 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. The applicant shall obtain certification by a qualified expert in measurement of lighting levels prior to requesting a certificate of occupancy. Such certification shall be maintained on site at all times thereafter.
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. A Tree Preservation Plan (TPP) shall be approved by Planning Commission staff prior to transmittal to the office responsible for permit issuance. No clearing and/or grading activities may take place until a Tree Preservation Plan has been approved. The Tree Preservation Plan shall identify and submit for approval by designated DPDS staff, a plan showing the location of Tree Preservation Areas on site (exclusive of areas dedicated as public right-of-way) prior to beginning any construction procedure (i.e., clearing, grading, demolition). All construction shall be conducted in accordance with the approved Tree Preservation Plan. A partial plan may be submitted to delineate clearing necessary for preliminary site investigation. All Tree Preservation Plans must be prepared in accordance with the standards set forth by DPDS.
10. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
  - a. The development plan must receive full construction approval from the Jefferson county Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - c. A minor subdivision plat shall be recorded creating the lot lines as shown on the development plan dedicating additional right-of-way to Chamberlain Lane and Brownsboro Road (KY 22). A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

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- d. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 and in conformance with the Parkway Policy prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
11. 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.
12. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
13. 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.
14. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for the placement of materials according to the approved landscape plan.
15. Dumpsters shall not be emptied between the hours of 10 p.m. and 7 a.m.
16. Architecture/exterior design of the project's building shall be predominantly brick, including at the rears of the various buildings. The developer shall work with the Wolf Pen Preservation Association (WPPA) in an effort to try to design a storefront entrance to the anticipated pharmacy store that is, if at all possible on the part of the developer, acceptable to WPPA. If an agreement is not worked out on design, the issue shall return to LD&T. Building materials and architectural style and design shall be consistent throughout the entire detailed and general district development plan portions of the overall site.
17. A landscape plan for Kentucky 22 and Chamberlain Lane shall be implemented in a form substantially similar to that in place for the Summit development located on

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Kentucky Highway 22, which plan shall be designed in close consultation with the WPPA. A landscape plan conforming to that produced at the March 7, 2002 public hearing shall also be implemented at this developer's cost in the open space area, as agreed to by that property owner/homeowners association, located within the single family subdivision immediately behind the development. A 6-foot high, double-sided solid wood fence shall also be constructed along this property line.

18. The following uses shall be prohibited: automobile, truck and boat rental and sales agencies, automobile service and/or gas stations, beer depots (although package liquor stores will be allowed), car washes, garage and yard sales, ice storage houses, mobile home parks, radio towers, sewage plants, paid parking, and oil, gas or hydrocarbon extraction/mining.
19. Drive-through restaurants, banks, coffee shops, or any other use with drive-through service shall be prohibited from having individual direct vehicular access to Brownsboro Road. The 2.74 acre site indicated as the General District Development Plan portion of the site and further revised in case 17DEVPLAN1019 shall be limited to a single shared access point as shown on the Revised Detailed District Development Plan.
20. 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 DPDS inspector or enforcement officer upon request.
21. The minor plat shall be submitted and approved for dedication of Right-of-Way on KY 22 and Chamberlain Lane within 90 days of a request from the Director of Public Works.

**Binding Elements: 17DEVPLAN1019 (RDDDP)**

1. The development shall be in accordance with the approved detailed 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. Signs shall be in accordance with Chapter 8 of the Land Development Code and applicable binding elements of the general district development plan.

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**CASE NUMBER 17DEVPLAN1019**

3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.
5. There shall be no outdoor storage permitted on the site.
6. Outdoor lighting (for parking lot illumination and security) shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90-degree cutoff and height of the light standard shall be set so that no light source 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. The applicant shall obtain certification by a qualified expert in measurement of lighting levels prior to requesting a certificate of occupancy. Such certification shall be maintained on site at all times thereafter.
7. Before any permit (including but not limited to building, parking lot, change of use, site disturbance,) is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and Transportation, and the Metropolitan Sewer District.
  - b. A minor subdivision plat shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.
  - 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.
8. If a certificate of occupancy (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.

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9. 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.
10. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
11. 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.
12. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.
13. Dumpsters shall not be emptied between the hours of 10 p.m. and 7 a.m.

**The vote was as follows:**

**Yes: Ferguson, Brown, Carlson, and Tomes**

**Absent: Smith**

**Abstain: None**

**No: None**

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**NEW BUSINESS**

**CASE NUMBER 17DEVPLAN1085**

Project Name: The Paddock at Victory Knoll  
Location: 11840 Ellingsworth Ave  
Owner(s): Ellingsworth Apartments, LLC.  
Applicant: Hagan Properties  
Jurisdiction: Middletown  
Council District: 20 – Stuart Benson  
Case Manager: Jay Lockett, Planner I

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

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (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:**

**01:02:08** Jay Lockett presented the case. In response to Vice Chair Carlson, he stated that there is a note on the plan that states that the second entrance will be constructed prior to the 200<sup>th</sup> certificate of occupancy (see Staff Report and recording for detailed presentation).

**The following spoke in favor of the request:**

Tim Martin, 400 W Market Street, Suite 3200, Louisville, KY 40202  
Scott Hagan, 12949 Shelbyville Road, Louisville, KY 40243

**Summary of testimony of those in favor:**

**01:11:05** Tim Martin spoke on behalf of the applicant who is requesting a revised district development plan for 470 apartment units on 34.25 acres. In regards to proposed binding element 23, Mr. Martin stated that he would like the sound dampening to be based on a study conducted by Acoustic Control, which is on file. The applicant is agreement to remove the first subsection of proposed binding element 16.

**The following spoke in opposition to the request:**

Brenda Lloyd, 12001 Edenwood Drive, Louisville, KY 40243  
Tom Lewis, 707 Thorpe Drive, Louisville, KY 40243

**Summary of testimony of those in opposition:**

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**CASE NUMBER 17DEVPLAN1085**

**01:16:15** Brenda Lloyd and her husband are residents whose home faces this development. They purchased their home in 2013 after extensive conversations with the previous developer and the City of Middletown. At that time, they felt comfortable with what the expectations for the property were per those conversations. They would like to see some of the original proposals from 2012 be restored on this plan. These include a reduction in multi-family units and buildings, 2-story structures along the Ellingsworth and Swan Pointe sides of the property, a 10 ft. berm on the Ellingsworth side and an 8 ft. berm on the Swan Pointe side of the property, and an increase in the setback along Ellingsworth.

**01:21:45** Tom Lewis also lives nearby and spoke about the dual left lane on Ellingsworth. He stated it is very common to sit on the road as it is now and miss two left turn green lights. Adding 200+ vehicles daily would only make this worse. He agrees with widening the road, and he thinks the 2 lane roads should be constructed as the apartments are being rented.

**01:23:10** Mrs. Lloyd stated that there is currently is a very deteriorated driveway that was the original driveway for the house. It was her understanding at that time that it would not be used as a construction entrance. She would like to know where the construction entrance will be located.

**Rebuttal:**

**01:24:55** Mr. Martin stated that the applicant has no preference regarding the dual lane. The decision regarding the dual lane was made by the Department of Transportation, which is out of the applicant's control.

**01:25:10** Scott Hagan stated that the property has been zoned for 468 units since January of 2016. They expect this property to be the most expensive vertical construction in east Louisville. They are making over \$800,000 in off-site road improvements. He is not sure how to construct a nicer community than this. Construction is expected to be sometime between October and February. There is a main entrance at the center of the site and a secondary entrance west of the site. They are requesting a construction entrance at what is now the curb cut into the property.

**01:30:00** Commissioners' deliberation

Commissioner Brown is glad that the infrastructure is being provided for the dual left lane. If there is a warrant for the dual left lane as traffic increases, it can be implemented if State approves.

Chair Tomes feels that this is a good plan and added that it is not unusual for plans to be changed. This location warrants an apartment-style project.

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**NEW BUSINESS**

**CASE NUMBER 17DEVPLAN1085**

**01:32:38** On a motion by Commissioner Brown, seconded by Vice Chair Carlson, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that there do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site, and

**WHEREAS**, the 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. Roadway improvements will be required as part of this development, and

**WHEREAS**, the Committee further finds that open space requirements, including recreational open space, are being met on site, and

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

**WHEREAS**, the 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, and

**WHEREAS**, the Committee further finds that, based on the staff report and the evidence and testimony presented today, that all of the applicable guidelines of Cornerstone 2020 are being met; now, therefore be it

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the City of Middletown **APPROVAL** of the revised district development plan for 470 apartment units on 34.25 acres, **SUBJECT** to the following binding elements:

**Binding Elements**



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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. No further subdivision of the land into a greater number of lots than originally approved will occur without approval of the Planning Commission. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee and the city of Middletown for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The applicant shall submit a plan for approval by Planning Commission staff showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, and demolition). Adjustments to the tree preservation plan which are requested by the applicant may be approved by the City of Middletown and the Planning Commission staff if the revisions are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
  - (1) Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
  - (2) Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
  - (3) Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
  - (4) Location of construction fencing for each tree/tree mass designated to be preserved.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance permit) is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses and the Metropolitan Sewer District. Any changes made by IPL, MSD or any other agency, must be submitted to and approved by the City of Middletown prior to issuance of a binding permit.
  - b. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved by the City of Middletown prior to obtaining approval for site disturbance.

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- c. A minor plat or legal instrument shall be recorded creating the boundary of the proposed development. A copy of the recorded instrument shall be submitted to the Division of Planning & Design Services.
  - d. The property owner/developer must obtain City of Middletown approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. The must be at a minimum consistent with the preliminary landscape plan presented to the City of Middletown Commission at its meeting on July 12th, 2012. The developer shall show in its plan irrigation of the main common areas. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter. There shall be no removal of the existing landscaping or required landscaping without City Commission approval. In the event any tree or other landscaping is removed without written consent of the City, the City may require the owner/applicant to replace with a tree of similar size and age (when cut), or as approved by the City Commission. Any replacement tree or trees shall be such as are deemed adequate by the City to mitigate the impact.
4. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities - preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the drip line of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
  5. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
  6. 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 DPDS inspector or enforcement officer or the City of Middletown upon request.
  7. All plans setting out Tree Canopy Protection Areas (TCPAs) must contain the following notes:
    - a. Tree Canopy Protection Areas (TCPAs) identified on this plan represent individual trees and/or portions of the site designated to meet the Tree Canopy requirements of Chapter 10 Part 1of the Land Development Code and are to be permanently

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protected. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of plan approval. As trees within TCPAs are lost through natural causes, new trees shall be planted in order to maintain minimum tree canopy as specified on the approved development or preliminary subdivision plan.

- b. Dimension lines have been used on this plan to establish the general location of TCPAs and represent minimum distances. The final boundary for each TCPA 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.
  - c. Tree protection fencing shall be erected around all TCPAs prior to site disturbance 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, the fence shall be relocated to protect all remaining trees within that TCPA.
  - d. No parking, material storage, or construction activities are permitted within the TCPAs beyond that allowed for preliminary site investigation work.
  - e. 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 ways beyond proposed roadways to assess individual lots shall not exceed twelve (12) feet in width or encroach into any proposed open space lots. No trees exceeding eight (8) inches in diameter measured at breast height (DBH) shall be removed without prior approval by DPDS.
  - f. No living and healthy tree as shown on the Approved Landscape Plan shall be removed without approval of the City of Middletown.
8. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

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9. 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 the recording of the subdivision record plat or occupancy of the first residence on the street, 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.
10. The signature entrance plan (if approved) shall be submitted to Planning Commission staff and the city of Middletown for review and approval prior to recording the record plat.
11. Trees will be preserved and/or provided on site as required by Chapter 10, Part 1 of the Land Development Code and as indicated in the Tree Canopy Calculations on the Detailed Development/Preliminary Subdivision Plan. The applicant shall submit a landscape plan for approval by Planning Commission staff and the City of Middletown for any trees to be planted to meet the Tree Canopy requirements of Chapter 10, Part 1 of the LDC. A tree preservation plan shall be submitted for review and approval for any trees to be preserved to meet the Tree Canopy requirements of Chapter 10.
12. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the August 2, 2017 Development Review Committee and City of Middletown Commission meeting. Final elevations of any and all structures must be approved by the City of Middletown prior to issuance of a building permit. Developer will provide City of Middletown with information about its proposed interior finishes and amenities. The final construction plans (which shall be provided to City of Middletown prior to issuance of any building permit) must be consistent with the interior finishes and amenities shown at the City of Middletown Commission meeting.
13. If a building permit is not issued within one year 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 and the City of Middletown.
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 and the City of Middletown.

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15. As part of the developer's initial work on the property, the developer will begin construction and prior to requesting certificates of occupancy for any residential units, the developer shall complete construction of the following roadway improvements, which are shown on the approved detailed district development plan:
- (1) A right turn lane on northbound Blankenbaker Parkway onto Ellingsworth Lane;  
and
  - (2) A third lane along Ellingsworth Lane from its intersection with Blankenbaker Parkway and extending along the frontage of the subject property.
16. The City of Middletown, within 3 months of developer commencing construction of the improvements referred to in Paragraph 16 hereinabove, shall collect from Mapco or its successors or assigns the \$70,000 Mapco agreed to contribute toward said improvements in connection with zoning case #17386.
17. The above binding elements may be amended as provided for in the Zoning District Regulations, upon approval of the City of Middletown.
18. The applicant, its successors and assigns, shall maintain the apartments and site in a high state of repair, including but not limited to:
- a. Maintenance of exterior finishes, no peeling paint, broken or non-functioning light fixtures, holes in exterior, windows and stairways in good condition
  - b. Maintenance of grounds, including regular mowing, landscape upkeep and replacement of any plant material which might die, sidewalks repaired, exterior lighting kept functioning, common areas picked up and kept clean
  - c. Retention ponds must be clean, attractive and safe
  - d. Maintenance of parking, no significant degradation allowed, no abandoned cars allowed remaining in parking area, keeping any signage painted and well kept
  - e. Applicant, its successors and assigns, acknowledges and agrees that the City of Middletown has additional authority (along with Louisville Metro) to enforce these binding elements, including the duty to maintain property.
19. The applicant, its successors and assigns, shall develop a set of rules and regulations for the residents of the apartments to help insure that the structures and grounds remain in high state of repair. Such rules shall be sent to the City of

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Middletown for review and approval, prior to the issuance of a Certificate of Occupancy on any building shown on the Revised Detailed Development Plan.

20. The applicant, its successors and assigns, agrees that during the construction phase, the site shall be kept mowed and picked up, to the greatest reasonable extent possible, given the necessities of the construction operations.
21. The applicant, its successors and assigns, agrees to install the landscaping plan elements along Ellingsworth Lane and Swan Pointe as quickly as is reasonably possible, given the necessities of the construction operations.
22. The applicant shall install any sound dampening equipment recommended by the study by Acoustic Control dated June 20, 2017, as on file with Planning & Design Services.

**The vote was as follows:**

**Yes: Ferguson, Brown, Carlson, and Tomes**

**Absent: Smith**

**Abstain: None**

**No: None**

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**NEW BUSINESS**

**CASE NUMBER 17DEVPLAN1108**

Project Name: Mitsubishi Inventory Display Lot  
Location: 10 Autocenter Dr  
Owner(s): TT of B Louisville  
Applicant: TT of B Louisville  
Jurisdiction: Louisville Metro  
Council District: 18 – Marilyn Parker  
Case Manager: Jay Lockett, Planner I

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

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (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:**

**01:34:24** Jay Lockett presented the case (see Staff Report and recording for detailed presentation).

**The following spoke in favor of the request:**

John Addington, 3001 Taylor Springs Drive, Louisville, KY 40220

**Summary of testimony of those in favor:**

**01:35:56** John Addington spoke on behalf of the applicant who is requesting a revised detailed district development plan. He provided a brief overview of the project.

**01:38:28** On a motion by Commissioner Brown, seconded by Vice Chair Carlson, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that there do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site, and

**WHEREAS**, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community

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has been provided, and Metro Public Works have approved the preliminary development plan, and

**WHEREAS**, the Committee further finds that there are no open space requirements pertinent to the current proposal, and

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

**WHEREAS**, the 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, and

**WHEREAS**, the Committee further finds that, based on the staff report and the evidence and testimony presented today, that all of the applicable guidelines of Cornerstone 2020 are being met; now, therefore be it

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the revised detailed district development plan, **SUBJECT** to the following binding elements:

**Binding Elements**

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission, except for land uses permitted in the established zoning district.
2. The only permitted freestanding signs shall be located as shown on the sign plan attached to the approved district development plan. The sizes and heights shall not exceed the dimensions shown on the plan.
3. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants or banners shall be permitted on the site.



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4. There shall be no outdoor storage on the site.
5. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
  - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. A minor subdivision plat shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Office of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
  - 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. The property owner/developer shall submit to the Planning Commission written procedures for tire/oil disposal that comply with applicable state and federal regulations and have been approved by the appropriate Works Director. Said procedures shall be submitted prior to requesting a building permit and shall be followed for the duration of the use unless otherwise approved by the Planning Commission.
  - e. An access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be secured from the adjoining property owner and recorded. A copy of the recorded instrument shall be submitted to the Office of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
6. 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.
7. A certificate of occupancy must be received from the appropriate code enforcement office 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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8. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project, and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.

**The vote was as follows:**

**Yes: Ferguson, Brown, Carlson, and Tomes**

**Absent: Smith**

**Abstain: None**

**No: None**

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**CASE NUMBER 17DEVPLAN1045**

Project Name:	Parish Life Center
Location:	1395 Girard Drive
Owner(s):	Larry Brunner – St. Albert the Great School
Applicant:	Larry Brunner – St. Albert the Great School
Representative(s):	Travis Edelen - CARMAN
Project Area/Size:	10.9531 acres OR 477,117 sf.
Jurisdiction:	City of Greymoor/Devondale
Council District:	7 – Angela Leet
Case Manager:	Ross Allen – Planner I

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

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (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:**

**01:40:25** Ross Allen presented the case (see Staff Report and recording for detailed presentation).

**The following spoke in favor of the request:**

Ivy Clinton, 400 E Main Street, Suite 106, Louisville, KY 40202

**Summary of testimony of those in favor:**

**01:45:03** Ivy Clinton spoke on behalf of the applicant who is requesting a sidewalk waiver to not provide a sidewalk as found along Girard for an approximate length of 534 feet. She provided an overview of the project. She stated that St. Albert the Great Parish has been in contact with The City of Greymoor/Devondale and that they would like to work together on a future sidewalk plan.

**01:48:37** Commissioners' deliberation

**01:49:10** On a motion by Commissioner Brown, seconded by Vice Chair Carlson, the following resolution was adopted:

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**WHEREAS**, the Committee further finds that, based on the evidence and testimony presented today, that all of the applicable guidelines of Cornerstone 2020 are being met; now, therefore be it

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the sidewalk waiver to not provide a sidewalk as found along Girard for an approximate length of 534 feet.

**The vote was as follows:**

**Yes: Ferguson, Brown, Carlson, and Tomes**

**Absent: Smith**

**Abstain: None**

**No: None**

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**CASE NUMBER 17DEVPLAN1113**

Project Name: UPS Supply Chain Solutions Building 8 (Tract 2)  
Location: 8100 Air Commerce Drive  
Owner(s): BT-OH, LLC.  
Applicant: Rob D'Ambrosio – UPS Supply Chain Solutions  
Representative(s): Matt Gullo – Kovert Hawkins Architects  
Project Area/Size: 48.21 acres of 175.459 acres  
Jurisdiction: Louisville Metro  
Council District: 13 – Vicki Aubrey Welch  
Case Manager: Ross Allen – Planner I

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

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (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:**

**01:51:50** Ross Allen presented the case (see Staff Report and recording for detailed presentation).

**The following spoke in favor of the request:**

Matt Gullo, 630 Walnut Street, Jeffersonville, IN 47130

**Summary of testimony of those in favor:**

**01:56:15** Matt Gullo spoke on behalf of the applicant who is requesting a Category 3 development plan with two waivers. He provided an overview of the project. He clarified that the square footage of the proposed structure is 828,800.

**02:02:51** Commissioners' deliberation

**02:03:47** On a motion by Commissioner Brown, seconded by Vice Chair Carlson, the following resolution was adopted:

**Waiver #1 LDC Section 5.5.2.A.1 to not provide entrances and glazing, display windows or windows affording views into the business which face the abutting street serving the development**

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**WHEREAS**, the Louisville Metro Development Review Committee finds that other warehouses in the area have street frontages that do not have display windows, building entrances or other focal points. The primary use of these building for this industrial park is warehouse storage space and do not have typical customers. The proposed building will have an office for employees only, which will face the other UPS business park, as it is the closest distance to their main office. The frontage of this building will replicate the office entrance but not have a doorway, and

**WHEREAS**, the Committee further finds that the comprehensive plan allows for warehouse buildings to be developed in this zoning district. The Louisville Renaissance Zone Corp. has been set up under the comprehensive plan and allow for warehouse building of this nature to be incorporated at this location, and

**WHEREAS**, the Committee further finds that because this is an extension of the UPS Supply Chain Solution main campus, located directly west of the proposed site, the owner would like to locate the office portion of this building closest to their main office. This would provide shorter walking distances between the proposed building and the main campus. The proposed office is very small in comparison to the rest of the building and will be used by employees only, and

**WHEREAS**, the Committee further finds that the owner plans to develop a building with similar looks, design features and characteristics as those in the industrial park. The building will replicate the same design features at the office portion of the building on the street side of Air Commerce Drive. The only difference is there will not be a door on this side of the building. All dock stations will be screened by vegetation along Air Commerce Drive, and

**Waiver #2 LDC Section 5.6.1.B.1.a to not provide animating features as required for 60% of the horizontal length of the building as found along Air Commerce Drive.**

**WHEREAS**, the Louisville Metro Development Review Committee finds that the adjacent properties are all warehouses which have blank walls facing the roadway along Air Commerce Drive or adjoining side streets, and

**WHEREAS**, the Committee further finds that the comprehensive plan allows for warehouse buildings to be developed in this zoning district. The Louisville Renaissance Zone Corp. has been set up under the comprehensive plan and allow for warehouse building of this nature to be incorporated at this location, and

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**WHEREAS**, the Committee further finds that in order to develop a viable warehouse with loading on both sides, similar to those around, the developer does not have the ability to locate the amount of fenestration as described per code. The nature of the building is a warehouse and does not have typical customers, therefore should not need the amount of windows and doors a commercial operation would need, and

**WHEREAS**, the Committee further finds that the owner plans to develop a building with similar looks, design features, and characteristics as those in the industrial park, and

**WHEREAS**, the Committee further finds that, based on the staff report and the evidence and testimony presented today, that all of the applicable guidelines of Cornerstone 2020 are being met; now, therefore be it

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** waivers 1 and 2 as referenced above and the Category 3 development plan for a proposed 2 story (height of 40 feet) 828,000 sf. (20,000 sf. of Office space and 808,000 sf. Warehouse) building located within an EZ-1 zoning district in a Suburban Workplace Form District with a 384,862 sf. VUA containing 789 small vehicle parking spaces with 128 tractor trailer loading berths, including 16 ADA spaces.

**The vote was as follows:**

**Yes: Ferguson, Brown, Carlson, and Tomes**

**Absent: Smith**


**Abstain: None**

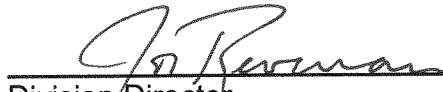
**No: None**

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ADJOURNMENT

The meeting adjourned at approximately 3:00 p.m.

  
Chairman

  
Division Director