

**MINUTES OF THE MEETING
OF THE
DEVELOPMENT REVIEW COMMITTEE
June 20, 2016**

A meeting of the Development Review Committee was held on July 20, 2016 at 1:00 p.m. in the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Committee Members present were:

Rob Peterson, Vice Chairman (Acting Chair)
Jeff Brown
Robert Kirchdorfer
Emma Smith

Committee Members absent were:

David Tomes, Chairman

Staff Members present were:

Joseph Reverman, AICP, Assistant Director
Brian Davis, AICP, Planning Supervisor
Laura Mattingly-Humphrey, Planner I
Ross Allen, Planner I
Joel P. Dock, Planner II
John Baker, Legal Counsel
Tammy Markert, Transportation Planning
Pat Barry, MSD representative
Chris Cestaro, Management Assistant

The following matters were considered:

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APPROVAL OF MINUTES

Approval of the minutes of the July 6, 2016 Development Review Committee meeting

00:02:41 On a motion by Commissioner Kirchdorfer, seconded by Commissioner Brown, the following resolution was adopted.

RESOLVED, that the Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on July 6, 2016.

The vote was as follows:

YES: Commissioners Brown, Kirchdorfer, and Smith.

NO: No one.

NOT PRESENT: Commissioner Tomes.

ABSTAINING: Commissioner Peterson.

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NEW BUSINESS

CASE 16DEVPLAN1111

Request: Category 3 Development Plan Review and Waiver Request
Project Name: Renaissance South Business Park
Location: 8701 Minors Lane
Owner(s): C.T. Miller, Louisville Renaissance Zone Corporation
Applicant: Brad Anderson, H & M Architects and Engineers
Representative(s): Pat Dominik, Sabak Wilson & Lingo
Jurisdiction: Louisville Metro
Council District: 13 – Vicki Aubrey Welch

Case Manager: Laura Mattingly, Planner I

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

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

Agency Testimony:

00:03:49 Laura Mattingly presented the case and showed the site plan (see staff report and recording for detailed presentation.) She added that there had been one addition to the request; the applicant is requesting a review of the alternative tree canopy compliance, due to the fact that they are providing only a portion of the required tree canopy on the site, with the rest being provided at an off-site conservation area.

00:08:07 Ms. Mattingly described a small adjustment to the “Standard of Review” in the staff report for the waiver of the amenity area. In Part C, the staff report stated that the applicant was providing 10% of the office area, but it should be that the applicant is providing, with the fee-in-lieu, 10% of the office area and 1% of the total development.

The following spoke in favor of the request:

Patrick Dominik, Sabak Wilson & Lingo, 608 S. Third Street, Louisville, KY 40202

Summary of testimony of those in favor:

00:09:36 Pat Dominik, the applicant’s representative, presented the applicant’s case and showed a Power Point presentation (see recording for detailed presentation.) He explained that the berming is not possible due to a stream that would be disturbed.

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The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against the request:

No one spoke.

00:17:03 Commissioners' deliberation.

- Category 3 Development Plan review for warehouse/distribution center
- Waiver #1 - Waiver of LDC Section 5.12.2.A.1 to allow the proposed amenity area to be less than 10% of the total building square footage.
- Waiver #2 - Waiver of LDC Section 5.5.4.B.1 to not provide the 6' berm within the required Landscape Buffer Area adjacent to a residential use.

00:18:22 On a motion by Commissioner Brown, seconded by Commissioner Kirchdorfer, the following resolution was adopted:

(Waiver #1) **WHEREAS**, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners as the amenity area is a requirement that serves only the employees of the development; and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 4, Policy 3 encourages open space created by new development that helps meet the needs of the community and Guideline 4, Policy 7 calls for the for the continuous maintenance of that open space. These guidelines are not violated as the amenity area is still being provided and will be maintained; just at a smaller scale that the developer feels is more appropriate for this development; 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 applicant is providing an amenity area that is 10% of the office area and is more appropriate considering the needed size of the warehouse; and

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of land or create an

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unnecessary hardship as the distribution center is large in relation to the number of employees on site therefore providing the amenity area based on the building size would be in excess of what is needed. It would be a hardship to accommodate such a large amenity area when much of the site is needed for the building; and

(Waiver #2) **WHEREAS**, the Committee further finds that the waiver will not adversely affect adjacent property owners as the applicant is proposing to replant a continuous evergreen screen and is providing the 50' Landscape Buffer Area; and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 3, policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls 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 the 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 air borne and water borne pollutants. This proposal does not violate these guidelines of Cornerstone 2020 as the Landscape Buffer Area width, plantings and screening are still being provided, which will provide a transition to the more intense use, screening from lighting, noises, etc. and will decrease storm water runoff from impervious surfaces; 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 all other landscape requirements are being met and while the easement and stream located along the buffer pose challenges to constructing the 6' berm the applicant is still providing a continuous screen of evergreen trees; 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

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create an unnecessary hardship on the applicant as the easement and stream in the LBA pose challenges that would make the berm impossible to construct; and

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

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the required Category 3 Development Plan; a Waiver of Section 5.12.2.A.1 to allow the proposed amenity area to be less than 10% of the total building square footage and a contribution to the Commission of Public Art; a Waiver of Section 5.5.4.B.1 to not provide the 6' berm within the required Landscape Buffer Area adjacent to a residential use; and the off-site plantings to fulfill the alternative tree canopy requirements.

The vote was as follows:

YES: Commissioners Brown, Kirchdorfer, Peterson, and Smith.

NO: No one.

NOT PRESENT: Commissioner Tomes.

ABSTAINING: No one.

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NEW BUSINESS

CASE NO. 14MINORPLAT1092

Request:	Amendment to Record Plat
Project Name:	Woods of Farnsley Moorman
Location:	6600 Woods Mill Drive
Owner:	Corcoran Home Building & Remodeling, LLC
Applicant:	Corcoran Home Building & Remodeling, LLC
Representative:	Kevin Young, Land Design & Development, Inc.
Jurisdiction:	Louisville Metro
Council District:	14 – Cindi Fowler

Case Manager: **Joel P. Dock, Planner I**

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

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

Agency Testimony:

00:19:14 Joel Dock presented the case and showed the site plan (see staff report and recording for detailed presentation.)

00:21:56 In response to a question from Commissioner Smith, Mr. Dock said this is a condominium development.

The following spoke in favor of this request:

Kevin Young, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

Summary of testimony of those in favor:

00:22:23 Kevin Young, the applicant's representative, presented the applicant's case (see recording for detailed presentation.)

The following spoke in opposition to this request:

No one spoke.

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The following spoke neither for nor against the proposal:

No one spoke.

00:23:44 Commissioners' deliberation.

00:24:28 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that, based the staff report, the applicant's justification and the evidence and testimony presented today, that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the Amendment of the Record Plat.

The vote was as follows:

YES: Commissioners Brown, Kirchdorfer, Peterson, and Smith.

NO: No one.

NOT PRESENT: Commissioner Tomes.

ABSTAINING: No one.

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NEW BUSINESS

CASE NO. 16DEVPLAN1118

Request:	Detailed District Development Plan for warehouse/office
Project Name:	Blankenbaker Station II Lot 9
Location:	12500 Plantside Drive
Owner:	Hosts Development, LLC
Applicant:	Mindel Scott & Associates
Representative:	Bardenwerper, Talbott & Roberts PLLC
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson

Case Manager: **Joel P. Dock, Planner I**

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

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Agency Testimony:

00:24:54 Joel Dock presented the case and showed the site plan (see staff report and recording for detailed presentation.)

The following spoke in favor of this request:

William Bardenwerper, Bardenwerper Talbott & Roberts PLLC, 10000 N. Hurstbourne Parkway, Louisville, KY 40223

Kathy Linares, Mindel Scott & Associates, 5151 Jefferson Boulevard, Louisville, KY 40219

Summary of testimony of those in favor:

00:27:21 William Bardenwerper, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

00:29:17 Kathy Linares, an applicant's representative, said she had nothing else to add to Mr. Dock's presentation.

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00:30:30 Mr. Dock added that the elevation being shown today is the one that is currently on file, and that it is compliant with the Land Development Code.

The following spoke in opposition to this request:

No one spoke.

The following spoke neither for nor against the proposal:

No one spoke.

00:31:21 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the conservation of natural resources, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites will be achieved by meeting the minimum required tree canopy protection areas prescribed by Chapter 10 of the Louisville Metro Land Development Code. An intermittent stream is located to the West of the development site on an adjacent property. A portion of the 100-yr floodplain is contained within the site. Coordination with the Metropolitan Sewer District will be required prior to construction plan approval to ensure appropriateness of design and water quality as it relates to water courses and flood plain; and

WHEREAS, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within the development and the community is provided as a connection to the public sidewalk directly serving the customer entrance is provided. Separate entrances are made available for passenger vehicle use and heavy truck use to be shared with an abutting site; and

WHEREAS, the Committee further finds that no open space is required for this proposal. The minimum tree canopy requirements are being met as prescribed by Chapter 10 of the Louisville Metro Land Development Code; and

WHEREAS, the Committee further finds that the Metropolitan Sewer District 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 proposed use, design, and scale are consistent with existing, proposed, and future development in the employment center. The employment center contains and intends to contain a mixture

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of commercial, office, and industrial uses of varying sizes, employment, and intensities; 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 Guideline 3, Policy 1 encourages compatibility of all new development and redevelopment with the scale and site design of nearby development and with the established patterns within the form district. Guideline 3, Policy 4 discourages nonresidential expansion into residential areas. The proposed development is located in a planned employment center and is consistent with the design and scale of surrounding uses; and

WHEREAS, the Committee finds that, based the staff report, the applicant's justification and the evidence and testimony presented today, that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

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

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

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 50,575 square feet of gross floor area.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.

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5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
 - b. A minor plat shall be recorded creating the lot as shown on the plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the 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.
6. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
8. All signage shall be in compliance with Chapter 8 of the Land Development Code.

The vote was as follows:

YES: Commissioners Brown, Kirchdorfer, Peterson, and Smith.

NO: No one.

NOT PRESENT: Commissioner Tomes.

ABSTAINING: No one.

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NEW BUSINESS

CASE NO. 16WAIVER1021

Request:	Sign Waiver
Project Name:	Honda World
Location:	1 Swope Autocenter Drive
Owner:	TT of HD Louisville Property, LLC
Applicant:	Mike Porro - Honda World
Representative:	Robert Deleeuw – Derby City Sign
Jurisdiction:	Louisville Metro
Council District:	18 – Marilyn Parker

Case Manager: **Joel P. Dock, Planner I**

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

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

Agency Testimony:

00:32:11 Joel Dock presented the case and showed the proposed signage on artist's renderings of the buildings (see staff report and recording for detailed presentation.)

The following spoke in favor of this request:

Michael Porro, T.T. of HD Louisville Property LLC, 2 Swope Autocenter Drive, Louisville, KY 40299

Summary of testimony of those in favor:

00:34:05 Michael Porro, an applicant's representative, introduced himself but had nothing else to add to the staff report.

The following spoke in opposition to this request:

No one spoke.

The following spoke neither for nor against the proposal:

No one spoke.

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NEW BUSINESS

CASE NO. 16WAIVER1021

00:34:38 On a motion by Commissioner Brown, seconded by Commissioner Kirchdorfer, the following resolution was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners as the property is located in an automobile dealership and service center complex and the proposed signage is intended to update the name of the business; and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 3, policy 28 calls for signs that are compatible with the form district pattern and contribute to the visual quality of their surroundings. The waiver will not violate the comprehensive plan as the proposed signage replaces previous signage to accommodate for a name change and is consistent with the surrounding uses; 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 sign is needed to advertise the new name of the dealership; and

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of land or create an unnecessary hardship as the proposed signage replaces an existing sign which does not advertise the current name of the business; and

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

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver of Chapter 8.3, Table 8.3.2 of the Land Development Code (LDC) to allow more than 3 signs per façade.

The vote was as follows:

YES: Commissioners Brown, Kirchdorfer, Peterson, and Smith.

NO: No one.

NOT PRESENT: Commissioner Tomes.

ABSTAINING: No one.

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NEW BUSINESS

CASE NO. 16DEVPLAN1075

Request:	Detailed District Development Plan for restaurant with drive-through
Project Name:	Chick-Fil-A
Location:	3408 Bardstown Road
Owner:	Playa Plaza, LLC
Applicant:	Daryl Johnson, Corporate Property Services
Representative:	Dan Ludlum, Chick-Fil-A
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill

Case Manager: **Joel P. Dock, Planner I**

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

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

Agency Testimony:

00:35:03 Joel Dock presented the case and showed the site plan (see staff report and recording for detailed presentation.) He added that the applicant will need to come back to dedicate some additional ROW for a sidewalk.

The following spoke in favor of this request:

Allan Wiley, 565 White Pond Drive, Akron, OH 44320

Summary of testimony of those in favor:

00:38:07 Allan Wiley, the applicant's representative, said he was available for questions but otherwise had nothing to add.

The following spoke in opposition to this request:

No one spoke.

The following spoke neither for nor against the proposal:

No one spoke.

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NEW BUSINESS

CASE NO. 16DEVPLAN1075

00:38:29 On a motion by Commissioner Brown, seconded by Commissioner Kirchdorfer, the following resolution was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the proposed development does not appear to have a negative impact on the conservation of natural resources, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites; and

WHEREAS, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within the development and the community is provided as connection to the public sidewalk through an internal walkway is provided and no direct vehicular access will be provided to Bardstown Road. Vehicular access will be provided through an internal network of drive-lanes on the retail/wholesale site; and

WHEREAS, the Committee further finds that no open space is required for this proposal. Outdoor dining and landscaping will be provided; and

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

WHEREAS, the Committee further finds that the overall site design and land uses are compatible with the existing and future development of the area as Bardstown Road is a commercial corridor with a mix of commercial, office, and residential intensities serving the abutting neighborhoods; 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 Guideline 3, Policy 1 encourages compatibility of all new development and redevelopment with the scale and site design of nearby development and with the established patterns within the form district. Guideline 3, Policy 4 discourages nonresidential expansion into residential areas. The proposed development is located along a commercial corridor and is consistent with the design and scale of surrounding uses; and

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

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RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Detailed District Development Plan, **ON CONDITION** that right-of-way dedication is provided to accommodate the turn lane and sidewalks along the Bardstown Road frontage, and **SUBJECT** to the following binding elements:

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

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 4,561 square feet of gross floor area.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
 - b. A minor plat or legal instrument shall be recorded dedicating right-of-way to Bardstown Road which is a state road. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

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- c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
6. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

The vote was as follows:

YES: Commissioners Brown, Kirchdorfer, Peterson, and Smith.

NO: No one.

NOT PRESENT: Commissioner Tomes.

ABSTAINING: No one.

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NEW BUSINESS

CASE NO. 16DEVPLAN1109

Request:	Sidewalk Waiver
Project Name:	Ernst Concrete
Location:	4121 Algonquin Parkway
Owner:	Ernst Concrete
Applicant:	Ernst Concrete
Representative:	John Pacyga, American Engineers Inc.
Jurisdiction:	Louisville Metro
Council District:	1 – Jessica Green

Case Manager: **Joel P. Dock, Planner I**

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

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

Agency Testimony:

00:39:16 Joel Dock presented the case and showed the site plan (see staff report and recording for detailed presentation.) He said the applicant proposes to waive the sidewalk requirement along Algonquin Parkway and make a contribution to Louisville Metro Parks and Recreation's for the construction of the Louisville Loop multi-use trail (total applicant's contribution will be \$8,050.)

The following spoke in favor of this request:

No one spoke.

The following spoke in opposition to this request:

No one spoke.

The following spoke neither for nor against the proposal:

No one spoke.

00:43:01 On a motion by Commissioner Brown, seconded by Commissioner Kirchdorfer, the following resolution was adopted:

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WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners as a multi-use trail is proposed along the frontage of the subject site and the contribution to be made by the applicant will aid the implementation of the Louisville Loop project; and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. The proposed waiver of the sidewalk does not violate specific guidelines of Cornerstone 2020 as Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. A contribution to Louisville Metro Parks and Recreation will aid in the construction costs of a multi-use path to be used by all citizens for multiple modes of recreation and enjoyment; 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 construction of a sidewalk at this time would be negated by the overall impact and construction of the multi-use path; and

WHEREAS, the Committee further finds that the applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) as a contribution to Louisville Metro Parks and Recreation for the construction of a multi-use path in lieu-of constructing a standard sidewalk will increase accessibility in the area to multiple modes of recreation and pedestrian movement; and

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

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested **Sidewalk Waiver** associated with Category 2B staff review. The applicant's contribution of \$8,050 shall be made prior to construction approval for the site.

The vote was as follows:

YES: Commissioners Brown, Kirchdorfer, Peterson, and Smith.

DEVELOPMENT REVIEW COMMITTEE
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NEW BUSINESS

CASE NO. 16DEVPLAN1109

NO: No one.

NOT PRESENT: Commissioner Tomes.

ABSTAINING: No one.

DEVELOPMENT REVIEW COMMITTEE

July 20, 2016

NEW BUSINESS

CASE NO. 16DEVPLAN1121

THIS CASE WAS REMOVED FROM THE AGENDA PRIOR TO THE START OF THE HEARING AND WAS NOT HEARD TODAY.

Request: A Community Facility Review for the proposed addition of an electrical building, generator building, fuel storage area, and the reconstruction of an egress at Hillcrest Avenue and ingress/egress at Pennsylvania Avenue.

Project Name: Crescent Hill Generator

Location: 3000 Frankfort Avenue

Owner: Louisville Water Company (Larry Archer – Representative)

Applicant: Michael Taylor – CDM Smith

Representative: Steve Grice – Civil Design Inc.

Jurisdiction: Louisville Metro

Council District: 9 – Bill Hollander

Case Manager: Ross Allen, Planner I

DEVELOPMENT REVIEW COMMITTEE
July 20, 2016

NEW BUSINESS

CASE NO. 16WAIVER1015

***NOTE: Commissioner Kirchdorfer recused himself from this case.**

Request: Landscape Waiver from Development Code (2004) section 10.2. 9 to waive the 15-foot front LBA and a waiver from Development Code (2004) from section 10.2.11 to allow existing parking spaces and ILA's to be greater than the 120-foot separation distance.

Project Name: 1506 Lake Shore Court Waiver
Location: 1506 Lake Shore Court
Owner: Tommy Settle – The Palms, Inc.
Applicant: Sam Cook – Superior Van and Mobility
Representative: Christopher Crumpton – Bluestone Engineers PLLC
Jurisdiction: City of Jeffersontown
Council District: 18 – Marilyn Parker

Case Manager: Ross Allen, Planner I

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

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

Agency Testimony:

00:44:22 Ross Allen presented the case and showed the site plan (see staff report and recording for detailed presentation.)

00:46:10 In response to a question from Commissioner Peterson, Mr. Allen discussed what is currently on the site. He said most of the surrounding properties are vacant.

00:46:31 In response to a question from Commissioner Brown, Mr. Allen said the staff report supported both waivers (may be some typos on page 2 that need correction.)

The following spoke in favor of this request:

Chris Crumpton, Bluestone Engineers, 3703 Taylorsville Road, Louisville, KY 40220

DEVELOPMENT REVIEW COMMITTEE

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NEW BUSINESS

CASE NO. 16WAIVER1015

Summary of testimony of those in favor:

00:47:39 Chris Crumpton, the applicant's representative, handed out renderings to the Committee members, showing the new look of the Superior Van building.

The following spoke in opposition to this request:

No one spoke.

The following spoke neither for nor against the proposal:

No one spoke.

- Waiver #1 from LDC (March 2004) section 10.2.9 to not have a 15' ft. LBA and allow the existing parking to remain.
- Waiver #2 from LDC (March 2004) section 10.2.11 to allow spacing of ILA's at a distance greater than 120' ft.

00:49:19 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution was adopted:

(Waiver #1) WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners since the property lies on a cul-de-sac which (Lake Shore Court) has vacant properties to the East, West, and North. The subject property is bounded on the South by I-64, an interstate right of way. The subject site has shrubbery along the southwestern property line adjacent to another vacant restaurant. The site does not have any landscaping along the front entrance from Lake Shore Court; and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. The waiver would not violate Guideline 3: Compatibility Plan element A. 24 states that screening and buffering of parking and circulation areas adjacent to the street, and uses design features or landscaping to fill gaps created by surface parking lots. Therefore the requirement of the 15' ft. LBA for screening of the parking lot from the street is neither present nor proposed by the applicant; and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since providing the landscaping

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NEW BUSINESS

CASE NO. 16WAIVER1015

along either side of the ingress/egress would provide screening for the vehicular land use area from Lake Shore Court; 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 since the landscaping would provide a screen for the vehicular use area as required by the Development Code (2004) from the street, Lake Shore Court; and

(Waiver #2) WHEREAS, the Committee further finds that the waiver will not adversely affect adjacent property owners since the Interior Landscape Areas are interior to the site and many of the interior landscape areas meet the 120" distance requirement but along the northern property line there are two which do not and area at a greater distance than required by code. The surrounding properties have similar designs as found on the subject site; and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. 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 existing ILA's have some tree plantings but not all, others have lighting which limits the ability to provide a tree; and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since some of the existing ILA's have trees while others have lighting. The ILA's with lighting limits tree plantings; and

WHEREAS, the Commission further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant since not all but some of the ILA's have trees planted while others have lighting which limits the ability to provide trees in those areas; and

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

RESOLVED, the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the City of Jeffersontown that the requested Waiver from LDC 2004 section 10.2.9 to not have a 15' ft. LBA and allow the existing parking to remain, and Waiver #2 from LDC 2004 section 10.2.11 to allow spacing of ILA's at a distance greater than 120' ft.

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NEW BUSINESS

CASE NO. 16WAIVER1015

The vote was as follows:

YES: Commissioners Brown, Peterson, and Smith.

NO: No one.

NOT PRESENT: Commissioner Tomes.

ABSTAINING: Commissioner Kirchdorfer.

DEVELOPMENT REVIEW COMMITTEE
July 20, 2016

NEW BUSINESS

CASE NO. 16WAIVER1022

00:54:58 On a motion by Commissioner Kirchdorfer, seconded by Commissioner Brown, the following resolution was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners as the property is located in a commercial center and the façade faces other businesses; and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 3, policy 28 calls for signs that are compatible with the form district pattern and contribute to the visual quality of their surroundings. The waiver will not violate the comprehensive plan as the proposed signage is a similar to the existing signage and is consistent to the type of signage seen in this mixed commercial center; 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 additional signage is necessary to identify the location of services offered within the building; and

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of land or create an unnecessary hardship as the proposed signage is similar to proposals of other large retail stores of this type; and is necessary to identify the location of services offered within the building; and

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

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested waiver of Chapter 8.3, Table 8.3.2 of the Land Development Code (LDC) to allow the number of attached signs as proposed.

The vote was as follows:

YES: Commissioners Brown, Peterson, Smith, and Kirchdorfer.

NO: No one.

NOT PRESENT: Commissioner Tomes.

ABSTAINING: No one.

DEVELOPMENT REVIEW COMMITTEE
July 20, 2016

NEW BUSINESS

CASE NO. 16WAIVER1023

00:58:37 On a motion by Commissioner Kirchdorfer, seconded by Commissioner Brown, the following resolution was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners as the majority of the adjacent property owners are commercial properties and the residential properties to the south do not face the property; and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 3, policy 28 calls for signs that are compatible with the form district pattern and contribute to the visual quality of their surroundings. The waiver will not violate the comprehensive plan as the proposed signage is consistent to the type of signage seen throughout the Suburban Marketplace Corridor form district; 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 additional signage is necessary to identify the location of services offered within the building; and

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of land or create an unnecessary hardship as the proposed signage is similar to proposals of other large retail stores of this type; and is necessary to identify the location of services offered within the building; and

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

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver of Chapter 8.3, Table 8.3.2 of the Land Development Code (LDC) to allow the number of façade signs as proposed.

The vote was as follows:

YES: Commissioners Brown, Peterson, Smith, and Kirchdorfer.

NO: No one.

NOT PRESENT: Commissioner Tomes.

ABSTAINING: No one.

DEVELOPMENT REVIEW COMMITTEE
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ADJOURNMENT

The meeting adjourned at approximately 2:03 p.m.

Chair

Planning Director