

**MINUTES OF THE MEETING
OF THE
DEVELOPMENT REVIEW COMMITTEE
November 15, 2017**

A meeting of the Development Review Committee was held on November 15, 2017 at 1:00 p.m. in the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Committee Members present were:

David Tomes, Chairman
Rich Carlson, Vice Chair
Laura Ferguson
Jeffrey Brown
Emma Smith

Committee Members absent were:

No one

Staff Members present were:

Emily Liu, Director, Planning & Design Services
Joe Reverman, AICP, Assistant Director, Planning & Design Services
Brian Davis, AICP, Planning & Design Manager
Jay Lockett, Planner I
Ross Allen, Planner I
Laura Mattingly, AICP, Planner II
Joel Dock, Planner II
Paul Whitty, Legal Counsel
Travis Fiechter, Legal Counsel
Tammy Markert, Transportation Planning
Chris Cestaro, Management Assistant (minutes)

The following matters were considered:

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APPROVAL OF MINUTES

Approval of the minutes of the November 1, 2017 Development Review Committee meeting

00:10:45 On a motion by Commissioner Carlson, seconded by Commissioner Smith, the following resolution was adopted.

RESOLVED, that the Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on November 1, 2017.

The vote was as follows:

YES: Commissioners Smith, Ferguson, Carlson, Brown, and Tomes.

NO: No one.

NOT PRESENT: No one.

ABSTAINING: No one.

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NEW BUSINESS

CASE 17DEVPLAN1124

Request: *CONT'D from the 10/18/17 DRC
Revised Detailed District Development Plan and Landscape
Waiver
Project Name: The Shoppes at Lone Oak
Location: 3501 & 3541 Outer Loop
Owner: Greer Land Co-Smyrna #2 LLC
Applicant: Vision Engineering LLC
Representative: Vision Engineering LLC
Jurisdiction: Louisville Metro
Council District: 13 – Vicki Aubrey Welch

Case Manager: Laura Mattingly, AICP, Planner II

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

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

Agency Testimony:

00:11:44 Laura Mattingly presented the case (see staff report and recording for detailed presentation.) The applicant has submitted a new traffic analysis, which has been reviewed by KYTC and Metro Transportation.

00:13:36 Ms. Mattingly read a new binding element #10 into the record, to read as follows:

Prior to request for the first Certificate of Occupancy in relation to the development plan, the following improvements shall be provided by the developer:

- a. A right-in/right-out shall be provided on Outer Loop to the site.
- b. A dedicated right-turn lane shall be provided on Outer Loop to Minor Lane.
- c. The existing left-turn lane on Outer Loop to Minor Lane shall be extended per length determined by KYTC at the time of construction approval.

00:14:21 Ms. Mattingly said that, additionally, binding element #9 needs to be changed to require elevations to be reviewed either by staff or a Committee of the Planning Commission.

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00:15:03 In response to some questions from Commissioner Carlson, Ms. Mattingly discussed the proposed binding element #10. She also confirmed for Commissioner Carlson that the hotel shown on the original development plan was one story; the proposal now is for three stories.

The following spoke in favor of the request:

Jihad Hallany, 128 East Reynolds Road Suite 150, Lexington, KY 40517

Summary of testimony of those in support:

00:17:56 Jihad Hallany, applicant's representative, discussed concerns/issues brought up at the previous DRC meeting (see recording for detailed presentation and discussion.) He discussed the proposed buffer between the residences and the three-story hotel. He said the applicant is committed to adding more buffering vegetation plus an eight-foot berm if needed.

00:22:28 Mr. Hallany discussed the traffic study and said the applicant agrees to provide a right-in-right-out access as well as a dedicated right-turn lane, plus other staff traffic concerns.

00:22:56 Tammy Markert, with Metro Transportation Planning, discussed conversations she has had with Traffic Engineering, who have examined the applicant's traffic study data (see recording for detailed presentation.) She said Traffic Engineering does not recommend the additional lane on Briarcliff (sp) at this time for this development.

00:23:42 Ms. Markert read an e-mail from the Kentucky Transportation Cabinet into the record.

00:24:53 In response to a question from Commissioner Carlson, Ms. Markert detailed her discussions with Metro Transportation Planning regarding the previously-mentioned turning lane on Briarcliff. Commissioner Brown also discussed the topic, including proposed signalization changes that should work better than an extra lane to mitigate problems.

00:27:22 Mr. Hallany showed the Commissioners an updated development plan. Ms. Mattingly and Commissioner Tomes discussed Conditions of Approval that should be added to the updated plan.

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00:29:24 Commissioner Brown asked if the construction of the eight-foot berm would require removal of trees. Mr. Hallany said that a smaller berm would not require any tree removal.

00:30:08 Commissioner Carlson and Mr. Hallany discussed a provided rendering.

The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against the request:

No one spoke.

Discussion:

00:32:51 Tammy Markert proposed language for a Condition of Approval, to read as follows:

D. The right-turn lane from I-65 northbound exit ramp will require mitigation as determined by KYTC.

00:33:40 Commissioner Brown discussed the proposed Condition of Approval.

00:34:35 Mr. Hallany said he was not sure if he could agree to this because this location "is way off" the applicant's property. There was much discussion regarding who is responsible for what areas.

00:43:23 THIS CASE WILL BE CONTINUED TO THE END OF TODAY'S AGENDA

Resumed at 02:09:15

02:09:15 Tammy Markert said the traffic consultant e-mailed her and explained more about the traffic-related issues, especially the highway ramps (see recording for detailed presentation.)

02:14:02 Mr. Hallany discussed trip generation and traffic distribution at the Outer Loop intersection (see recording for detailed presentation.)

02:16:08 Commissioner Brown and Ms. Mattingly discussed Conditions of Approval (COA's) and binding elements (see recording for detailed discussion.) Landscaping and right-turn lanes.

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Waiver of Section 10.2.10 to not provide the required Vehicle Use Area Landscape Buffer along Minyard Drive

02:20:11 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 waiver will not adversely affect adjacent property owners as the buffer was provided previously before the state widened the right-of-way, leaving a large vegetated verge and berm that was built after the re-zoning was approved; and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. The waiver will not violate Guideline 3, Compatibility, of Cornerstone 2020, which calls for the protection of roadway corridors and public areas from visual intrusions, for mitigation of parking areas so as not to negatively impact nearby residents and pedestrians, and for screening and buffering of parking areas adjacent to streets. The waiver will not violate Guideline 13, Landscape Character, which calls for the protection of parkways through standards for buffers, landscape treatment, lighting and signs. The purpose of vehicle use area landscape buffer areas is to improve the appearance of vehicular use areas and property abutting public rights-of way. These guidelines are not violated, as the buffer was provided on previous plans, leaving a wide verge to provide screening and buffering after the state widened Minyard 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 as the applicant had provided the buffer previously and all other buffers are provided; 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 the site plan would have to be reconfigured and needed parking lost due to the widening of the road after the rezoning; and

WHEREAS, the Louisville Metro Development Review Committee finds that, based on the staff report 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

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RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested **Waiver** of 10.2.10 to not provide the required Vehicle Use Area Landscape Buffer along Minyard Drive.

The vote was as follows:

YES: Commissioners Smith, Brown, Ferguson, Carlson, and Tomes.

NO: No one.

NOT PRESENT: No one.

ABSTAINING: No one.

Revised Detailed District Development Plan

02:20:26 On a motion by Commissioner Brown, seconded by Commissioner Smith, 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 will be provided in accordance with Chapter 10 of the Land Development Code; and

WHEREAS, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community have been provided as access and parking facilities are being shared throughout the center. Pedestrian connections to public sidewalks have been provided throughout; and

WHEREAS, the Committee further finds that open space is not required for the subject site; 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 the area to the west along Preston Hwy contains a variety of scales and intensities of non-residential uses. Property perimeter landscaping has been provided to aide in the transition from commercial to residential uses; and

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WHEREAS, the Louisville Metro Development Review Committee finds that, based on the staff report 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 Revised Detailed District Development Plan, ON CONDITION that the plan is updated to show the berm that will be provided along the hotel frontage and the northern property line, and the turn lanes are clearly shown on the development plan

The vote was as follows:

YES: Commissioners Smith, Brown, Ferguson, Carlson, and Tomes.

NO: No one.

NOT PRESENT: No one.

ABSTAINING: No one.

Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any 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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4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is requested:
 - a. The development plan must receive full construction approval from **Develop Louisville and** the Metropolitan Sewer District.
 - b. 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.
 - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. The applicant, developer, or property owner shall provide copies of these binding elements to 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.
7. The materials and design of proposed structures shall be submitted to the Planning Commission or Committee for review and approval prior to issuance of building permits.
8. Prior to request for the first Certificate of Occupancy in relation to the development plan, the following improvements shall be provided by the developer:
 - a. A right-in/right-out shall be provided on Outer Loop to the site.
 - b. A dedicated right-turn lane shall be provided on Outer Loop to Minor Lane shall be constructed.
 - c. The existing left-turn lane on Outer Loop to Minor Lane shall be extended

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- d. per length determined by KYTC at the time of construction approval.
Some mitigation may be required or updated traffic study for the impact at the 65 Northbound ramp to Outer Loop.
- 9. No attached lighting shall be permitted on the rear (north facades) of the structures within the development center that are adjacent to residentially zoned properties to the north of the site.

The vote was as follows:

YES: Commissioners Smith, Brown, Ferguson, Carlson, and Tomes.

NO: No one.

NOT PRESENT: No one.

ABSTAINING: No one.

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CASE 17DEVPLAN1155

Request: General/Detailed District Development Plan and Sidewalk Waiver
Project Name: Southpointe Commons
Location: 7413 Bardstown Road
Owner: Investors Exchange Company, LLC
Applicant: Investors Exchange Company, LLC
Representative: Jon Baker - Wyatt, Tarrant & Combs, LLP
Jurisdiction: Louisville Metro
Council District: 22 – Robin Engel

Case Manager: Laura Mattingly, AICP, Planner II

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

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

Agency Testimony:

00:44:40 Laura Mattingly presented the case and showed the site plan (see staff report and recording for detailed presentation.) She noted that, at the time the staff report was originally published, the original plan had “several outstanding issues.” The staff report has since been updated and re-published on Monday.

00:54:28 Ms. Mattingly read a proposed binding element (#11) into the record, to read as follows:

11. Exhibits showing details of amenity areas must be submitted and approved by the Planning Commission or designee prior to Landscape Plan approval.

00:56:01 Ms. Mattingly read a proposed binding element (#10) into the record, as follows:

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

The following spoke in favor of the request:

Jon Baker, Wyatt Tarrant & Combs, 500 West Jefferson Street Suite 2800, Louisville, KY 40202

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Summary of testimony of those in support:

00:58:13 Jon Baker, the applicant's representative, presented that applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

01:07:23 Commissioner Ferguson asked about binding element #9. Binding element #9 shall be changed to read as follows:

9. The materials and design of proposed structures shall be submitted and approved by the Planning Commission or designee prior to issuance of building permits.

The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against the request:

No one spoke.

01:08:52 Commissioners' deliberation

01:09:15 Ms. Mattingly read the proposed language for binding element #9 into the record.

01:10:24 In response to a question from Commissioner Brown, Mr. Baker said the applicant will work with TARC to facilitate a transit stop, subject to TARC's approval.

Waiver of section 5.8.1.B to not provide a sidewalk along Bardstown Road:

01:11:07 On a motion by Commissioner Brown, seconded by Commissioner 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 the provision of a sidewalk along this frontage would create unsafe pedestrian conditions due to the Gene Snyder on-ramp spanning the majority of the frontage; and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 7, Policy 1 states that developments should

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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 for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. These guidelines are not violated as the applicant has provided sidewalks along the private road and throughout the development where they will have the most benefit for pedestrians; and

WHEREAS, the Committee further finds that the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant as providing these sidewalks along Bardstown Road would be unnecessary due to the lack of connection on Bardstown as it passes under I-265; 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 as sidewalks have been provided along the private road where they are not required but will have a greater net benefit for users of the development; and

WHEREAS, the Louisville Metro Development Review Committee finds that, based on the staff report 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 Waiver of section 5.8.1.B to not provide a sidewalk along Bardstown Road.

The vote was as follows:

YES: Commissioners Smith, Brown, Ferguson, Carlson, and Tomes.

NO: No one.

NOT PRESENT: No one.

ABSTAINING: No one.

Detailed District Development Plan

01:11:47 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted:

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WHEREAS, the Louisville Metro Development Review Committee finds that LOJIC has identified Karst terrain on site. The applicant has performed a Karst survey and will take measures to ensure the development will not negatively impact the natural resources on 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 appear to have been provided; and

WHEREAS, the Committee further finds that Sufficient open space is provided to meet the needs of the proposed development including site amenities area; 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. Buildings will meet all required setbacks, landscaping requirements are being met with the exception of the Gene Snyder buffer and appropriate buffers and screening is provided adjacent to lower intensity uses; and

WHEREAS, the Louisville Metro Development Review Committee finds that, based on 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, **ON CONDITION** that parking calculations are updated; the landscape buffer required along the Gene Snyder Freeway matches the General approved development plan; and that the outdoor sales area needs to be confirmed in conjunction with the review of the amenities plan, by the Planning Commission or designee prior to issuance of building permit; and **SUBJECT** to the following binding elements:

All binding elements from the approved General Development Plan (11640) 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

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Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.

2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any 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. 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. 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.
 - c. A minor plat or legal instrument shall be recorded consolidating the property into one lot. 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.
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
5. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.

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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.

9. The materials and design of proposed structures shall be submitted and approved by the Planning Commission or designee prior to issuance of building permit/s.

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

11. Exhibits showing details of amenity areas must be submitted and approved by the Planning Commission or designee prior to issuance of building permit.

The vote was as follows:

YES: Commissioners Smith, Brown, Ferguson, Carlson, and Tomes.

NO: No one.

NOT PRESENT: No one.

ABSTAINING: No one.

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NEW BUSINESS

CASE 17DEVPLAN1174

Request: Revised Detailed District Development Plan and Landscape Waivers
Project Name: Sproutlings Daycare
Location: 330 Masonic Home Drive
Owner: Masonic Homes of KY, Inc.
Applicant: Masonic Homes of KY, LLC
Representative: Clifford Ashburner – Dinsmore & Shohl, LLP
Jurisdiction: Louisville Metro
Council District: 9 – Bill Hollander

Case Manager: Joel Dock, Planner II

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

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

Agency Testimony:

01:13:39 Joel Dock presented the case (see staff report and recording for detailed presentation.)

01:17:35 – Mr. Dock explained one change he wanted to make to the staff report – Standard of Review in Staff Analysis for the Landscape Waiver, Item A (see recording for detailed explanation.)

The following spoke in favor of the request:

Cliff Ashburner, Dinsmore & Shohl, 1015 South 5th St Suite 2500, Louisville, KY 40202

Ashley Bartley, Qk4, 1046 East Chestnut Street, Louisville, KY 40204

Summary of testimony of those in support:

01:19:13 Cliff Ashburner, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

01:23:01 Ashley Bartley, an applicant's representative, discussed where the waivers are being requested.

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01:24:38 In response to a question from Commissioner Smith, Mr. Ashburner said the capacity for the center (number of children) would be 165. They also discussed parking (100 spaces).

01:25:35 In response to a question from Commissioner Carlson, Mr. Ashburner discussed the dumpster pickup times.

The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against the request:

Julie Leake, 3804 Elmwood Avenue, Louisville, KY 40207

Summary of testimony of those neither for nor against the request:

01:26:48 Julie Leake, a nearby resident, asked if there would be adequate egress to the campus without encroaching on nearby residential streets. Mr. Ashburner said that opening up any nearby streets is not part of this application and that there are no proposed changes to an existing binding element regarding this.

01:28:02 Commissioners' deliberation

Waiver of Land Development Code (LDC), section 10.2.10 to reduce and/or eliminate landscape buffers, plant material, or screening

01:28:17 On a motion by Commissioner Brown, seconded by Commissioner 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 the Masonic Homes property is an integrated development with mixed-uses, shared parking facilities, internal drives, and open space. Frankfort Avenue is screened and buffered with existing vegetation in the public right of way; and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. The waiver will not violate specific guidelines of

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Cornerstone 2020 as sufficient buffering and screening is currently provided to protect the aesthetic quality of public ways and to separate incompatible 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 all required plantings and screening will be provided, except where not possible along the West property line between the subject site and Miralea facility due to the parking spaces; 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 parking facilities are being provided to accommodate the building expansion and at locations to avoid any adverse impact on drainage and water quality facilities (rain gardens). Existing screening is provided along Frankfort Avenue to protect the aesthetic quality of this way from the minimal encroachment of parking; and

WHEREAS, the Louisville Metro Development Review Committee finds that, based on 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 Waiver of Land Development Code (LDC), section 10.2.10 to reduce and/or eliminate landscape buffers, plant material, or screening.

The vote was as follows:

YES: Commissioners Smith, Brown, Ferguson, Carlson, and Tomes.

NO: No one.

NOT PRESENT: No one.

ABSTAINING: No one.

Revised Detailed District Development Plan

01:29:06 On a motion by Commissioner brown, seconded by Commissioner Carlson, the following resolution was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the proposed improvements preserve previously installed rain gardens, existing vegetative screening and appear to have no impact on the existing tree canopy; and

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WHEREAS, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community are provided as the Masonic Homes property is an integrated development with mixed-uses, shared parking facilities, internal drives, and open space; and

WHEREAS, the Committee further finds that open space is being provided to meet the needs of the development as the subject site contains significant areas of undisturbed or natural areas and an outdoor play area; 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 that contains a mix of residential and non-residential uses. The building design is consistent with the existing structure on the subject site, throughout the Masonic Homes property, and within the area. The rendering provided by the applicant are complaint with the Land Development Code; and

WHEREAS, the Louisville Metro Development Review Committee finds that, based on 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 Revised Detailed District Development Plan, **SUBJECT** to the following binding elements:

1. The maximum density permitted for the Masonic Homes campus, being that as described in deed book 9046 page 151, and being in the R-5A zoning district, shall be 12.01 dwelling units per acre (946 units on 78.82 acres) as permitted in R-5A zoning district.
2. Prior to any building permits being issued for the development of lots 2 through 7 detailed district development plans will be submitted to the Planning Commission for approval. These development plans will be subject to all agency approvals and additional binding elements.

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NEW BUSINESS

CASE 17DEVPLAN1174

3. There shall be no access to this site from Napanee, Ormond, and Leland Roads and Elmwood Avenue. In the event of an emergency Washington Square will provide access to the site. Washington Square will not be used for access except in emergency and safety situations and during the annual Masonic Picnic.
4. 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 Construction Review, Louisville Metro Public Works, and the Metropolitan Sewer District.
 - b. The size and location of any proposed development identification signs must be approved by the Planning Commission.
 - c. A minor subdivision plat shall be recorded creating the lot lines as shown on the development plan. A copy of the instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - d. The appropriate variances and modification to conditional use permit shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
5. Retention basins are shown for general location purposes only. The configuration and size of each basin will be determined prior to approval of the detailed district development plan for the area for which they are shown.
6. Storm water retention shall be provided to maintain runoff at present rates.
7. Construction of retention facilities are waived for any new structures on Lot 1.
8. Off-site drainage improvements in lieu of retention basins may be required for development in Lot 7.
9. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of a structure or land for the proposed use.
10. These binding elements may be amended as provided for in the Zoning District Regulations.

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CASE 17DEVPLAN1174

11. A stub connection shall be provided along the western property line of this site as shown in case 14169 unless other access is provided elsewhere on the western campus boundary. Access through the campus shall utilize existing and currently planned road infrastructure to service emergency access.

The vote was as follows:

YES: Commissioners Smith, Brown, Ferguson, Carlson, and Tomes.

NO: No one.

NOT PRESENT: No one.

ABSTAINING: No one.

DEVELOPMENT REVIEW COMMITTEE

November 15, 2017

NEW BUSINESS

CASE 17DEVPLAN1118

Request: Category 3 Review of a proposed mixed-use development (multi-family and retail/commercial) in the Portland/Shawnee Neighborhood
Project Name: The Portland Stroll
Location: 2510 Portland Avenue
Owner: Stroll District LLC
Applicant: Jeff Rawlins – Architectural Artisans Inc.
Representative: Jeff Rawlins – Architectural Artisans Inc.
Jurisdiction: Louisville Metro
Council District: 5 – Cheri Bryant Hamilton

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:

01:29:41 Ross Allen presented the case (see staff report and recording for detailed presentation.)

The following spoke in favor of the request:

Jeff Rawlins, Architectural Artisans, 748 East Main Street, Louisville, KY

Summary of testimony of those in support:

01:33:31 Jeff Rawlins, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against the request:

No one spoke.

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NEW BUSINESS

CASE 17DEVPLAN1118

01:37:17 Commissioners' deliberation

01:37:24 Commissioner Brown asked if the changes in the building material addressed the Portland Now" comments. Mr. Rawlins said yes, and explained how.

01:38:32 Commissioner Brown expressed concerns about the drive aisle and parking.

01:39:19 In response to a question from Commissioner Smith, Mr. Rawlins discussed the corrugated metal panels proposed for the building/s.

01:40:12 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that, based on 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 Approval of a Category 3 development plan for mixed Use (Multi-family/Commercial Retail) development **ON CONDITION** that a deed of consolidation is recorded prior to issuance of building permits.

The vote was as follows:

YES: Commissioners Smith, Brown, Ferguson, Carlson, and Tomes.

NO: No one.

NOT PRESENT: No one.

ABSTAINING: No one.

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NEW BUSINESS

CASE 17WAIVER1036

Request: Waiver to allow a retaining wall within the required landscape buffer
Project Name: 2705 Watterson Trail Landscape
Location: 2705 Watterson Trail
Owner: Barnett Watterson, LLC
Applicant: Barnett Watterson, LLC
Representative: Chris Crumpton – Blue Stone Engineering
Jurisdiction: City of Jeffersontown
Council District: 11 – Kevin Kramer

Case Manager: Jay Luckett, 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:

01:40:59 Jay Luckett presented the case (see staff report and recording for detailed presentation.) In response to a question from Commissioner Brown, Mr. Luckett said there was no proposed signage for the wall, it is just a retaining wall.

The following spoke in favor of the request:

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

Summary of testimony of those in support:

01:42:57 Chris Crumpton, the applicant's representative, presented the applicant's case (see recording for detailed presentation.)

The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against the request:

No one spoke.

DEVELOPMENT REVIEW COMMITTEE

November 15, 2017

NEW BUSINESS

CASE 17WAIVER1036

01:44:31 Commissioners' deliberation

01:44:53 On a motion by Commissioner Brown, seconded by Commissioner 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 all required landscaping and screening will still be provided within the 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 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 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 waiver will allow for a retaining wall to be constructed in an area of grade change, while still allowing required buffering and screening to be installed; and

WHEREAS, the Committee further finds that the extent of the waiver is the minimum necessary to afford relief to the applicant, as all required plantings will still be installed in the buffer area around the retaining wall; and

WHEREAS, the Committee further finds that the strict application of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship, as the topography of the site makes a retaining wall necessary to grade the site properly; and

WHEREAS, the Louisville Metro Development Review Committee finds that, based on the staff report and the evidence and testimony presented today, that all of the

DEVELOPMENT REVIEW COMMITTEE
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NEW BUSINESS

CASE 17WAIVER1036

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 proposed Waiver from Land Development Code (Jeffersontown) Section 10.2.4.B.1 to allow a retaining wall within a required Landscape Buffer Area, be **APPROVED**.

The vote was as follows:

YES: Commissioners Smith, Brown, Ferguson, Carlson, and Tomes.

NO: No one.

NOT PRESENT: No one.

ABSTAINING: No one.

DEVELOPMENT REVIEW COMMITTEE

November 15, 2017

NEW BUSINESS

CASE 17WAIVER1037

Request: Waiver to not construct a sidewalk along Norfolk Drive
Project Name: Collins Ford Sidewalk Waiver
Location: 4220 Bardstown Road
Owner: Collins Development, LLC
Applicant: Collins Development, LLC
Representative: Land Design & Development
Jurisdiction: Louisville Metro
Council District: 2 – Barbara Shanklin

Case Manager: Jay Lockett, 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:

01:45:34 Jay Lockett presented the case (see staff report and recording for detailed presentation.)

01:48:42 In response to a question from Commissioner Ferguson, Mr. Lockett discussed the fee-in-lieu that was mentioned in the staff report.

01:49:18 Commissioner Smith asked if the residents of the multi-family developments can walk out to Bardstown Road. Mr. Lockett discussed the route a pedestrian would have to take to get to Bardstown Road via Fegenbush Lane.

The following spoke in favor of the request:

Sarah Beth Sammons, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

Summary of testimony of those in support:

01:50:33 Sarah Beth Sammons, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

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NEW BUSINESS

CASE 17WAIVER1037

01:55:27 In response to a question from Commissioner Brown, Ms. Sammons discussed the applicant's replacement / rebuilding of all ADA-compliant curb ramps along Fegenbush Lane along this property.

01:59:30 Commissioner Tomes asked about "proportionality". Joseph Reverman, Assistant Director of Planning & Design Services, discussed the idea of putting the sidewalk in front of the convenience store.

02:01:12 Mark Campisano, speaking for the Collins family, explained why the applicant requested the sidewalk waiver (see recording for detailed explanation.)

The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against the request:

No one spoke.

02:03:06 Commissioners' deliberation

02:04:35 "Proportionality" was discussed.

02:07:46 Ms. Sammons said the applicant would be willing to come back to the December 6, 2017 DRC meeting to allow them time to consult with Metro Public Works to come up with some options for the sidewalk.

02:08:31 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby CONTINUE this case to the December 6, 2017 Development Review Committee meeting.

The vote was as follows:

YES: Commissioners Smith, Brown, Ferguson, Carlson, and Tomes.

NO: No one.

NOT PRESENT: No one.

ABSTAINING: No one.

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ADJOURNMENT

The meeting adjourned at approximately 3:17 p.m.

Chair

Planning Director