

**MINUTES OF THE MEETING
OF THE
DEVELOPMENT REVIEW COMMITTEE
November 16, 2016**

A meeting of the Development Review Committee was held on, November 16, 2016 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
Richard Carlson, Vice Chairman
Jeff Brown
Emma Smith
Robert Kirchdorfer

Staff Members present were:

Emily Liu, Director
Joe Reverman, Assistant Director
Brian Davis, Planning and Design Manager
Brian Mabry, Planning and Design Supervisor
Julia Williams, Planning Supervisor
Joel P. Dock, Planner I
Laura Mattingly, Planner I
Ross Allen, Planner I
John Carroll, Legal Counsel
Tammy Markert, Transportation Planning Coordinator
Pamela M. Brashear, Management Assistant

The following matters were considered:

DEVELOPMENT REVIEW COMMITTEE
November 16, 2016

APPROVAL OF MINUTES

NOVEMBER 2, 2016 DRC MEETING MINUTES

On a motion by Commissioner Brown, 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 2, 2016.

The vote was as follows:

YES: Commissioners Brown, Carlson, Kirchdorfer, Smith and Tomes

DEVELOPMENT REVIEW COMMITTEE
November 16, 2016

NEW BUSINESS

CASE NO. 16EXTENSION1004

Project Name:	Dixie Auto Sales
Location:	7800 Dixie Highway
Owner(s):	BHPH Properties, LLC
Applicant:	BTM Engineering, Inc.
Representative(s):	BTM Engineering, Inc.
Project Area/Size:	9.57 acres
Existing Zoning District:	C-2
Existing Form District:	SMC
Jurisdiction:	Louisville Metro
Council District:	25 – David Yates
Case Manager:	Brian Davis, AICP, Planning Manager

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.)

Agency Testimony:

00:47:17 Mr. Davis discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

John Addington, BTM Engineering, 3001 Taylor Springs Drive, Louisville, Ky. 40220

Summary of testimony of those in favor:

00:49:46 Mr. Addington stated that the owner expected the business to grow quicker than it has so he needs an extended time to work on it. Also, there is ample parking for this location.

Deliberation

00:51:18 Development Review Committee deliberation.

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

On a motion by Commissioner Carlson, seconded by Commissioner Smith, the following resolution was adopted.

DEVELOPMENT REVIEW COMMITTEE
November 16, 2016

NEW BUSINESS

CASE NO. 16EXTENSION1004

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the extension expiration date to November 8, 2018 based on the staff report and information heard today.

Binding Elements

1. The development plan shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agree 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 (and to the City of Lyndon, St. Matthews, Hurstbourne, or Middletown) for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 912 square feet of gross floor area.
3. 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 Inspections, Permits and Licenses, Louisville Metro Public Works, 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 reciprocal access and crossover easement in a form acceptable to Planning Commission legal counsel shall be secured from the adjoining property owner and recorded prior to construction approval. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.
4. Signs shall be in accordance with Chapter 8 or as presented at the public meeting (96 square feet in area and 26.5 feet in height).
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.

DEVELOPMENT REVIEW COMMITTEE
November 16, 2016

NEW BUSINESS

CASE NO. 16EXTENSION1004

6. The materials and design of existing/proposed structures shall be substantially the same as depicted in the photos/rendering as presented at the October 4, 2012, Planning Commission public hearing.

The vote was as follows:

YES: Commissioners Brown, Carlson, Kirchdorfer, Smith and Tomes

DEVELOPMENT REVIEW COMMITTEE
November 16, 2016

NEW BUSINESS

CASE NO. 16MOD1008

Project Name:	Frazier Museum
Location:	827-833 West Main Street
Owner:	Museum Realty, LLC
Representative:	Bardenwerper, Talbott & Roberts – J. Bissell Roberts
Project Area/Size:	0.51 acres
Existing Zoning District:	C-3, Commercial
Existing Form District:	DT, Downtown
Jurisdiction:	Louisville Metro
Council District:	4 – David James
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.)

Agency Testimony:

00:54:29 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Bissell Roberts, Bardenwerper, Talbott and Roberts, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223

Summary of testimony of those in favor:

00:56:46 Mr. Roberts stated he's in agreement with the staff report and proposed amended binding elements.

Deliberation

00:58:50 Development Review Committee deliberation.

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

On a motion by Commissioner Carlson, seconded by Commissioner Kirchdorfer, the following resolution was adopted.

DEVELOPMENT REVIEW COMMITTEE
November 16, 2016

NEW BUSINESS

CASE NO. 16MOD1008

WHEREAS, The proposal does not appear to adversely impact the conservation of natural resources on the property proposed for development as there are no proposed changes to the existing structures at this time; and

WHEREAS, Provisions for safe and efficient vehicular and pedestrian transportation within the development and the community is provided as sidewalks are existing along all frontages of the building and the subject site is located in an area of multi-modal use; and

WHEREAS, Open space is not required. All structures exist; and

WHEREAS, 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. No changes are proposed to the existing structures; and

WHEREAS, the Louisville Metro Development Review Committee finds the overall site design and land uses are compatible with existing and projected future development as there are no proposed changes being proposed at this time. Any changes to the façade and or design of external features will be subject to review by the Office of Planning and Design Services, Historic Preservation staff, and the Downtown Development Review Overlay guidelines and principles; and

WHEREAS, the Louisville Metro Development Review Committee further finds the proposal is in conformance with applicable policies of the Comprehensive Plan as Guideline 6, Policy 3 encourages redevelopment, rehabilitation and reinvestment opportunities in downtown, older and declining neighborhoods and older industrial areas that is consistent with the form district pattern. The proposed unification of binding elements allows for the museum to evolve across the subject site from 827-833 W. Main Street and with the adjacent properties to the East at 821-823 W. Main Street.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 16MOD1008, the amendments to the binding elements as shown in the staff report, based on the staff report and the information heard today.

Proposed Binding Elements 9-43-83, 9-88-84, & 9-17-87

1. The size and location of any proposed signs, small freestanding signs, or banners shall be permitted on this site, provided they conform to Chapter 8 of the Louisville Metro Land Development Code, Downtown Development Review Overlay, and all other applicable ordinances within Louisville Metro.

DEVELOPMENT REVIEW COMMITTEE
November 16, 2016

NEW BUSINESS

CASE NO. 16MOD1008

2. A Certificate of Occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use. Binding Elements must be implemented prior to requesting issuance of the Certificate. Certificates of Occupancy have been issued for the properties located at 827-833 West Main Street, Louisville, Kentucky 40202.
3. These binding elements may be amended as provided for in the Zoning District Regulations.
4. The Development shall not exceed 48,360 square feet of gross floor area.
5. There shall be no outdoor storage on the site.
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 the development of the site, the applicant and developer, their heirs, successors and assignees, contractors, subcontractors and other parties engaged in development of this site, shall be responsible for compliance with these binding elements.
7. Adult Entertainment activities as defined by the Louisville Metro Land Development Code and Chapter 111 of the Louisville Metro Code of Ordinances shall not be permitted; including but not limited to, Adult Entertainment Arcade, Adult Book Store, Adult Entertainment Provider, Adult Motion Picture Theater, Adult Stage Show Theater, Adult Video Cassette Rental Center, Cabaret, Commercial Sexual Entertainment Center, Massage Parlor, Taxi, Dance Hall or other similar establishment.

The vote was as follows:

YES: Commissioners Brown, Carlson, Kirchdorfer, Smith and Tomes

DEVELOPMENT REVIEW COMMITTEE
November 16, 2016

NEW BUSINESS

CASE NO. 16MOD1007

Project Name:	Frazier Museum
Location:	821-823 West Main Street
Owner:	Museum Realty, LLC
Representative:	Bardenwerper, Talbott & Roberts – J. Bissell Roberts
Project Area/Size:	0.2 acres
Existing Zoning District:	C-3, Commercial
Existing Form District:	DT, Downtown
Jurisdiction:	Louisville Metro
Council District:	4 – David James
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.)

Agency Testimony:

00:59:41 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Bissell Roberts, Bardenwerper, Talbott and Roberts, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223

Summary of testimony of those in favor:

01:02:50 Mr. Roberts stated he's in agreement with the staff report and proposed amended binding elements, except the binding element that deals with outdoor music. The museum will have a restaurant in the future and will want to play (mood) music suitable for the facility.

Mr. Carroll, legal counsel asked if binding element 11 is needed. Mr. Roberts has no objection to that binding element. Mr. Dock said it was a carryover but can be eliminated.

Deliberation

01:07:02 Development Review Committee deliberation.

DEVELOPMENT REVIEW COMMITTEE
November 16, 2016

NEW BUSINESS

CASE NO. 16MOD1007

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.

On a motion by Commissioner Kirchdorfer, seconded by Commissioner Smith, the following resolution was adopted.

WHEREAS, The proposal does not appear to adversely impact the conservation of natural resources on the property proposed for development as there are no proposed changes to the existing structures at this time; and

WHEREAS, Provisions for safe and efficient vehicular and pedestrian transportation within the development and the community is provided as sidewalks are existing along all frontages of the building and the subject site is located in an area of multi-modal use; and

WHEREAS, Open space is not required. All structures exist; and

WHEREAS, 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. No changes are proposed to the existing structures; and

WHEREAS, the Louisville Metro Development Review Committee finds the overall site design and land uses are compatible with existing and projected future development as there are no proposed changes being proposed at this time. Any changes to the façade and or design of external features will be subject to review by the Office of Planning and Design Services, Historic Preservation staff, and the Downtown Development Review Overlay guidelines and principles; and

WHEREAS, the Louisville Metro Development Review Committee further finds the proposal is in conformance with applicable policies of the Comprehensive Plan as Guideline 6, Policy 3 encourages redevelopment, rehabilitation and reinvestment opportunities in downtown, older and declining neighborhoods and older industrial areas that is consistent with the form district pattern. The proposed unification of binding elements allows for the Frazier History Museum located to the West to evolve with these properties.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 16MOD1007, the amendments to the binding elements submitted by staff today, except number 11 which will be eliminated.

DEVELOPMENT REVIEW COMMITTEE
November 16, 2016

NEW BUSINESS

CASE NO. 16MOD1007

Proposed Binding Elements for subject site of docket 9-44-99

These proposed amendments to binding elements shall apply only to the subject sites at 821-823 W. Main Street:

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any Changes/additions/alterations of any binding elements shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The exterior of the structures shall be maintained. Exterior additions or alterations shall not be made without prior approval of the Planning Commission's Land Development and Transportation Committee and the Louisville Landmarks commission.
3. The Development shall not exceed 24,180 square feet of gross floor area.
4. The size and location of any proposed signs, small freestanding signs, or banners shall be permitted on this site, provided they conform to Chapter 8 of the Louisville Metro Land Development Code, Downtown Development Review Overlay, and all other applicable ordinances within Louisville Metro.
5. There shall be no outdoor storage on the site.
6. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a. The development plan must receive full construction approval from the Louisville Metro Construction Review Division and Louisville Metro Public Works (444 S. 5th Street) and the Metropolitan Sewer District (700 West Liberty).
7. If a renovation permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
8. 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

DEVELOPMENT REVIEW COMMITTEE
November 16, 2016

NEW BUSINESS

CASE NO. 16MOD1007

implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.

9. 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.

10. The subject property may be devoted to use as a museum, office, restaurants, retail businesses and all other permitted uses in the C-3, Commercial zoning district. Adult Entertainment activities as defined by the Louisville Metro Land Development Code and Chapter 111 of the Louisville Metro Code of Ordinances shall not be permitted; including but not limited to, Adult Entertainment Arcade, Adult Book Store, Adult Entertainment Provider, Adult Motion Picture Theater, Adult Stage Show Theater, Adult Video Cassette Rental Center, Cabaret, Commercial Sexual Entertainment Center, Massage Parlor, Taxi, Dance Hall or other similar establishment.

The vote was as follows:

YES: Commissioners Brown, Carlson, Kirchdorfer, Smith and Tomes

DEVELOPMENT REVIEW COMMITTEE
November 16, 2016

NEW BUSINESS

CASE NO. 15DEVPLAN1147

Request:	Revised Detailed District Development Plan with a waiver
Project Name:	Covington by the Lake
Location:	7321 Jefferson Boulevard
Owner:	Jefferson Fringe Land LP
Applicant:	Highgates
Representative:	Mindel Scott and Associates
Jurisdiction:	Louisville Metro
Council District:	24-Madonna Flood
Case Manager:	Julia Williams, RLA (IN), AICP, Planning Supervisor

THIS CASE WAS HEARD FIRST ON THE DOCKET

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.)

Agency Testimony:

00:05:48 Mrs. Williams discussed the case summary, standard of review and staff analysis from the staff report.

00:41:55 Mrs. Williams stated that if Metro Public Works and the Planning and Design Director don't agree on the pedestrian connection, the applicant could seek approval from Metro Council with a recommendation from the Planning Commission.

00:43:00 Mrs. Williams suggests continuing this case to a Planning Commission meeting, date uncertain.

The following spoke in favor of this request:

David Mindel, 5151 Jefferson Boulevard, Louisville, Ky. 40219
Kathy Linares, 5151 Jefferson Boulevard, Louisville, Ky. 40219

Summary of testimony of those in favor:

00:10:19 Mr. Mindel stated there was a binding element (when plan was approved) to not connect some of the streets. If that connection is made, there would be a direct path all the way to Shepherdsville Rd. through a residential subdivision.

DEVELOPMENT REVIEW COMMITTEE
November 16, 2016

NEW BUSINESS

CASE NO. 15DEVPLAN1147

00:11:50 Ms. Linares gave a power point presentation. Making that connection will create a cut-through. Also, Ms. Linares spoke with Mike Allendorf and he's not concerned as there are several other access points to the site.

Deliberation

00:45:58 Development Review Committee deliberation.

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

On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution was adopted.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **CONTINUE** Case No. 15DEVPLAN1147 to a date uncertain to allow the applicant time to provide additional information.

The vote was as follows:

YES: Commissioners Brown, Carlson, Kirchdorfer, Smith and Tomes

DEVELOPMENT REVIEW COMMITTEE
November 16, 2016

NEW BUSINESS

CASE NO. 16DEVPLAN1168

Case No:	16DEVPLAN1168
Request:	Revised Detailed District Development Plan
Project Name:	ALDI #38
Location:	3442 Preston Highway
Owner:	ALDI (INDIANA) L.P.
Applicant:	Adam Kastl, ALDI Inc. Greenwood Division
Representative:	John Campbell, Heritage Engineering, LLC
Jurisdiction:	Louisville Metro
Council District:	21 - Dan Johnson
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.)

Agency Testimony:

01:08:46 Ms. Mattingly discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

John Campbell, Heritage Engineering, 643 South 4th Street, Suite 100, Louisville, Ky. 40202

Summary of testimony of those in favor:

01:11:07 Mr. Campbell gave a power point presentation explaining the 22% footprint expansion. There will also be upgrades inside the store. Also, the applicant will provide a stub to the property line and a crossover agreement as required.

Deliberation

01:15:08 Development Review Committee deliberation.

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

Development Plan and Binding Elements

DEVELOPMENT REVIEW COMMITTEE
November 16, 2016

NEW BUSINESS

CASE NO. 16DEVPLAN1168

On a motion by Commissioner Carlson, seconded by Commissioner Kirchdorfer, the following resolution was adopted.

WHEREAS, LOJIC has not identified any natural resources on site; and

WHEREAS, Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided with a proposed 5' walk connection from the existing sidewalk to the entrance of the building. There is an existing shared access from Preston Hwy on the North side of the site and the applicant is proposing a vehicular connection to the property to the south; and

WHEREAS, There is no open space requirement with this proposal; and

WHEREAS, 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 Louisville Metro Development Review Committee finds the overall land use and building design are compatible with the existing and future development of the area. This area is an established commercial corridor with nearby single family housing. The expansion of this existing commercial use continues to be compatible with surrounding development; and

WHEREAS, the Louisville Metro Development Review Committee further finds the development plan is in conformance with the Land Development Code as well as the policies and guidelines of the non-residential intent of the Comprehensive Plan as it is improving an already needed service for this area.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 16DEVPLAN1168, a Revised Detailed District Development Plan and the amendments to the binding elements based on the staff report and information heard today; also to include changes to the development plan to reflect the landscaping along the frontage and the reduction of the drive isle, **SUBJECT** to the following Binding Elements:

Binding Elements

All binding elements from the approved General Development Plan (9-50-88) are applicable to this site, in addition to the following:

DEVELOPMENT REVIEW COMMITTEE

November 16, 2016

NEW BUSINESS

CASE NO. 16DEVPLAN1168

1. The development shall be in accordance with the approved district development plan, land use and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission.

2. The development shall not exceed 18,147 square feet of gross floor area.

3. Before a building or alteration permit and/or a certificate of occupancy is requested:

a) The development plan must receive full construction approval from Develop Louisville and the Metropolitan Sewer District.

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 requesting a certificate of occupancy and maintained thereafter.

4. No outdoor advertising signs (billboards), small freestanding (temporary) signs, pennants or banners shall be permitted on the site.

5. The permitted uses within the development shall be those uses allowed in the C-1 Commercial District plus the following permitted use:

Restaurant with outdoor seating where entertainment is excluded and no alcoholic beverages are served or consumed outside which is adequately screened and buffered from adjacent residential development.

Binding Element No. 5 may not be changed, amended or removed by the Planning Commission without a public hearing in accordance with the notice requirements set forth in KRS 100.212.

6. In the event that the City of Louisville Board of Aldermen enact an ordinance amending the permitted uses within the C-1 Commercial District to allow the operation of restaurants, where food and drink may be served or consumed, outside as well as inside a building, the applicant agrees that the application" for rezoning may be considered to have been amended to request to rezone the development to C-1 Commercial District.

7. The only permitted freestanding sign shall be located as shown on the approved district development plan. The sign shall not exceed 75 square feet in area 29 feet in height.

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

DEVELOPMENT REVIEW COMMITTEE
November 16, 2016

NEW BUSINESS

CASE NO. 16DEVPLAN1168

9. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.

The vote was as follows:

YES: Commissioners Brown, Carlson, Kirchdorfer, Smith and Tomes

DEVELOPMENT REVIEW COMMITTEE
November 16, 2016

NEW BUSINESS

CASE NO. 16DEVPLAN1169

Request: Revised Detailed District Development Plan
Project Name: ALDI #39
Location: 4301 Bardstwon Road
Owner: ALDI (INDIANA) L.P.
Applicant: Adam Kastl, ALDI Inc. Greenwood Division
Representative: John Campbell, Heritage Engineering, LLC
Jurisdiction: Louisville Metro
Council District: 2 – Barbara Shanklin
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.)

Agency Testimony:

01:16:20 Ms. Mattingly discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

John Campbell, Heritage Engineering, 643 South 4th Street, Suite 100, Louisville, Ky. 40202

Summary of testimony of those in favor:

01:18:19 Mr. Campbell gave a power point presentation explaining the 22% footprint expansion to bring the store more in compliance with their national prototype. There will be updates and energy improvements as well.

Deliberation

01:20:31 Development Review Committee deliberation.

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

Development Plan and Binding Elements

On a motion by Commissioner Carlson, seconded by Commissioner Kirchdorfer, the following resolution was adopted.

DEVELOPMENT REVIEW COMMITTEE
November 16, 2016

NEW BUSINESS

CASE NO. 16DEVPLAN1169

WHEREAS, LOJIC has not identified any natural resources on site; and

WHEREAS, Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided with an existing 5' walk along Bardstown Road and a pedestrian connection from the existing sidewalk to the entrance of the building. There is an existing shared access from Bardstown Road on both the north and south sides of the development; and

WHEREAS, There is no open space requirement with this proposal; and

WHEREAS, 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 Louisville Metro Development Review Committee finds the overall land use and building design are compatible with the existing and future development of the area. This area is an established commercial corridor with nearby housing and the expansion of this existing commercial use continues to be compatible with surrounding development; and

WHEREAS, the Louisville Metro Development Review Committee further finds the development plan is in conformance with the Land Development Code as well as the policies and guidelines of the non-residential intent of the Comprehensive Plan as it is improving an already needed service for this area.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 16DEVPLAN1169, a Revised Detailed District Development Plan and the proposed amended binding elements as noted in the staff report based on the staff report and testimony heard today, **SUBJECT** to the following Binding Elements:

Binding Elements

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 18,437 square feet of gross floor area.

DEVELOPMENT REVIEW COMMITTEE
November 16, 2016

NEW BUSINESS

CASE NO. 16DEVPLAN1169

3. The only permitted freestanding sign shall be a monument style sign located as shown on the approved development plan/sign plan. No portion of the sign, including the leading edge of the sign frame, shall be closer than 30 feet to front property line. The sign shall not exceed 100 square feet in area per side and 10 feet in height. No sign shall have more than two sides.
4. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.
5. There shall be no outdoor storage on the site.
6. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90-degree cutoff and height of the light standard shall be set so that no light source is visible offsite.
7. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
8. Before any permit (including but not limited to building, parking lot, change of use or alteration 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.
9. If a building permit is not issued within two years of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
10. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.

DEVELOPMENT REVIEW COMMITTEE
November 16, 2016

NEW BUSINESS

CASE NO. 16DEVPLAN1169

11. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site shall be responsible for compliance with these binding elements.
12. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.
13. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the November 16, 2016 Development Review Committee meeting.

The vote was as follows:

YES: Commissioners Brown, Carlson, Kirchdorfer, Smith and Tomes

DEVELOPMENT REVIEW COMMITTEE
November 16, 2016

NEW BUSINESS

CASE NO. 16DEVPLAN1183

Request: Revised Detailed District Development Plan
Project Name: Austin Gardens
Location: 6407 and 6409 Applegate Lane
Owner: Wayne Gallavin, Through the Valley Foundation, Inc
Applicant: Michael Gross, LDG Development
Representative: Clifford Ashburner, Dinsmore & Shohl, LLP
Jurisdiction: Louisville Metro
Council District: 20 – Stuart Benson
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.)

Agency Testimony:

01:21:45 Ms. Mattingly discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Kathy Linares, Mindel, Scott and Associates, 5151 Jefferson Boulevard, Louisville, Ky. 40219

Summary of testimony of those in favor:

01:24:05 Ms. Linares gave a power point presentation. The proposal is condominiums and a reduction from what was previously approved.

Deliberation

01:28:24 Development Review Committee deliberation.

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

Development Plan and Binding Elements

On a motion by Commissioner Carlson, seconded by Commissioner Smith, the following resolution was adopted.

DEVELOPMENT REVIEW COMMITTEE
November 16, 2016

NEW BUSINESS

CASE NO. 16DEVPLAN1183

WHEREAS, This site currently has 25.5% tree canopy coverage. The applicant is preserving 6% of this canopy and providing a total of 35,545 square feet of tree canopy to meet the requirements of the Land Development Code. LOJIC does not identify any other natural resources on site; and

WHEREAS, Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided with a proposed 5' sidewalk along Applegate Lane and sidewalk connections from the public right-of-way and throughout the development. Public Works has reviewed the plan and given preliminary approvals for both the vehicular and pedestrian transportation that is proposed; and

WHEREAS, The applicant has proposed 80,622 square feet of open space with 16,587 square feet of recreational space, exceeding the requirement; and

WHEREAS, 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. The applicant has proposed an on-site detention basin; and

WHEREAS, the Louisville Metro Development Review Committee finds the overall land use and building design are compatible with the existing and future development of the area. This area is largely single family residential with some low-intensity uses such as the abutting church and more intense commercial and office uses just north along Outer Loop. Providing a multi-family development alongside single family offers more diverse residential options for the area; and

WHEREAS, the Louisville Metro Development Review Committee further finds the development plan is in conformance with the Land Development Code as well as the policies and guidelines of the residential intent of the Comprehensive Plan as it increases the residential options and affordability in the area.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 16DEVPLAN1183, a Revised Detailed District Development Plan to include the proposed amended binding elements, noting the applicant has agreed to extend the sidewalk near building number 5 so the sidewalk goes the full length of private street A based on the staff report and information heard today, **SUBJECT** to the following Binding Elements:

Binding Elements

DEVELOPMENT REVIEW COMMITTEE
November 16, 2016

NEW BUSINESS

CASE NO. 16DEVPLAN1183

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 density of the development shall not exceed 6.6 dwelling units per acre (27 units on 4.08 acres).
3. Signs shall be in accordance with Chapter 8.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
6. 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. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded 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.
 - e. A minor plat or legal instrument shall be recorded creating the lot lines as shown on the development plan and dedicating right-of-way. A copy of

DEVELOPMENT REVIEW COMMITTEE

November 16, 2016

NEW BUSINESS

CASE NO. 16DEVPLAN1183

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.

7. 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.
8. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
9. 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.
10. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the November 16, 2016 Development Review Committee meeting.
11. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained thereafter. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the Land Development Code.
12. Multi-family development of the property shall be limited to development under a horizontal property regime.
13. All street signs shall be installed by the Developer, and shall conform with the *Manual on Uniform Traffic Control Devices (MUTCD)* requirements. Street signs shall be installed prior to the recording of the subdivision record plat or

DEVELOPMENT REVIEW COMMITTEE
November 16, 2016

NEW BUSINESS

CASE NO. 16DEVPLAN1183

occupancy of the first residence on the street, and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.

14. Trees and low-lying shrubs shall be included to enhance the detention basin area.
15. The Applegate Lane frontage property shall be irrigated.
16. All of the trees shown behind Tab 4 of the applicant's booklet shall be native species, 2-inch caliper, Type A canopy trees.

The vote was as follows:

YES: Commissioners Brown, Carlson, Kirchdorfer, Smith and Tomes

DEVELOPMENT REVIEW COMMITTEE
November 16, 2016

NEW BUSINESS

CASE NO. 16DEVPLAN1186

Request: Community Facility Review for an urban farm in an R-7 zoning district
Project Name: Iroquois Urban Farm Project
Location: 1400 Bicknell Avenue
Owner: Louisville Metro Housing Authority
Applicant: Milestone Design Group, Inc.
Representative: Milestone Design Group, Inc.
Jurisdiction: Louisville Metro
Council District: 15 – Marianne Butler
Case Manager: **Brian Mabry, AICP, Planning and Design Supervisor**

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

Agency Testimony:

01:31:04 Mr. Mabry discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Mark Madison, Milestone Design Group, Inc., 103 Daventry Lane, Louisville, Ky. 40223

Summary of testimony of those in favor:

01:36:015 Mr. Madison said he's not aware of any other facilities of this kind in the area. It will be traditional-style farming with minimal processing and temporary storage of the crops as well. The project is funded by donations and may take a while to complete.

Deliberation

01:45:05 Development Review Committee deliberation. Commissioner Brown stated, "In the staff report Transportation Planning had a comment about dedicating additional right-of-way to accommodate some sidewalks that were already constructed. I think because of the size, they wouldn't be required per Land Development Code to dedicate additional right-of-way because the building is less than 10,000 square feet."

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.

DEVELOPMENT REVIEW COMMITTEE
November 16, 2016

NEW BUSINESS

CASE NO. 16DEVPLAN1186

On a motion by Commissioner Carlson, seconded by Commissioner Kirchdorfer, the following resolution was adopted.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **FIND** Case No. 16DEVPLAN1186, a Community Facility Review does comply with the Comprehensive Plan; therefore, **APPROVE** the plan as submitted, noting Commissioner Brown's comments concerning the sidewalks, based on the staff report and information heard today.

The vote was as follows:

YES: Commissioners Brown, Carlson, Kirchdorfer, Smith and Tomes

DEVELOPMENT REVIEW COMMITTEE
November 16, 2016

NEW BUSINESS

CASE NO. 16DEVPLAN1189

Request: Waiver from LDC section 5.7.1.B.3.a to not provide a 50 foot landscape buffer area and to not provide an 8 foot screen.

Project Name: One Stroke Ink Expansion

Location: 454 Roberts Avenue

Owner: OSI Property LLC

Applicant: Sarah Beth Sammons – Land Design & Development

Representative: Sarah Beth Sammons – Land Design & Development

Jurisdiction: Louisville Metro

Council District: 13 – Vicki Aubrey Welch

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.)

Agency Testimony:

01:47:22 Mr. Allen discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Sarah Beth Sammons, Land Design and Development, 503 Washburn Avenue, Louisville, Ky. 40222

Summary of testimony of those in favor:

01:50:00 Ms. Sammons gave a power point presentation. One Stroke Ink is a family owned company. The property is going to be rezoned to C-2 and the new building will have a door and windows in the front. Also, the building will be metal on top and stone on the bottom.

Deliberation

01:55:20 Development Review Committee deliberation.

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

DEVELOPMENT REVIEW COMMITTEE
November 16, 2016

NEW BUSINESS

CASE NO. 16DEVPLAN1189

Waiver from LDC section 5.7.1.B.3.a to not provide a 50 foot LBA and to not provide an 8 foot screen along the northwestern property line for an approximate linear length of 172 feet (adjacent to the Vittitoe Property at 452 Roberts Ave)

On a motion by Commissioner Carlson, seconded by Commissioner Smith, the following resolution was adopted.

WHEREAS, The waiver will not adversely affect adjacent property owners since the applicant is proposing to screen the adjacent R-4 zoned property (452 Roberts Ave.) with 6 foot tall evergreens in a five foot area along the northwestern property line; and

WHEREAS, 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 parking areas adjacent to streets to be screened and buffered since the applicant is proposing to plant 6 foot tall evergreens in a five feet of space along the northwestern property line to screen the R-4 zoned property from the applicants proposed expansion; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the applicant is limited to space along the northwestern property line as a result of a proposed rain garden which reduces the area for tree plantings. However, the five feet between the property line and the rain garden allows for the planting of evergreen trees every 15 feet to act as screening between the R-4 zoned property (452 Roberts Ave.) and the applicants M-2 zoned expansion; and

WHEREAS, the Louisville Metro Development Review Committee further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land since MSD is requiring a 10 foot wide by 130 foot long rain garden along the northwestern property line. The applicants proposed building would encroach into the 50 foot required LBA by approximately 35 feet leaving a five foot strip along the property line where the applicant is proposing to plant 6 foot tall evergreens to screen their expansion from the R-4 zoned parcel directly adjacent to the northwest. The limitation of space as a result of the expansion results in an area that would not permit large type A trees planted every 100 feet as required by LDC for the screening requirement.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 16DEVPLAN1189, a waiver from the Land Development Code section 5.7.1.B.3.a, to not provide a 50 foot landscape buffer area and to not provide an

DEVELOPMENT REVIEW COMMITTEE
November 16, 2016

NEW BUSINESS

CASE NO. 16DEVPLAN1189

8 foot screen along the northwestern property line for an approximate linear length of 172 feet adjacent to the Vittitoe property at 452 Roberts Ave., based on the staff report and information heard today.

The vote was as follows:

YES: Commissioners Brown, Carlson, Kirchdorfer, Smith and Tomes

DEVELOPMENT REVIEW COMMITTEE
November 16, 2016

NEW BUSINESS

CASE NO. 16DEVPLAN1191

Request: Waiver from LDC section 4.4.8.C.1.a to allow an area greater than 800 square feet or 10% of the ground floor area of the building

Project Name: 10719 Dixie Highway Category 2B

Location: 10719 Dixie Highway

Owner: Benita and Edward Alvey

Applicant: Derek Triplett – Land Design & Development

Representative: Derek Triplett – Land Design & Development

Jurisdiction: Louisville Metro

Council District: 25 – David Yates

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.)

Agency Testimony:

01:57:06 Mr. Allen discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Derek Triplett, Land Design and Development, 503 Washburn Avenue, Louisville, Ky. 40222

Summary of testimony of those in favor:

02:04:13 Mr. Triplett gave a power point presentation. The storage areas will contain the following: fence materials, lumber, pet and livestock equipment such as round pins, speed equipment, horse stalls, watering tanks, farm equipment, cedars, sprayers, plows, grader blades, lawn and gardening equipment, push and riding lawn mowers, wheel barrels, plants, etc. There will be an 8 foot chain link fence.

02:08:00 Mr. Triplett remarked, "The staff report mentioned a lack of screening of the trailer areas from the Kroger and while screening is not required by the Land Development Code for this situation, we would be willing to provide a 3 foot screen of shrubs if the Board were to determine that was necessary."

Deliberation

02:10:24 Development Review Committee deliberation.

DEVELOPMENT REVIEW COMMITTEE
November 16, 2016

NEW BUSINESS

CASE NO. 16DEVPLAN1191

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.

Waiver from LDC section 4.4.8.C.1.a to allow outdoor sales and display areas to exceed more than 10% of the ground floor of the building in a C-2 zoning district within a Suburban Marketplace Corridor Form District

On a motion by Commissioner Carlson, seconded by Commissioner Kirchdorfer, the following resolution was adopted.

WHEREAS, The waiver will not adversely affect adjacent property owners since the outdoor sales and display along the western edge of the building is currently a concrete pad with loading docks. The applicant will have the outdoor sales and display across from the Kroger Pharmacy drive-thru, parking spaces along Kroger's eastern side of the property. The outdoor sales and display located towards the western property line is visible to customers of Kroger, screening of this area may be adequate to compensate for the horizontal slate fence and tree which do not provide adequate screening for customers of the adjacent parcel; and

WHEREAS, 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 parking areas adjacent to streets to be screened and buffered since the outdoor sales and display are interior to the site but are visible from the Kroger parking lot. 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 since there is not a parkway and the outdoor sales and display are located on the western edge of the property which require no screening between parcels of the same zoning type, C-2 in this case. 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 of which there are none between the two parcels on the western edge of the applicant's property, being interior to the site, and the addition is below the threshold requirements for landscaping since it is less than a 20% expansion of the existing structure. However, landscaping to screen the outdoor sales and display area as found in the parking lot south of the Applicants brick and mortar establishment and adjacent to the Kroger parking lot may help to improve appearance of the applicants proposed outdoor sales and display area for trailers; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the applicant is a retail store for farm equipment and outdoor sales and display is a

DEVELOPMENT REVIEW COMMITTEE

November 16, 2016

NEW BUSINESS

CASE NO. 16DEVPLAN1191

necessary part of this business type (farm equipment) requiring many of the services and products displayed exterior to the brick and mortar establishment without requiring a larger addition that currently proposed; and

WHEREAS, the Louisville Metro Development Review Committee further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land since the applicant if not allowed to have outdoor sales and display would need to construct an addition at minimum of the total square footage of the outdoor sales and display areas, approximately 16,504 sf. which would require either a large expansion onto the front of the existing tenant structure and encroaching into the parking lot which may require an additional waiver to meet required parking.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **GRANT** the waiver for Case No. 16DEVPLAN1191, a waiver from the Land Development Code section 4.4.8.C.1.a, to allow outdoor sales and display areas to exceed more than 10% of the ground floor of the building in a C-2 zoning district within a Suburban Marketplace Corridor Form District, specifically a waiver of 14,054 square feet, based on the staff report, information heard today and **ADOPT** the staff's analysis as justification for the waiver approval.

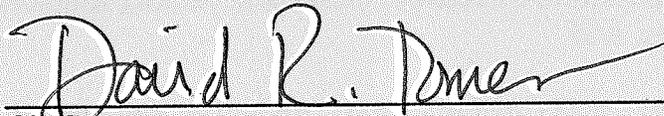
The vote was as follows:

YES: Commissioners Brown, Carlson, Kirchdorfer, Smith and Tomes

DEVELOPMENT REVIEW COMMITTEE
November 16, 2016

ADJOURNMENT

The meeting adjourned at approximately 3:14 p.m.



Chair



Planning Director