

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE MEETING
September 6, 2023**

A meeting of the Development Review Committee was held on September 6, 2023, at 1:00 p.m. in the Old Jail building court room, located at 514 West Liberty Street, Louisville, Kentucky 40202.

Committee Members present were:

Rich Carlson, Chair
Patti Clare, Vice Chair
Jennifer Caummisar-Kern
Bill Fischer

Committee Members absent were:

Michelle Pennix

Staff Members present were:

Brian Davis, Assistant Director
Julia Williams, Planning Manager
Travis Fiechter, Assistant County Attorney
Mary Willis, Management Assistant
Ethan Lett, Planner I
Katie Dever, Associate Planner
Dante St. Germain, Planner II

Others Present:

The following matters were considered:

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APPROVAL OF MINUTES

August 16, 2023, DRC MEETING MINUTES

On a motion by Commissioner Fischer, seconded by Commissioner Kern, the following resolution was adopted:

RESOLVED, that the Development Review Committee does hereby **APPROVE** the Minutes of its meeting conducted on August 16, 2023.

The vote was as follows:

YES: Commissioners Fischer, Kern, and Carlson

ABSENT: Commissioner Pennix

ABSTAIN: Commissioner Clare

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NEW BUSINESS

CASE NO. 23-EXTENSION-0013

Request:	WITHDRAWN
Project Name:	Anchorage Landmark II
Location:	2600 Chamberlain Lane
Owner:	Ghasem Properties Inc
Applicant:	Ghasem Properties Inc
Representative:	Milestone Design Group
Jurisdiction:	Louisville Metro
Council District:	19 – Anthony Piagentini
Case Manager:	Ethan Lett, Planner I

This case has been **WITHDRAWN** by the applicant.

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.

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NEW BUSINESS

CASE NO. 23-MPLAT-0085

Request: Waivers from LDC 5.2.2 to allow two lots to be less than the minimum required lot width of 35' and to allow one lot to be less than the minimum required area of 4,500 sq.ft.

Project Name: Minor Subdivision Plat

Location: 968 Samuel Street

Owner: Janchase Charifa and April Kouth Charifa

Applicant: Janchase Charifa and April Kouth Charifa

Representative: CRP & Associates, Inc.

Jurisdiction: Louisville Metro

Council District: 6 – Phillip Baker

Case Manager: Kaitlin Dever, Associate Planner

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

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

Agency Testimony:

00:05:42 Ethan Lett stood in for Kaitlin Dever. Ethan produced a Power Point presentation and responded to questions from the Committee Members (see staff report and recording for detailed presentation.)

The following spoke in support of the proposal:

Charles Podgursky, CRP & Associates, 7321 New LaGrange Rd, Louisville, KY 40222

Summary of testimony of those in support:

00:08:04 Charles Podgursky spoke in support of the proposal and responded to questions from Committee Members (see recording for detailed presentation)

The following spoke in neutral of the proposal:

Heather Fox, 973 Samuels St, Louisville, KY 40204

Summary of testimony of those in neutral:

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NEW BUSINESS

CASE NO. 23-MPLAT-0085

00:09:47 Heather Fox spoke in neutral to the proposal. Fox mentioned she is concerned the owners of the property are splitting the lot to build a new home and turn it into an Airbnb.

The following spoke in opposition to the proposal:
None

Rebuttal:

00:10:56 Charles Podgursky spoke in rebuttal. Podgursky stated that he hasn't heard anything from the applicant stating a Airbnb would be placed on that lot.

00:11:44 Julia Williams responded to questions from Committee Member Carlson.

Deliberation:

00:12:53 Commissioners' 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.

Waiver from LDC Section 5.2.2 to allow two lots to be less than the minimum required lot width of 35' and to allow one lot to be less than the minimum required area of 4,500 sq.ft.

00:13:34 On a motion by Commissioner Clare, seconded by Commissioner Fischer, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the waiver will not adversely affect adjacent property owners as the majority of existing nearby lots are below the minimum required lot width. It will match the current neighborhood pattern, and

WHEREAS, Community Form Goal 1 describes the Traditional Neighborhood form district as consisting of predominantly narrow and deep lots. Policy 4 calls for proposals to ensure compatibility with the scale and site design of nearby existing development and with the desired pattern of development within the form district. The majority of the lots in the immediate area are 25-30' in lot width. Despite being below the minimum required lot area, Lot #A meets the other required residential site design standards, and

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CASE NO. 23-MPLAT-0085

WHEREAS, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. The proposed lot configuration adheres to the required residential site design standards, and

WHEREAS, the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant. Since the proposed subdivision is improving the compatibility of the current space with the character and pattern of development in the surrounding neighborhood, the strict application of the provisions would be unreasonable; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested waiver from LDC Section 5.2.2 to allow two lots to be less than the minimum required lot width of 35' and to allow one lot to be less than the minimum required area of 4,500 sq.ft.

The vote was as follows:

YES: Commissioners, Fischer, Clare, Kern, and Carlson

ABSENT: Commissioner Pennix

ABSTAIN: None

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NEW BUSINESS

CASE NUMBER 23-WAIVER-0088

Request:	Waiver of LDC Section 10.2.10 to eliminate the required 15' Vehicular Use Area Landscape Buffer Area
Project Name:	Breckenridge Plaza
Location:	3403 Breckenridge Lane
Owner:	Crady Thieneman & Associates LLC
Applicant:	Crady Thieneman & Associates LLC
Representative:	Land Design & Development
Jurisdiction:	Louisville Metro
Council District:	26 – Brent Ackerson
Case Manager:	Ethan Lett, Planner I

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

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

Agency Testimony:

00:14:54 Ethan Lett presented the case and produced a Power Point presentation (see staff report and recording for detailed presentation.)

The following spoke in support of the proposal:

Ted Bernstein, Land Design & Development, 503 Washburn Ave, Louisville, KY 40222

Summary of testimony of those in support:

00:17:32 Ted Bernstein spoke in support of the proposal and presented a PowerPoint presentation. Bernstein responded to questions from Committee Members (see recording for detailed presentation)

The following spoke in opposition to the proposal:

None

00:25:38 Commissioners' deliberation.

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NEW BUSINESS

CASE NUMBER 23-WAIVER-0088

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 of LDC Section 10.2.10 to eliminate the required 15' Vehicular Use Area Landscape Buffer Area

00:26:11 On a motion by Commissioner Clare, seconded by Commissioner Fischer, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted

WHEREAS, the waiver will not adversely affect adjacent property owners since the condition currently exists, and

WHEREAS, the waiver will not violate the comprehensive plan. Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. The development site is part of a larger established commercial activity center with multiple businesses concentrated on a single lot. The proposed plan matches the scale and design of this established center. Though a buffer is not provided on the perimeter of the majority of this lot, there is landscaping in the right-of-way between the pavement edge and the property line which provides a substantial buffer, and

WHEREAS, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the request will only allow the applicant to maintain existing conditions, and

WHEREAS, the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because the applicant would be required to remove and replace existing parking spaces and drive lanes. The buffer would render the proposed traffic patterns impractical and would prevent vehicular access to the existing automotive service facility that is to remain; now, therefore be it

RESOLVED the Louisville Metro Development Review Committee does hereby **APPROVE** the requested waiver of LDC Section 10.2.10 to eliminate the required 15' Vehicular Use Area Landscape Buffer Area.

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CASE NUMBER 23-WAIVER-0088

The vote was as follows:

YES: Commissioners, Fischer, Clare, Kern, and Carlson

ABSENT: Commissioner Pennix

ABSTAIN: None

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NEW BUSINESS

CASE NUMBER 22-DDP-0132

Request:	Revised Detailed District Development Plan and Binding Elements
Project Name:	House Foods
Location:	Parcel ID 105906330000 – Lewis Lane
Owner:	House Foods Holding USA Inc.
Applicant:	House Foods
Representative:	Kajima Building & Design Group Inc.
Jurisdiction:	Louisville Metro
Council District:	14 – Cindi Fowler
Case Manager:	Dante St. Germain, AICP, Planner II

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

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

Agency Testimony:

00:27:31 Dante St. Germain presented the case and produced a Power Point presentation (see staff report and recording for detailed presentation.)

The following spoke in support of the proposal:

Ryota Kodama, 3490 Piedmont Rd NE, Suite 900, Atlanta, GA 30305

Summary of testimony of those in support:

00:30:54 Ryota Kodama spoke in support of the proposal and responded to questions from Committee Members (see recording for detailed presentation)

The following spoke in opposition to the proposal:

None

Deliberation:

00:32:17 Commissioners' deliberation

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NEW BUSINESS

CASE NUMBER 22-DDP-0132

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.

Revised Detailed District Development Plan and revised Binding Elements

00:33:08 On a motion by Commissioner Clare, seconded by Commissioner Kern, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted

WHEREAS, there do not appear to be any environmental constraints or natural resources on the site. No historic assets are evident on the site, and

WHEREAS, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided. Louisville Metro Public Works has provided preliminary approval of the plan, and

WHEREAS, no open space provisions are relevant to the proposal, and

WHEREAS, 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 overall site design and land uses would be compatible with the existing and future development of the area. The site is part of Riverport Phase 5, and

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

RESOLVED the Louisville Metro Development Review Committee does hereby to **APPROVE** the requested Revised Detailed District Development Plan and revised Binding Elements with **SUBJECT** to the following Binding Elements:

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

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding

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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. 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.
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 Construction Review, 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) The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the September 6, 2023 Development Review Committee meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
4. 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.
5. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

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CASE NUMBER 22-DDP-0132

The vote was as follows:

YES: Commissioners Fischer, Kern, Clare, and Carlson

ABSENT: Commissioner Pennix

ABSTAIN: None

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NEW BUSINESS

CASE NUMBER 23-DDP-0049

Request:	Revised Detailed District Development Plan
Project Name:	Dunkin' Donuts
Location:	6460 Outer Loop
Owner:	Patel Land 2, LLC
Applicant:	Patel Land 2, LLC
Representative:	Power of Design
Jurisdiction:	Louisville Metro
Council District:	23- Jeff Hudson
Case Manager:	John Michael Lawler, Planner I

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

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

Agency Testimony:

00:34:32 Ethan Lett stood in for John Michael Lawler and produced a Power Point presentation (see staff report and recording for detailed presentation.)

The following spoke in support of the proposal:

Mark Patterson, Power Design, 11490 Bluegrass Pkwy, Louisville, KY 40299

Jason Emly, Hena Group, 12310 Covered Bridge Rd, Sellersburg, IN 47172

Summary of testimony of those in support:

00:36:36 Mark Patterson spoke in support of the proposal and responded to questions from Committee Members (see recording for detailed presentation)

00:37:48 Jason Emly spoke in support of the proposal and responded to questions from Committee Members (see recording for detailed presentation)

The following spoke in opposition to the proposal:

None

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NEW BUSINESS

CASE NUMBER 23-DDP-0049

Deliberation:

00:38:40 Commissioners' 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.

Revised Detailed District Development Plan

00:39:14 On a motion by Commissioner Fischer, seconded by Commissioner Kern, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

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

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

WHEREAS, there are no open space requirements pertinent to the current proposal, and

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

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

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NEW BUSINESS

CASE NUMBER 23-DDP-0049

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 development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission except for land uses permitted in the established zoning district.
2. Use of the subject site shall be limited to a Drive-In restaurant and other uses permitted in the C-1 commercial district. There shall be no other use of the property unless approved by the LD&T. Notice of a request to amend this binding element shall be given in accordance with Planning Commission policy. The LD&T Committee shall determine if a public hearing on the request to amend this binding element is needed.
3. There shall be no direct vehicular access to Outer Loop.
4. The only permitted freestanding sign shall be a monument style sign, located as shown on the approved development plan. No portion of the sign, including the leading edge of the sign frame, shall be closer than zero feet to the front property line. The sign shall not exceed 50 square feet in area per side and 10 feet in height. No sign shall have more than two sides.
5. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants balloons, or banners shall be permitted on the site.
6. There shall be no outdoor storage on the site.
7. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90-degree cutoff so that no light source is visible off-site.
8. Before any permit (including but not limited to building, parking lot, change of use or alteration pennit) is requested:
 - a. The development plan must receive full construction approval from the Jefferson County Department of Public Works and Transportation 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 of the LDC** prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
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

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requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.

10. Outdoor music (live, piped, radio or amplified), outdoor entertainment, or outdoor PA system permitted on the site shall not be audible beyond the property line.
11. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.

The vote was as follows:

YES: Commissioners Fischer, Kern, Clare, and Carlson

ABSENT: Commissioner Pennix

ABSTAIN: None

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NEW BUSINESS

CASE NUMBER 23-DDP-0056

Request:	Revised Detailed District Development Plan
Project Name:	Motor Vehicle Sales
Location:	2125 Blankenbaker Pkwy
Owner:	2125 Blankenbaker Parkway LLC
Applicant:	2125 Blankenbaker Parkway LLC
Representative:	Land Design & Development
Jurisdiction:	City of Jeffersontown
Council District:	11 – Kevin Kramer
Case Manager:	Ethan Lett, Planner I

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

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

Agency Testimony:

00:40:08 Ethan Lett presented the case and produced a Power Point presentation. Lett responded to questions from Committee Members (see staff report and recording for detailed presentation.)

The following spoke in support of the proposal:

Derek Triplett, Land Design & Development, 503 Washburn Ave, Louisville, KY 40222

Summary of testimony of those in support:

00:42:52 Derek Triplett spoke in support of the proposal and presented a PowerPoint presentation. Triplett responded to questions from Committee Members (see recording for detailed presentation)

The following spoke in opposition to the proposal:

None

Deliberation:

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NEW BUSINESS

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00:48:30 Commissioners' 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.

Revised Detailed District Development Plan

00:49:16 On a motion by Commissioner Fischer, seconded by Commissioner Kern, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

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

WHEREAS, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan, and

WHEREAS, there are no open space requirements pertinent to the current proposal. Future multi-family development proposed on the subject site will be required to meet Land Development Code requirements, and

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

WHEREAS, the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code. The subject site is adjacent to a major activity corridor characterized by employment centers and commercial uses of varying intensities. The site design is compatible with the form of established developments; now, therefore be it

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NEW BUSINESS

CASE NUMBER 23-DDP-0056

RESOLVED the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the City of Jeffersontown to **APPROVE** the requested Revised Detailed District Development Plan **SUBJECT** to the following 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 and to the City of Jeffersontown 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), is requested:
 - a. The development plan must receive full construction approval from KYTC, Jeffersontown Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - e. The materials and design of proposed structures for Phase 1 shall be substantially the same as depicted in the rendering as presented at the **September 6, 2023, Development Review Committee** meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
 - f. Final elevations/renderings for Phase 2 structures shall be submitted for review and approval by Planning Commission staff and the City of Jeffersontown City Council. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.

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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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
8. Lighting
 - a. All exterior lighting, whether freestanding or attached to any structure, including parking lot lights, shall be fully shielded, shall utilize flat or hidden lenses, and shall be pointed directly to the ground. The following are exceptions to this requirement:
 - i. Low voltage landscape lighting aimed away from adjacent properties and not exceeding 2000 lumens in output per fixture.
 - b. No LED or metal halide lighting shall have a correlated color temperature (CCT) exceeding 4000 degrees Kelvin.
 - c. The parking lot fixtures shall be no higher than 20-foot light poles atop a three-foot base (as measured from the ground level).
 - d. One (1) hour after closing time for the dealership, parking lot lighting shall be reduced by at least fifty percent (50%).
 - e. Interior lighting visible from the street shall be reduced by at least fifty percent (50%) at least one (1) hour after closing.
9. Signage – All signage shall be in conforming with the City of Jeffersontown sign ordinance in addition to the following:
 - a. No lighted signage shall be placed above the building height.
 - b. All lighted signage shall be backlit or halo lit.
 - c. No changing image or moving signs shall be permitted.
 - d. Applicant proposes to install a freestanding business sign no taller than 20-feet in height.

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10. All off-street parking areas shall be permanently and continually maintained in good condition and free from potholes, weeds, dirt, trash, and other debris.

The vote was as follows:

YES: Commissioners Fischer, Kern, Clare, and Carlson

ABSENT: Commissioner Pennix

ABSTAIN: None

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ADJOURNMENT

The meeting adjourned at approximately 1:53 p.m.

Chairman

Division Director