

**MINUTES OF THE MEETING
OF THE
DEVELOPMENT REVIEW COMMITTEE
December 2, 2015**

A meeting of the Development Review Committee was held on, December 2, 2015 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
Robert Kirchdorfer, Commissioner
Rob Peterson, Commissioner
Donnie Blake, Commissioner

Committee Members absent were:

Chip White, Vice Chairman
Jeff Brown, Commissioner

Staff Members present were:

Emily Liu, Director
Joe Reverman, Assistant Director
Brian Davis, Planning Supervisor
Christopher Brown, Planner II
Joel Dock, Planner I
Sherie' Long, Landscape Architect
Tammy Markert, Transportation Planning
Jon Baker, Legal Counsel
Pamela M. Brashear, Management Assistant

Others present:

The following matters were considered:

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APPROVAL OF MINUTES

NOVEMBER 18, 2015 DRC MEETING MINUTES

On a motion by Commissioner Peterson, seconded by Commissioner Blake, the following resolution was adopted.

RESOLVED, that the Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on November 18, 2015.

The vote was as follows:

YES: Commissioners Kirchdorfer and Peterson

NOT PRESENT FOR THIS CASE: Commissioners Brown and White

ABSTAINING: Commissioners Blake and Tomes

DEVELOPMENT REVIEW COMMITTEE

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NEW BUSINESS

CASE NO. 15MINORPLAT1077

Project Name: Farmgate, Section 1
Location: 7502 H Farmhouse Lane
Owners/Applicants: CFA Sunnyview, LLC
Representative: BlueStone Engineers, PLLC – Chris Crumpton.
Project Area/Size: 1.686
Existing Zoning District: R-4, Single Family Residential
Existing Form District: N, Neighborhood
Jurisdiction: Louisville Metro
Council District: 23 – James Peden
Case Manager: Joel P. Dock, Planner I

CONTINUED FROM NOVEMBER 18, 2015 DRC MEETING

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:

00:07:38 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Chris Crumpton, Blue Stone Engineers, 3703 Taylorsville Road, Louisville, Ky. 40220

Summary of testimony of those in favor:

00:10:05 Mr. Crumpton pointed out the large tract that sits in front of the parcel being subdivided. It's open space for Farmgate Homeowner's Association at this time and will remain. Also, the Transportation Cabinet has approved the access point on Beulah Church as well.

Deliberation

00:11:35 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 Blake, seconded by Commissioner Peterson, the following resolution was adopted.

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CASE NO. 15MINORPLAT1077

WHEREAS, the proposed plat has received preliminary approvals from Transportation Planning, the Metropolitan Sewer District, E-911 and the Highview Fire Department; and

WHEREAS, the Louisville Metro Development Review Committee finds the request complies with all zoning and subdivision regulations, except those waived in accordance with LDC 6.2.7.B noted in the Technical Review; and

WHEREAS, the Louisville Metro Development Review Committee further finds this case was noticed in accordance with Policy 3.03 of the Louisville Metro Planning Commission.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 15MINORPLAT1077 - Farmgate Section 1, the amendment to the record plat (with change – page 24 and 93) to create 3 lots from 1 based on the staff report and testimony heard today.

The vote was as follows:

YES: Commissioners Blake, Kirchdorfer, Peterson and Tomes

NOT PRESENT AND NOT VOTING: Commissioners Brown and White

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NEW BUSINESS
CASE NO. 15DEVPLAN1146

Case No: 15DEVPLAN1146
Project Name: VU Connection
Location: 213, 217, 219, 221, 227 and 229 East Breckinridge Street
Owner(s): George Stinson, VOEB & TMTS LLC
Applicant: Owner
Representative: John Miller, Miller Wihry
Project Area/Size: 1.11 acres
Jurisdiction: Louisville Metro
Council District: 4 – David Tandy
Case Manager: Sherie’ Long, Landscape Architect

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:

00:15:12 Ms. Long discussed the case summary, standard of review and staff analysis from the staff report. Also, waiver number 4 was eliminated.

The following spoke in favor of this request:

John Miller, 1387 South 4th Street, Louisville, Ky. 40202

Summary of testimony of those in favor:

00:35:49 Mr. Miller stated they’re in the finishing process for the hotel. The proposed building sits back approximately 18 feet from the sidewalk. There will be parking on all sides, but the main parking lot has a fence and stone wall. The banquet facility will have several venues and be open to the public.

The following spoke neither for nor against the request:

Wanda Baker, 237 Breckenridge, Louisville, Ky.

Summary of testimony of those neither for nor against:

00:44:22 Ms. Baker said she supports the proposal, except the bar and night club. “I envisioned a banquet hall but am now more concerned about the noise and want to make sure those buffers are in place and the times (so not to interfere with church functions).

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Rebuttal:

00:45:57 Mr. Miller said the proposal is an events/banquet facility, in close proximity to, but separate from the lodging facility. It can be rented in the day or night time hours but there will also be times it won't be in use.

Deliberation

00:48:20 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.

On a motion by Commissioner Peterson, seconded by Commissioner Blake, the following resolution was adopted.

Waiver #1 - Waiver from the Land Development Code, Section 5.5.1.A.3, to allow the parking to be located in front of the building.

WHEREAS, the waiver will not adversely affect adjacent property owners since the proposal will be adding screen plantings in front of the proposed parking lot to reduce impact. Plus existing trees are located between the building and the street which also reduces the impact; and

WHEREAS, Guideline 2, policy 15 states to encourage the design, quantity and location of parking in activity centers to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations. Guideline 3, policy 1 states to ensure compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. Guideline 3, policy 23 states that setbacks, lot dimensions and building heights should be compatible with those of nearby developments that meet form district guidelines. Guideline 7, policy 3 states to evaluate developments for their ability to promote mass transit and pedestrian use. Encourage higher density mixed use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation choices. Guideline 9, policy 1 states that new development and redevelopment should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with location of retail and office uses, especially in the Traditional Neighborhood, Village, Marketplace Corridor, Traditional Workplace Form Districts close to the roadway to minimize the distance pedestrians and transit users have to travel. The purpose of the requirement is to promote mass transit and pedestrian use and reduce vehicle trips in and around the site, and to reduce the distance pedestrians and transit users have to travel. The waiver does not violate

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specific guidelines and policies of Cornerstone 2020. The location of the parking is mitigated through the addition of the buffer plantings to be provided along the sidewalk edge. Plus the proposed fencing also mitigates the impact of the parking spaces; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since screen plantings and tree plantings are to be provided between the street and the parking area to lessen the impact of the parking in front of the building; 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 or would create an unnecessary hardship on the applicant. These parking spaces are necessary to meet the parking requirements. The applicant is providing screening to reduce the impact of the parking in front of the building to compensate for the location.

Waiver #2 - Waiver from the Land Development Code, Section 5.5.1.A.3.a, to eliminate the required 3' wall along the perimeter of the parking lot.

WHEREAS, the waiver will not adversely affect adjacent property owners since screen plantings and the 6' aluminum fence are being provided instead of the 3' screen wall; and

WHEREAS, the waiver will not violate guideline 3, Compatibility, of Cornerstone 2020, which states parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians. The waiver request does not violate the guidelines of the comprehensive plan since the area is being screened by the proposed screen plantings and the 6' aluminum fence; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since a proposed plantings and aluminum fence are being used to screen the parking lot.

WHEREAS, the Louisville Metro Development Review Committee further finds the applicant has incorporated other design measures that compensate for non-compliance with the requirements to be waived. The proposal provides a decorative fence and screen planting to lessen the impact of the parking.

Waiver #3 - Waiver from Land Development Code, Section 10.2.10, to eliminate the 5' VUA LBA adjacent to the alley at the rear of the building.

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WHEREAS, the waiver will not adversely affect adjacent property owners since only the portion of the buffer not being provided is located where the parking spaces are being accessed by the alley. The remainder of the VUA LBA will be provided between the sidewalk and the parking stalls of the larger parking area to the west of the proposed building; and

WHEREAS, Guideline 3, policy 9 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. The waiver will not violate the comprehensive plan since plantings are being provided along the western parking lot to reduce the impact; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since plantings are being incorporated along the parking spaces lot west of the building; 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 or create an unnecessary hardship on the applicant since the proposed rear parking spaces could not be provided.

Waiver #5 - Waiver from Land Development Code Section 5.6.1.C.1, to allow the front façade to be less than 50% clear doors and windows.

WHEREAS, the requested waiver will not adversely affect adjacent property owners since the applicant is providing openings at the street level which provide views into the patio area instead of providing clear glass; and

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WHEREAS, Guideline 3, policy 1 and 2 calls for the compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. The type of building materials may be considered as a mitigation measure and may also be considered in circumstances specified in the Land Development Code. When assessing compatibility, it is appropriate to consider the choice of building materials in the following circumstances: (1) projects involving residential infill (2) projects involving non-residential uses; and (3) when specified in the Land Development Code. The proposal is for a non-residential use. The Land Development Code provides building design standards for non-residential and mixed use buildings. The purpose of the regulation is to provide visual interest and a human scale that are representative of the form district through the use of windows, columns, pilasters, piers, variation of material, entrances, storefront windows, and other animating features along no less than 75% and 50% clear glass and doors. The waiver will violate the comprehensive plan since openings and animated features are being provided along the front facades of the building which meets the intent of the requirement; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant since the proposal does provide animated features on the façade and opens to allow views into the patio; and

WHEREAS, the Louisville Metro Development Review Committee further finds the applicant has incorporated other design measures to compensate for non-compliance with the requirements to be waived. Opening providing views into the patio are being provided instead of the clear glass and doors.

CATEGORY 3 DEVELOPMENT PLAN

WHEREAS, the proposal reuses a portion of the existing historic building located on the subject site along with the existing trees along the front perimeter. Addition trees are to be planted to meet the tree canopy, interior and perimeter requirements of the development; 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, the proposal does provide an 852sf outdoor patio facility which is surrounded by a brick wall within the development; 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

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order to prevent drainage problems from occurring on the subject site or within the community; and

WHEREAS, the Louisville Metro Development Review Committee finds buildings and parking lots will meet all required setbacks. 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, except for the waivers being requested; and

WHEREAS, the Louisville Metro Development Review Committee further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the following: Waivers 1, 2, 3, 5 and the Category 3 Development Plan, noting that Waiver 5 is supported by staff, based on the staff report with the amendment to Waiver 5.

The vote was as follows:

YES: Commissioners Blake, Kirchdorfer, Peterson and Tomes

NOT PRESENT AND NOT VOTING: Commissioners Brown and White

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NEW BUSINESS

CASE NO. 15DEVPLAN1177

Case No: 15DEVPLAN1177
Project Name: Diesel Injections
Location: 4712 and 4724 Allmond Avenue
Owner(s): Steve Bailey, SB Louisville, LLC
Applicant: Thomas Eckert, Integral Structures
Representative: Ann Richard, Land Design & Development
Project Area/Size: 1.8 acres
Jurisdiction: Louisville Metro
Council District: 21 – Dan Johnson
Case Manager: Sherie' Long, Landscape Architect

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:

00:53:19 Ms. Long discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Kevin Young, Land Design and Development, 503 Washburn Avenue, Louisville, Ky. 40222

Summary of testimony of those in favor:

01:02:10 Mr. Young said the facility is nice and very well kept. The parking is needed and they don't want to lose 4 spaces. Also, all the buildings have white roofs which reflects 80% of the sun's rays. There is plenty of green space and some trees will be added on the property line. The razor wire fence will meet the guidelines/regulations.

Deliberation

01:08:30 The commissioners agree that providing trees on the property line will be very beneficial to the neighborhood.

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. 15DEVPLAN1177

On a motion by Commissioner Peterson, seconded by Commissioner Blake, the following resolution was adopted.

Waiver #1 - Waiver from Land Development Code, Section 10.2.4, to allow the proposed pavement to encroach into the 25' Landscape Buffer Area (LBA) along the rear of the property.

WHEREAS, the waiver will not adversely affect adjacent property owners since the required buffering and screening will be provided in the reduced LBA area; and

WHEREAS, Guideline 3, policy 9 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. The waiver will not violate the comprehensive plan since buffer plantings and screening are being provided in the reduced LBA area; and

WHEREAS, the Louisville Metro Development Review Committee finds The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since buffer plantings and screening are being provided in the reduced LBA area; 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 or create an unnecessary hardship on the applicant since the proposed access drive would not be able to be provided or the building square footage would need to be reduced. Either option would be a hardship on the applicant.

Waiver #2 - Waiver from Land Development Code Section 10.2.12 to eliminate the Interior Landscape Areas (ILA).

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WHEREAS, the waiver will adversely affect adjacent property owners since no interior landscape area is being provided within the large paved areas of the site. Lack of interior tree plantings increase the surface temperature of the pavement, and lessen air quality; and

WHEREAS, Guideline 13, Policy 5 calls for standards to ensure the creation and/or preservation of tree canopy as a valuable community resource. The purpose of interior landscape areas is to break up large impervious areas and allow for a greater distribution of tree canopy coverage. The waiver will violate the comprehensive plan since no interior tree planting will be provided; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of waiver of the regulation is not the minimum necessary to afford relief to the applicant since ILA areas with tree plantings could be incorporated in the vehicle use areas; and

WHEREAS, the Louisville Metro Development Review Committee further finds the applicant has not incorporated other design measures that exceed the minimums of the district to compensate for non-compliance with the requirements to be waived. The strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant since the proposed development can be built on the site while complying with the requirements requested to be waived.

CATEGORY 3 DEVELOPMENT PLAN

WHEREAS, the proposal reuses the existing building and parking located on the subject site. The proposal is to add an new addition to the rear of the existing building and add additional pavement is additional parking. The tree canopy requirements will be meet with new tree plantings along the front and rear of the property; 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, the proposal does provide an open area, approximately 7,725sf, located between the parking lot and the street; 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

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WHEREAS, the Louisville Metro Development Review Committee finds buildings and parking lots will meet all required setbacks. 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 residential properties and roadways, except for the waiver being requested to not provide the interior landscape area in the parking area; and

WHEREAS, the Louisville Metro Development Review Committee further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code, with the exception of the waiver request to not provide the Interior Landscape Areas.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 15DEVPLAN1177, the Category 3 Development Plan, Waiver 1 and Waiver 2 based on staffs' presentation as well as the presentation by the owners' representative; including the additional tree plantings – shade trees on the west side and additional trees in the area on the north side in front of the parking area closer to Allmond Ave. to help mitigate the concerns about the waivers.

The vote was as follows:

YES: Commissioners Blake, Kirchdorfer, Peterson and Tomes

NOT PRESENT AND NOT VOTING: Commissioners Brown and White

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NEW BUSINESS
CASE NO. 15DEVPLAN1139

Case No: 15DEVPLAN1139
Request: Revised Detailed District Development Plan
Project Name: Louisville Memorial Gardens
Location: 4400 Dixie Highway
Owner: Saber Management LLC
Applicant: Nathan Grimes
Representative: Renaissance Design Build Inc
Jurisdiction: Louisville Metro
Council District: 3 – Mary Woolridge
Case Manager: Christopher Brown, Planner II

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

Agency Testimony:

01:11:17 Mr. Brown discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Kevin Alshause, Renaissance Design Build, 117 South Indiana Avenue, Sellersburg, In.

Summary of testimony of those in favor:

01:14:00 Mr. Alshause said they're building an additional mausoleum to be exactly like the one adjacent to it. It was presented in a master plan and will have a total of 5 buildings constructed.

Deliberation

01:15:00 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 Blake, seconded by Commissioner Peterson, the following resolution was adopted.

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NEW BUSINESS

CASE NO. 15DEVPLAN1139

WHEREAS, there does 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 with the current 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 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 Louisville Metro Development Review Committee further finds tThe development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 15DEVPLAN1139, the Revised Detailed District Development Plan based on the testimony heard today and the staff report **SUBJECT** to the following Binding Elements:

Existing Binding Elements

1. The development shall be in accordance with the approved district development plan and binding elements unless amended pursuant to the Land Development Code. Modifications to the binding element(s) shall be submitted to the Planning Commission or its designee for review and approval; any modifications not so referred shall not be valid.
2. The square footage of the development shall not exceed 38,136 square feet for the mausoleum and office and 9,943 square foot funeral home.
3. Signs shall be in accordance with Chapter 8 of the LDC.

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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. Prior to issuance of a permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit):
 - 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 shall obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. The appropriate variances and modified conditional use permits shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
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. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the September 4, 2007 meeting of the City Council of the City of Shively, Kentucky.

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10. 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. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.
11. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
12. At no time in the future shall the existing Fireside Chapel on the property be used for funeral services, funeral visitations or funeral wakes. The Fireside Chapel Mausoleum building will be used for committal services only.

The vote was as follows:

YES: Commissioners Blake, Kirchdorfer, Peterson and Tomes

NOT PRESENT AND NOT VOTING: Commissioners Brown and White

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NEW BUSINESS

CASE NO. 15DEVPLAN1160

Request: Category 3 Development Plan with Land Development Code
Waivers
Project Name: Ford Kentucky Truck Plant
Location: 3001 Chamberlain Lane
Owner: Ford Motor Land Development Corporation
Applicant: Rob Armstrong
Representative: Lockett & Farley
Jurisdiction: Louisville Metro
Council District: 17 – Glen Stuckel
Case Manager: Christopher Brown, Planner II

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

Agency Testimony:

01:16:49 Mr. Brown discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Phil Gambrell, Lockett and Farley, 737 South Third Street, Louisville, Ky. 40202

Summary of testimony of those in favor:

01:21:32 Mr. Gambrell said he will answer questions if needed.

Deliberation

01:22:02 Development Review Committee deliberation.

01:23:08 Ms. Markert stated, “Any work within the right-of-way will need construction plans so for the locations where they are proposing sidewalks off-site, we need something that shows existing right-of-way they can fit in there, dimension slope, existing conditions of grading, etc., just to verify constructability.”

01:24:12 Mr. Gambrell answered, “Ford has already requested that we get proposals from the surveyor to survey that strip of roadway and a price to prepare the construction plans in anticipation of getting it approved.”

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NEW BUSINESS

CASE NO. 15DEVPLAN1160

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 Blake, seconded by Commissioner Kirchdorfer, the following resolution was adopted.

Sidewalk Waiver

WHEREAS, the waiver will not adversely affect adjacent property owners since pedestrian connections will be provided along the residential portions of Chamberlain Lane to the east of the site; and

WHEREAS, Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. Sidewalks will be provided in an area that is appropriate and provides a meaningful connection for residents; therefore, the waiver will not violate specific guidelines of Cornerstone 2020; 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 sidewalks are being proposed in correlation to the current expansion along Chamberlain Lane; 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 or would not create an unnecessary hardship on the applicant by requiring an excessive amount of sidewalk construction in relation to the percentage increase of building footprint on the site. The applicant will be providing a partial sidewalk construction to the correlate with the proposed expansion.

Long Term Bicycle Parking

WHEREAS, the waiver will not adversely affect adjacent property owners since long term bicycle parking will only affect the subject property users; and

WHEREAS, the waiver will not violate specific guidelines of Cornerstone 2020 since facilities do not exist to safely bicycle to the subject site in an appropriate manner; and

DEVELOPMENT REVIEW COMMITTEE

December 2, 2015

NEW BUSINESS

CASE NO. 15DEVPLAN1160

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 all other parking requirements for employees are being met on the site; 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 or would create an unnecessary hardship on the applicant since the long term bicycle parking has been deemed unnecessary for the use.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 15DEVPLAN1160; Waiver 1, a partial sidewalk waiver from chapter 5.8.1 of the Land Development Code to not provide a sidewalk along Chamberlain Lane and Westport Road; Waiver 2, a waiver from chapter 9.2 of the Land Development Code to not provide the required long term bicycle parking; and the Category 3 plan based on the testimony heard today and the staff report.

The vote was as follows:

YES: Commissioners Blake, Kirchdorfer, Peterson and Tomes

NOT PRESENT AND NOT VOTING: Commissioners Brown and White

DEVELOPMENT REVIEW COMMITTEE
December 2, 2015

ADJOURNMENT

The meeting adjourned at approximately 2:40 p.m.

Chair

Planning Director