

**MINUTES OF THE MEETING  
OF THE  
DEVELOPMENT REVIEW COMMITTEE  
May 6, 2015**

A meeting of the Development Review Committee was held on, May 6, 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  
Jeff Brown, Commissioner  
Rob Peterson, Commissioner

**Committee Members absent were:**

Chip White, Vice Chairman  
Robert Kirchdorfer, Commissioner

**Staff Members present were:**

John Carroll, Legal Counsel  
Sherie Long, Landscape Architect  
Julia Williams, AICP, Planner II  
Joseph Reverman, AICP, Planning Coordinator  
Brian Davis, AICP, Planning Supervisor  
Jon Crumbie, Planner II  
Matt Doyle, Planner I  
Tammy Markert, Transportation Planning  
Pat Barry, MSD representative  
Sue Reid, Management Assistant  
Chris Cestaro, Management Assistant

The following matters were considered:

**DEVELOPMENT REVIEW COMMITTEE**

**May 6, 2015**

**APPROVAL OF MINUTES**

**Approval of the minutes of the April 15, 2015 Development Review Committee meeting**

00:03:38 On a motion by Commissioner Peterson, seconded by Commissioner Brown, the following resolution was adopted.

**RESOLVED**, that the Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on April 15, 2015.

**The vote was as follows:**

**YES: Commissioners Tomes, Brown, and Peterson.**

**NO: No one.**

**NOT PRESENT: Commissioners Kirchdorfer and White.**

**ABSTAINING: No one.**

**DEVELOPMENT REVIEW COMMITTEE**

**May 6, 2015**

**NEW BUSINESS**

**CASE NO. 15EXTENSION1001**

Request: Letter of Extension  
Project Name: Jefferson Centre Day Care  
Location: 5702 Outer Loop  
Owner(s): Jesse Flynn  
Applicant: Kent Gootee  
Representative(s): Kent Gootee, Sabak Wilson & Lingo, Inc.  
Jurisdiction: Louisville Metro  
Council District: 23 – James Peden

**Case Manager: Jon E. Crumbie, 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. 5<sup>th</sup> Street.)

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

**Agency Testimony:**

00:13:37 Jon Crumbie presented the case (see staff report and recording for detailed presentation.) He said this will be the second extension request, for an expiration date of May 2, 2016.

**The following spoke in favor of this request:**

Kent Gootee, Mindel Scott & Associates, 5151 Jefferson Boulevard, Louisville, KY 40219

**Summary of testimony of those in favor:**

00:14:25 Kent Gootee, the applicant's representative, explained why the applicant is making the request for the extension, and what type of tenant the applicant is looking for.

**The following spoke in opposition to this request:**

No one spoke.

**The following spoke neither for nor against the request:**

No one spoke.

**DEVELOPMENT REVIEW COMMITTEE**  
**May 6, 2015**

**NEW BUSINESS**

**CASE NO. 15EXTENSION1001**

00:16:16 On a motion by Commissioner Peterson, seconded by Commissioner Brown, the following resolution was adopted:

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

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the applicant's request for an Extension of Expiration date to **May 2, 2016**.

**The vote was as follows:**

**YES: Commissioners Tomes, Peterson, and Brown.**

**NO: No one.**

**NOT PRESENT: Commissioners Kirchdorfer and White.**

**ABSTAINING: No one.**

**DEVELOPMENT REVIEW COMMITTEE**

**May 6, 2015**

**NEW BUSINESS**

**CASE NO. 15CELL1000**

Request: Request to construct a 136-foot tall tower with a 3-foot tall lightning arrestor for a total height of 139 feet with a 2,480 square foot compound area.

Project Name: Brownsboro Road  
Location: 6060 Brownsboro Road  
Owner: Brownsboro Office Park, Inc.  
Applicant: Crown Castle GT Company, LLC  
Representative: Christopher L. King  
Jurisdiction: Louisville Metro  
Council District: 16 – Kelly Downard

**Case Manager: Steve Hendrix, Planning 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. 5<sup>th</sup> Street.)

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

**Agency Testimony:**

00:19:21 Joe Reverman presented the case on behalf of Steve Hendrix (case manager) and showed a Power Point presentation. See staff report and recording for detailed presentation. This request is to remove and replace an existing cell tower.

**The following spoke in favor of this request:**

Christopher King, Lorch Naville Ward, 506 State Street, New Albany, Indiana 47150

**Summary of testimony of those in favor:**

00:22:34 Chris King, the applicant's representative, presented the applicant's case and showed a Power Point presentation.

00:26:09 Mr. King submitted a letter of agreement from the property owner to expand the compound and to extend an existing brick wall for screening. A chain-link fence will also be added around the back for security purposes.

**The following spoke in opposition to this request:**

No one spoke.

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**NEW BUSINESS**

**CASE NO. 15CELL1000**

**The following spoke neither for nor against the proposal:**

No one spoke.

**00:29:40      Commissioners' deliberation.**

00:30:04      On a motion by Commissioner Peterson, seconded by Commissioner Brown, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that the proposal meets the intents of Guideline 3.1 – Compatibility. The proposal ensures compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development. The proposed 139 foot high cell tower replaces the existing 136 foot structure; and

**WHEREAS**, the Committee further finds that the proposal meets the intents of Guideline 3.9 – Visual Impacts. The existing brick wall will be extended around the new area for the cell tower to match the existing masonry wall, so the view of the base will be buffered. The visual impact of the additional 3 feet will remain the same; and

**WHEREAS**, the Committee further finds that the proposal meets the intents of Guideline 3.22 – Buffers. There will be no signage on the site other than emergency information. As mentioned earlier, this is a replacement and the existing brick wall will be extended to screen the new portion; and

**WHEREAS**, the Committee further finds that the proposal meets the intents of Guideline 3.30 – Cellular Towers. The applicant states that there are no other suitable or willing co-locatable structures or structure owners identified within the vicinity to meet the coverage objectives. The applicant states they have considered the likely effects of the installation on nearby land uses and values and have concluded that there is no more suitable location reasonably available from which adequate service can be provided. The applicant further states that the proposed facility has been designed to accommodate additional wireless telecommunication carriers, thus reducing the need for additional towers in the area in the future; and

**WHEREAS**, the Committee further finds that the proposal meets the intents of Community Facilities. This is a replacement tower that will have the existing brick wall extended along the southern and western sides to screen the compound area addition. The Watterson Expressway right of way is approximately 9 feet at its closest point from the compound area and has existing vegetation and trees to screen the base from the eastern view; and

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**NEW BUSINESS**

**CASE NO. 15CELL1000**

**WHEREAS**, the Committee further finds that the applicant is requesting to replace a wireless communications facility to better serve the public and to provide co-location opportunities for other carriers. The proposed location is within an OR-3 zoning district. The existing masonry wall will be extended along the southern and western sides to block the base of the compound expansion. The applicant has met the applicable requirements of the Comprehensive Plan and the Land Development Code. The monopole will not be lighted. The applicant has submitted the required information concerning the reasoning and need for this particular location; and

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

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested 136 foot monopole tower with a 3 foot lightning arrester for a total structure height of 139 feet to replace the existing 136 foot structure (122 - foot tower and 14 foot lightning arrester).

**The vote was as follows:**

**YES: Commissioners Tomes, Peterson, and Brown.**

**NO: No one.**

**NOT PRESENT: Commissioners Kirchdorfer and White.**

**ABSTAINING: No one.**

**DEVELOPMENT REVIEW COMMITTEE**

**May 6, 2015**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1018**

**NOTE: This case was heard following Case No. 15EXTENSION1001 and prior to Case No. 15CELL1000.**

Request: Revised Detailed District Development Plan with a Waiver  
Project Name: Auto Truck  
Location: 407 N. English Station Road & 13051 Equity Place  
Owner: Auto Truck Group, LLC  
Applicant: Auto Truck Group, LLC  
Representative: Mindel Scott & Associates  
Jurisdiction: City of Middletown  
Council District: 19 – Julie Denton

**Case Manager: Julia Williams, AICP, Planner II**

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

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

**Agency Testimony:**

00:17:15 Julia Williams said the applicant is requesting that this case be continued to a date uncertain.

**The following spoke in favor of this request:**

No one spoke.

**The following spoke in opposition to this request:**

No one spoke.

00:18:44 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **CONTINUE** this case to a date uncertain.



**DEVELOPMENT REVIEW COMMITTEE**  
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**NEW BUSINESS**

**CASE NO. 15DEVPLAN1018**

**The vote was as follows:**

**YES: Commissioners Tomes, Peterson, and Brown.**

**NO: No one.**

**NOT PRESENT: Commissioners Kirchdorfer and White.**

**ABSTAINING: No one.**

**DEVELOPMENT REVIEW COMMITTEE**

**May 6, 2015**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1043**

Request: Revised Detailed District Development Plan  
Project Name: Misa Metal Fabricating, Inc. Expansion  
Location: 7101 International Drive  
Owner: Misa Metal Fabricating, Inc.  
Applicant: Misa Metal Fabricating, Inc.  
Representative: Qk4  
Jurisdiction: Louisville Metro  
Council District: 1 – Jessica Green

**Case Manager: Matthew Doyle, 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. 5<sup>th</sup> Street.)

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

**Agency Testimony:**

00:31:01 Matthew Doyle presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

00:33:13 Mr. Doyle reviewed corrections to proposed binding element #2 in the staff report (correction to square footage to account for the loading dock in the back.)

00:34:15 Commissioner Brown expressed concerns about parking and parking requirements, particularly in the front of the building. He asked to see a revised plan which addresses his concerns.

**The following spoke in favor of this request:**

The applicant's representative was not present.

**The following spoke in opposition to this request:**

No one spoke.

00:36:15 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted:

**DEVELOPMENT REVIEW COMMITTEE**

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**NEW BUSINESS**

**CASE NO. 15DEVPLAN1043**

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **CONTINUE** this case to the May 20, 2015 Development Review Committee meeting.

**The vote was as follows:**

**YES: Commissioners Tomes, Peterson, and Brown.**

**NO: No one.**

**NOT PRESENT: Commissioners Kirchdorfer and White.**

**ABSTAINING: No one.**

**DEVELOPMENT REVIEW COMMITTEE**

**May 6, 2015**

**NEW BUSINESS**

**CASE NO. 15MINORPLAT1006**

Request: Amendment to Record Plat to create 3 lots from 2 lots  
Project Name: Smith Plat  
Location: 7006 Woodrow Way  
Owner: John and Mary Smith  
Applicant: John and Mary Smith  
Representative: Advanced Engineering and Surveying, LLC  
Jurisdiction: Louisville Metro  
Council District: 23 – James Peden

**Case Manager: Brian Davis, AICP, Planning 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. 5<sup>th</sup> Street.)

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

**Agency Testimony:**

00:37:19 Brian Davis presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) Mr. Davis discussed comments received from an adjoining property owner.

**The following spoke in favor of this request:**

Morris Talbott, 319 Tucker Station Road, Louisville, KY 40243

**Summary of testimony of those in favor:**

00:40:26 Morris Talbott presented the applicant's case.

**The following spoke in opposition to this request:**

No one spoke.

00:42:19 After some discussion between Mr. Davis and Commissioner Brown, it was agreed that Condition #2 be struck as irrelevant; and Condition #6 be amended to include "all the lots will be reviewed for driveway access".

**DEVELOPMENT REVIEW COMMITTEE**

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**NEW BUSINESS**

**CASE NO. 15MINORPLAT1006**

00:43:26 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that the proposed plat has received preliminary approvals from Transportation Planning, the Metropolitan Sewer District, and the Highview Fire Department; and

**WHEREAS**, the Committee further finds that the request complies with all zoning and subdivision regulations; and

**WHEREAS**, the Committee further finds that this case was noticed in accordance with Policy 3.03 of the Louisville Metro Planning Commission; and

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

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Amendment to Record Plat to create three lots from two at the intersection of Whispering Hills Boulevard and Woodrow Way **ON CONDITION** that Note #2 is stricken from the plat and Note #6 is amended to include Lots A, B, and C, to be reviewed and approved by Metro Public Works.

**The vote was as follows:**

**YES: Commissioners Tomes, Peterson, and Brown.**

**NO: No one.**

**NOT PRESENT: Commissioners Kirchdorfer and White.**

**ABSTAINING: No one.**

**DEVELOPMENT REVIEW COMMITTEE**

**May 6, 2015**

**NEW BUSINESS**

**CASE NO. 14MINORPLAT1156**

Request: Amendment to Record Plat to create 5 tracts from 1 tract  
Project Name: Price Minor Plat  
Location: 3514 Hedgewick Place  
Owner: Janet R. Price  
Applicant: Janet R. Price  
Representative: Alpha Omega Innovations, LLC  
Jurisdiction: Louisville Metro  
Council District: 17 – Glen Stuckel

**Case Manager: Brian Davis, AICP, Planning 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. 5<sup>th</sup> Street.)

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

**Agency Testimony:**

00:44:29 Brian Davis presented the case (see staff report and recording for detailed presentation.) He showed a site plan and aerial photo to illustrate the case.

**The following spoke in favor of this request:**

No one spoke.

**The following spoke in opposition to this request:**

No one spoke.

00:50:40 – Commissioners' deliberation.

00:51:12 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that the proposed plat has received preliminary approvals from Transportation Planning, the Metropolitan Sewer District, Construction Review, and the Middletown Fire Department; and

**DEVELOPMENT REVIEW COMMITTEE**

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**NEW BUSINESS**

**CASE NO. 14MINORPLAT1156**

**WHEREAS**, the Committee further finds that the request complies with all zoning and subdivision regulations. Minor subdivision regulation 7.8.60.B.1 allows residential lots to be accessed through a private access easement, as long as it is not used for access to more than 20 lots. LDC major subdivision regulation 7.3.30.B requires all new lots for detached houses to abut a public street. The Brookview Estates Subdivision received a waiver of 7.3.30.B under case 18533 to allow single family lots to be accessed by the Twin Creek private access easement. The combination of existing and proposed lots having access and abutting the Twin Creek Drive private access easement results in a total of 17 lots; and

**WHEREAS**, the Committee further finds that this case was noticed in accordance with Policy 3.03 of the Louisville Metro Planning Commission; and

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

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Amendment to Record Plat to create five tracts from one, along with amending three recorded plats, as described in the legal description and in the staff report.

**The vote was as follows:**

**YES: Commissioners Tomes, Peterson, and Brown.**

**NO: No one.**

**NOT PRESENT: Commissioners Kirchdorfer and White.**

**ABSTAINING: No one.**

**DEVELOPMENT REVIEW COMMITTEE**

**May 6, 2015**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1048**

Request: Revised Detailed District Development Plan  
Project Name: Chef Space  
Location: 1812 W. Muhammad Ali Boulevard  
Owner: Community Reinvestment Properties LLC  
Applicant: Community Ventures  
Representative: CMW Inc.  
Jurisdiction: Louisville Metro  
Council District: 4 – David Tandy

**Case Manager: Brian Davis, AICP, Planning 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. 5<sup>th</sup> Street.)

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

**Agency Testimony:**

00:51:45 Brian Davis presented the case and showed a site plan and exhibits (see recording and staff report for detailed presentation.)

00:54:20 Mr. Davis discussed proposed amendments to binding elements, as described in the staff report.

**The following spoke in favor of this request:**

Todd Ott, CMW Architects, 400 Vine Street, Lexington, KY

**Summary of testimony of those in favor:**

00:55:42 Todd Ott, the applicant's representative, said he was available for any questions. In response to a question from Commission Tomes, he described the proposed use in more detail.

**The following spoke in opposition to this request:**

No one spoke.

**Revised Detailed District Development Plan AND Binding Element Amendments**

00:57:45 On a motion by Commissioner Peterson, seconded by Commissioner Brown, the following resolution was adopted:



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**NEW BUSINESS**

**CASE NO. 15DEVPLAN1048**

**WHEREAS**, the Louisville Metro Development Review Committee finds that there do not appear to be any environmental constraints or historic resources on the subject site. While the site is located in the Russell National Historic District the structure, which was constructed in the 1990s, is not a contributor; and

**WHEREAS**, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Transportation Review has approved the preliminary development plan; and

**WHEREAS**, the Committee further finds that there are no open space requirements with the current proposal; and

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

**WHEREAS**, the Committee further finds that the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks as approved with the original variance that was granted in 1993; and

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

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

1. The development plan 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.

**DEVELOPMENT REVIEW COMMITTEE**

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**NEW BUSINESS**

**CASE NO. 15DEVPLAN1048**

2. The development shall not exceed ~~13,410~~**13,200** square feet of gross floor area for restaurant ~~the primary building~~, 3,600 square feet of gross floor area for retail and 6,572 square feet of gross floor area for retail.
3. The existing 6,572 square foot and proposed 3,600 square foot structures shall not be used for restaurants or any other use requiring a parking ratio greater than one space for every 200 square feet of floor area unless parking can meet the requirement of the proposed use.
4. There shall be no vehicular access to Madison Street.
5. There shall be no freestanding business identification sign permitted on site.
6. Outdoor lighting shall be directed down and away from adjacent residential use.
7. Outdoor storage shall not be permitted on the site.
8. Before a building or alteration permit and/or a certificate of occupancy is requested:
  - a. The development plan must be reapproved by the **Louisville Metro** City of Louisville Department of Inspections, Permits and Licenses and the Metropolitan Sewer District.
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in ~~Article 12~~**Chapter 10**. Such plan shall be implemented prior to requesting a certificate of occupancy and maintained thereafter.
  - c. ~~A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Planning Commission.~~
  - d. ~~The alley right-of-way shown on the approved general district development plan must be closed.~~
9. If a building permit is not issued within ~~two~~**one** years of the date of approval of the plan and 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 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 Tomes, Peterson, and Brown.**

**NO: No one.**

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**NEW BUSINESS**

**CASE NO. 15DEVPLAN1048**

**NOT PRESENT: Commissioners Kirchdorfer and White.**

**ABSTAINING: No one.**

**DEVELOPMENT REVIEW COMMITTEE**

**May 6, 2015**

**NEW BUSINESS**

**CASE NO. 14DEVPLAN1154**

Request: Waivers to allow the proposed stadium lighting to exceed the maximum mounting height; to allow the light trespass to exceed 0.5 foot-candles at the property line; and to not provide the full shield/full-cutoff for the proposed stadium lighting.

Project Name: DeSales Athletic Field Stadium Lighting

Location: 425 W. Kenwood Dr., 421, 423, 425 Lyman Ave., 421, 424, 425 Northern Ave.

Owner: Roman Catholic Bishop of Louisville

Applicant: St. Francis DeSales High School

Representative: Kelli Jones – Sabak Wilson & Lingo

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. 5<sup>th</sup> Street.)

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

**Agency Testimony:**

00:59:50 Sherie Long presented the case and showed a Power Point presentation. In response to a question from Commissioner Peterson, she pointed out the location of the residential property that would be most affected by light trespass. She added that she had received no comments from the public.

**The following spoke in favor of this request:**

Kelli Jones, Sabak Wilson & Lingo, 608 S. 3<sup>rd</sup> Street, Louisville, KY 40202

Doug Strothman, President of DeSales High School, 425 W. Kenwood Drive, Louisville, KY 40214

Curt Mickey, 110 Casey Lane, Georgetown, KY 40324

Tom Kargle, Tucker Booker Donhoff Architects, 716 East Market Street, Louisville, KY 40202

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**NEW BUSINESS**

**CASE NO. 14DEVPLAN1154**

**Summary of testimony of those in favor:**

01:18:29 Kelli Jones, the applicant's representative, presented the applicant's case and showed a Power Point presentation.

01:24:55 Ms. Jones read a revised applicant's justification into the record (see recording for verbatim presentation) and explained why these waivers are necessary for visibility and safety.

01:26:40 Ms. Jones addressed tree preservation and how that could be affected by drainage issues.

01:28:01 Ms. Jones and Commissioner Brown discussed tree height for screening.

01:32:03 Doug Strothman, President of DeSales High School.

**The following spoke in opposition to this request:**

Mark Stack (sp), 120 Esplanade,

**Summary of testimony of those in opposition:**

01:34:00 Mark Stack (sp) discussed his concerns about light trespass, adequate buffering, and pedestrian traffic onto his property. He asked about having a fence to protect his property.

01:37:11 Ms. Jones resumed the podium to discuss Mr. Stack's concerns, and added that the site will be fenced.

01:45:40 Mr. Strothman discussed foul balls/property issues with Mr. Stack.

01:53:41 Curtis Mickey discussed lighting.

**Waiver #1:**

Waiver from Land Development Code Section 4.1.3.B.2.b.ii to allow the proposed stadium lighting to exceed the maximum 20 foot mounting height.

01:58:34 on a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted:

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### NEW BUSINESS

#### CASE NO. 14DEVPLAN1154

**WHEREAS**, the Louisville Metro Development Review Committee finds that the Waiver will not adversely affect adjacent property owners. Lighting will make the area safer for the school and the surrounding properties. Stadium lighting will be shielded and used for games and practices only. Lights will be turned off when the fields are not in use and will be turned off by 11:00 on game nights except as allowed by LDC 4.1.3.B.6.a.ii. The applicant is also proposing screening for a majority of the affected properties; and

**WHEREAS**, the Committee further finds that the Waiver will not violate the Comprehensive Plan. These waivers will allow an existing school to provide adequate athletic facilities that meet the requirements of KHSAA. In addition, the applicant is making every effort to reduce the amount of light trespass on adjoining properties, including increased height, screening and shielded fixtures; and

**WHEREAS**, the Committee further finds that the extent of the Waiver of the regulation is the minimum necessary to afford relief to the applicant. In order to meet KHSAA standards for field lighting, while reducing light trespass on adjoining property owners, these waivers are the minimum required to afford relief to the applicant; and

**WHEREAS**, the Committee further finds that the applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) and that 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. The applicant is making every effort to reduce the impact of light trespass on adjoining property owners by providing shielded light fixtures, screening and increasing the height of these fixtures. The strict application of the provisions of the regulation would prevent the applicant from lighting their new athletic facilities per the KHSAA requirements. This would greatly reduce the usability of the stadium and would restrict activities to daylight hours. One of the primary goals of this athletic facility improvement is to allow the 2-time State Champion football team to host varsity football games on their home field. The ability to do this would be greatly decreased or eliminated if this waiver is not granted. This would cause an unnecessary hardship on the applicant; and

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

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver of Section 4.1.3.B.2.b.ii to allow the proposed stadium lighting to exceed the maximum 20 foot mounting height.

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**NEW BUSINESS**

**CASE NO. 14DEVPLAN1154**

**The vote was as follows:**

**YES: Commissioners Tomes, Peterson, and Brown.**

**NO: No one.**

**NOT PRESENT: Commissioners Kirchdorfer and White.**

**ABSTAINING: No one.**

**Waiver #2 –**

Waiver from Land Development Code Section 4.1.3.B.11.a to allow light trespass to exceed 0.5 foot-candles at the property line.

02:00:44 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that the waiver will adversely affect adjacent property owners since the addition of lighting on this property alters the essential character of the general vicinity by increasing the intensity of the site. The ability of the property to be used after dark is an essential change which will adversely affect the neighborhood and directly affect the adjacent property owners. The applicant is showing spillage of light onto the adjacent residential properties. However, pole height and additional screening has reduced the amount of spillage along most of the properties. Preservation of the existing tree canopy would also help to mitigate the adverse public health and welfare impacts on adjacent properties; and

**WHEREAS**, the Committee further finds that Guideline 3, policy 8 of the Comprehensive Plan calls for the mitigation of adverse impacts of lighting from proposed development on nearby properties, and on the night sky. Guideline 3, policies 21 and 22 calls to ensure appropriate transitions between uses that are substantially different in scale and intensity or density of development, and to mitigate the impacts caused when incompatible developments unavoidably occur adjacent to one another. These transitions and buffers are to address issues such as outdoor lighting; and

**WHEREAS**, the Committee further finds that the applicant has increased the mounting height of the fixture but is not providing the required cut-off and shielding. The applicant is also providing screening along the perimeters where the light trespasses. However, preservation of existing large trees along the perimeter would also help to reduce the impact of the trespass of the light and impact on the adjacent properties; and

**WHEREAS**, the Committee further finds that, based the staff report and on the evidence and testimony presented today, that applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are not being met; now, therefore be it

**DEVELOPMENT REVIEW COMMITTEE**

**May 6, 2015**

**NEW BUSINESS**

**CASE NO. 14DEVPLAN1154**

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **DENY** the requested Waiver of Section 4.1.3.B.11.a to allow light trespass to exceed 0.5 foot-candles at the property line, and that additional landscaping be provided along the area of the unimproved right-of-way where the exhibit has shown that lighting level to exceed the ½ foot-candle allowed by the Land Development Code.

**The vote was as follows:**

**YES: Commissioners Tomes, Peterson, and Brown.**

**NO: No one.**

**NOT PRESENT: Commissioners Kirchdorfer and White.**

**ABSTAINING: No one.**

**Waiver #3**

Waiver from Development Code Section 4.1.3.B.2.c.i to not fully-shield the light fixtures.

**WHEREAS**, the Louisville Metro Development Review Committee finds that the requested Waiver will not adversely affect adjacent property owners. Lighting will make the area safer for the school and the surrounding properties. Stadium lighting will be shielded and used for games and practices only. Lights will be turned off when the fields are not in use and will be turned off by 11:00 on game nights except as allowed by LDC 4.1.3.B.6.a.ii. The applicant is also proposing screening for a majority of the affected properties; and

**WHEREAS**, the Committee further finds that the Waiver will not violate the Comprehensive Plan. These waivers will allow an existing school to provide adequate athletic facilities that meet the requirements of KHSAA. In addition, the applicant is making every effort to reduce the amount of light trespass on adjoining properties, including increased height, screening and shielded fixtures; and

**WHEREAS**, the Committee further finds that Guideline 3, policy 8 of the Comprehensive Plan calls for the mitigation of adverse impacts of lighting from proposed development on nearby properties, and on the night sky. Guideline 3, policies 21 and 22 calls to ensure appropriate transitions between uses that are substantially different in scale and intensity or density of development, and to mitigate the impacts caused when incompatible developments unavoidably occur adjacent to one another. These transitions and buffers are to address issues such as outdoor lighting. The waiver request does not violate the before mentioned guidelines. The applicant has increased



**DEVELOPMENT REVIEW COMMITTEE**

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**NEW BUSINESS**

**CASE NO. 14DEVPLAN1154**

the pole height, along with providing screening in the locations where the light trespass is the most intense; and

**WHEREAS**, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. In order to meet KHSAA standards for field lighting, while reducing light trespass on adjoining property owners, these waivers are the minimum required to afford relief to the applicant; and

**WHEREAS**, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the applicant has provided additional planting to mitigate the impact on the adjacent properties which are the most affected by the light spillage. The applicant has increased the mounting height of the fixtures to reduce the amount of light trespass onto the adjacent properties, in addition to the added screening to assist in the reduction of the adverse impact; and

**WHEREAS**, the Committee further finds that the applicant is making every effort to reduce the impact of light trespass on adjoining property owners by providing shielded light fixtures, screening and increasing the height of these fixtures. The strict application of the provisions of the regulation would prevent the applicant from lighting their new athletic facilities per the KHSAA requirements. This would greatly reduce the usability of the stadium and would restrict activities to daylight hours. One of the primary goals of this athletic facility improvement is to allow the 2-time State Champion football team to host varsity football games on their home field. The ability to do this would be greatly decreased or eliminated if this waiver is not granted; and

**WHEREAS**, the Committee further finds that the applicant has increased the mounting height of the fixture but is not providing the required cut-off and shielding. The applicant is also providing screening along the perimeters where the light trespasses. The strict application of the provisions to fully shield the lights would deprive the applicant the ability to have adequate athletic facilities which meet the KSHAA requirements; and

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

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver of Section 4.1.3.B.2.c.i to not fully-shield the light fixtures.

**The vote was as follows:**

**YES: Commissioners Tomes, Peterson, and Brown.**

**DEVELOPMENT REVIEW COMMITTEE**  
**May 6, 2015**

**NEW BUSINESS**

**CASE NO. 14DEVPLAN1154**

**NO: No one.**

**NOT PRESENT: Commissioners Kirchdorfer and White.**

**ABSTAINING: No one.**

**DEVELOPMENT REVIEW COMMITTEE**

**May 6, 2015**

**NEW BUSINESS**

**CASE NO. 15WAIVER1007**

Request: Waiver to allow more than a 50% overlap of existing easements into the proposed 15-foot landscape buffer area (LBA)  
Project Name: Zaxby's  
Location: 4913 Dixie Highway  
Owner: Dixie Associates  
Applicant: North Dixie – Cornerstone, LLC  
Representative: Ann Richard, Land Dfesign & Development, Inc.  
Jurisdiction: Louisville Metro  
Council District: 3 – Mary Woolridge

**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. 5<sup>th</sup> Street.)

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

**Agency Testimony:**

02:02:11 Sherie Long presented the case and showed a Power Point presentation.

**The following spoke in favor of this request:**

Ann Richard, Land Design & Development, 503 Washburn Ave # 101, Louisville, KY 40222

**Summary of testimony of those in favor:**

02:08:33 Ann Richard, the applicant's representative, presented the applicant's case and answered questions.

**The following spoke in opposition to this request:**

No one spoke.

**Waiver of Section 10.2.4.B to allow an existing sanitary sewer and drainage easement to encroach 100% into the required 15' Landscape Buffer Area (LBA) along the Dixie Highway frontage.**

**DEVELOPMENT REVIEW COMMITTEE**

**May 6, 2015**

**NEW BUSINESS**

**CASE NO. 15WAIVER1007**

02:10:41 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners since the easement is existing; also the required buffer and trees plantings are being provided; and

**WHEREAS**, the Committee further finds that 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. Even though there is encroachment of the easement into the landscape buffer area, the applicant is providing plantings which meet the minimum required tree and shrub plantings for the perimeter buffers. Plus the tree canopy requirements are being fulfilled for the site. Therefore the waiver will not violate the comprehensive plan; and

**WHEREAS**, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the easement is an existing condition. Plus even with the encroachment of the easement into the landscape buffer area, the applicant is providing plantings which meet the minimum required tree and shrub plantings for the perimeter buffers. Plus the tree canopy requirements are being fulfilled for the site; and

**WHEREAS**, the Committee further finds that, although the applicant has not incorporated other design measures that exceed the minimums of the district to

**DEVELOPMENT REVIEW COMMITTEE**

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**NEW BUSINESS**

**CASE NO. 15WAIVER1007**

compensate for non-compliance with the requirements to be waived, 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 development of the site is utilizing the existing pavement to provide the required parking if the pavement were to be removed the applicant would lose 14 parking spaces along the front of the parcel; and

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

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver of Section 10.2.4.B to allow an existing sanitary sewer and drainage easement to encroach 100% into the required 15' Landscape Buffer Area (LBA) along the Dixie Highway frontage.

**The vote was as follows:**

**YES: Commissioners Tomes, Peterson, and Brown.**

**NO: No one.**

**NOT PRESENT: Commissioners Kirchdorfer and White.**

**ABSTAINING: No one.**

**DEVELOPMENT REVIEW COMMITTEE**

**May 6, 2015**

**NEW BUSINESS**

**CASE NO. 15STREETS1005**

Request: Closure of the easternmost portion of the 20-foot wide alley parallel to and between Dumesnil St. and W. Ormsby Ave. and intersecting the west line of another 30-foot wide alley (A.K.A. Nashville Ave.)

Project Name: Pettit Environmental Alley Closure

Location: 901 W. Ormsby Ave. & 900 Dumesnil St.

Owner: Louisville Metro

Applicant: Pettit Environmental, Inc.

Representative: Lockett & Farley  
Cardinal Surveying Services

Jurisdiction: Louisville Metro

Council District: 6 – David James

**Case Manager: David B. Wagner, 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. 5<sup>th</sup> Street.)

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

**Agency Testimony:**

02:11:25 Brian Davis presented the case on behalf of David Wagner, the case manager.

**The following spoke in favor of this request:**

Phil Gambrell (sp), Lockett & Farley, 737 S 3rd St, Louisville, KY 40202

**Summary of testimony of those in favor:**

Phil Gambrell (sp), Lockett & Farley - the applicant's representative. (Activated at 02:13:13)

**The following spoke in opposition to this request:**

No one spoke.

02:14:08 On a motion by Commissioner Peterson, seconded by Commissioner Brown, the following resolution was adopted:

**DEVELOPMENT REVIEW COMMITTEE**  
**May 6, 2015**

**NEW BUSINESS**

**CASE NO. 15STREETS1005**

**RESOLVED**, the Louisville Metro Development Review Committee does hereby place this case on the Consent Agenda for the **May 7, 2015** Planning Commission public hearing.

**The vote was as follows:**

**YES: Commissioners Tomes, Peterson, and Brown.**

**NO: No one.**

**NOT PRESENT: Commissioners Kirchdorfer and White.**

**ABSTAINING: No one.**

**DEVELOPMENT REVIEW COMMITTEE**

**May 6, 2015**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1030**

Request: Revised Detailed District Development Plan and Binding Elements  
Project Name: Oxmoor Mazda  
Location: 7913 Shelbyville Road  
Owner: 7913 Shelbyville Road, LLC  
Applicant: 7913 Shelbyville Road, LLC  
Representative: BTM Engineering, Inc.  
Jurisdiction: City of Lyndon  
Council District: 18 – Marilyn Parker

**Case Manager: David B. Wagner, 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. 5<sup>th</sup> Street.)

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

**Agency Testimony:**

02:14:37 Brian Davis presented the case on behalf of David Wagner, the case manager.

02:16:22 Mr. Davis discussed the proposed changes to binding elements #2 and #5. He explained that a few binding elements have been removed since they are no longer relevant (see staff report.)

**The following spoke in favor of this request:**

John Addington, BTM Engineering, 3001 Taylor Springs Dr, Louisville, KY 40220

**Summary of testimony of those in favor:**

02:17:55 John Addington, BTM Engineering, presented the applicant's case.

**The following spoke in opposition to this request:**

No one spoke.

02:20:18 – On a motion by Commissioner Peterson, seconded by Commissioner Brown, the following resolution was adopted:



## DEVELOPMENT REVIEW COMMITTEE

May 6, 2015

### NEW BUSINESS

#### CASE NO. 15DEVPLAN1030

**WHEREAS**, the Louisville Metro Development Review Committee finds that the proposal conserves as many natural resources as possible that currently exist on the site while still allowing the development; and

**WHEREAS**, the Committee further finds that safe and efficient vehicular and pedestrian transportation is provided by the sidewalks and vehicular access to the public road network through the entrances provided on the site; and

**WHEREAS**, the Committee further finds that open space is not required for this proposal; and

**WHEREAS**, the Committee further finds that MSD has approved the drainage facilities for the site; and

**WHEREAS**, the Committee further finds that the proposal is compatible with existing commercial development in this area. The only change is the expansion of the building, mostly at the front of the site, which has existed for some time. There are small changes to the display area, parking, and ILA which all comply with the LDC requirements. The plan is also incorporating the full 15' LBA along the street which is a 10' increase from what exists currently; and

**WHEREAS**, the Committee further finds that this development conforms to the intent of the Regional Center Form District and the Comprehensive Plan as it would continue the pattern of high intensity uses in a previously built commercial development. The existing landscaping along the south side of the site will be increased to the required width to help provide more screening and landscaping along the street. Adequate vehicular, pedestrian, and bicycle access is provided through the public right-of-way network and existing infrastructure will be utilized for this development. It lies along a Major Arterial level street and is a short distance from major retail centers. This proposal is appropriately located as there are two interstate highways that intersect in the vicinity and renovates an existing auto dealership building; and

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

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **RECOMMEND** approval of the requested Revised Detailed District Development Plan and Amended Binding Elements to the City of Lyndon, **SUBJECT** to the following binding elements:

## DEVELOPMENT REVIEW COMMITTEE

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### NEW BUSINESS

#### CASE NO. 15DEVPLAN1030

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 Lyndon for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed:
  - Area 1: 44,544 **15,205** square feet of gross floor area.
  - Area 2: 76,421 square feet of gross floor area.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
5. Before any permit including but not limited to building, parking lot, change of use, site disturbance 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. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - ~~c. A minor subdivision plat shall be recorded (creating the lot lines as shown on the development plan. 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.~~
  - ~~d. A minor plat or legal instrument shall be recorded consolidating Area 1 property into one lot and Area 2 into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.~~
  - e. **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

## DEVELOPMENT REVIEW COMMITTEE

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#### CASE NO. 15DEVPLAN1030

- occupancy of the site and shall be maintained thereafter.
- f. ~~d.~~ A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the three lots (Areas 1,2, and 3) 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.
  - g. ~~e.~~ A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
  - h. ~~f.~~ A deed restriction in a form acceptable to the Planning Commission legal counsel shall be recorded acknowledging the location, site, ownership, and maintenance of the cemetery; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
6. If a building 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 detailed district development plan is approved or an extension is granted by the Planning Commission and the City of Lyndon.
  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 and the City of Lyndon.
  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.

## DEVELOPMENT REVIEW COMMITTEE

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### NEW BUSINESS

#### CASE NO. 15DEVPLAN1030

10. No idling of trucks shall take place within 200 feet of residential property. No overnight idling of trucks shall be permitted on-site.
11. The site shall be developed in accordance with the woodland protection areas delineated on the site plan, tree preservation plan and related notes. Any modification of the woodland protection area requires notification of adjoining property owners and LD&T action.
12. The applicant shall provide deeds of restriction ensuring that WPAs will be permanently protected in a manner consistent with these binding elements and the approved plan. The form of the deed restrictions shall be approved by Planning Commission counsel. Deed Restrictions must be recorded prior to tree preservation approval. All plans setting out woodland protection areas must contain the following notes:
  - a. Woodland Protection Areas (WPAs) identified on this plan represent portions of the site on which all existing vegetation shall be permanently preserved. All clearing, grading, and fill activity in these areas must be in keeping with restrictions established at the time of development plan approval. No further clearing, grading, construction or other land disturbing activity shall take place within designated WPAs beyond pruning to improve the general health of the tree or to remove dead or declining trees that may pose a public health and safety threat. As trees are lost thru natural causes new trees shall be planted in order to maintain minimum tree canopy as specified in Chapter 10, Part 1 of the LDC and as shown on the approved Tree Canopy/Landscape Plan.
  - b. Dimension lines have been used on this plan to establish the general location of WPAs and represent the minimum boundary of the designated WPAs. The final boundary for each WPA shall be established in the field by the applicant, developer, or property owner to include canopy area of all trees at or within the dimension line.
13. At such time that Area 1, Area 2, or Area 3 are under different ownership, a legal instrument providing for the long-term use of the off-site parking spaces as shown on the approved general district development plan and in accordance with Section 9.1.5 Off-Site Parking, shall be submitted and approved by the Planning Commission legal counsel and recorded in the County Clerk's office. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.
14. Parking lot and outdoor sales and display lights for Area 2 shall be turned off by 10pm.

**DEVELOPMENT REVIEW COMMITTEE**  
**May 6, 2015**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1030**

**The vote was as follows:**

**YES: Commissioners Tomes, Peterson, and Brown.**

**NO: No one.**

**NOT PRESENT: Commissioners Kirchdorfer and White.**

**ABSTAINING: No one.**

**DEVELOPMENT REVIEW COMMITTEE**

**May 6, 2015**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1032**

Request: Revised Detailed District Development Plan and Binding Elements  
Project Name: Riverport Building 4 Expansion  
Location: 10650 Freeport Dr. & 7101-7111 Trade Port Dr.  
Owner: Louisville/Jefferson County Riverport  
Applicant: Prologis Management, LLC  
Representative: Mindel Scott & Associates, Inc.  
Jurisdiction: Louisville Metro  
Council District: 12 – Rick Blackwell

**Case Manager: David B. Wagner, 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. 5<sup>th</sup> Street.)

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

**Agency Testimony:**

02:20:52 Brian Davis presented the case on behalf of David Wagner, the case manager.

**The following spoke in favor of this request:**

Steve Scott, Mindel Scott & Associates, 5151 Jefferson Blvd, Louisville, KY 40219

**Summary of testimony of those in favor:**

02:24:04 Steve Scott, the applicant's representative, presented the applicant's case.

**The following spoke in opposition to this request:**

No one spoke.

**Revised Detailed District Development Plan and Binding Elements**

02:25:16 On a motion by Commissioner Peterson, seconded by Commissioner Brown, the following resolution was adopted:

**DEVELOPMENT REVIEW COMMITTEE**

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**NEW BUSINESS**

**CASE NO. 15DEVPLAN1032**

**WHEREAS**, the Louisville Metro Development Review Committee finds that the proposal conserves as many natural resources as possible that currently exist on the site while still allowing the development; and

**WHEREAS**, the Committee further finds that safe and efficient vehicular and pedestrian transportation is provided by the sidewalks and vehicular access to the public road network through the entrances provided on the site; and

**WHEREAS**, the Committee further finds that open space is not required for this proposal; and

**WHEREAS**, the Committee further finds that MSD has approved the drainage facilities for the site; and

**WHEREAS**, the Committee further finds that the proposal is compatible with existing warehouse development in this area. The only change is the expansion of the building, at the east end of the site, which faces other similar uses in the industrial park. There are additions to the parking and ILA which all comply with the LDC requirements. The plan is also incorporating the full 15' VUA LBA along the streets; and

**WHEREAS**, the Committee further finds that this development conforms to the intent of the Suburban Workplace Form District and the Comprehensive Plan as it would continue the pattern of warehouse development within an established industrial park. The required landscaping along both streets will be provided and the design of the addition will match the existing building on the site. Adequate vehicular, pedestrian, and bicycle access is provided through the public right-of-way network and existing infrastructure will be utilized for this development. This proposal is appropriately located as it lies at the corner of a minor arterial and local level roadway; and

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

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

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

1. The development shall be in accordance with the approved district development

## DEVELOPMENT REVIEW COMMITTEE

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### NEW BUSINESS

#### CASE NO. 15DEVPLAN1032

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. The development shall not exceed 332,000 square feet of gross floor area.
  3. There shall be no freestanding sign permitted on site without prior approval by the Planning Commission. The Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations.
  4. No outdoor advertising signs (billboards), small free-standing (temporary) 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 so that no light source is visible off-site. Lighting levels attributable to the fixtures located on the subject site shall not exceed two foot candles at the property line.
  7. 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 Jefferson County Department of Public Works and Transportation (400 Fiscal Court-Building) and the Metropolitan Sewer District (700 West Liberty).
    - b. Either:
      - i. A minor subdivision plat shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services; Transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument, **and**
      - ii. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
- OR**
- iii. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to



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- issuance of any building permits.
- c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 prior to requesting a building permit. Such- plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  8. If a building 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.
  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.
  10. 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.

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

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. 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.

## DEVELOPMENT REVIEW COMMITTEE

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### NEW BUSINESS

#### CASE NO. 15DEVPLAN1032

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 Codes and Regulations Construction Permits and Transportation Planning Review 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 legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
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.
6. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the May 6, 2015 Development Review Committee meeting.
7. There shall be no outdoor storage on the site.

#### The vote was as follows:

**YES: Commissioners Tomes, Peterson, and Brown.**

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**NO: No one.**

**NOT PRESENT: Commissioners Kirchdorfer and White.**

**ABSTAINING: No one.**

**DEVELOPMENT REVIEW COMMITTEE**  
**May 6, 2015**

**ADJOURNMENT**

The meeting adjourned at approximately 3:36 p.m.

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**Chair**

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**Planning Director**