

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE MEETING
April 6, 2022**

A meeting of the Louisville Metro Development Review Committee was held on Wednesday, April 6, 2022 at 1:00 p.m. via Cisco Webex Video Teleconferencing.

Commissioners present:

Rich Carlson, Chair
Patti Clare, Vice Chair
Glenn Price
Jeff Brown
Pat Seitz

Commissioners absent:

No one.

Staff members present:

Emily Liu, Director, Planning & Design Services
Joe Reverman, Assistant Director, Planning & Design Services
Brian Davis, Planning Manager
Joe Haberman, Planning Manager
Molly Clark, Planner I
Tara Sorrels, Planner I
Beth Jones, Planner II
Laura Ferguson, Legal Counsel
Chris Cestaro, Management Assistant (minutes)

Other staff present:

Beth Stuber, Transportation
Tony Kelly, MSD

The following matters were considered

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APPROVAL OF MINUTES

Minutes of the March 16, 2022 Development Review Committee meeting.

00:03:30 There was an issue with Case No. 21-AMEND-0001, which was continued to a date uncertain. This case was continued because the applicant needs to file a Detailed District Development plan. The case did not make it on to today's agenda and materials were not sent prior to today's hearing. See recording for detailed discussion.

00:07:09 On motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution was adopted:

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on March 16, 2022.

The vote was as follows:

YES: Commissioners Clare, Seitz, Brown, and Carlson.

ABSTAIN: Commissioner Price.

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Case No. 21-AMEND-0001 and 22-DDP-0038

Case No. 21-AMEND-0001 (from March 16, 2022 DRC):

Request: (TO BE CONTINUED) Binding Element Amendment
Project Name: Headquarters of the National Society of the Sons of the American Revolution
Location: 803 W Main Street
Owner: The National Society of the Sons of the American Revolution
Applicant: Gregg Weaver, Archon Design & Construction
Representative: Gregg Weaver, Archon Design & Construction
Jurisdiction: Louisville
Council District: 4 – Jecorey Arthur
Case Manager: Molly Clark, Planner I

Case No. 22-DDP-0038 (should have been on today's agenda):

Request: A Revised Detailed District Development Plan with Amendment to Binding Elements
Project Name: The National Society of the Sons of the American Revolution
Location: 803 W Main Street
Owner: The National Society of the Sons of the American Revolution
Applicant: The National Society of the Sons of the American Revolution
Representative: Gregg Weaver, Archon Design & Construction
Jurisdiction: Louisville
Council District: 4 – Jecorey Arthur
Case Manager: Molly Clark, Planner I

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

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

Agency Testimony:

00:07:54 Joe Reverman, Assistant Director of Planning & Design Services, said Case No. 22-DDP-0038 was noticed properly but was accidentally omitted from today's agenda. The Commissioners all agreed that they wanted time to review the case materials at the end of today's meeting. Laura Ferguson, Assistant County Attorney,

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Case No. 21-AMEND-0001 and 22-DDP-0038

said there would be no issue, from an open meetings perspective, about hearing the case at the end of the meeting today. See recording for detailed discussion.

The Commissioners agreed to hear this case at the end of today's meeting.

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NEW BUSINESS

CASE NO. 21-WAIVER-0167

Request: A waiver from 5.9.2.A.1.b.i to not provide pedestrian connection to non-residential building entrances

Project Name: Industrial Expansion

Location: 13117 Aiken Road

Owner: Halloway & Sons Construction, INC.

Applicant: Halloway & Sons Construction, INC

Representative: BTM Engineering

Jurisdiction: City of Middletown

Council District: 17 - Markus Winkler

Case Manager: Molly Clark, Planner I

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

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

Agency Testimony:

00:11:46 Molly Clark presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

00:15:14 In response to a question from Commissioner Carlson, Ms. Clark said this would probably not be a pedestrian-oriented business. It would be people driving in and leaving equipment to be stored. The applicant can elaborate more on how the buildings would be used.

The following spoke in favor of the proposal:

Chris Brown, BTM Bowman Company, 3001 Taylor Springs Drive, Louisville, KY 40220

Summary of testimony of those in favor:

00:16:18 Chris Brown, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.) He noted that this area has all warehouse, manufacturing, storage, and industrial/vehicular traffic. Internal pedestrian traffic and/or pedestrian connectivity could cause safety concerns, and this site is not open to the general public.

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NEW BUSINESS

CASE NO. 21-WAIVER-0167

00:20:43 In response to a question from Commissioner Brown, Ms. Clark said that if the front portion of this site was redeveloped, the applicant would have to reapply for this or similar sidewalk waivers. Mr. Brown added that, if there were changes to the building (like enlargement, change in design, etc.) the applicant would have to come back before the Planning Commission or subcommittee for review.

The following spoke in opposition to the proposal:

No one spoke.

Deliberation:

00:22:34 Commissioners' deliberation.

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

00:23:43 On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners since the proposed buildings are not going to be occupied by employees and will be used for storage of equipment. The site is not open to the public; and

WHEREAS, the Committee further finds that Community Form Goal 1, Policy 12 calls to ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. The proposed buildings are not going to be occupied by employees and will be used for storage of equipment. This site is not open to the public; 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 because the proposed buildings are not going to be occupied by employees and will be used for storage of equipment. This site is not open to the public; and

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CASE NO. 21-WAIVER-0167

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because the proposed buildings are not going to be occupied by employees and will be used for storage of equipment. This site is not open to the public; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the City of Middletown that the requested Waiver from section 5.9.2.A.1.b.i to not provide a clearly defined, safe pedestrian access from adjacent public rights-of-way (public sidewalk) through off- street parking area to non-residential building entrances be **APPROVED**.

The vote was as follows:

YES: Commissioners Clare, Brown, Seitz, Price, and Carlson.

NO: No one.

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NEW BUSINESS

Case No. 22-DDP-0019

Request: Detailed District Development Plan with a Waiver
Project Name: Relfin Office
Location: 3700 Brownsboro Rd
Owner: Relfin Properties LLC
Applicant: Relfin Properties LLC
Representative: Jeff Rawlins
Jurisdiction: Louisville
Council District: 9 - Bill Hollander
Case Manager: Tara Sorrels, Planner I

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

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

Agency Testimony:

00:24:32 Tara Sorrels presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

00:28:33 In response to a question from Commissioner Price, Ms. Sorrels confirmed that the proposed carport will be on the same spot as the existing garage. The carport will be set back from Lotis Way a bit further than the existing garage, but it will be in the same general area, and will encroach the same amount into the LBA. In response to another question from Commissioner Price, Ms. Sorrels said that the applicant had to come before the Planning Commission because they are proposing to demolish the existing garage.

00:29:45 In response to a question from Commissioner Carlson, Joe Reverman, Assistant Director of Planning & Design Services, confirmed that the note must be added to the plan before the plan could be transmitted.

00:31:02 Commissioner Seitz asked for more information about the roof of the proposed carport.

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NEW BUSINESS

Case No. 22-DDP-0019

The following spoke in support of the proposal:

Benjamin Morrison, Architectural Artisans, 213 South Shelby Street, Louisville, KY

Summary of testimony of those in support:

00:31:55 Benjamin Morrison, the applicant's representative, presented the applicant's case (see recording for detailed presentation.) He noted that the proposal is in keeping with the character of the area, and the project will achieve a net decrease of impervious area on the site due to demolition of the existing garage. The overall footprint of structures on the site will be about 350 square feet smaller than the existing structures.

00:34:22 Mr. Morrison addressed the question from Commissioner Seitz regarding the flat roof of the carport (see recording.)

00:35:36 In response to a question from Commissioner Brown, Mr. Morrison said the existing business sign is in the right-of-way. The new signage will be relocated on the property. The applicant understands that any approval will be on condition that the new signage will have to be compliant with regulations.

The following spoke in opposition:

No one spoke.

Deliberation:

00:37:10 Commissioners' deliberation.

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

Waiver from Chapter 10 2.4 to allow proposed carport to encroach into 15' landscape buffer area along the rear property line

00:38:13 On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

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NEW BUSINESS

Case No. 22-DDP-0019

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

WHEREAS, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan. Kentucky Transportation Cabinet approval is required prior to construction plan approval; and

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

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

WHEREAS, the Committee further finds that the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways; and

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

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver from Chapter 10 2.4 to allow proposed carport to encroach into 15' landscape buffer area along the rear property line.

The vote was as follows:

YES: Commissioners Clare, Brown, Seitz, Price, and Carlson.

NO: No one.

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NEW BUSINESS

Case No. 22-DDP-0019

Revised Detailed District Development Plan

00:39:02 On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

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

WHEREAS, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan. Kentucky Transportation Cabinet approval is required prior to construction plan approval; and

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

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

WHEREAS, the Committee further finds that the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways; and

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

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Revised Detailed District Development Plan, **ON CONDITION** that the note regarding the MSD permit is added to the plan; and **ON CONDITION** that the Board of Zoning Adjustment (BOZA) grants a variance as listed in the staff report; and **ON CONDITION** that the applicant remove the business sign from the public right-of-way; and **SUBJECT** to the following binding elements:

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NEW BUSINESS

Case No. 22-DDP-0019

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. 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. The applicant shall submit a landscape plan for approval by Planning Commission staff showing plantings and/or other screening and buffering materials to comply with Chapter 10 of the Land Development Code.
3. 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.
4. 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.
5. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

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NEW BUSINESS

Case No. 22-DDP-0019

6. The property may not be used for a barber shop, cosmetologist, hairdresser or manicurist.

The vote was as follows:

YES: Commissioners Clare, Brown, Seitz, Price, and Carlson.

NO: No one.

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NEW BUSINESS

CASE NUMBER 21-WAIVER-0113

Request: **CONT'D from the November 3, 2021 DRC meeting -**
Changing Image Sign Waiver
Project Name: Changing Image Sign Waiver
Location: 3938 Poplar Level Road
Owner: Holy Family
Applicant: Golden Rule Signs
Representative: Heather Mullin
Jurisdiction: Louisville Metro
Council District: 10 - Pat Mulvihill
Case Manager: Beth Jones, AICP, Planner II

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

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

Agency Testimony:

00:40:11 Beth Jones presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

The following spoke in support of the proposal:

Mary Beth Porter, 7902 Fox Lair Way, Louisville, KY 40220

Heather Mullin, Golden Rule Sign Company, 2420 Holloway Rd, Louisville, KY 40299

Summary of testimony of those in support:

00:46:39 Mary Porter, representing Holy Family Church, said she was available to answer any questions.

00:48:04 Heather Mullins, representing the sign company, noted that the sign comes equipped with an ambient light sensor. It will automatically dim at dusk and then brighten at dawn to reduce light pollution. Ms. Porter said the church deliberately chose a "more conservative" sign to blend into the neighborhood.

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NEW BUSINESS

CASE NUMBER 21-WAIVER-0113

00:49:12 In response to a question from Commissioner Clare, Ms. Porter said the church could turn the sign off entirely at night; however, she pointed out that there are other signs in the neighborhood which remain on all night without creating an issue. She noted that the sign dims at night.

00:50:01 In response to a question from Commissioner Brown, Ms. Porter said this case was continued because the Development Review Committee wanted confirmation that the church would remove the old sign.

00:50:49 Commissioner Carlson expressed concern that there are some signs in his neighborhood that are not adhering to LDC regulations regarding change-of-message speed, brightness, etc. Ms. Porter said that is something Holy Family Church can control; also, the speed, brightness, etc. are programmable. See recording for detailed discussion.

00:59:21 In response to a question from Commissioner Clare, Ms. Porter, Ms. Mullin and Ms. Jones discussed the need for the changing image portion to be larger than what is allowed by the LDC (see recording for detailed conversation.)

01:02:25 Commissioner Brown and Ms. Jones discussed the percentage of the waiver for the changing image area.

The following spoke in opposition to the proposal:

No one spoke.

Deliberation:

01:03:09 Commissioners' deliberation.

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

Waiver #1 - to permit a changing image sign to be located within 300ft of a residential zone or residential use area (LDC 8.2.1.D.6)

Waiver #2 - to permit a changing image sign to exceed the maximum size allowed in a Neighborhood form district (LDC 8.2.1.D.4.a.)

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NEW BUSINESS

CASE NUMBER 21-WAIVER-0113

01:10:40 Commissioner Brown, seconded by Commissioner Clare, proposed that both Waiver #1 and Waiver #2, based on the staff report and evidence and testimony heard today, be approved.

The vote was as follows:

YES: Commissioners Clare, Brown, Seitz, and Price.

NO: Commissioner Carlson.

NOTE: Because this vote was not unanimous, this case has been scheduled to be heard by the full Planning Commission at the April 7, 2022 Planning Commission public hearing.

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NEW BUSINESS

CASE NUMBER 22-DDP-0038

NOTE: This case was accidentally omitted from today's agenda. The Committee discussed the issue (see beginning of meeting) and agreed to hear this case at the end of today's meeting. Case information (staff reports, presentations, etc.) were sent to the Committee members. After a 10-minute break, the Commissioners had time to review the materials and agreed to proceed with the hearing of this case today.

Project Name:	The National Society of the Sons of the American Revolution
Location:	803 W Main Street
Owner(s):	The National Society of the Sons of the American Revolution
Applicant:	Gregg Weaver, Archon Design & Construction
Jurisdiction:	Louisville Metro
Council District:	4 – Jecorey Arthur
Case Manager:	Molly Clark, Planner I

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

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

Agency Testimony:

01:12:57 In response to a question from Commissioner Brown, Ms. Clark said the applicant is using the previously-approved development plan, because they are not changing anything on the plan. The applicant is proposing to add a rooftop terrace to the existing footprint.

01:14:43 Molly Clark presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

01:20:02 In response to questions from Commissioner Clare, Ms. Clark discussed the noise ordinance and precedents for outdoor entertainment within this block (see recording for detailed discussion.) Outdoor music is permitted but must stop at midnight.

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NEW BUSINESS

CASE NUMBER 22-DDP-0038

01:22:55 In response to questions from Commissioner Carlson, Commissioner Clare noted that in the 700 block there might be some apartments; there is a residential hotel; there is a hotel proposed for next door; and there are residential developments in the 600 block as well. Commissioner Carlson asked if the potential for outdoor entertainment might be an issue for nearby residents. Commissioner Clare said the applicant should be aware of the noise ordinance and its applicability to this location. Laura Ferguson, Assistant County Attorney, discussed the noise ordinance (see recording for detailed discussion.) Commissioner Seitz and Ms. Clark discussed the locations of nearby residential buildings.

The following spoke in support of the proposal:

Dan Preston, 2201 Cross Hill Road, Louisville, KY

Summary of testimony of those in support:

01:27:01 Dan Preston, the applicant's architect, presented the applicant's case (see recording for detailed presentation.) He noted that there are rooftop terraces in multiple locations in this block.

01:28:53 In response to a question from Commissioner Brown, Mr. Preston said he had no firm hours of operation from the applicant but that it was unlikely that the applicant would want any events to go beyond midnight. The proposed terrace is very small, and would not warrant any kind of outside management.

01:29:29 Commissioner Brown asked if this proposal needed to go through a Downtown Overlay review. Ms. Clark said she worked with Historic Preservation, and they have no issues with the proposal. Once the applicant files the application, it will be staff-level review.

The following spoke in opposition to the proposal:

No one spoke.

Deliberation:

01:31:30 Commissioners' deliberation.

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NEW BUSINESS

CASE NUMBER 22-DDP-0038

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.

01:33:16 On a motion by Commissioner brown, seconded by Commissioner Clare, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that this proposal does not alter any natural resources; and

WHEREAS, the Committee further finds that vehicular and pedestrian transportation are not being impacted by this request; and

WHEREAS, the Committee further finds that there are no open space requirements associated with this request; and

WHEREAS, the Committee further finds that adequate drainage facilities are being provided per MSD requirements and the most recent approved development plan; and

WHEREAS, the Committee further finds that the site meets all required setback regulations, and there are no new landscaping requirements triggered as part of this proposal; and

WHEREAS, the Committee further finds that the proposal conforms to the Comprehensive Plan and the Land Development Code; now, therefore be it

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

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

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2. Use of the subject site shall be limited to all uses permitted in the (C-3) Zoning District. There shall be no other use of the property unless prior approval is obtained from the LD&T Committee. Notice of a request to amend this binding element shall be given in accordance with the Planning Commission's policies and procedures. The LD&T Committee may require a public hearing on the request to amend this binding element.
3. The development shall not exceed 41,205 square feet of gross floor area of the building.
4. Signs shall be in accordance with Chapter 8 of the LDC and the Overlay Permit No. 11316-WMS.
5. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
6. The access to the site shall be provided from the existing curb cut on Washington Street as shown on the development plan.
7. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. 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 landscaping/streetscape 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. If applicable: A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

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CASE NUMBER 22-DDP-0038

8. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
9. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
10. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the May 7, 2009 Planning Commission meeting.
11. The façade elevations shall be in accordance with applicable form district standards and as approved by DDRO Overlay Permit (COA Case No. 11361-WMS).
12. 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.
13. The development shall be in conformance with the conditions of the approved DDRO Overlay Permit/COA Case No. 11361-WMS.

The vote was as follows:

YES: Commissioners Clare, Brown, Seitz, Price, and Carlson.

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NO: No one.

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ADJOURNMENT

The meeting adjourned at approximately 2:48 p.m.

Chairman

Division Director