

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE MEETING
September 20, 2023**

A meeting of the Development Review Committee was held on September 20, 2023, at 1:00 p.m. in the Old Jail building court room, located at 514 West Liberty Street, Louisville, Kentucky 40202.

Committee Members present were:

Rich Carlson, Chair
Patti Clare, Vice Chair
Michelle Pennix
Bill Fischer

Committee Members absent were:

Jennifer Caummisar-Kern

Staff Members present were:

Brian Davis, Assistant Director
Julia Williams, Planning Manager
Jay Lockett, Planning Supervisor
Laura Ferguson, Assistant County Attorney
Mary Willis, Management Assistant
Ethan Lett, Planner I
Lucia Rodriguez, Planner I

Others Present:

The following matters were considered:

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APPROVAL OF MINUTES

September 6, 2023, DRC MEETING MINUTES

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

RESOLVED, that the Development Review Committee does hereby **APPROVE** the Minutes of its meeting conducted on September 6, 2023.

The vote was as follows:

YES: Commissioners Fischer, Clare and Carlson

ABSENT: Commissioner Kern

ABSTAIN: Commissioner Pennix

DEVELOPMENT REVIEW COMMITTEE MINUTES
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NEW BUSINESS

CASE NO. 23-WAIVER-0134

Request:	Tree Preservation Waiver
Project Name:	Heartland Dental
Location:	100 Marshall Drive
Owner:	Professional Resource Development Inc
Applicant:	WGM Development
Representative:	Bowman
Jurisdiction:	Louisville Metro
Council District:	9 – Andrew Owen
Case Manager:	Lucia Rodriguez, 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:

00:04:42 Lucia Rodriguez presented the case and produced a Power Point presentation. Rodriguez responded to questions from the Committee Members (see staff report and recording for detailed presentation.)

00:08:09 Julia Williams responded to questions from Committee Members.

The following spoke in support of the proposal:

Chris Brown, Bowman Consulting, 3001 Taylor Springs Dr., Louisville, KY 40220

Phyllis Sronicki, 110 Marshall Dr., Louisville, KY 40207

Summary of testimony of those in support:

00:11:40 Chris Brown spoke in support of the proposal and presented a PowerPoint presentation. Brown responded to questions from the Committee Members (see recording for detailed presentation)

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NEW BUSINESS

CASE NO. 23-WAIVER-0134

00:23:23 Phyllis Sronicki spoke in support of the proposal. Sronicki stated she has spoken with the developer multiple times and feels great about the project.

The following spoke in opposition to the proposal:

None

Deliberation:

00:25:37 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 10.1.4 (23-Waiver-0134) to not preserve 20% of the existing canopy.

00:26:25 On a motion by Commissioner Fischer, 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 waiver will not violate specific guidelines of the comprehensive plan, as it will allow for development that blends compatibility into the existing landscape. Community form guidelines under land use and development goals 9 & 10 mitigate any impacts and ensure appropriate transitions through landscape buffers and vegetation. The applicant has accomplished this through additional planned plantings to be provided adjacent to the R5 zoned property at 110 Marshall Drive, and

WHEREAS, the applicant has made a good faith effort to provide as many trees as possible on site by adding additional tree canopy to the North property perimeter to ensure that total tree canopy requirements for the site are met. They will also still make an effort to preserve the existing trees, although they would not be counted towards the tree canopy, and

WHEREAS, after the review process for landscape plan associated with this waiver, staff has found that the preservation of these five trees is problematic due to the limited lot size. The construction activity, which will lead to compacted soil, will need to be done on top of a significant amount of critical root zone for all existing trees; now, therefore be it

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CASE NO. 23-WAIVER-0134

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested waiver from 10.1.4 (23-WAVIER-0134) to not preserve 20% of the existing canopy.

The vote was as follows:

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

ABSENT: Commissioner Kern

ABSTAIN: None

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NEW BUSINESS

CASE NO. 23-WAIVER-0092

Request:	Waiver from LDC Section 5.4.2.C.1 to allow the footprint of a proposed accessory structure to exceed the footprint of the principal structure
Project Name:	Garage Waiver
Location:	6135 Overhill Drive
Owner:	Miguel Hernandez
Applicant:	Miguel Hernandez
Representative:	N/A
Jurisdiction:	Louisville Metro
Council District:	24 – Madonna Flood
Case Manager:	Ethan Lett, Planner I

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

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

Agency Testimony:

00:27:57 Ethan Lett presented the case and produced a Power Point presentation. Lett responded to questions from Committee Members (see staff report and recording for detailed presentation.)

00:31:45 Jay Luckett responded to questions from Committee Member Fischer (see recording for details)

The following spoke in support of the proposal:

Miguel Hernandez, 6135 Overhill Dr., Louisville, KY 40229

Summary of testimony of those in support:

00:34:20 Miguel Hernandez spoke in support of the proposal. Hernandez stated that he was needing a big garage to store his two vehicles and some of his equipment (see recoding for detailed presentation)

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CASE NO. 23-WAIVER-0092

The case was tabled.

00:38:40 On a motion by Commissioner Clare, seconded by Commissioner Pennix, the following resolution was adopted.

The vote was as follows:

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

ABSENT: Commissioner Kern

ABSTAIN: None

The case was un-tabled.

00:56:06 On a motion by Commissioner Fischer, seconded by Commissioner Pennix, the following resolution was adopted.

The vote was as follows:

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

ABSENT: Commissioner Kern

ABSTAIN: None

00:57:23 Miguel Hernandez continued answering Committee Members questions (see recording for detailed presentation)

The following spoke in opposition to the proposal:

None

01:05:40 Commissioners' deliberation.

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

01:05:58 On a motion by Commissioner Pennix, seconded by Commissioner Fischer, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted

RESOLVED the Louisville Metro Development Review Committee does hereby **CONTINUE** the requested waiver from LDC Section 5.4.2.C.1 to allow the footprint of a

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CASE NO. 23-WAIVER-0092

proposed accessory structure to exceed the footprint of the principal structure to October 4th, 2023.

The vote was as follows:

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

ABSENT: Commissioner Kern

ABSTAIN: None

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NEW BUSINESS

CASE NO. 23-WAIVER-0130

Request:	Waiver from LDC Section 5.5.1.A.3.b to not provide alley access
Project Name:	1440 Bland Street Warehouse
Location:	1440 Bland Street
Owner:	Louisville Parts and Holdings LLC
Applicant:	Louisville Parts and Holdings LLC
Representative:	Land Design & Development, Inc.
Jurisdiction:	Louisville Metro
Council District:	6 – Philip Baker
Case Manager:	Ethan Lett, Planner I

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

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

Agency Testimony:

01:07:31 Ethan Lett presented the case and produced a Power Point presentation. Lett responded to questions from Committee Members (see staff report and recording for detailed presentation.)

The following spoke in support of the proposal:

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

Summary of testimony of those in support:

00:43:21 Ted Bernstein spoke in support of the proposal and produced a PowerPoint presentation. Bernstein responded to questions from Committee Members (see recording for detailed presentation)

The following spoke in opposition to the proposal:

None

Deliberation:

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CASE NO. 23-WAIVER-0130

00:49:49 Commissioners' deliberation

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

Waiver from LDC Section 5.5.1.A.3.b to not provide alley access

00:55:08 On a motion by Commissioner Pennix, seconded by Commissioner Fischer, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted

WHEREAS, the waiver will not adversely affect adjacent property owners since the lack of alley access will prevent increased traffic from passing the residences abutting the alley, and

WHEREAS, Community Form Goal 1, Policy 12 calls for the proposal to Design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. The alleyway is too narrow to safely and conveniently accommodate traffic to and from the development site. Due to the proximity to residences, the strict application of the regulation would increase rather than minimize potential adverse impacts. While the use of alleyways is encouraged, the intent of the policy is not to require alley access at the expense of the welfare of adjacent properties, and

WHEREAS, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the alley is not adequately improved to accommodate the traffic from the development site, and

WHEREAS, the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant. At its widest point, the alley is only approximately 10 feet, and the pavement narrows as it passes by the abutting residence. Navigating medium or heavy trucks through the alley would be highly impracticable and creating an unnecessary access point for traffic flow would adversely affect the welfare and quiet enjoyment of adjacent residences; now, therefore be it

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CASE NO. 23-WAIVER-0130

RESOLVED the Louisville Metro Development Review Committee does hereby to **APPROVE** the requested waiver from LDC Section 5.5.1.A.3.b to not provide alley access.

The vote was as follows:

YES: Commissioners Fischer, Pennix, and Clare

ABSENT: Commissioner Kern

ABSTAIN: Commissioner Carlson

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NEW BUSINESS

CASE NO. 23-DDP-0020

Request:	Revised Detailed District Development Plan with Waivers
Project Name:	Stony Brook Daycare
Location:	5206 Stony Brook Drive
Owner:	Stony Brook Drive LLC
Applicant:	Stony Brook Drive LLC
Representative:	BlueStone Engineers, PLLC
Jurisdiction:	Louisville Metro
Council District:	26 – Brent Ackerson
Case Manager:	Ethan Lett, Planner I

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

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

Agency Testimony:

01:07:32 Ethan Lett presented the case and produced a Power Point presentation (see staff report and recording for detailed presentation.)

The following spoke in support of the proposal:

Chris Crumpton, Bluestone Engineers, 4350 Brownsboro Rd, Louisville, KY 40207

Summary of testimony of those in support:

01:10:38 Chris Crumpton spoke in support of the proposal and produced a PowerPoint presentation. Crumpton responded to questions from Committee Members (see recording for detailed presentation)

01:19:45 Ethan Lett elaborated on the applicants' renderings.

01:20:23 Chris Crumpton responded to Julia Williams question (see recording for details)

The following spoke in opposition to the proposal:

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None

Deliberation:

01:20:49 Commissioners' deliberation.

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

Waiver from LDC Section 10.3.5.A.7 to allow the proposed parking, retaining wall, playground, and dumpster to encroach into the 30' parkway buffer (23-WAIVER-0095)

Waiver from LDC Section 10.2.4.B.3 to allow utility easements to overlap the landscape buffer area by more than 50% (23-WAIVER-0117)

01:21:09 On a motion by Commissioner Clare, seconded by Commissioner Pennix, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

(23-WAIVER-0095) WHEREAS, the waiver will not adversely affect adjacent property owners since this section of the parkway buffer does not abut any established developments. The abutting vacant lot serves as a corridor for overhead electric lines, and

WHEREAS, Community Form Goal 1, Policy 12 calls for parking areas adjacent to residential areas to be convenient for motorists and designed to mitigate potential adverse impacts on nearby residents or pedestrians. The proposed layout of the parking lot and vehicular connection reduces potential impacts by placing them the farthest possible distance from adjacent residential properties, allowing for the building and appropriate screening and buffering to mitigate potential negative impacts, and

WHEREAS, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the majority of the 30' parkway buffer and all required plantings will still be provided, and

WHEREAS, the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant. The irregular dimensions of the lot, coupled with the required 30' buffer,

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severely constrains the developable area of this site. Adherence to one requirement would likely require a request to waive another, and

(23-WAVIER-0117) WHEREAS, the waiver will not adversely affect adjacent property owners since appropriate buffering and screening will still be provided to screen adjacent properties and the roadway, and

WHEREAS, Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. The waiver allows for the adequate provision of a landscape buffer to mitigate potential adverse impacts of the development on adjacent properties and allows the proposed development to be compatible with the character of the established neighborhood, and

WHEREAS, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the landscape buffer overlaps by more than 50% on only a portion of the easement and all required plantings will still be provided, and.

WHEREAS, the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant. The irregular shape of the lot due to a previous right-of-way dedication forces the landscape buffer to overlap with a portion of the easement. Moving the buffer above the easement in this location would make development on this site impracticable; now, therefore be it

RESOLVED the Louisville Metro Development Review Committee does hereby **APPROVE** the requested **(1)** Waiver from LDC Section 10.3.5.A.7 to allow the proposed parking, retaining wall, playground, and dumpster to encroach into the 30' parkway buffer **(23-WAIVER-0095)** **(2)** Waiver from LDC Section 10.2.4.B.3 to allow utility easements to overlap the landscape buffer area by more than 50% **(23-WAIVER-0117)**

The vote was as follows:

YES: Commissioners Fischer, Pennix, Clare, and Carlson

ABSENT: Commissioner Kern

ABSTAIN: None

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NEW BUSINESS

CASE NO. 23-DDP-0020

Revised Detailed District Development Plan

01:22:22 On a motion by Commissioner Clare, seconded by Commissioner Pennix, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the development requires grading of steep slopes along the northeastern portion of the subject site, but there do not appear to be any additional environmental constraints. The parkway buffer will preserve scenic views along Hurstbourne Parkway. Some existing tree canopy will be preserved, and new trees will be provided to meet the tree canopy requirements of the Land Development Code, and

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

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

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

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

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

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

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning

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Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.

2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works, and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet for all work in the S. Hurstbourne Parkway right of way.
 - 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 certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - e. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the **September 20, 2023 Development Review Committee** hearing. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors, and other parties engaged in development of this site and shall advise them on 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

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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.

The vote was as follows:

YES: Commissioners Fischer, Pennix, Clare, and Carlson

ABSENT: Commissioner Kern

ABSTAIN: None

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NEW BUSINESS

CASE NUMBER 23-DDP-0065

Request:	Revised Detailed District Development Plan
Project Name:	Hopewell Animal Hospital
Location:	12404 Taylorsville Road
Owner:	AFB Properties LLC
Applicant:	AFB Properties LLC
Representative:	Milestone Design Group, Inc.
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson
Case Manager:	Ethan Lett, Planner I

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

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

Agency Testimony:

01:23:45 Ethan Lett presented the case and produced a Power Point presentation (see staff report and recording for detailed presentation.)

The following spoke in support of the proposal:

Mark Madison, Milestone Design Group, 108 Daventry Ln., Louisville, KY 40223

Steve Porter, 2406 Tucker Station Rd., Louisville, KY 40299

Summary of testimony of those in support:

01:25:55 Mark Madison spoke in support of the proposal. Madison stated that he was available for questions from the committee.

01:34:59 Steve Porter spoke on behalf of the Tucker Station Neighborhood Association in support of the proposal. Porter stated the association approves the design and that the design mimics or comes close to the Tyler Rural Settlement guidelines (see recording for details)

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The following spoke in neutral of the proposal:

Jim Thorne, 13808 Round Top Place, Louisville, KY 40299

Summary of testimony of those in neutral:

01:26:34 Jim Thorne spoke in neutral to the proposal. Thorne questioned the architecture of the building and to see if it would go along with the surrounding area. Thorne ask if this development would cause traffic issues (see recording for details)

The following spoke in opposition to the proposal:

None

Rebuttal:

01:38:45 Mark Madison spoke in rebuttal. Madsion stated he didn't have anything else to add and was available for questions.

Deliberation:

01:39:16 Commissioners' deliberation.

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

Revised Detailed District Development Plan

01:39:55 On a motion by Commissioner Clare, seconded by Commissioner Fischer, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

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

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

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

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

WHEREAS, the overall site design and land uses are compatible with the existing and future development of the area. West of the subject site is primarily single-family residential, while the area to the east features a mix of higher density residential and some commercial developments. The site layout and building design compliment the variety of developments along this section of Taylorsville Road. Appropriate landscape buffering and screening will be provided to screen adjacent properties and diminish the impact of commercial activity on nearby residences. Buildings and parking lots will meet all required setbacks, and

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

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

1. The development shall be in accordance with the approved district development plan, 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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. The existing access point(s) to Taylorsville Road (are) to be removed and access to the site be made from the new curb cuts as shown on the development plan.
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

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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 Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
 - c. A minor subdivision plat or legal instrument shall be recorded creating the lot lines as shown on the development plan and dedicating additional right-of-way to Taylorsville Road to provide a total of 65 feet from the centerline. The minor plat shall also show an access easement to the R-4 property to the south. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - d. 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.
 - 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.
 - f. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the **September 20, 2023, Development Review Committee** meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
6. 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.
7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
8. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and

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other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

9. The fencing along Taylorsville Road shall be a four-board horse fence with wire fencing attached to the back.
10. Lighting: a) All exterior lighting, whether freestanding or attached to any structure, including streetlights, lot lights and lighting for any signage, shall be fully shielded, shall utilize flat or hidden lenses, and shall be pointed directly to the ground. The following are exceptions to this requirement: a) Low voltage landscape lighting aimed away from adjacent properties and not exceeding 2000 lumens in output per fixture. b) No lighting shall have a correlated color temperature (CCT) exceeding 2700 degrees Kelvin. c) No parking lot light fixtures shall be more than fourteen feet high, measured from ground level.
11. Signage:
 - a) No lighted signage shall be placed above the first-floor level, except it shall be allowed on a gable over an entrance if fully shielded and pointed directly to the ground and not backlit.
 - b) No changing image or moving signs shall be permitted.
 - c) All freestanding signage shall not exceed six feet in height, measured from ground level.
12. The R-4 portion of the subject property (Tract 2) shall not be developed in any manner, including a building permit for a single-family residence, without written approval from the Kentucky Transportation Cabinet (KYTC). Development of said parcel may require additional roadway improvements, and such improvements, will be noted in the approval from KYTC.

The vote was as follows:

YES: Commissioners Fischer, Pennix, Clare, and Carlson

ABSENT: Commissioner Kern

ABSTAIN: None

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ADJOURNMENT

The meeting adjourned at approximately 2:41 p.m.

Chairman

Division Director