

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE MEETING
July 29, 2020**

A meeting of the Development Review Committee was held on, July 29, 2020 at 1:00 p.m. via Cisco Webex Video Teleconferencing.

Commissioners present:

Rich Carlson, Chair
Patricia Seitz
Jeff Brown
Rob Peterson

Commissioners absent:

Jim Mims, Vice Chair
Marilyn Lewis

Staff members present:

Emily Liu, Director, Planning & Design Services
Joe Reverman, Assistant Director, Planning & Design Services
Brian Davis, Planning & Design Manager
Julia Williams, Planning & Design Supervisor
Lacey Gabbard, Planner I
Jay Lockett, Planner I
Laura Ferguson, Legal Counsel
Beth Stuber, Transportation
Chris Cestaro, Management Assistant (minutes)

The following matters were considered

**DEVELOPMENT REVIEW COMMITTEE MINUTES
JULY 29, 2020**

APPROVAL OF MINUTES

Minutes of the April 15, 2020 Development Review Committee meeting

00:03:35 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted:

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on April 15, 2020.

The vote was as follows:

YES: Commissioners Brown and Carlson.

ABSTAIN: Commissioner Peterson.

ABSENT: Commissioners Mims and Lewis.

Minutes of the July 15, 2020 Development Review Committee meeting

00:13:02 On a motion by Commissioner Seitz, seconded by Commissioner Peterson, the following resolution was adopted:

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on July 15, 2020.

The vote was as follows:

YES: Commissioners Seitz and Carlson.

ABSTAIN: Commissioner Brown and Peterson,

ABSENT: Commissioners Mims and Lewis.

DEVELOPMENT REVIEW COMMITTEE MINUTES
July 29, 2020

NEW BUSINESS

CASE NUMBER 20-DDP-0017

Request: Detailed District Development Plan with Binding Elements
Project Name: Vinings of Claibourne Phase 2
Location: 13508 Factory Ln
Owner: Vinings of Claibourne Phase 2, LLC.
Applicant: Vinings of Claibourne Phase 2, LLC.
Representative: Blomquist Design Group
Jurisdiction: Louisville Metro
Council District: 19 - Anthony Piagentini
Case Manager: **Jay Lockett, AICP, 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:

0:15:10 Jay Lockett presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

The following spoke in favor of this request:

Marv Blomquist, Blomquist Design Group, 10529 Timberwood Circle Suite D, Louisville, KY 40223

Summary of testimony of those in support of the proposal:

00:17:09 Marv Blomquist, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

00:22:39 In response to a question from Commissioner Carlson, Mr. Blomquist said there are no activities planned for the rooftop areas (no recreational areas or gardens.) There will be a pool and patio area. In response to another question from Commissioner Carlson, Mr. Lockett said there was one letter of opposition from a neighbor (on file) which was referenced by Mr. Blomquist during his presentation. See recording for detailed discussion about the letter.

The following spoke in opposition to this request:

No one spoke.

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July 29, 2020

NEW BUSINESS

CASE NUMBER 20-DDP-0017

Commissioner Deliberation:

00:25:01 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.

00:25:54 On a motion by Commissioner Brown, seconded by Commissioner Peterson, 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 are no significant cultural or natural 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; and

WHEREAS, the Committee further finds that open space is being provided per the Land Development Code, including recreational open space; 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. Buildings and parking lots will meet all required setbacks; 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

DEVELOPMENT REVIEW COMMITTEE MINUTES
July 29, 2020

NEW BUSINESS

CASE NUMBER 20-DDP-0017

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

All General Plan Binding Elements are applicable to the subject 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. 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. 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.
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.

**DEVELOPMENT REVIEW COMMITTEE MINUTES
July 29, 2020**

NEW BUSINESS

CASE NUMBER 20-DDP-0017

The vote was as follows:

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

ABSENT: Commissioners Mims and Lewis.

DEVELOPMENT REVIEW COMMITTEE MINUTES
July 29, 2020

NEW BUSINESS

CASE NUMBER 20-CAT3-0008

Request: Category 3 Development Plan
Project Name: St. Catherine Multi-Family Residential
Location: 330 E. St Catherine Street
Owner: Bill Frey, Opportunity Louisville I LLC
Applicant: Chris Thompson, Crumbaugh
Representative: Chris Brown, AICP, BTM Engineering Inc.
Jurisdiction: Louisville Metro
Council District: 6 - David James
Case Manager: **Lacey Gabbard, AICP, 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:

00:26:55 Lacey Gabbard presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

00:31:18 In response to a question from Commissioner Peterson, Ms. Gabbard reiterated that she had received an email from a resident who lives across the street from this site. The email and document sent by the neighbor was published online and was read by the Committee members prior to today's meeting.

The following spoke in favor of this request:

Chris Brown, BTM Engineering, 3001 Taylor Springs Drive, Louisville, KY 40220

Summary of testimony of those in support of the request:

00:31:58 Chris Brown, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

00:37:36 In response to a question from Commissioner Seitz, Mr. Brown said these are proposed to be rental units but he does not know what any proposed rent price will be.

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NEW BUSINESS

CASE NUMBER 20-CAT3-0008

00:38:24 In response to a question from Commissioner Carlson, Mr Brown said there will be no noise mitigation measures for the apartments facing the interstate because there are no LDC requirements to do so, due to the way the building is situated.

00:39:14 Commissioner Brown asked if any improvements will be made on the east/west alley shown in the applicant's presentation, located at the rear of the property. Mr. Brown said yes; this is currently an unimproved alley. He discussed in detail the improvements that would be made as part of this project (see recording for detailed discussion.)

The following spoke in opposition to the request:

Rick Morton Stout, 323 East St. Catherine Street, Louisville, KY 40203
Theresa Scoggins, 327 East St. Catherine Street, Louisville, KY 40203

Summary of testimony of those in opposition:

00:40:18 Rick Morton Stout, who lives directly across the street from the site, said he had questions about proposed on-street parking. He said that, currently, about 6-7 cars regularly park on St. Catherine Street where the proposed 12 spaces are for the project. The opposite side of St. Catherine Street is a no-parking zone from 8-6 p.m. Where are those current residents going to park? Mr. Brown said there will be 33 spaces provided in the parking lot at the rear of the building. Only four street spaces are then needed to meet the parking requirements. Commissioner Brown said he would request Metro Transportation to look at the no-parking zone to see if the size of that parking restriction area can be reduced.

00:42:45 Mr. Morton Stout also asked Mr. Brown some questions about the elevations, setbacks, and building levels (see recording for detailed discussion.) Mr. Morton Stout said that, for the past couple of months, houses in this area, including his, have had problems with sewage/drainage/rainwater leaking into basements. Mr. Brown said the applicant is required to detail water on-site per MSD regulations. That should handle stormwater runoff.

00:45:48 Mr Morton Stout also asked about the proposed entrance. He said the intersection of East St. Catherine Street and Preston is "notorious" for people running lights and having accidents. Mr. Brown discussed the access point (see recording for detailed discussion.) Mr. Morton Stout said his specific concern is for improved visibility at the entrance. Commissioners Carlson and Brown discussed "sight triangles" and their role in safety and visibility for drivers.

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NEW BUSINESS

CASE NUMBER 20-CAT3-0008

00:49:49 In response to a question from Mr. Morton Stout, Mr. Brown discussed in more detail what the front entrances of the buildings will look like (greenspace, stairs, landings, etc.) Mr. Brown added that these are all proposed to be rental units.

00:51:23 Theresa Scoggins said she had sent a letter to be included in the file. She said she hopes some serious concerns will be given to the alley, where so much traffic would be pulling on to the street. She said St. Catherine Street is a major artery , especially being in close proximity to the highway. Commissioner Carlson noted that Commissioner Brown and Beth Stuber are both I today's meeting and are taking all comments into consideration.

00:58:23 Mr. Brown said that the applicant will be sure to work with Metro Public Works and Transportation to resolve traffic concerns, especially during the construction phase of the project.

00:58:49 Mr. Morton Stout asked about the timeframe for the building of the development (construction traffic, excavation, etc.) Mr. Brown described the construction process (see recording for detailed discussion.) He added that construction will have to follow all Louisville Metro ordinances regarding construction activity.

Commissioner Deliberation:

01:00:59 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.

01:03:35 On a motion by Commissioner Brown, seconded by Commissioner Peterson, 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 **APPROVE** the requested Category 3 Development Plan.

The vote was as follows:

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

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NEW BUSINESS

CASE NUMBER 20-CAT3-0008

ABSENT: Commissioners Mims and Lewis.

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NEW BUSINESS

CASE NUMBER 20-FFO-0003

Request: Floyds Fork Development Review Overlay
Project Name: Dovelyn Farm
Location: 15225 Piercy Mill Road
Owner: Harold Heiner, Dovelyn Farm LLC
Applicant: Harold Heiner, Dovelyn Farm LLC
Representative: Chris Brown, AICP, BTM Engineering Inc.
Jurisdiction: Louisville Metro
Council District: 19 - Anthony Piagentini
Case Manager: **Lacey Gabbard, AICP, 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:

01:04:19 Lacey Gabbard presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

01:07:40 In response to a question from Commissioner Brown, Chris Brown, the applicant's representative, said that any subdivision of land in the Floyds Fork Overlay area must be reviewed, which is why this case is being heard at the Minor Plat stage.

The following spoke in favor of this request:

Chris Brown, BTM Engineering, 3001 Taylor Springs Drive, Louisville, KY 40220

Summary of testimony of those in support of the request:

01:09:03 Chris Brown, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

01:11:46 In response to a question from Commissioner Carlson, Mr. Brown used the aerial photo to discuss the access to a public road from the residual Tract 2 (see recording.)

The following spoke in opposition to the request:

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NEW BUSINESS

CASE NUMBER 20-FFO-0003

No one spoke.

Commissioner Deliberation:

01:14:24 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.

01:15:07 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:

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Floyds Form Development Overlay request.

The vote was as follows:

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

ABSENT: Commissioners Mims and Lewis.

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NEW BUSINESS

CASE NUMBER 20-DDP-0028

Request: Revised General District Development Plan with Revisions to Binding Elements, Revised Detailed District Development Plan with revisions to Binding Elements, and a Sidewalk Waiver

Project Name: MG Entertainment

Location: 7021 Global Dr

Owner: MG Entertainment, LLC

Applicant: MG Entertainment, LLC

Representative: Land Design and Development

Jurisdiction: Louisville Metro

Council District: 12 - Rick Blackwell

Case Manager: **Jay Lockett, AICP, 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:

01:15:57 Jay Lockett presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) He noted that there is no longer a sidewalk waiver being requested; the applicant has come to an agreement with Metro Public Works to provide a fee-in-lieu.

01:20:20 In response to a question from Commissioner Brown, Mr. Lockett said the applicant should be able to address whether this will be an asphalt or a gravel parking lot. In response to another question from Commissioner Brown, Mr. Lockett said that this lot is for storage with a gated access, and therefore is not treated the same as a regular parking lot for a business. Landscaping will be around the perimeter, and no interior landscaping (landscaped islands or trees) will be required.

01:21:13 In response to a question from Commissioner Peterson, Mr. Lockett said the applicant should address how much of the current mature tree canopy on the site will be able to be preserved.

The following spoke in favor of this request:

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NEW BUSINESS

CASE NUMBER 20-DDP-0028

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

Michael Galotta (sp), developer (available for questions)

Summary of testimony of those in support of the request:

01:22:05 Derek Triplett, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

01:27:36 In response to a question from Commissioner Brown, Mr. Triplett said the parking surface will be asphalt.

The following spoke in opposition to the request:

No one spoke.

Commissioner Deliberation:

01:28:33 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 General District Development Plan with revisions to binding elements.

01:29:17 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 appropriate buffers are being provided for waterways on and adjacent to 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 and the Kentucky Transportation Cabinet have approved the preliminary development plan; and

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NEW BUSINESS

CASE NUMBER 20-DDP-0028

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. Buildings and parking lots will meet all required setbacks; 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 General District Development Plan**, **SUBJECT** to the following revised binding elements:

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission.
2. Prior to development of each lot of this project, a detailed district development plan shall be submitted to the Planning Commission for approval. Each plan shall be in adequate detail and subject to additional binding elements. The additional binding elements may relate, but not be limited, to the following items.
 - a. screening, buffering, landscaping, tree preservation
 - b. density, floor area, size and height of buildings
 - c. points of access and site layout with respect to on-site circulation
 - d. land uses
 - e. signage
 - f. loading berths
 - g. parking
 - h. sidewalks
 - i. site design elements relating to alternative transportation modes
 - j. outdoor lighting

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NEW BUSINESS

CASE NUMBER 20-DDP-0028

- k. minor subdivision plat approval
 - l. air pollution
 - m. the timing of construction to coincide with the availability of flood protection measures, municipal sewer and water service, and adequate fire protection
 - n. dumpsters
3. All signs shall comply with Chapter 8 of the Land Development Code.
 4. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants balloons, or banners shall be permitted on the site.
 5. Outdoor lighting shall be directed down and away from surrounding residential properties and shall be compliant with all applicable regulations per the Land Development Code.
 6. Construction fencing shall be erected at the edge of the area of development prior to any grading or construction to protect the existing tree stands and their 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.
 7. The applicant shall submit a plan for approval by the Planning Commission staff landscape architect showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Any modification of the tree preservation plan requested by the applicant may be approved by the Planning Commission staff landscape architect if the changes are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
 - a. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
 - b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
 - c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
 - d. Location of construction fencing for each tree/tree mass designated to be preserved.

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CASE NUMBER 20-DDP-0028

8. 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 Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. 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.
 - 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.
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. There shall be no outdoor music (live, piped, radio or amplified), outdoor entertainment, or outdoor PA system permitted on the site.
11. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.
12. A soil erosion and sedimentation control plan shall be developed and implemented in accordance with the Metropolitan Sewer District and the USDA Natural Resources Conservation Service recommendations. Documentation of the MSD's approval of the plan shall be submitted to the Planning Commission prior to grading and construction activities.

The vote was as follows:

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NEW BUSINESS

CASE NUMBER 20-DDP-0028

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

Absent: Commissioners Mims and Lewis.

Revised Detailed District Development Plan with binding elements

01:30:10 On a motion by Commissioner Brown, seconded by Commissioner Peterson, 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 appropriate buffers are being provided for waterways on and adjacent to 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 and the Kentucky Transportation Cabinet have approved the preliminary development plan; 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. Buildings and parking lots will meet all required setbacks; 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**, **SUBJECT** to the following binding elements:

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NEW BUSINESS

CASE NUMBER 20-DDP-0028

All approved General Development Plan Binding Elements are applicable to the subject 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.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
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

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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.

The vote was as follows:

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

Absent: Commissioners Mims and Lewis.

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NEW BUSINESS

CASE NUMBER 20-AMEND-0002

***NOTE: This case as heard first on the agenda.**

Request:	Amendment to Binding Elements
Project Name:	7425 St Andrews Church Rd BE Amendment
Location:	7425 St Andrews Church Rd
Owner:	Sanh Nguyen
Applicant:	Sanh Nguyen
Representative:	Bardenwarper, Talbott and Roberts
Jurisdiction:	Louisville Metro
Council District:	25 - David Yates
Case Manager:	Jay Lockett, AICP, 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:

00:05:10 Jay Lockett said there has been a request to forward this case to the full Planning Commission (see staff report and recording for full presentation.)

The following spoke in favor of this request:

Nick Pregliasco, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway, Louisville, KY 40223

Summary of testimony of those in support of the proposal:

00:06:37 Nick Pregliasco, the applicant's representative, said he would prefer to make his full presentation before the Planning Commission, instead of today.

The following spoke in opposition:

Amy Lannan,

Summary of testimony of those in opposition:

00:06:53 Ms. Lannan agreed that she would prefer to wait to present opposition testimony at the full Planning Commission hearing.

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NEW BUSINESS

CASE NUMBER 20-AMEND-0002

Commissioner Deliberation:

00:07:39 Commissioners' deliberation. In response to a question from Commissioner Brown, Mr. Lockett said a previous request on this site had a proposed Revised Detailed District Development Plan; this case has only a binding element amendment request, with no plan (see recording for full discussion.)

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.

00:12:12 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 the August 20, 2020 Planning Commission public hearing.

The vote as follows:

YES: Commissioners Peterson, Brown, Seitz, and Carlson.
Absent: Commissioners Mims and Lewis.

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NEW BUSINESS

CASE NUMBER 20-DDP-0034

Request: Detailed District Development Plan
Project Name: Greenbelt Highway Warehouse
Location: 7001 Greenbelt Highway
Owner: Chris Dischinger, Eagle Point CD, LLC
Applicant: Jeff Robinson, Summit Construction
Representative: Kathy M. Linares, Mindel Scott
Jurisdiction: Louisville Metro
Council District: 1 - Jessica Green
Case Manager: **Lacey Gabbard, AICP, 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:

01:31:06 Lacey Gabbard presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

01:39:46 In response to a question from Commissioner Brown Ms. Gabbard said that binding element #9 (regarding northern truck access) will be discussed by the applicant's representative.

01:40:14 Commissioner Carlson asked about the emergency access gate. He said the Commissioners had received information regarding emergency gate access operating requirements, and asked that a binding element be added requiring that the gate the applicant is proposing to install between this site and the properties to the north be included. The binding element should include provisions for the gate maintenance; what the procedures should be if there is a power failure, etc. Ms. Gabbard said that she had sent an e-mail to Construction Review regarding this, and suggested some generalized language for a binding element.

Commissioner Carlson asked that any binding element also involve police departments and EMS because they too are emergency responders and need to have access to these areas (see recording for detailed discussion.)

The following spoke in favor of this request:

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Kathy Linares, Mindel Scott & Associates, 5151 Jefferson Boulevard, Louisville, KY 40219

Summary of testimony of those in support of the proposal:

01:44:12 Kathy Linares, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

01:49:06 Ms. Linares discussed the emergency access gate (see recording.) Commissioner Carlson asked that the police be consulted, since they would also need to use that gate in case of emergency.

The following spoke in opposition:

No one spoke.

Commissioner Deliberation:

01:52:46 Commissioners' deliberation.

01:53:35 Commissioner Brown said he was in favor of the driveway being moved to the signalized intersection; however, he also wanted to make sure that the gate that is provided will meet all requirements for all emergency vehicles, including law enforcement. Ms. Linares said the applicant does not have exact wording of any binding element. Ms. Gabbard discussed the gate requirement document that was sent to her this morning (on file.)

01:57:28 Commissioner Brown said he felt concerned that the access could be misused and that no one wants that kind of traffic on the neighborhood roads. He said there was neighborhood opposition when this site was rezoned, for that reason. An applicant's representative from Mindel Scott said Major Richard Allen of the PRP Fire Department wanted to make sure that this second access was included. He said the reason why this access is gated and locked is to prevent it from being misused.

01:59:24 Joe Reverman, Assistant Director of Planning & Design Services, asked Commissioner Carlson for specifics about the emergency gate access requirements and what could go in to a binding element (see recording for detailed discussion.) Commissioner Carlson suggested as a binding element:

"The emergency access gate shall comply with the gate requirements for emergency access to residential areas, as approved by the Jefferson County Fire Chiefs Association."

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Commissioner Carlson said his main concern is that police departments must have equal access through this gate. He wanted the applicant to check with the police department/s, not just fire departments.

02:09:00 Laura Ferguson, legal counsel for the Planning Commission, discussed a potential binding element (see recording for detailed discussion.)

02:17:02 Ms. Gabbard proposed the following binding element:

“The gated emergency access shall receive approval from Fire, Police, and EMS departments.”

02:19:18 Ms. Linares said the applicant would agree to that binding element.

02:19:48 In response to a question from Commissioner Brown, and after some discussion between him and Commissioner Carlson, Ms. Linares said that existing binding element #9 is a residual binding element and should be removed. Ms. Gabbard agreed that current binding element #9 should be removed.

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.

02:22:13 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 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. Public Works and MSD have provided preliminary approval; and

WHEREAS, the Committee further finds that the proposed Outdoor Amenity Area meets Land Development Code requirements; and

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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. Buildings and parking lots will meet all required setbacks; 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, SUBJECT to the following binding elements:

1. The site shall be maintained in accordance with all applicable sections of the Land Development Code (LDC) and agreed-upon binding elements unless amended pursuant to the LDC. Amendment of any binding element(s) shall be submitted to the Planning Commission or its designee for review and approval; any amendments not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons or banners shall be permitted.
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 is requested, including but not limited to permits for building, parking lot, change of use, site disturbance, alteration or demolition:
 - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District,

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- b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways for any work within the state right-of-way.
 - 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. 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.
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. The applicant, developer or property owner shall provide a copy of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development and/or use of this site and shall advise all parties of their content. 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. These binding elements shall run with the land and the owner(s) and occupant(s) of the property shall at all times be responsible for compliance with them.
7. No overnight idling within 200 ft. of residential property lines. Signs shall be posted restricting idling and establishing a slow acceleration zone along the northern drive aisle.
8. The materials and design of proposed structures shall be reviewed for Land Development Code compliance by Planning & Design Services staff prior to construction approval.
9. ~~Northern access shall not be used for truck traffic between the hours of 10:00p.m. and 6:00a.m.~~ Gated emergency access to Santa Fe Trail shall be approved by Police, Fire, and EMS.

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10. Prior to the issuance of a certificate of occupancy for proposed structures indicated on the approved development plan, a change in zoning, detailed district development plan, and landscape plan on property owned by Louisville Metro Government for the proposed access to Greenbelt Highway must be reviewed and approved.

11. A minor subdivision plat or other legal instrument for the proposed access easement shall be reviewed and approved by PDS prior to certificate of occupancy.

The vote as follows:

YES: Commissioners Peterson, Brown, Seitz, and Carlson.
Absent: Commissioners Mims and Lewis.

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CASE NUMBER 20-DDP-0012

Request: District Development Plan with a Waiver
Project Name: Car Wash USA Express
Location: 5015 Mud Lane
Owner: Kerry Sewell, IMOUS
Applicant: Jody Freeman, DevCon
Representative: Jody Freeman, DevCon
Jurisdiction: Louisville Metro
Council District: 13 - Mark Fox
Case Manager: **Lacey Gabbard, AICP, 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:

02:23:14 Lacey Gabbard presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

02:28:20 In response to questions from Commissioner Carlson, Ms. Gabbard used the elevations to discuss what will be visible from Mud Lane. Julia Williams, Metro Planning & Design Services, added that the land will be subdivided in the future.

The following spoke in favor of this request:

Jody Freeman, DevCon, 2089 Pager Road, Coldwater, MS 38618

Jon Addington, BTM Engineering, 3001 Taylor Springs Drive, Louisville, KY 40220

Summary of testimony of those in support of the proposal:

02:33:42 *Due to severe technical difficulties, Jody Freeman was not able to present the applicant's case.

02:36:23 Jon Addington, BTM Engineering, was able to present the applicant's case (see recording for detailed presentation.) He discussed landscaping, the applicant's proposed elevations, and the requested waiver.

02:41:13 In response to a question from Commissioner Carlson, Joe Reverman, Assistant Director of Louisville Metro Planning & Design Services, said that there is an

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LDC requirement for sites/activities that are located within 100 feet of residential properties restricting collection of garbage and recyclables from 6:00 am to 10:00 p.m. This is also in the Louisville Metro noise ordinance.

Commissioner Deliberation:

02:43:20 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 of Land Development Code section 10.2 to allow a dumpster and pavement to encroach into a 35-foot LBA (20-WAIVER-0050)

02:44:16 On a motion by Commissioner Brown, seconded by Commissioner Peterson, 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 there is screening provided per LDC requirements, and there is at least 25 feet between the dumpster and the adjoining property to the west. Additionally, there is an 8 foot wooden privacy fence between the dumpster and the adjacent property to the west; and

WHEREAS, the Committee further finds that the Land Use & Development Goal 1, Policy 10 calls for mitigation of the impacts caused when incompatible developments unavoidably occur adjacent to one another. Buffers should be used between uses that are substantially different in intensity or density. Buffers should be variable in design and may include landscaping, vegetative berms and/or walls and should 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. Land Use & Development Goal 1, Policy 9 ensures an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements; and

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WHEREAS, the Committee further finds that the applicant is requesting a waiver to allow the proposed dumpster to encroach into the 35 foot LBA on the west side of the property by about 10 feet. The adjacent property to the west is zoned R-7 Residential Multi-Family, so the site varies in intensity from the subject site. Relative to the entire length of the property perimeter, the dumpster's encroachment into the 35 foot LBA is minor. Additionally, adequate buffering will be provided between the subject site and the adjacent property to the west, as the applicant proposes to provide landscaping, screening, and an 8 foot solid wooden privacy fence; 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 proposes to provide all required plantings, screening, and an 8 foot tall wooden privacy fence, and only encroach into the LBA by about 10 feet on the western property line; and

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant since the applicant proposes to provide all plantings, screening, and a privacy fence in order to buffer the dumpster from the property to the west of the subject site; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver of Land Development Code section 10.2 to allow a dumpster and pavement to encroach into a 35-foot LBA (20-WAIVER-0050).

The vote as follows:

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

Absent: Commissioners Mims and Lewis.

District Development Plan

02:45:00 On a motion by Commissioner Brown, seconded by Commissioner Peterson, 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

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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; and

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

WHEREAS, the 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. Buildings and parking lots will meet all required setbacks; 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 District Development Plan, **SUBJECT** to the following binding elements:

Existing General Plan Binding Elements

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.
 - 1a. Prior to development of each site or phase of this project, other than Lot 3, the applicant, developer, or property owner shall obtain approval of a detailed district development plan from the Planning Commission. Each plan shall be in adequate detail and subject to additional binding elements. The additional binding elements may relate, but not be limited, to the following items:
 - a. screening, buffering, landscaping, tree preservation

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- b. density, floor area, size and height of buildings
 - c. points of access and site layout with respect to on-site circulation
 - d. land uses
 - e. signage
 - f. loading berths
 - g. parking
 - h. sidewalks
 - i. site design elements relating to alternative transportation modes
 - j. outdoor lighting
 - k. minor subdivision plat approval
 - l. air pollution
 - m. the timing of construction to coincide with the availability of flood protection measures, municipal sewer and water service, and adequate fire protection
 - n. dumpsters
3. The commercial (C-1 and C-2) development shall not exceed 312,494 square feet of gross floor area and Lot 3 in the PEC district shall not exceed 87,331 square feet.
4. There shall be no freestanding signs permitted on site except for the following:
- (2) Project identification signs – 6 feet high, 32 sq ft
 - (2) Shopping Center identification signs – 30 feet high, 144 sq ft
 - Freestanding outlot identification signs – 25 feet high, 64 sq ft
5. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.
6. There shall be no outdoor storage on the site.
7. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff and height of the light standard shall be set so that no light source is visible off-site.
8. 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.

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- 8a. The applicant shall identify and submit for approval by designated DPDS staff, a plan showing the location of Tree Preservation Areas and Woodland Protection Areas on site (exclusive of areas dedicated as public right-of-way) prior to beginning any construction procedure (i.e., clearing, grading, demolition). All construction shall be conducted in accordance with the approved Tree Preservation Plan. A partial plan may be submitted to delineate clearing necessary for preliminary site investigation. All Tree Preservation Plans must be prepared in accordance with the standards set forth by DPDS.
9. 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. 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 Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be and shall be maintained thereafter.
 - d. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
10. 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.
11. 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.
12. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
13. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties

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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.

14. A soil erosion and sedimentation control plan shall be developed and implemented in accordance with the Metropolitan Sewer District and the USDA Natural Resources Conservation Service recommendations. Documentation of the MSD's approval of the plan shall be submitted to the Planning Commission prior to commencement of any clearing, grading, or construction activities.
15. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for placement of materials according to the approved landscape plan.
16. The materials and design of proposed structures on Lot 3 shall be substantially the same as presented at the July 15, 1999 Planning Commission meeting.
17. Lot 2 shall be limited to a home and garden center, since the justification for the parking waiver is based on this type of use.
18. Further subdivision of Lots 1-17 may be created utilizing the minor subdivision plat process in conformance with the rules and regulations governing minor subdivisions. A master subdivision plan shall be provided to the Planning Commission showing all current subdivision lots being created and their associated minor subdivision plat docket numbers. This master plan shall be kept current for the entire duration of the development process and shall show any revisions of existing lots, (example: shifting property lines and lot consolidation).
19. All dedicated streets shall be created utilizing the major subdivision record plat process. No more than 3 lots accessible only by a private access easement shall be created until said roadway has been dedicated as a public right-of-way. The intent of this binding element is to assure that all lots have frontage on a dedicated public roadway.
20. A roadway and drainage bond shall be submitted to Jefferson County Public Works and Transportation prior to approval of any minor plat creating lots served by a private access easement. A major record plat shall be recorded for said

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minor plat to dedicate the access easement to public use within 90 days of approval of the minor plat.

21. The developer, successor or assigns shall lengthen the existing northbound left turn lanes at the following locations to meet AASHTO design standards as approved by the Kentucky Department of Highways:

Preston Highway at Antle Drive

Preston Highway at Mudd Lane and Mount Washington Road
Preston Highway at proposed Road A

22. The developer, successor or assigns shall construct a new southbound right turn lane from Preston Highway onto proposed Road A to meet AASHTO design standards as approved by the Kentucky Department of Highways.
23. The developer, successor or assigns shall modify the existing flashing signal at Preston Highway and proposed Road A as required by the Kentucky Department of Highways.
24. Timing of road and signal improvements shall be determined at time of detailed district development plan approval and/or construction plan approval for any public roads.
25. No construction under the rezoning portion of this case shall occur until all of the road improvements required under Docket Number 9-2-97 (Standiford Plaza) are completed.

Site Plan 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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

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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:
5. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
6. 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.
7. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
8. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the July 29, 2020 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.
10. 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.

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11. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
12. 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

The vote as follows:

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

Absent: Commissioners Mims and Lewis.

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ADJOURNMENT

The meeting adjourned at approximately 3:47 p.m.

Chairman

Division Director