

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE MEETING
October 16, 2019**

A meeting of the Louisville Metro Development Review Committee was held on October 16, 2019 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, KY 40202.

Commissioners present:

Rich Carlson, Vice Chair
Jeff Brown
Lula Howard

Commissioners absent:

David Tomes, Chair
Emma Smith

Staff members present:

Joe Reverman, Assistant Director, Planning & Design Services
Brian Davis, Planning & Design Manager
Julia Williams, Planning Supervisor
Beth Jones, Planner II
Dante St. Germain, Planner II
Jay Lockett, Planner I
Lacey Gabbard, Planner I
Laura Ferguson, Legal Counsel
Beth Stuber, Transportation
Chris Cestaro, Management Assistant

The following matters were considered

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APPROVAL OF MINUTES

October 2, 2019 DRC Meeting Minutes

00:03:14 On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution was adopted:

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on October 2, 2019.

The vote was as follows:

YES: Commissioners Carlson and Brown.

ABSTAIN: Commissioner Howard.

NOT PRESENT: Commissioners Smith and Tomes.

DEVELOPMENT REVIEW COMMITTEE MINUTES
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BUSINESS SESSION

CASE NUMBER 19-WAIVER-0064

Request:	Sign Waiver
Project Name:	Feather and Blade
Location:	1200 Barrett Avenue
Owner(s):	Feather and Blade
Applicant:	Feather and Blade
Representative:	Feather and Blade
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan

Case Manager: **Beth Jones, AICP, Planner II**

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

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

Agency Testimony:

00:03:53 Beth Jones presented the case (see staff report and recording for detailed presentation.)

The following spoke in favor of this request:

Heather Tenney, 1200 Barrett Avenue, Louisville, KY 40204

Summary of testimony of those in favor:

00:06:29 Heather Tenney, the applicant, said she was available for questions.

The following spoke in opposition to this request:

No one spoke.

00:07:55 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.

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BUSINESS SESSION

CASE NUMBER 19-WAIVER-0064

00:08:27 On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution, based on the Standard of Review and Staff Analysis and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners in that the proposed use of the property continues an established commercial use on the site and that the sign meets all other requirements; and

WHEREAS, the Committee further finds that the waiver does not violate guidelines of Plan 2040, which requires that: appropriateness must be evaluated in the context of the compatibility of the proposed use or uses with surrounding uses (Community Form 1.2.4); impacts on quality of life must be considered (Community Form 16); adverse visual intrusions must be considered when there are impacts to residential areas (Community Form 20); 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 as the proposed sign meets all other LDC requirements; and

WHEREAS, the Committee further finds that the applicant has not incorporated design measures exceeding the minimum requirements. The strict application of the provisions of the regulation would, however, deprive the applicant of the reasonable use of the land or create an unnecessary hardship in that the requested sign is the best option based on existing development and landscaping on the site; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver to permit a freestanding sign on a street frontage of less than 120 ft (LDC Table 8.3.2. Traditional Neighborhood).

The vote was as follows:

YES: Commissioners Carlson, Brown, and Howard.

NOT PRESENT: Commissioners Smith and Tomes.

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NEW BUSINESS

CASE NUMBER 19WAIVER1001

Request: Sidewalk Waiver
Project Name: Sidewalk Waiver
Location: 8600 Shepherdsville Road
Owner(s): Ricardo Martinez
Applicant: Ricardo Martinez
Representative: Ricardo Martinez
Jurisdiction: Louisville Metro
Council District: 24 – Madonna Flood

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:

00:09:15 Lacey Gabbard presented the case (see staff report and recording for detailed presentation.)

00:11:29 The Commissioners discussed the exact location/s of the requested waiver, and the locations of other sidewalks in the area. Ms. Gabbard showed an aerial photograph to show the locations more clearly.

The following spoke in favor of this request:

Ricardo Martinez, 8600 Shepherdsville Road, Louisville, KY 40229

Summary of testimony of those in favor:

00:13:42 Ricardo Martinez, the applicant, said he was available for any questions. He said he requested the waiver because no one has any sidewalks on this side. In response to a question from Commissioner Brown, Mr. Martinez said his driveway will be on Miles Lane and Ms. Gabbard pointed out the location on the site plan. In response to a question from Commissioner Carlson, Mr. Martinez said he still had some concrete work left to do (due to waiting for utilities to finish their connections.)

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The following spoke in opposition to this request:

No one spoke.

00:15:17 Commissioners' deliberation (see recording for detailed discussion.) Commissioner Brown was particularly concerned about pedestrian connectivity. In response to a question from Commissioner Howard, Commissioner Brown said sidewalks will be built along Miles Lane mostly through public funding. Commissioner Carlson discussed potential safety issues, particularly at the Shepherdsville Road intersection.

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.

00:20:41 On a motion by Commissioner Brown, seconded by Commissioner Howard, 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, as there are existing sidewalks on the west side of Shepherdsville Road and the north side of Miles Lane; and

WHEREAS, the Committee further finds that Land Use & Development Goal 1, Policy 1.3 promotes sidewalks along the streets of all developments. Land Use & Development Goal 1, Policy 1 states that in order for promote healthy lifestyles and reduce congestion, new development and redevelopment should provide for the movement of pedestrians, bicyclists and transit users, where appropriate. Land Use & Development Goal 3, Policy 5 states that developments should be evaluated for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality; and

WHEREAS, the Committee further finds that, with a few exceptions, the subject site appears to be one of the only currently undeveloped lots on Shepherdsville Road. It appears to be the only undeveloped property on this portion of Miles Lane. There are existing sidewalks on the west side of Shepherdsville Road and the north side of Miles Lane. A sidewalk on this property would not be utilized by pedestrians and does not seem appropriate since there does not appear to be the opportunity for future connectivity; and

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CASE NUMBER 19WAIVER1001

WHEREAS, the Committee further finds that the fee in lieu option has not been offered. While there are no geographic features that would inhibit the construction of sidewalks, a sidewalk on this property would not be utilized by pedestrians and does not seem appropriate since there does not appear to be the opportunity for future connectivity; and

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as a sidewalk on this property would not be utilized by pedestrians and does not seem appropriate since there does not appear to be the opportunity for future connectivity; and

WHEREAS, the Committee further finds that sidewalks do not exist in the area and there is not a likelihood for sidewalks to be constructed in the future; now, therefore be it

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver of Land Development Code section 5.8.1.B to not provide the sidewalks for a new single family home, but the **waiver would only apply to the portion of the sidewalk on the west side of the driveway**, and that the applicant will be required to construct about 113-115 feet of sidewalk between the proposed driveway for the residence to the Shepherdsville Road intersection with the existing sidewalks.

The vote was as follows:

YES: Commissioners Carlson, Brown, and Howard.

NOT PRESENT: Commissioners Smith and Tomes.

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NEW BUSINESS

CASE NUMBER 19-WAIVER-0058

Request: Sidewalk Waiver
Project Name: Sidewalk Waiver
Location: 8800 Gentry Lane
Owner: Emeric and Lesa Howell
Applicant: Emeric and Lesa Howell
Representative: Emeric Howell
Jurisdiction: Louisville Metro
Council District: 22 – Robin Engel

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:

00:21:38 Lacey Gabbard presented the case (see staff report and recording for detailed presentation.) She noted one error on page one in the staff report - Public Works has offered a fee in lieu of \$2,000, not \$13,000.

The following spoke in favor of this request:

Lesa Howell, 8800 Gentry Lane, Louisville, KY 40291

Jean Brown, 8804 Gentry Lane, Louisville, KY 40291

Summary of testimony of those in favor:

00:24:31 Lesa Howell, an applicant, offered more information about the subject site (see recording for detailed presentation.) She said there is no sidewalk anywhere close to them, and most of their family is established in the area.

00:25:25 Jean Brown, Ms. Howell's mother and an adjoining property owner, discussed the area. Ms. Howell showed the Committee members pictures of the farmland area surrounding the site.

The following spoke in opposition to this request:

No one spoke.

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NEW BUSINESS

CASE NUMBER 19-WAIVER-0058

Deliberation:

00:27:05 Commissioner Brown asked how close this site is to the Cooper Chapel Corridor / Bardstown Woods subdivision. He said there is a large planned project in this area (the Cooper Chapel Corridor Extension Phase III) that will connect Cedar Creek over to Bardstown Road. Due to the new Complete Streets ordinance, new development projects have to be planned to accommodate cars, bikes, buses, and pedestrian connections. Brian Davis, Planning & Design Manager, said the subject site is about 3500 feet north of the Cooper Chapel Corridor.

00:29:49 Commissioner Howard asked what the estimated timeline is for the Cooper Chapel project. Commissioner Brown said it is a funded project through construction and is in right-of-way acquisition phase now.

00:31:22 The fee-in-lieu option was discussed (see recording for detailed discussion.) Commissioner Brown explained how the fee-in-lieu works and where the fee goes.

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.

00:34:44 On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver could adversely affect the adjacent property owners as the current Complete Streets policy requires that all modes of transportation be considered with new development; and

WHEREAS, the Committee further finds that the granting of the waiver would not be in compliance with the Comprehensive Plan that supports safe accommodations for pedestrians; and

WHEREAS, the Committee further finds that the applicant can reasonably comply with the fee-in-lieu method that has been offered for the site and that can be used for the sidewalk construction in the area that would benefit the surrounding properties; now, therefore be it

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NEW BUSINESS

CASE NUMBER 19-WAIVER-0058

RESOLVED, the Louisville Metro Development Review Committee does hereby **DENY** the requested Waiver of Land Development Code 5.8.1.B to not provide the sidewalk for a new single family residence on Gentry Lane.

The vote was as follows:

YES: Commissioners Carlson, Brown, and Howard.

NOT PRESENT: Commissioners Smith and Tomes.

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NEW BUSINESS

CASE NUMBER 19-MPLAT-0023

Request: Record Plat Amendment
Project Name: Tree Preservation Easement Shift
Location: 6510 Innisbrook Drive
Owner: Stephanie Altobellis
Applicant: Stephanie Altobellis
Representative: Joel Latto
Jurisdiction: City of Prospect
Council District: 16 – Scott Reed

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:

00:36:20 Lacey Gabbard presented the case (see staff report and recording for detailed presentation.) The applicant is requesting a 15 foot reduction of Tree Preservation Easement Limit Line, from 25 feet to 10 feet.

00:37:56 Commissioner Brown asked if the applicant could adjust the preservation area just to accommodate the addition, as opposed to the full width of the lot. Julia Williams, Planning Supervisor, said the applicant could adjust for that. She and the Committee members discussed the Tree Preservation Area.

The following spoke in favor of this request:

Thomas Dunbar, 6510 Innisbrook Drive, Louisville, KY

Summary of testimony of those in favor:

00:39:43 Thomas Dunbar briefly discussed the project. Commissioner Carlson asked if there are any trees growing where the addition is going to go. Mr. Dunbar said there are no trees; there are some small bushes. He said they are adding trees over time in other areas, especially between the house and the road.

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CASE NUMBER 19-MPLAT-0023

The following spoke in opposition to this request:

No one spoke.

00:40:54 Commissioners' deliberation.

An audio/visual recording of the Planning Commission hearing 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.

00:41:28 On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution, based on the staff report and testimony heard today, was adopted:

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Record Plat Amendment to reduce the Tree Preservation Easement from 25 feet to 10 feet.

The vote was as follows:

YES: Commissioners Carlson, Brown, and Howard.

NOT PRESENT: Commissioners Smith and Tomes.

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NEW BUSINESS

CASE NUMBER 19-DDP-0022

Request: Revised Detailed District Development Plan with revisions to binding elements
Project Name: JJJ Enterprises
Location: 8012 National Turnpike
Owner: JJJ Enterprises
Applicant: JJJ Enterprises
Representative: Renaissance Design Build
Jurisdiction: Louisville Metro
Council District: 13 – Mark Fox

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:

00:42:16 Jay Lockett presented the case (see staff report and recording for detailed presentation.)

00:45:06 In response to a question from Commissioner Howard, Mr. Lockett put another plat up on the large screen and clarified some aspects of the plat to Ms. Howard. In response to a question from Joe Reverman, Assistant Director of Planning & Design Services, Mr. Lockett confirmed that this plan is only for the middle lot (see recording for full discussion.)

00:46:44 Commissioner Howard asked if the minor plat is already approved. Mr. Lockett said yes, that was done years ago.

00:47:28 Joe Reverman said that, if the existing binding elements we see here will apply to the front lot, and the new changes to binding elements would only apply to the back part. Mr. Lockett said yes.

The following spoke in favor of this request:

Brian Smallwood, Renaissance Design Build, 117 South Indiana Avenue, Sellersburg, IN

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Summary of testimony of those in support:

00:48:46 Brian Smallwood, the applicant's representative, discussed the access easement and said the same company owns both the front and back lots.

The following spoke in opposition to this request:

No one spoke.

00:49:37 Commissioners' deliberation.

An audio/visual recording of the Planning Commission hearing 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.

00:49:52 On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution, based on the Standard of Review and Staff Analysis, and testimony heard today, was adopted:

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

WHEREAS, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works 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 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. The applicant must address all MSD concerns prior to final plan approval; and

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NEW BUSINESS

CASE NUMBER 19-DDP-0022

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, that the Louisville Metro Development Review Committee does hereby **APPROVE** the requested **Revised Detailed District Development Plan** with revisions to binding elements, **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. 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.

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- c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - d. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be 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 or permitted on the site.
- 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 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.
- 8. The property owner shall provide a cross over access easement to the properties to the north and south if those properties are redeveloped for non-residential use. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.
- 9. No idling of trucks between the rear of the building and adjacent single-family residences. No overnight idling of trucks shall be permitted on-site.
- 10. Auto sales shall not be permitted on subject property.

The vote was as follows:

YES: Commissioners Carlson, Brown, and Howard.

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NEW BUSINESS

CASE NUMBER 19-DDP-0022

NOT PRESENT: Commissioners Smith and Tomes.

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NEW BUSINESS

CASE NUMBER 19-DDP-0034

Request: Revised Detailed District Development Plan with associated landscape waiver
Project Name: Butchertown Apartments
Location: 1043-1051 E. Washington Street & Parcel 019G02150000
Owner: Broman Holding LLC
Applicant: Broman Holding LLC
Representative: Milestone Design Group
Jurisdiction: Louisville Metro
Council District: 4 – Barbara Sexton Smith

Case Manager: Dante St. Germain, AICP, Planner II

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

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

Agency Testimony:

00:50:25 Dante St. Germain presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

00:53:38 In response to a question from Commissioner Brown, Ms. St. Germain said the applicant is not requesting a reduction in the plantings, only an encroachment. The required plantings and buffering will be installed.

The following spoke in favor of this request:

No one spoke.

The following spoke in opposition to this request:

No one spoke.

00:54:54 Commissioners' deliberation.

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NEW BUSINESS

CASE NUMBER 19-DDP-0034

An audio/visual recording of the Planning Commission hearing 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.

Landscape Waiver

00:55:44 On a motion by Commissioner Brown, seconded by Commissioner Howard, 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 as the required LBA is relatively small (5') and the required plantings will be provided; and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Plan 2040 as Plan 2040 encourages appropriate transitions between adjacent residential areas in different density categories. The appropriate transition will be provided as the required plantings are not proposed to be waived; 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 as the eastern property line is irregular in shape and the encroachment is necessitated by this irregular 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 because the lot is constrained in size and shape and the required parking would not be workable without the encroachment; now, therefore be it

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the requested **Waiver** from 10.2.4.B.1 to allow parking to encroach into the required property perimeter landscape buffer area (LBA) (19-WAIVER-0035).

The vote was as follows:

YES: Commissioners Carlson, Brown, and Howard.
NOT PRESENT: Commissioners Smith and Tomes.

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NEW BUSINESS

CASE NUMBER 19-DDP-0034

Revised Detailed District Development Plan with Amendment to Existing Binding Elements

00:56:23 On a motion by Commissioner Brown, seconded by Commissioner Howard, 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. The site is vacant but was previously developed, and no natural resources appear to exist on the 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. Louisville Metro Public Works has provided preliminary approval of the plan; and

WHEREAS, the Committee further finds that a waiver from open space requirements was previously approved during the rezoning process. A variance to omit the required private yard area was also approved; 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. The scale of the proposed structure is similar to the scale of the adjacent developed site; 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, with the exception of a requested waiver; now, therefore be it

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

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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 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.
 - c. A minor plat or legal instrument shall be recorded consolidating the property into one lot and to dedicate additional ROW to N. Johnson Street. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
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.

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6. 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 was as follows:

YES: Commissioners Carlson, Brown, and Howard.

NOT PRESENT: Commissioners Smith and Tomes.

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ADJOURNMENT

The meeting adjourned at approximately 1:57 p.m.

Chairman

Division Director