

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE MEETING
APRIL 18, 2018**

A meeting of the Louisville Metro Development Review Committee was held on April 18, 2018 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, KY 40202.

Commissioners present:

David Tomes, Chair
Rich Carlson, Vice chair
Emma Smith
Jeff Brown
Laura Ferguson

Staff members present:

Joe Reverman, Assistant Director, Planning & Design Services
Brian Davis, Planning & Design Manager
Jay Lockett, Planner I
Ross Allen, Planner I
Beth Stuber, Transportation Planning
Travis Fiechter, Legal Counsel
Kristen Padron, Management Assistant

*Chair Tomes arrived at approximately 1:30 p.m.

The following matters were considered:

**DEVELOPMENT REVIEW COMMITTEE MINUTES
APRIL 18, 2018**

APPROVAL OF MINUTES

APRIL 18, 2018 DRC MEETING MINUTES

00:05:21 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution was adopted:

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on April 4, 2018.

The vote was as follows:

YES: Brown, Ferguson, Smith, and Carlson

NOT PRESENT: Tomes

**DEVELOPMENT REVIEW COMMITTEE MINUTES
APRIL 18, 2018**

NEW BUSINESS

CASE NUMBER 18WAIVER1008

Project Name:	12400 Old Henry Road
Location:	12400 Old Henry Road
Owner(s):	Mr. and Mrs. Douglas Michael
Applicant:	Mr. and Mrs. Douglas Michael
Representative(s):	Glenn Price – Frost Brown and Todd LLC.
Project Area/Size:	3.53 acres or 153,766.8 sf.
Jurisdiction:	Middletown
Council District:	19 – Julie Denton
Case Manager:	Ross Allen – 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:

00:06:05 Ross Allen stated that the applicant is requesting a continuance to a date uncertain.

The following spoke in favor of this request:

No one spoke.

The following spoke in opposition to this request:

No one spoke.

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.

00:08:45 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution was adopted:

RESOLVED, that the Louisville Metro Development Review Committee does hereby **CONTINUE** case number 18WAIVER1008 to a date uncertain.

The vote was as follows:

YES: Brown, Ferguson, Smith, and Carlson
NOT PRESENT: Tomes

**DEVELOPMENT REVIEW COMMITTEE MINUTES
APRIL 18, 2018**

NEW BUSINESS

CASE NUMBER 18WAIVER1010

Project Name:	Smokey Bones Fire Pit
Location:	2525 Hurstbourne Gem Lane
Owner(s):	Mr. B.H. Griffin III – Ben Hill Griffin Inc.
Applicant:	Mr. Robert Stamm – Smokey Bones
Representative(s):	Mr. Robert Stamm – Smokey Bones
Project Area/Size:	1.84490 acres or 80,363.84 sf.
Jurisdiction:	City of Jeffersontown, KY
Council District:	11 – Kevin Kramer
Case Manager:	Ross Allen – 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:

00:09:45 Ross Allen discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Jay Dima, 8598 Manitoba Drive, Cincinnati, OH 45255

Summary of testimony of those in favor:

00:12:21 Smokey Bones General Manager Jay Dima appeared before the Commissioners and offered to respond to any questions. There were no questions.

The following spoke in opposition to this request:

No one spoke.

Deliberation:

00:13:08 The Commissioners concur that the proposal is justified.

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.

00:14:40 On a motion by Commissioner Brown, seconded by Commissioner Ferguson, the following resolution, based on the Standard of Review and Staff Analysis and testimony heard today, was adopted:

**DEVELOPMENT REVIEW COMMITTEE MINUTES
APRIL 18, 2018**

NEW BUSINESS

CASE NUMBER 18WAIVER1010

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners since the fire pit is for decorative purposes. No cooking or seating is proposed, only the fire pit. The applicant further understands that the decorative fire pit will be unable to have lettering or any signage upon the walls or will need to comply with the existing binding elements, alter the binding elements, or come into compliance with Chapter 8 of the Jeffersontown LDC and with any additional parkway standards. The footprint of the fire pit is only 40 sf. and all affected plantings will be relocated on site, so as not to deprive the parkway buffer of its previously approved plantings requirements. The applicant states, "the purpose of the decorative fire pit is to improve aesthetics of the restaurant and will only affect the adjacent property owners positively", and

WHEREAS, the Committee further finds that Guideline 3, Policy 1 of Cornerstone 2020 asks to ensure compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. Surrounding lots to the northeast and southwest along the northern side of South Hurstbourne Pkwy do not have anything similar as found within the Parkway landscape buffer. However, existing monument signs are present for Shane and Co. and Longhorn Steakhouse.

Guideline 3, Policy 2 of Cornerstone 2020 asks for the consideration of Building Materials. When assessing compatibility, it is appropriate to consider the choice of building materials in the following circumstances: (1) projects involving residential infill (2) projects involving non-residential uses; and (3) when specified in the Land Development Code. The proposed decorative fire pit will have 4 ft. 2.5 in. faux wood (1 in. x 4 in.) staggered boards with a black pre-finished structure to hold the paneling in place.

Guideline 3, Policy 8 of Cornerstone 2020 asks for the mitigation of adverse impacts of lighting from proposed development on nearby properties, and on the night sky. Staff is unaware of any potential lighting issues as a result of the decorative fire pit however the area is a commercial corridor having illuminated signs existing along the Parkway.

Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The owner although relocating existing planting and replacing existing plantings shows that 18LSCAPE1033 is in fact have trees at a requirement of 1 type A tree per 40 feet of frontage. Staff is unaware if the trees are type A but the applicant does show existing and proposed trees on the landscaping plan that exceed the 40 ft. spacing/staggering of plantings for the requirement along the South Hurstbourne Pkwy. frontage.

Guideline 13, Policy 7 calls for protection of the character of parkways and scenic byways and corridors through standards for buffers, landscape treatment, lighting and signs. The intent of parkway development standards is to protect existing scenic and aesthetic qualities, to ensure a quality visual experience on developing corridors and to protect and improve the visual experience on established corridors. The proposal conforms to landscape character guidelines because plant communities provided on-site are natural plant species which will filter views of the tennis court from off-site. The applicant states that the "decorative fire pit is to help increase

**DEVELOPMENT REVIEW COMMITTEE MINUTES
APRIL 18, 2018**

NEW BUSINESS

CASE NUMBER 18WAIVER1010

business for the restaurant by improving aesthetics to positively impact surrounding businesses and the economy of the overall area”, 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 owner is relocating 4 trees along with shrubbery in order to have the decorative fire pit within the Parkway landscape buffer, 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 since, as the applicant states, “any affected plantings in the Parkway landscape buffer will be relocated/replanted to not deprive the required plantings in the Parkway landscape buffer area. The decorative fire pit will not be a nuisance to the adjacent property owners and will positively affect the aesthetics and economy of the overall area. The fire pit is a brand standard that is being installed at Smokey Bones locations all over the United States of America”; now, therefore be it

RESOLVED, that the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the City of Jeffersontown that the waiver from Jeffersontown LDC (July 2004) 10.3.5, table 10.3.1 to allow a proposed decorative fire pit (accessory structure) to encroach approximately 16 ft. into the 30 ft. required Parkway Landscape Buffer Area along South Hurstbourne Parkway be **APPROVED**.

The vote was as follows:

YES: Brown, Ferguson, Smith, and Carlson

NOT PRESENT: Tomes

**DEVELOPMENT REVIEW COMMITTEE MINUTES
APRIL 18, 2018**

NEW BUSINESS

CASE NUMBER 18WAIVER1012

Project Name:	Apel International Addition
Location:	11201 Ampere Court
Owner(s):	Susan LaCroix – Apel International Inc.
Applicant:	Susan LaCroix – Apel International Inc.
Representative(s):	Nathan Wright – Mindel Scott and Associates
Project Area/Size:	6.18 acres or 269,200.8 sf.
Jurisdiction:	City of Jeffersontown, KY
Council District:	11 – Kevin Kramer
Case Manager:	Ross Allen – 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:

00:15:59 Ross Allen discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Nathan Wright, 5151 Jefferson Blvd., Louisville, KY 40219

Summary of testimony of those in favor:

00:18:15 Nathan Wright spoke on behalf of the applicant and showed a presentation. Goals of the project are to construct a building addition, construct a truck maneuvering and loading area addition, raise and pave the existing gravel portion of the parking lot, and to redesign existing ADA parking and building access. Landscape buffer requirements will be met, and adjacent property owners will not be affected.

The following spoke in opposition to this request:

No one spoke.

Deliberation:

00:20:09 The Commissioners concur that the proposal is justified.

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.

**DEVELOPMENT REVIEW COMMITTEE MINUTES
APRIL 18, 2018**

NEW BUSINESS

CASE NUMBER 18WAIVER1012

00:21:06 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution, based on the Standard of Review and Staff Analysis and testimony heard today, was adopted:

Waiver # 1

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners since the property is located within an industrial park. There is an existing fence separating the subject property from both the eastern and northern adjacent properties. The northern property is already above grade of the subject property and has a ditch with a large green space between the parking lot and the subject property. Landscape material will also be provided per Chapter 10 requirements (Jeffersontown LDC July 2004), and

WHEREAS, the Committee further finds that Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within suburban areas. The applicant states that the waiver will not violate the comprehensive plan since the retaining wall is located in the landscape buffer area allowing for the required plantings per Chapter 10 (Jeffersontown LDC July 2004), 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 retaining wall will be required to accommodate the building addition. The applicant states that the wall be as small as possible, 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 since the disallowance of the retaining wall in the landscape buffer area would not allow the applicant to fully utilize the parcel. The existing grades within the industrial park prohibit the use of 3:1 slopes to accommodate the needed building addition. The re-design of a smaller building would result in an unnecessary hardship, and

Waiver # 2

WHEREAS, the Committee further finds that the waiver will not adversely affect adjacent property owners since the proposed concrete ditch will be close to the building and the required plantings will be provided, and

WHEREAS, the Committee further finds that Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The waiver will not violate specific guidelines of the Comprehensive Plan, Cornerstone 2020 since the required plantings will still be provided per the LDC in the property perimeter landscape buffer area, 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 "to accommodate the proposed

**DEVELOPMENT REVIEW COMMITTEE MINUTES
APRIL 18, 2018**

NEW BUSINESS

CASE NUMBER 18WAIVER1012

addition a concrete ditch is necessary for the drainage flow per MSD standards. Based on the grades of the area, both the needed building addition and the concrete drainage swale cannot be provided without encroaching into the property perimeter LBA, 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 since not allowing the proposed concrete drainage swale in the LBA would not allow the applicant to construct the building addition to the needed size. A reduction in building size would not allow the applicant to fully utilize the parcel. The disallowance of the proposed concrete drainage swale would result in the proposed building addition to be redesigned. A reduction on the size or a redesign of the proposed building addition would result in an unnecessary hardship to the applicant if the concrete drainage swale is not allowed in the property perimeter LBA, and

Waiver # 3

WHEREAS, the Committee further finds that the waiver will not adversely affect adjacent property owners since the landscape material will still be provided. The owner will be responsible for replacing any landscape material in the easement and is removed, and

WHEREAS, the Committee further finds that Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within suburban areas. "The landscape material will still be provided per the LDC (Jeffersontown July 2004) requirements", 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 ability to accommodate the proposed building addition the proposed Sanitary sewer and drainage easement will need to overlap the property perimeter LBA. The existing easement was present on the property prior to the Jeffersontown, KY LDC regulations and as a result any denial of the waiver would be cost prohibitive", and

WHEREAS, the Committee further finds that the applicant states "The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land because the existing easement in the property perimeter landscape buffer area would not allow the applicant to fully utilize the parcel. Any denial of the waiver "would cause a major economic hardship by the relocation of an existing sanitary sewer and drainage easement, line and structure"; now, therefore be it

RESOLVED, that the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the City of Jeffersontown that **(1)** the waiver from Jeffersontown LDC (July 2004) 10.2.4.B to reduce the minimum 25 ft. property perimeter LBA to 15 ft. and allow for the encroachment of a retaining wall into the 15 ft. reduced property perimeter LBA along an approximate 168 ft. portion of the southern property line, an approximate 148 ft. portion on the eastern property line as adjoining the southern property line, and an approximate 85 ft. long section along the northwestern edge of the eastern most parking lot, **(2)** the waiver from Jeffersontown LDC (July 2004) 10.2.4.B to reduce the minimum 25 ft. property perimeter LBA to

**DEVELOPMENT REVIEW COMMITTEE MINUTES
APRIL 18, 2018**

NEW BUSINESS

CASE NUMBER 18WAIVER1012

15 ft. and allow a proposed concrete drainage swale to encroach into the 15 ft. property perimeter LBA along the eastern property line, and **(3)** the waiver from Jeffersontown LDC (July 2004) 10.2.4.B to allow the existing sanitary sewer and drainage easement to overlap the required 15 ft. property perimeter LBA along the southwestern property line be **APPROVED**.

The vote was as follows:

YES: Brown, Ferguson, Smith, and Carlson

NOT PRESENT: Tomes

**DEVELOPMENT REVIEW COMMITTEE MINUTES
APRIL 18, 2018**

NEW BUSINESS

CASE NUMBER 17DEVPLAN1052

Project Name: Airspace III
Location: 9205 National Turnpike
Owner(s): Airspace III, LLC.
Applicant: CBRE
Jurisdiction: Louisville Metro
Council District: 13 – Vicki Aubrey Welch
Case Manager: Jay Lockett, 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:

00:23:33 Jay Lockett discussed the case summary, standard of review and staff analysis from the staff report. Per MSD, the site meets the requirements for compensation for being in the 100-year floodplain. Landscape requirements will be met.

The following spoke in favor of this request:

Ann Richard, 503 Washburn Avenue, Louisville, KY 40222

Summary of testimony of those in favor:

00:29:04 Ann Richard spoke on behalf of the applicant and reviewed the details of the site plan. They have been working with MSD since last fall and will be overcompensating for their encroachment into the floodplain.

The following spoke in opposition to this request:

No one spoke.

Deliberation:

00:33:18 The Commissioners concur that the proposal is justified.

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.

Waiver

**DEVELOPMENT REVIEW COMMITTEE MINUTES
APRIL 18, 2018**

NEW BUSINESS

CASE NUMBER 17DEVPLAN1052

00:34:15 On a motion by Commissioner Brown, seconded by Commissioner Ferguson, 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 since all required planting materials will still be provided within the buffer area, and

WHEREAS, the Committee further finds that Guideline 3, Policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, Policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, Policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 7 calls for protection of the character of parkways and scenic byways and corridors through standards for buffers, landscape treatment, lighting and signs. The site was previously developed when the required buffer was less than current regulations, and is an existing condition that is legally nonconforming. All required plantings will still be provided on site, 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 no further encroachment is being proposed beyond the existing condition, 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, as it is a legally nonconforming pre-existing condition. Strict application would cause the applicant to have to tear out pavement and rework the vehicular circulation patterns around the subject site; now, therefore be it

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the waiver of Land Development Code section 10.3.7 to allow a vehicular maneuvering area to encroach into the required 50' Gene Snyder Freeway Landscape Buffer Area.

The vote was as follows:

YES: Brown, Ferguson, Smith, and Carlson
ABSTAINING: Tomes

**DEVELOPMENT REVIEW COMMITTEE MINUTES
APRIL 18, 2018**

NEW BUSINESS

CASE NUMBER 17DEVPLAN1052

Amenity Area

00:35:13 On a motion by Commissioner Brown, seconded by Commissioner Ferguson, the following resolution, based on testimony heard today, was adopted:

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the amenity area as presented at today's meeting.

The vote was as follows:

YES: Brown, Ferguson, Smith, and Carlson
ABSTAINING: Tomes

Revised Detailed District Development Plan

00:35:56 On a motion by Commissioner Brown, seconded by Commissioner Ferguson, 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 site is located within the 100 year flood plain. Compensation per MSD requirements will be provided on 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 the required amenity is being provided onsite per 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, with the exception of the requested waiver; now, therefore be it

**DEVELOPMENT REVIEW COMMITTEE MINUTES
APRIL 18, 2018**

NEW BUSINESS

CASE NUMBER 17DEVPLAN1052

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the revised detailed district development plan, **SUBJECT** to the following 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 except for land uses permitted in the established zoning district.
2. The only permitted freestanding sign shall be located as shown on the approved development plan. No portion of the sign, including the leading edge of the sign frame, shall be closer than 15 feet to front property line. The sign shall not exceed 160 square feet in area per side and 8 feet in height. No sign shall have more than two sides.
3. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants or banners shall be permitted on the site.
4. There shall be no outdoor storage on the site.
5. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff so that no light source is visible off-site. Lighting levels attributable to the fixtures located on the subject site shall not exceed two foot candles at the property line.
6. 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.
7. Construction fencing shall be erected at the edge of the area of development in accordance with the tree preservation plan 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

**DEVELOPMENT REVIEW COMMITTEE MINUTES
APRIL 18, 2018**

NEW BUSINESS

CASE NUMBER 17DEVPLAN1052

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.

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 Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening and landscaping in compliance with the Parkway Policy and with 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 applicant shall provide a wetlands determination letter from the US Army Corps of Engineers for this site prior to any clearing, grading or construction. If jurisdictional wetlands identified on the site are more extensive or in locations other than as shown on the 11.26.97 Miller/Wihry plan, the applicant shall submit a revised district development plan to LD&T showing mitigation of any impact on the wetlands.
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.
13. 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.

**DEVELOPMENT REVIEW COMMITTEE MINUTES
APRIL 18, 2018**

NEW BUSINESS

CASE NUMBER 17DEVPLAN1052

14. The landscape buffer shown on the southeast property line shall be planted with evergreens, staggered 30 feet on center. The LBA width shall be an average of 40 feet, with 30 feet minimum.
15. The site shall not be used for any type of auto salvage use or for the bulk storage or use of hazardous or explosive materials such as flammable liquids, gases, or corrosives (except the storage of paint will be permitted), or for any M-3 Industrial hazardous or noxious conditional uses. No manufacturing, processing, or treatment of the following uses shall be permitted:
- Bag cleaning;
 - Boiler manufacture (other than welded);
 - Concrete, central mixing and proportioning plant;
 - Electric power and steam generating plants;
 - Foundries, ferrous or non-ferrous, brass, bronze;
 - Forge plants, drop hammer or pneumatic;
 - Hair, felt, feathers, shoddy, bulk processing, washing, curing and dyeing;
 - Ink manufacture from primary raw materials (including colors and pigments);
 - Race tracks for motor-powered vehicles;
 - Railroad yard, roundhouse, repair and overhaul shops, railroad equipment including locomotive and railroad car building and repair;
 - Storage of coal and gas, yards and pockets;
 - Sugar refining;
 - Wood or lumber processing, including sawmills, planing mills, cooperage stock mills, excelsior or packing materials, plywood veneer, wood-preserving treatment, or similar products or processes;
 - Wool pulling or scouring.
 - Modification of this binding element shall occur only after public hearing with notice provided to the adjacent property owners.
16. There shall be no idling of trucks overnight within 300 feet of the south and southeast property lines.
17. Noise from operation inside the building shall not be audible beyond any property line.
18. There shall be no lighting in the rear of the building, except for 150 watt bulbs over the emergency exit doors.

The vote was as follows:

YES: Brown, Ferguson, Smith, and Carlson
ABSTAINING: Tomes

**DEVELOPMENT REVIEW COMMITTEE MINUTES
APRIL 18, 2018**

NEW BUSINESS

CASE NUMBER 18DEVPLAN1019

Project Name: Olympia Park Plaza
Location: 4802 Olympia Park Plaza
Owner(s): Springdale Venture, LLC
Applicant: Springdale Venture, LLC
Jurisdiction: Louisville Metro
Council District: 16 – Scott Reed
Case Manager: Jay Lockett, 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:

00:37:17 Jay Lockett discussed the case summary, standard of review and staff analysis from the staff report. It was just brought to his attention yesterday that the applicant would like to extend the structure on Tract 2 to accommodate an elevator.

The following spoke in favor of this request:

Nick Pregliasco, 1000 N. Hurstbourne Pkwy., Louisville, KY 40223
Kevin Young, 503 Washburn Avenue, Suite 101, Louisville, KY 40222

Summary of testimony of those in favor:

00:42:12 Nick Pregliasco summarized the applicant's proposal and showed a presentation.

00:49:25 Kevin Young of Land Design & Development stated that this was a development that was previously approved approximately 20 years ago when the Gene Snyder Freeway setback was 30 ft. Only native vegetation would be used for landscaping.

00:53:52 Mr. Pregliasco and Commissioner Brown discussed renaming one of the two streets that are currently named Olympia Park Plaza.

The following spoke in opposition to this request:

No one spoke.

Deliberation:

01:00:55 The Commissioners concur that the proposal is justified.

**DEVELOPMENT REVIEW COMMITTEE MINUTES
APRIL 18, 2018**

NEW BUSINESS

CASE NUMBER 18DEVPLAN1019

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.

Waiver

01:03:28 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution, based on the Standard of Review and Staff Analysis, the applicant's justification, 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 all required planting materials will still be provided within the buffer area, and

WHEREAS, the Committee further finds that Guideline 3, Policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, Policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, Policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 7 calls for protection of the character of parkways and scenic byways and corridors through standards for buffers, landscape treatment, lighting and signs. All required screening and plantings will still be provided on site, 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 all required screening will still be provided on site, 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 the space is needed to accommodate parking for the uses on site. A nearly identical waiver was granted as part of a previously approved plan, and

WHEREAS, the Committee further finds that the waiver will not adversely affect adjacent property owners because enhanced landscaping will assure that this property will not be highly visible from properties from across the 1-265. The enhanced landscaping will be shown at the Planning Commission DRC review of this application and the scenic views from the Gene Snyder Expressway will be preserved through the landscaping. Further, the waiver will match

**DEVELOPMENT REVIEW COMMITTEE MINUTES
APRIL 18, 2018**

NEW BUSINESS

CASE NUMBER 18DEVPLAN1019

identical the waiver already granted for the adjacent Tract 3 pursuant to Case No. 16DEVPLAN1114 providing consistency and uniformity between the tracts, and

WHEREAS, the Committee further finds that the waiver will not violate the Comprehensive Plan because of the enhanced landscaping along this setback area will assure compliance with applicable Guideline 13 and its Policies, and

WHEREAS, the Committee further finds that strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because the two hotels along 1-265 immediately to the east provide this same reduced, but enhanced landscaped setback area, and office building on the tract and parking have been carefully designed to fit this site with the other tracts it is in conjunction with. Without this waiver, the building designed as it is with related parking would not fit on this site, and yet what is proposed is an excellent use and very attractive design; now, therefore be it

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the waiver of Land Development Code Section 10.3.7 to allow a parking area to encroach into the 50' Gene Snyder Freeway Landscape Buffer Area.

The vote was as follows:

YES: Brown, Ferguson, Smith, Tomes, and Carlson

Outdoor Amenity Area

01:04:12 On a motion by Commissioner Brown, seconded by Commissioner Smith, 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 outdoor amenity areas as presented at today's meeting.

The vote was as follows:

YES: Brown, Ferguson, Smith, Tomes, and Carlson

Revised Detailed District Development Plan

01:05:48 On a motion by Commissioner Brown, seconded by Commissioner Tomes, 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 are no natural resources or environment constraints on the site. Compensation per MSD requirements will be

**DEVELOPMENT REVIEW COMMITTEE MINUTES
APRIL 18, 2018**

NEW BUSINESS

CASE NUMBER 18DEVPLAN1019

provided on 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 the required amenity area is being provided onsite per 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, with the exception of the requested waiver; now, therefore be it

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the revised detailed district development plan **ON CONDITION** that the plan is updated to show the 140,400 sq. ft. office being constructed at Tract 2 and any changes required in the parking calculations for the expansion, **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.

**DEVELOPMENT REVIEW COMMITTEE MINUTES
APRIL 18, 2018**

NEW BUSINESS

CASE NUMBER 18DEVPLAN1019

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 Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
 - b. A minor plat shall be recorded creating the lots 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 the 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.
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 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.
7. The developer shall contribute \$21,200 towards future signal upgrades to be provided at the signalized intersections of KY 22 and North Hurstbourne, KY 22 and Summitt Plaza, KY 22 and Interstate 265 southbound on-ramp, KY 22 and Norton Healthcare Boulevard, and KY 22 and Chamberlain Lane. The contribution shall be required prior to construction approval for Tract 3 only.
8. A street name change for the section of Olympia Park Plaza abutting Tract 3 shall be approved prior to construction approval for Tract 3.

The vote was as follows:

YES: Brown, Ferguson, Smith, Tomes, and Carlson

DEVELOPMENT REVIEW COMMITTEE MINUTES
APRIL 18, 2018

ADJOURNMENT

The meeting adjourned at approximately 2:15 p.m.



Vice Chairman



Division Director