

**MINUTES OF THE MEETING
OF THE
DEVELOPMENT REVIEW COMMITTEE
February 4, 2015**

A meeting of the Development Review Committee was held on, February 4, 2015 at 1:00 p.m. in the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Committee Members present were:

David Tomes, Chairman
Jeff Brown, Commissioner
Robert Kirchdorfer, Commissioner
Rob Peterson, Commissioner

Committee Members absent were:

Chip White, Vice Chairman

Staff Members present were:

Joseph Reverman, Planning Manager
Brian Davis, Planning Supervisor
Latondra Yates, Planner II
David Wagner, Planner II
Sherie' Long, Landscape Architect
Tammy Markert, Traffic Planning Coordinator
John Carroll, Legal Counsel
Pamela M. Brashear, Management Assistant

The following matters were considered:

DEVELOPMENT REVIEW COMMITTEE
February 4, 2015

APPROVAL OF MINUTES

JANUARY 14, 2015 DRC MEETING MINUTES

On a motion by Commissioner Peterson, seconded by Commissioner Brown, the following resolution was adopted.

RESOLVED, that the Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on January 14, 2015. Approved with one abstention.

The vote was as follows:

YES: Commissioners Brown, Kirchdorfer, and Peterson

NO: No one

NOT PRESENT FOR THIS CASE: Commissioner White

ABSTAINING: Commissioner Tomes

DEVELOPMENT REVIEW COMMITTEE
February 4, 2015

NEW BUSINESS

CASE NO. 15WAIVER1000

Case No: 15Waiver1000
Project Name: Carbide Industries Expansion
Location: 4300 Bells Lane
Owner(s): Carbide Industries LLC
Applicant: Brent McWhorter, Carbide Industries LLC
Representative(s): Ashley Bartley, QK4
Existing Zoning District: M-3
Existing Form District: Suburban Workplace
Jurisdiction: Louisville Metro
Council District: 1 – Jessica Green
Case Manager: Sherie' Long, Landscape Architect

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

Agency Testimony:

00:08:31 Ms. Long discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

David Reed, QK4, 1046 East Chestnut, Louisville, Ky.40204

Summary of testimony of those in favor:

00:18:24 Mr. Reed said the request is appropriate as the road is a dead end and heavy industrial area. The cost of improvement needs to be relative to the expansion.

Deliberation

00:21:32 Development Review Committee 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.

On a motion by Commissioner Peterson, seconded by Commissioner Kirchdorfer, the following resolution was adopted.

DEVELOPMENT REVIEW COMMITTEE
February 4, 2015

NEW BUSINESS

CASE NO. 15WAIVER1000

WHEREAS, The waiver will not adversely affect adjacent property owners since the existing sidewalks are only along a small portion of the street frontage, and this small portion is a part of an existing internal walking path which encircles the Zeon property. Also, there is no likelihood for sidewalks to be constructed in the future along the remaining street frontage because this street serves only industrial uses with no residential uses in the immediate area, plus the street is a dead end. However, there are no topographical conditions which would make the construction of the sidewalks impracticable; and

WHEREAS, Guideline 1, Policy 3 states that streets are designed to invite human interaction and ease of access through the use of connection and design elements such as bike/walkways to connect with other streets. The request does not meet this guideline and policy. However, there is a small portion of sidewalk along the street frontage currently and that sidewalk is a part of a walking path for the Zeon facility. Nevertheless; there is no likelihood for sidewalks to be constructed in the future along the remaining street frontage because this street serves only industrial uses with no residential uses in the immediate area, plus the street is a dead end. Therefore, it is no reasonable for sidewalks to be constructed along this applicant's street frontage; and

Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. The request does not meet this guideline or policy, however since there are no topographical conditions which would make the construction of the sidewalk impracticable the required sidewalk could be constructed. However, since there are no plans for sidewalks to be constructed along these streets in the future it would be impractical to construct a sidewalk only along the applicant's street frontage; and

Guideline 9, Policy 1 states that new development should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. The request does not meet this guideline or policy, however, since there are currently no 'public' sidewalks along this street and there is no future plan to construct sidewalks; it is not appropriate to construct sidewalks along this industrial properties frontage; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since there is only a small portion of the street frontage containing existing sidewalks; there are no plans for sidewalks in the future; Bells Lane is a

DEVELOPMENT REVIEW COMMITTEE
February 4, 2015

NEW BUSINESS

CASE NO. 15WAIVER1000

dead end street; and this area is an industrial area where safety is a concern this applicant should not be required to provide sidewalks; and

WHEREAS, the Louisville Metro Development Review Committee further finds the applicant has not incorporated any other design measures that exceed the minimum of the district, nor has the applicant compensated for non-compliance with the requirements. However, the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant considering the length of sidewalk required to fulfill the Regulation. Also considering there is only a small portion of the street frontage which has existing sidewalks; and furthermore, there are no plans in the future for sidewalks to be constructed along Bells Lane; therefore it would be unreasonable to require this applicant to construct a section of sidewalk which is not going to be connected to any another sidewalk system.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the waiver from Chapter 5 and 6 Section 5.8.1.B and Table 6.2.1, not to provide sidewalks along the approximately 2,500 lineal feet of Bells Lane street frontage based on the staff report and testimony heard today. Unanimously approved.

The vote was as follows:

YES: Commissioners Brown, Kirchdorfer, Peterson and Tomes

NO: No one

NOT PRESENT AND NOT VOTING: Commissioner White

ABSTAINING: No one

DEVELOPMENT REVIEW COMMITTEE
February 4, 2015

NEW BUSINESS

CASE NO. 14DEVPLAN1165

Case No: 14DEVPLAN1165
Project Name: Hampstead Pond Project (Detention Basin)
Location: 2531 Hampstead Drive and 3015 Bitten Lane
Owner(s): City of Shively
Applicant: Same
Representative(s): Rick Storm, BA Engineers
Existing Zoning District: R-5
Existing Form District: Neighborhood
Jurisdiction: City of Shively
Council District: 3 – Mary Woolridge
Case Manager: Sherie' Long, Landscape Architect

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

Agency Testimony:

00:23:58 Ms. Long discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Rick Storm, BA Engineers, 455 South 4th Street, Suite 1296, Louisville, Ky. 40202

Summary of testimony of those in favor:

00:35:37 Mr. Storm said the basin will be expanded because of some issues – trying to relieve some flooding. All parking will be done on site and there will be a fence. There was also a neighborhood meeting and one of the concerns was maintenance of the area.

Deliberation

00:49:04 Chairman Tomes said the project is needed.

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.

On a motion by Commissioner Peterson, seconded by Commissioner Kirchdorfer, the following resolution was adopted.

DEVELOPMENT REVIEW COMMITTEE
February 4, 2015

NEW BUSINESS

CASE NO. 14DEVPLAN1165

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Community Facility Review for expansion of the drainage detention basin for the City of Shively based on the staff report and testimony heard today. The proposal has substantially met the Comprehensive Plan and the exceptions noted in the staff report are known to the committee members, but the facility is needed in spite of those. Also, if there are any additional changes to the plan, they will be brought to staff for review prior to proceeding with construction. Unanimously approved.

The vote was as follows:

YES: Commissioners Brown, Kirchdorfer, Peterson and Tomes

NO: No one

NOT PRESENT AND NOT VOTING: Commissioner White

ABSTAINING: No one

DEVELOPMENT REVIEW COMMITTEE
February 4, 2015

NEW BUSINESS

CASE NO. 14DEVPLAN1145

Case No: 14DEVPLAN1145
Request: Revised General and Detailed District Development Plan, Waivers, and Binding Element Amendments for proposed restaurant and retail uses
Project Name: Speckman Road Strip Center
Location: 719 Speckman Road
Owner: Speckman Commercial, LLC
Applicant: Speckman Commercial, LLC
Representative: Speckman Commercial, LLC
Jurisdiction: City of Middletown
Council District: 20 – Stuart Benson
Case Manager: David B. Wagner – Planner II

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

Agency Testimony:

01:46:21 Mr. Wagner discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Donald Duane, 8808 Denington Drive, Louisville, Ky.

Summary of testimony of those in favor:

01:57:12 Mr. Duane stated that they put in 176 apartments and a BBT building. The north, east and west are vacant.

Deliberation

02:02:10 Development Review Committee 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.

2:3:24 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted.

DEVELOPMENT REVIEW COMMITTEE
February 4, 2015

NEW BUSINESS

CASE NO. 14DEVPLAN1145

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #1
to omit the sidewalk along Speckman Road (LDC Section 5.8.1.B)

WHEREAS, The waiver will not adversely affect adjacent property because there is already a sidewalk provided along Blankenbaker Parkway. The proposed building will provide a pedestrian connection to this sidewalk; and

WHEREAS, The waiver will not violate the Comprehensive Plan because of all that is set forth in staff's analysis of the RGDDP and DDDP in regards to applicable Guidelines and Policies of Cornerstone 2020; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the applicant would otherwise have to construct another sidewalk when one already exists along the main thoroughfare; and

WHEREAS, the Louisville Metro Development Review Committee further finds strict application of the provisions of the regulation will deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the adjoining property owner to the south connects to the sidewalk along the main thoroughfare and sits in a similar location to that of this proposal.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #2
to waive the 35' LBA, plantings, and screen along the north property line (LDC Section 10.2.4)

WHEREAS, The waiver will not adversely affect adjacent property owners because the adjacent property is heavily wooded with the home being a good distance away; and

WHEREAS, The waiver will not violate the Comprehensive Plan because of all that is set forth in staff's analysis of the RGDDP and DDDP in regards to applicable Guidelines and Policies of Cornerstone 2020; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant because it allows the drive-thru lane as needed for the restaurant use; and

WHEREAS, the Louisville Metro Development Review Committee further finds 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

DEVELOPMENT REVIEW COMMITTEE
February 4, 2015

NEW BUSINESS

CASE NO. 14DEVPLAN1145

because the nearest homeowner to the north is buffered by wooded areas on large residential lot.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #3
to waive the 35' LBA, plantings, and screen along the east property line (LDC
Section 10.2.4)

WHEREAS, The waiver will not adversely affect adjacent property because the encroachment by the VUA is necessary to connect to the private street at the rear of the site and landscaping will be provided on the apartments lot to the east which is also owned by the owner of this lot; and

WHEREAS, The waiver will not violate the Comprehensive Plan because of all that is set forth in staff's analysis of the RGDDP and DDDP in regards to applicable Guidelines and Policies of Cornerstone 2020; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the development requires the VUA that will encroach into this landscaping area for vehicle maneuverability on the site; and

WHEREAS, the Louisville Metro Development Review Committee further finds strict application of the provisions of the regulation will deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant as this encroachment does not affect the adjoining property owner.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #4
to waive the 10' VUA LBA, plantings, and screen along the west property line
(LDC Section 10.2.10)

WHEREAS, The waiver will not adversely affect adjacent property owners because the nearest adjoining property owner that would be affected is across two streets and includes a grassy median. The home across the streets is not directly across from the parking spaces and would not be affected by vehicles facing their property; and

WHEREAS, The waiver will not violate the Comprehensive Plan because of all that is set forth in staff's analysis of the RGDDP and DDDP in regards to applicable Guidelines and Policies of Cornerstone 2020; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant

DEVELOPMENT REVIEW COMMITTEE
February 4, 2015

NEW BUSINESS

CASE NO. 14DEVPLAN1145

because the development requires the space at this point to allow proper vehicle maneuverability and adequate parking spaces on the site; and

WHEREAS, the Louisville Metro Development Review Committee further finds 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 adjacent property owner is across two streets and a grassy median and would not be affected by the requested Waiver.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #5
to allow the easements to overlap the LBA by more than 50% (LDC Section 10.2.4)

WHEREAS, The waiver will not adversely affect adjacent property owners because the adjacent property is heavily wooded with the home being a good distance away; and

WHEREAS, The waiver will not violate the Comprehensive Plan because of all that is set forth in staff's analysis of the RGDDP and DDDP in regards to applicable Guidelines and Policies of Cornerstone 2020; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant because the development cannot be completed without the easement being allowed to be located in this area to cover the existing utility infrastructure; and

WHEREAS, the Louisville Metro Development Review Committee further finds 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 nearest homeowner to the north is buffered by wooded areas on large residential lot.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the City of Middletown, **APPROVAL** of Waivers 1, 2, 3, 4 and 5 of the Land Development Code as shown on the first page of the staff report based on the staff report, waiver justification provided by the applicant and the testimony heard today. Unanimously approved.

The vote was as follows:

YES: Commissioners Blake, Kirchdorfer, Peterson and Tomes

NO: No one

NOT PRESENT AND NOT VOTING: Commissioner White

ABSTAINING: No one

DEVELOPMENT REVIEW COMMITTEE
February 4, 2015

NEW BUSINESS

CASE NO. 14DEVPLAN1145

2:04:03 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR RGDDP, DDDP
AND BINDING ELEMENTS**

WHEREAS, The proposal conserves as many natural resources as possible that currently exist on the site while still allowing the development; and

WHEREAS, Safe and efficient vehicular and pedestrian transportation is provided by the sidewalks and vehicular access to the public road network through the entrances provided on the site; and

WHEREAS, Open space is not required for this proposal; and

WHEREAS, MSD has approved the drainage facilities for the site; and

WHEREAS, the Louisville Metro Development Review Committee finds the proposal is compatible with existing commercial development in this area. The building is located to allow proper vehicle maneuverability and though several landscaping requirements are being waived, the lack of those required elements is mitigated by the distance of adjacent property owners and landscaping and screening provided on adjacent properties; and

WHEREAS, the Louisville Metro Development Review Committee further finds this development conforms to the intent of the Neighborhood Form District and the Comprehensive Plan as it would be in a neighborhood center and basically located along a minor arterial level street as Speckman Road acts more like a frontage road for the development. The wooded property to the north, the landscaping provided on the property to the east, and the distance of residential adjoining property owners from all sides but one mitigate the lack of landscaping and screening being provided on the site.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **RECOMMEND**, to the City of Middletown, **APPROVAL** of the Revised General and Detailed District Development Plan and an amendment to the binding element shown on page 12 of the staff report **ON CONDITION** that the 2 parallel parking spaces shown on the east side are relocated to an area that would comply with the Land Development Code based on the staff report and testimony heard. Unanimously approved.

Proposed Binding Elements

DEVELOPMENT REVIEW COMMITTEE
February 4, 2015

NEW BUSINESS

CASE NO. 14DEVPLAN1145

17. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the ~~April 4, 2012~~ **February 4, 2015** Development Review Committee meeting or as previously approved for the apartments and bank. City of Middletown shall make the final determination as to conformity with structure design elements set forth in this binding element.

The vote was as follows:

YES: Commissioners Brown, Kirchdorfer, Peterson and Tomes

NO: No one

NOT PRESENT AND NOT VOTING: Commissioner White

ABSTAINING: No one

DEVELOPMENT REVIEW COMMITTEE
February 4, 2015

NEW BUSINESS

CASE NO. 14DEVPLAN1164

Case No: 14DEVPLAN1164
Request: Revised District Development Plan and Binding Element Amendments, Revised Preliminary Major Subdivision Plan, and Waivers
Project Name: Vantage Point, Section 3B
Location: 4117 Billtown Road
Owner: Jean & Kate, LLC
Applicant: Simpson-Boone, LLC
Representative: Milestone Design Group, Inc.
Jurisdiction: City of Jeffersontown
Council District: 20 – Stuart Benson
Case Manager: David B. Wagner – Planner II

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

Agency Testimony:

02:05:40 Mr. Wagner discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Mark Madison, Milestone Design Group, 108 Daventry Lane, Louisville, Ky. 40223

Summary of testimony of those in favor:

02:10:12 Mr. Madison said this plan is virtually the same as the plan approved 20 years ago.

Deliberation

02:10:53 Development Review Committee 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.

2:11:41 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted.

DEVELOPMENT REVIEW COMMITTEE

February 4, 2015

NEW BUSINESS

CASE NO. 14DEVPLAN1164

WAIVER #1

to omit the required 20' LBA and associated plantings and screenings along the R-5 and R-5A zoning boundary (LDC Section 10.2.4)

WHEREAS, the waiver will not adversely affect adjacent property because the surrounding development is single family residential; and

WHEREAS, the waiver will not violate the Comprehensive Plan because of all that is set forth in staff's analysis of the RDDP in regards to applicable Guidelines and Policies of Cornerstone 2020; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the applicant would not be able to proceed with the development without re-approval of the plan which was originally approved before the current regulations were in effect; and

WHEREAS, the Louisville Metro Development Review Committee further finds strict application of the provisions of the regulation will deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the developer would lose one internal lot to landscaping that is not needed and surrounding adjoining properties are already developed as single family homes.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the City of Jeffersontown, **APPROVAL** of Waiver 1, to omit the required 20 foot LBA and associated plantings and screenings along the R-5 and R-5A zoning boundary based on the staff report and testimony heard today.

The vote was as follows:

YES: Commissioners Brown, Kirchdorfer, Peterson and Tomes

NO: No one

NOT PRESENT AND NOT VOTING: Commissioner White

ABSTAINING: No one

On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR RGDDP, DDDP
AND BINDING ELEMENTS**

DEVELOPMENT REVIEW COMMITTEE
February 4, 2015

NEW BUSINESS

CASE NO. 14DEVPLAN1164

WHEREAS, The proposal conserves as many natural resources as possible that currently exist on the site while still allowing the development; and

WHEREAS, Safe and efficient vehicular and pedestrian transportation is provided by the sidewalks and vehicular access to the public road network through the entrances provided on the site; and

WHEREAS, Open space is not required for this proposal; and

WHEREAS, MSD has approved the drainage facilities for the site; and

WHEREAS, the Louisville Metro Development Review Committee finds the proposal is compatible with existing residential development in this area. The surrounding adjoining properties are all single family residential homes. The landscaping was not required when the plan was originally approved under old regulations; and

WHEREAS, the Louisville Metro Development Review Committee further finds this development conforms to the intent of the Neighborhood Form District and the Comprehensive Plan as it would continue the pattern of single family residential homes in a previously built single family residential subdivision. Adequate vehicular, pedestrian, and bicycle access is provided through the public right-of-way network and existing infrastructure will be utilized for this development.

Proposed 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 Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
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:

DEVELOPMENT REVIEW COMMITTEE
February 4, 2015

NEW BUSINESS

CASE NO. 14DEVPLAN1164

- 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. 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 Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. 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.
 - 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.
4. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
 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. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.

DEVELOPMENT REVIEW COMMITTEE

February 4, 2015

NEW BUSINESS

CASE NO. 14DEVPLAN1164

- a. Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Homeowners Association.
 - b. A deed of restriction in a form approved by Counsel to the Planning Commission addressing responsibilities for the maintenance of common areas and open space, maintenance of noise barriers, maintenance of WPAs, TPAs and other issues required by these binding elements / conditions of approval.
 - c. Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.
8. At the time the developer turns control of the homeowner's association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowner's association account. The subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement.
9. All street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the City of Jeffersontown, **APPROVAL** of the Revised District Development Plan, Revised Preliminary Major Subdivision Plan and the Binding Element amendments shown on pages 7, 8 and 9 of the staff report based on the staff report and testimony heard today.

The vote was as follows:

YES: Commissioners Brown, Kirchdorfer, Peterson and Tomes

NO: No one

NOT PRESENT AND NOT VOTING: Commissioner White

ABSTAINING: No one

DEVELOPMENT REVIEW COMMITTEE
February 4, 2015

ADJOURNMENT

The meeting adjourned at approximately 3:15 p.m.

Chair

Planning Director

**DEVELOPMENT REVIEW COMMITTEE OF THE LOUISVILLE METRO PLANNING
COMMISSION MINUTES**

February 4, 2015

A meeting of the Development Review Committee was held on, February 4, 2015 at 1:00 p.m. in the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Committee Members present were:

David Tomes, Chairman
Jeff Brown, Commissioner
Robert Kirchdorfer, Commissioner
Rob Peterson, Commissioner

Committee Members absent were:

Chip White, Vice Chairman

Staff Members present were:

Joseph Reverman, Planning Manager
Brian Davis, Planning Supervisor
Latondra Yates, Planner II
David Wagner, Planner II
Sherie' Long, Landscape Architect
Tammy Markert, Traffic Planning Coordinator
John Carroll, Legal Counsel
Pamela M. Brashear, Management Assistant
Pamela M. Brashear, Management Assistant

The following matters were considered:

DEVELOPMENT REVIEW COMMITTEE OF THE LOUISVILLE METRO PLANNING
COMMISSION MINUTES

February 4, 2015

Case No. 14DEVPLAN1154 ONLY

Request: Category 3 Plan, LDC Waiver
Project Name: DeSales Athletic Field
Location: 425 West Kenwood Drive
Owner: Roman Catholic Bishop of Louisville
Applicant: St. Francis DeSales High School
Representative: Sabak, Wilson & Lingo, Inc.
Jurisdiction: Louisville Metro
Council District: 21- Dan Johnson
Staff Case Manager: Latondra Yates, Planner II

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

Agency Testimony:

00:52:52 Mrs. Yates discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Kelli Jones, Sabak, Wilson & Lingo, 608 South 3rd Street, Louisville, Ky. 40202
Doug Strothman, 425 Kenwood Drive, Louisville, Ky.

Summary of testimony of those in favor:

00:59:57 Ms. Jones stated that the site has very tight quarters now but they plan on expanding the existing parking, there will be an alley and street closure and the parking lot will be connected for better circulation. They also plan to provide a TARC stop as requested.

01:25:39 Mr. Strothman said the only time the stadium will be at capacity (~3000) will be at football games.

The following spoke neither for nor against the request:

Mark Stack, 120 Esplanade Avenue, Louisville, Ky.

Summary of testimony of those neither for nor against:

01:21:51 Mr. Stack is concerned about drainage in the parking lot and a wayward car cutting through.

DRC MINUTES
February 4, 2015

CASE NO. 14DEVPLAN1154 ONLY

Deliberation

01:28:06 Development Review Committee 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.

1:34:00 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted.

Waiver of Sec. 10.2.10 of the LDC to not provide the required VUA LBA along the existing parking lot along Kenwood Dr.

WHEREAS, the existing parking lot and loading area encroach into the required buffer. This is an existing condition and will therefore not adversely affect adjoining property owners; and

WHEREAS, the waiver will not violate the Comprehensive Plan because it allows existing parking and loading areas to remain; and

WHEREAS, the Louisville Metro Development Review Committee finds the waiver will allow the existing parking and loading areas to remain; and

WHEREAS, the Louisville Metro Development Review Committee further finds the strict application of the regulations would require the applicant to remove an existing parking lot and loading area. This loading area is outside the cafeteria and is used often. This would create an unnecessary hardship on the applicant.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the waiver of Section 10.2.10 of the Land Development Code (LDC), to not provide the required VUA LBA along the existing parking lot that fronts Kenwood Dr. based on the applicant's testimony heard today. Unanimously approved.

The vote was as follows:

YES: Commissioners Brown, Kirchdorfer, Peterson and Tomes

NO: No one

NOT PRESENT AND NOT VOTING: Commissioner White

ABSTAINING: No one

1:34:30 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted.

**DRC MINUTES
February 4, 2015**

CASE NO. 14DEVPLAN1154 ONLY

Waiver of Sec. 10.2.10 of the LDC to not provide the required VUA LBA along the loading area along Laughlin St.

WHEREAS, the existing parking lot and loading area encroach into the required buffer. This is an existing condition and will therefore not adversely affect adjoining property owners; and

WHEREAS, the waiver will not violate the Comprehensive Plan because it allows existing parking and loading areas to remain; and

WHEREAS, the Louisville Metro Development Review Committee finds the waiver will allow the existing parking and loading areas to remain; and

WHEREAS, the Louisville Metro Development Review Committee further finds the strict application of the regulations would require the applicant to remove an existing parking lot and loading area. This loading area is outside the cafeteria and is used often. This would create an unnecessary hardship on the applicant.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Waiver of Section 10.2.10 of the LDC to not provide the required VUA LBA along the loading area that fronts Laughlin St. based on the applicant's testimony. Unanimously approved.

The vote was as follows:

YES: Commissioners Brown, Kirchdorfer, Peterson and Tomes

NO: No one

NOT PRESENT AND NOT VOTING: Commissioner White

ABSTAINING: No one

1:35:00 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted.

Waiver of Sec. 5.5.1.A.3.a

WHEREAS, a majority of the new parking in front of the building will still be set back over 70' from the right-of-way for Kenwood Drive. All parking along Laughlin Street will be screened as required by Chapter 10 (even existing parking that is currently not screened); therefore, this waiver will not adversely affect adjoining property owners; and

WHEREAS, this waiver will not violate the Comprehensive Plan because these are proposed improvements to an existing school. Parking already exists in front of this building that was built long before the current regulations came into effect. In addition,

**DRC MINUTES
February 4, 2015**

CASE NO. 14DEVPLAN1154 ONLY

screening will be provided as required by Chapter 10 for all new parking and a majority of the existing parking on site; and

WHEREAS, the Louisville Metro Development Review Committee finds this waiver will allow the school to improve connectivity on site and maximize parking. It will also allow the applicant to provide an alternative method of screening that will be an improvement over existing conditions but will not be as costly as a masonry wall; therefore, this waiver is the minimum necessary to afford relief to the applicant; and

WHEREAS, the Louisville Metro Development Review Committee further finds the strict application of the regulations would require the applicant to eliminate many parking spaces in front of the building and would eliminate the opportunity for connectivity between parking lots. It would also add a significant cost to the applicant if a 3' masonry wall was required along all parking area. That would create an unnecessary hardship on the applicant.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Waiver of Section 5.5.1.A.3.a of the LDC to allow parking in front of the building and to not provide the required 3 foot masonry, stone or concrete wall based on the applicant's testimony and the fact they will be providing some plantings along that frontage and a portion of it is an existing condition and the applicant's justification. Unanimously approved.

The vote was as follows:

YES: Commissioners Brown, Kirchdorfer, Peterson and Tomes

NO: No one

NOT PRESENT AND NOT VOTING: Commissioner White

ABSTAINING: No one

1:35:52 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted.

Waiver of Sec. 10.2.4

WHEREAS, this site is already used as a combination football, soccer and baseball field. Although the site is fenced, there is currently no screening material in place. They have had no complaints from neighbors regarding the existing athletic activities that take place on site and the proposed football/soccer stands are located away from the residential property line, therefore, this waiver will not adversely affect property owners; and

WHEREAS, this waiver will not violate the Comprehensive Plan because it allows an existing school to upgrade their facilities within a residential area, which is where

DRC MINUTES
February 4, 2015

CASE NO. 14DEVPLAN1154 ONLY

schools should be located. In addition, there are existing athletic fields on this site and they are just being renovated and upgraded.

WHEREAS, the Louisville Metro Development Review Committee finds this will allow the school to continue to use the site as it is being used today; and

WHEREAS, the Louisville Metro Development Review Committee further finds The applicant has incorporated other measures to lessen the impact on adjoining property owners, including locating the large football/soccer stands and all concession areas away from the residential property line. In addition, the entire athletic complex will be securely fenced to ensure that fans do not trespass on adjoining properties.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Waiver of Section 10.2.4 of the LDC to eliminate the 6 foot continuous screen from the property perimeter based on the applicant's justification, applicant's testimony, the fact that there is an existing condition, there is fencing along those property lines and they will be adding screening to a majority of those abutting properties. Unanimously approved.

The vote was as follows:

YES: Commissioners Brown, Kirchdorfer, Peterson and Tomes

NO: No one

NOT PRESENT AND NOT VOTING: Commissioner White

ABSTAINING: No one

1:42:48 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted.

Waiver of Sec. 6.2.6

WHEREAS, there are currently no sidewalks surrounding the school property. A portion of the required sidewalks will be provided, therefore, this waiver will not adversely affect adjoining property owners; and

WHEREAS, this waiver will not violate the Comprehensive Plan because the applicant is improving the sidewalk connectivity in the area by providing sidewalks along the Kenwood Drive frontage and a portion of the Laughlin frontage. The portion of the sidewalk being waived is not constructible due to existing power poles and mature trees; and

WHEREAS, the Louisville Metro Development Review Committee finds the applicant is proposing to construct as much sidewalk as can be constructed with existing conditions on site. The only way to construct the remainder of the sidewalk would be to relocate

DRC MINUTES
February 4, 2015

CASE NO. 14DEVPLAN1154 ONLY

approximately 1000' of overhead utility lines and remove approximately 9 existing large trees which would be cost prohibitive; and

WHEREAS, the Louisville Metro Development Review Committee further finds again, the only way to construct the remainder of the sidewalk would be to relocate approximately 1000' of overhead utility lines and remove approximately 9 existing large trees. That would create an unnecessary hardship on the applicant.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Waiver of Section 6.2.6 of the LDC to not provide a portion of the sidewalk along Laughlin St. **ON CONDITION** that the mid-block crosswalk is removed unless it meets pedestrian warrant for a crossing in accordance with the METCD and that the sidewalk is further extended (beyond the loading area and into the site to the west side of the building) within an easement to serve the new development based on the applicant's justification, testimony and discussion today. Unanimously approved.

The vote was as follows:

YES: Commissioners Brown, Kirchdorfer, Peterson and Tomes

NO: No one

NOT PRESENT AND NOT VOTING: Commissioner White

ABSTAINING: No one

1:44:32 On a motion by Commissioner Brown, seconded by Commissioner Kirchdorfer, the following resolution was adopted.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Category 3 Plan for Case No. 14DEVPLAN1154 **ON CONDITION** that the plan is revised to reflect the changes discussed today including the crosswalk and sidewalk extension based on the staff report, applicant's justification and testimony heard today. Unanimously approved.

The vote was as follows:

YES: Commissioners Brown, Kirchdorfer, Peterson and Tomes

NO: No one

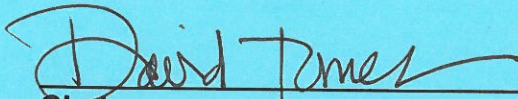
NOT PRESENT AND NOT VOTING: Commissioner White

ABSTAINING: No one


DRC MINUTES
February 4, 2015

ADJOURNMENT

The meeting adjourned at approximately 3:15 p.m.



Chair



Planning Director