

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE MEETING
January 8, 2020**

A meeting of the Louisville Metro Development Review Committee was held on January 8, 2020 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, KY 40202.

Commissioners present:

Rich Carlson, Vice Chair
Jeff Brown
Jim Mims

Commissioners absent:

David Tomes, Chair

Staff members present:

Joe Reverman, Assistant Director, Planning & Design Services
Brian Davis, Planning & Design Manager
Julia Williams, Planning Supervisor
Jay Lockett, AICP, Planner I
Lacey Gabbard, Planner I
Travis Fiechter, Legal Counsel
Beth Stuber, Transportation
Rachel Dooley, Management Assistant

The following matters were considered

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APPROVAL OF MINUTES

December 18, 2019 DRC Meeting Minutes

00:02:36 On a motion by Commissioner Brown, seconded by Commissioner Mims, the following resolution was adopted:

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on December 18, 2019.

The vote was as follows:

YES: Commissioners Carlson and Brown.

ABSTAIN: Commissioner Mims.

ABSENT: Commissioner Tomes.

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NEW BUSINESS

CASE NUMBER 19-MPLAT-0035

Request: Record Plat Amendment
Project Name: Record Plat Amendment
Location: 1238 Helck Avenue
Owner/Applicant: Michael K Smith
Representative: Todd Willett
Jurisdiction: Louisville Metro
Council District: 21 – Nicole George
Case Manager: **Chastity White, Associate Planner**
Presented By: **Lacey Gabbard, AICP, Planner I**

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

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

Agency Testimony:

00:03:37 Lacey Gabbard presented the case on behalf of Chastity White (see staff report and recording for detailed presentation.)

The following spoke in favor of this request:

No one spoke.

The following spoke in opposition to this request:

No one spoke

Deliberation:

00:04:47 Commissioners' deliberation (see recording for detailed presentation).

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

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NEW BUSINESS

CASE NUMBER 19-MPLAT-0035

00:04:58 On a motion by Commissioner Brown, seconded by Commissioner Mims, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, the following resolution was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the Record Plat Amendment.

The vote was as follows:

YES: Commissioners Mims, Brown, and Carlson.

ABSENT: Commissioner Tomes.

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NEW BUSINESS

CASE NUMBER 19-WAIVER-0036

Request: Sidewalk Waiver
Project Name: Sidewalk Waiver
Location: 2727 Lindsay Avenue
Owner/Applicant: Joseph S. Harrison
Representative: Joseph S. Harrison
Jurisdiction: Louisville Metro
Council District: 9 – Bill Hollander
Case Manager: **Lacey Gabbard, AICP, Planner I**

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

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

Agency Testimony:

00:05:40 Lacey Gabbard presented the case (see staff report and recording for detailed presentation). Ms. Gabbard noted the applicant is requesting to not provide a sidewalk along Lindsay Avenue.

The following spoke in favor of this request:

Joey Harrison, 2727 Lindsay Avenue, Louisville, Kentucky, 40206

Summary of testimony of those in favor:

00:07:02 Joey Harrison, applicant, stated he is against the installation of a sidewalk that has no connection to anything along Lindsay Avenue. Mr. Harrison noted there is 15 feet of sidewalk at 2723 Lindsay Avenue.

00:07:41 Commissioner Brown questioned the 12” metal culvert along the frontage of the site. Joey Harrison replied the developer created the site plan and if it is shown it must be part of the plan.

The following spoke in opposition to this request:

No one Spoke

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Deliberation:

00:08:55 Commissioners' deliberation (see recording for detailed presentation). Commissioners, Beth Stuber, Joe Reverman, and Joey Harrison discussed the fee-in-lieu option from the technical review portion of the Staff Report if this waiver is denied.

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

00:15:50 On a motion by Commissioner Brown, seconded by Commissioner Carlson, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, the following resolution was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby **DENY** the requested **Waiver** of Land Development Code 5.8.1.B to provide the sidewalk for a new single family residence on Lindsay Avenue.

The vote was as follows:

YES: Commissioners Brown and Carlson.

NO: Commissioner Mims.

ABSENT: Commissioner Tomes.

This case was deferred to the January 9, 2020 Planning Commission Meeting

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NEW BUSINESS

CASE NUMBER 19-DDP-0046

Request: District Development Plan with Waivers
Project Name: Farm Equipment Rental Sales and Repair
Location: 9205 Old Bardstown Road
Owner/Applicant: Connie Bower, Blue Grass Holdings, LLC
Representative: Jennifer Caummisar-Kern, Accurus Engineering
Jurisdiction: Louisville Metro
Council District: 22 – Robin Engel
Case Manager: **Lacey Gabbard, AICP, Planner I**

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

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

Agency Testimony:

00:19:27 Lacey Gabbard presented the case (see staff report and recording for detailed presentation.) Ms. Gabbard noted the waiver to not provide a 5 foot sidewalk and pedestrian access from Old Bardstown Road to the front of the building.

00:20:43 Commissioner Brown asked if there is a difference between the previously approved plan and the plan presented today. Lacey Gabbard replied the applicant will be able to answer his question.

The following spoke in favor of this request:

Jennifer Caummisar-Kern, 2780 Jefferson Centreway, Suite 204, Jeffersonville, Indiana, 47130

Summary of testimony of those in favor:

00:21:21 Jennifer Caummisar-Kern, applicant, stated the previous approved plan and waivers are exactly the same. When the plan expired the waivers had to be renewed. Ms. Caummisar-Kern noted there is a new stream buffer detail requested by MSD and they are working with Red Wing regarding this.

00:22:44 Commissioner Mims, Joe Reverman, and Jennifer Caummisar-Kern discussed the reapproval of the waivers due to the expiration of the development plan (see recording for detailed presentation).

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The following spoke in opposition of this request:

No one spoke.

Deliberation:

00:24:10 Commissioners' deliberation (see recording for detailed presentation).

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.

Waivers:

1. **Waiver** of Land Development Code section 10.2 for the utility easement to overlap more than 50% of the VUA LBA on Old Bardstown Road (19-WAIVER-0057)
2. **Waiver** of Land Development Code section 5.8.1 to not provide the 5 foot wide sidewalk along Bardstown Road (19-WAIVER-0056)
3. **Waiver** of Land Development Code section 5.9.2.A.1 to not provide the pedestrian access from Bardstown Road to the building entrance (19-WAIVER-0056)

00:24:45 On a motion by Commissioner Brown, seconded by Commissioner Mims, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, the following resolution was adopted:

(Waiver #1) WHEREAS, the Louisville Metro Development Review Committee finds the waiver will not adversely affect adjacent property owners since the applicant proposes to provide the required plantings and LBAs on the other property perimeters. Additionally, the applicant proposes to provide the required plantings; and

WHEREAS, the Louisville Metro Development Review Committee further finds Land Use & Development Goal 1, Policy 10 calls for mitigation of the impacts caused when incompatible developments unavoidably occur adjacent to one another. Buffers should be used between uses that are substantially different in intensity or density. Buffers should be variable in design and may include landscaping, vegetative berms and/or walls and should address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Land Use & Development Goal 1, Policy 9 ensures an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition

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may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements.

The applicant is requesting to allow the utility easement to overlap more than 50% of the VUA LBA on Old Bardstown Road while still providing the required plantings. Additionally, there is a 7 foot earthen shoulder indicated on the plan which will also provide a visual buffer; and

WHEREAS, the Louisville Metro Development Review Committee further finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the 20 foot Louisville Water Company easement that runs parallel to Old Bardstown Road is existing; and

WHEREAS, the Louisville Metro Development Review Committee further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant since the 20 foot Louisville Water Company easement that runs parallel to Old Bardstown Road is existing, and the applicant is proposing to provide the required plantings; and

(Waiver #2) WHEREAS, the Louisville Metro Development Review Committee further finds the waiver will not adversely affect adjacent property owners, as there are no sidewalks along Bardstown Road in the vicinity of the subject site; and

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

There are no existing sidewalks on either side of this portion of Bardstown Road. A sidewalk on this property would not be utilized by pedestrians and does not seem appropriate. The closest TARC stop appears to be at the intersection of Bardstown Road and Thixton Lane, about 1,900 feet south of the subject site; and

WHEREAS, the Louisville Metro Development Review Committee further finds Public Works and KYTC both support the waiver request. If the waiver is denied, Public Works will offer a fee-in-lieu of about \$22,000; and

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WHEREAS, the Louisville Metro Development Review Committee further finds the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as a sidewalk on this property would not be utilized by pedestrians and does not seem appropriate as there are currently no other sidewalks in the vicinity of the subject site; and

WHEREAS, the Louisville Metro Development Review Committee further finds sidewalks do not exist in the area, and in the vicinity of the subject site, Bardstown Road is a four lane Major Arterial with a large grassy median and a lack of pedestrian crosswalks; and

(Waiver #3) WHEREAS, the Louisville Metro Development Review Committee further finds the waiver will not adversely affect adjacent property owners, as there are no existing sidewalks in the area so none of the parcels in the vicinity of the subject site are providing pedestrian access from Bardstown Road; and

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

There are no existing sidewalks on either side of this portion of Bardstown Road. A sidewalk on this property would not be utilized by pedestrians and does not seem appropriate. The closest TARC stop appears to be at the intersection of Bardstown Road and Thixton Lane, about 1,900 feet south of the subject site; and

WHEREAS, the Louisville Metro Development Review Committee further finds the extent of the regulation is the minimum necessary to afford relief to the applicant, as there are no sidewalks along Bardstown Road in the vicinity of the subject site so there is no opportunity to connect to pedestrian access in the right-of-way; and

WHEREAS, the Louisville Metro Development Review Committee further finds the strict application of the provisions of this regulation as would create an unnecessary hardship on the applicant, as they would have to incur the costs of sidewalk construction that would likely never link to any other section of sidewalk or serve pedestrians in a meaningful way; now, therefore be it,

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RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested **Waiver** to allow the utility easement to overlap more than 50% of the VUA LBA (19-WAIVER-0057); **AND** the requested **Waiver** to not provide the 5 foot wide sidewalk along Bardstown Road (19-WAIVER-0056); **AND** the requested **Waiver** to not provide the pedestrian access from Bardstown Road to the building entrance (19-WAIVER-0056).

The vote was as follows:

YES: Commissioners Mims, Brown, and Carlson.

ABSENT: Commissioner Tomes

District Development Plan

00:25:53 On a motion by Commissioner Brown, seconded by Commissioner Mims, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, the following resolution was adopted:

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

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

WHEREAS, the Louisville Metro Development Review Committee further finds 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

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WHEREAS, the Louisville Metro Development Review Committee further finds 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 Louisville Metro Development Review Committee further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code; now, therefore be it,

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

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the LDC. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commissions' designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer or property owner shall obtain approval of a detailed district development plan in accordance with LDC 11.6. Each plan shall be in adequate detail and subject to additional binding elements.
3. The subject site may not be developed for any manufacture, processing, treatment or storage use, nor as a truck or transfer terminal, freight and motor freight stations use, that is permitted by M-2 Industrial zoning. Notwithstanding the limitations above, this binding element shall not prohibit the repair, storage and light assembly of tractors, mower, loaders, utility vehicles, shredders, excavators, trenchers, backhoes or other equipment and implements for agriculture, construction or lawn and garden uses. This binding element shall not be modified, except after a full Planning Commission public hearing.
4. Signs shall be in accordance with LDC Chapter 8 or as presented at the public hearing.
5. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

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6. 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.
7. 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.
8. Before any permit is requested, including but not limited to permits for building, parking lot, change of use, site disturbance, alteration or demolition:
 - a. The development plan must receive full construction approval from Louisville Forward, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet, and
 - c. The property owner/developer must obtain approval of a detailed plan for screening/buffering/landscaping as described in LDC 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. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
9. 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.
10. 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

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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.

11. The property owner shall provide a cross over access easement if the property to the south is ever developed for a nonresidential use. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.
12. No overnight idling of trucks shall be permitted on-site.
13. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with LDC 4.1.3 and shall be maintained thereafter. No building permits shall be issued unless such certification statement is submitted.
14. The business at the development shall restrict the hours of operation from 6 AM to 9 PM.
15. If it is determined by KYTC that a traffic signal at the intersection of Thixton Lane and Bardstown Road is warranted in the future, the developer of this site for docket number 16ZONE1059 shall contribute up to \$7,500 of the total cost toward the installation of the traffic signal.
16. At such a time as sidewalks are constructed along the portion of Old Bardstown Road adjacent to this property, a clearly defined, safe pedestrian access will be provided by the owner of the property from the public sidewalk through off-street parking to building entrances.
17. Developer shall be responsible for any required utility relocations, final surface overlay, signage, and striping associated with required road improvements to Bardstown Road and Old Bardstown Road

The vote was as follows:

YES: Commissioners Mims, Brown, and Carlson.

ABSENT: Commissioner Tomes

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NEW BUSINESS

CASE NUMBER 19-DDP-0064

Request: Revised Detailed District Development Plan with Landscape Waivers
Project Name: EVAPAR
Location: 11521 Grafts Ct
Owner/Applicant: EAP, LLC
Representative: BTM Engineering
Jurisdiction: Louisville Metro
Council District: 11– Kevin Kramer
Case Manager: **Jay Lockett, AICP, Planner I**

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

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

Agency Testimony:

00:26:45 Jay Lockett presented the case (see staff report and recording for detailed presentation.) Mr. Lockett noted the general plan approved in 1997 and the Minor Plat for the development.

00:28:27 Commissioner Brown asked if this site is located in Jeffersontown. Jay Lockett replied Blakenbaker Road is located in Jeffersontown, but this site is located within Louisville Metro.

00:29:16 Commissioner Mims asked if there was any opposition to this case. Jay Lockett replied no one spoke in opposition at the original zoning case hearing and no contact prior to this meeting.

The following spoke in favor of this request:

John Addington, 3001 Taylor Springs Drive, Louisville, Kentucky, 40220

Summary of testimony of those in favor:

00:29:42 John Addington, with BTM Engineering, stated Scott Anderson is present for questions. Mr. Addington noted the truck turning radius encroaching onto the 50 foot Landscape buffer area and detailed the detention basin.

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NEW BUSINESS

CASE NUMBER 19-DDP-0064

The following spoke in opposition of this request:

No one spoke.

Deliberation:

00:31:51 Commissioners' deliberation (see recording for detailed presentation).

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.

Waivers:

1. Waiver from 5.5.4.B.1 (19-Waiver-0090) to allow a drive lane to encroach into the required 50 foot Landscape Buffer Area.
2. Waiver from 10.5.3.A.7 (19-Waiver-0091) to allow a detention basin to encroach more than 50% of the width of a Parkway Buffer Area.

00:32:06 On a motion by Commissioner Brown, seconded by Commissioner Mims, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, the following resolution was adopted:

(Waiver #1) WHEREAS, the Louisville Metro Development Review Committee finds the waiver will not adversely affect adjacent property owners since all required plantings and screening will be provided to protect adjacent residential properties; and

WHEREAS, the Louisville Metro Development Review Committee further finds the waiver will not violate the Comprehensive Plan, as adequate screening and planting will be provided between uses of different intensities, and drainage and run-off will be adequately controlled on the subject site; and

WHEREAS, the Louisville Metro Development Review Committee further finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as they have minimized the area of encroachment; and

WHEREAS, the Louisville Metro Development Review Committee further finds the strict application of the provisions of the regulation would deprive the applicant of the

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reasonable use of the land, as the additional space is needed to accommodate the necessary truck-turning radius; and

(Waiver #2) WHEREAS, the Louisville Metro Development Review Committee further finds the waiver will not adversely affect adjacent property owners since the detention basin already exists and additional plantings will be established as required by the Parkway standards; and

WHEREAS, the Louisville Metro Development Review Committee further finds the waiver will not violate the Comprehensive Plan, as it will allow for adequate drainage facilities to remain in place to serve the development; and

WHEREAS, the Louisville Metro Development Review Committee further finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since all other requirements of the Parkway Buffer area will be met on the subject site; and

WHEREAS, the Louisville Metro Development Review Committee further finds the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as it would be expensive to relocate an existing functional detention basin, and it might be less effective if located elsewhere on site do to drainage patterns in the area; now, therefore be it,

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested **Waiver** from 5.5.4.B.1 (19-Waiver-0090) to allow a drive lane to encroach into the required 50 foot Landscape Buffer Area; **AND** the requested **Waiver** from 10.5.3.A.7 (19-Waiver-0091) to allow a detention basin to encroach more than 50% of the width of a Parkway Buffer Area.

The vote was as follows:

YES: Commissioners Mims, Brown, and Carlson.

ABSENT: Commissioner Tomes

District Development Plan

00:32:51 On a motion by Commissioner Brown, seconded by Commissioner Mims, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, the following resolution was adopted:

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WHEREAS, the Louisville Metro Development Review Committee finds there are existing sinkholes on the subject site. The applicant will follow all requirements for construction with respect to karst features. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

WHEREAS, the Louisville Metro Development Review Committee further finds 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 Louisville Metro Development Review Committee further finds there are no open space requirements pertinent to the current proposal; and

WHEREAS, the Louisville Metro Development Review Committee further finds 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 Louisville Metro Development Review Committee further finds 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 Louisville Metro Development Review Committee further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code; now, therefore be it,

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

All General Plan Binding Elements approved under 9-21-97 are applicable to the subject site in addition to the following:

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1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is requested):
 - a. The development plan must receive full construction approval from 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 and the City of Jeffersontown.
 - 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 Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - e. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
4. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.

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5. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

The vote was as follows:

YES: Commissioners Mims, Brown, and Carlson.

ABSENT: Commissioner Tomes

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NEW BUSINESS

CASE NUMBER 19-WAIVER-0052

Request: Landscape Waiver
Project Name: Noble Funk Microbrew
Location: 922 S 2nd St
Owner/Applicant: Domino Partners
Representative: QK4
Jurisdiction: Louisville Metro
Council District: 4– Barbara Sexton Smith
Case Manager: **Jay Lockett, AICP, Planner I**

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

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

Agency Testimony:

00:33:38 Jay Lockett presented the case (see staff report and recording for detailed presentation.) Mr. Lockett noted the previous alley closure, and the establishing an access easement across the parking lot. This waiver would allow parking on the site.

The following spoke in favor of this request:

Ashley Bartley, 1046 E Chestnut Street, Louisville, Kentucky 40204

Summary of testimony of those in favor:

00:35:20 Ashley Bartley, applicant, presented a Power Point slide show (see recording for detailed presentation). Ms. Bartley noted due to the alley closure they will provide an access easement for through traffic on the site.

The following spoke in opposition to this request:

No one spoke.

Deliberation:

00:37:02 Commissioners' deliberation (see recording for detailed presentation).

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NEW BUSINESS

CASE NUMBER 19-WAIVER-0052

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

00:37:42 On a motion by Commissioner Brown, seconded by Commissioner Mims, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, the following resolution was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds the waiver will not adversely affect adjacent property owners since the area of requested relief is internal to the subject site; and

WHEREAS, the Louisville Metro Development Review Committee further finds the waiver will not violate the Comprehensive Plan. The waiver will allow for the redevelopment of an existing vacant site, as well as provide continued access to the alley behind the site for public usage. It complies with the spirit and intent of the SoBro PD and the Comprehensive Plan; and

WHEREAS, the Louisville Metro Development Review Committee further finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since all other required landscaping and tree canopy will be provided on the subject site; and

WHEREAS, the Louisville Metro Development Review Committee further finds the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as the proposed development will reduce pervious surface on the site significantly, leaving minimal space to provide parking. Providing the required buffers would likely make the proposed lot configuration unworkable; now, therefore be it,

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested **Waiver** from 10.2.10 (19-Waiver-0052) to not provide a Vehicle Use Area Landscape Buffer Area adjacent to a defined access easement.

The vote was as follows:

YES: Commissioners Mims, Brown, and Carlson.

ABSENT: Commissioner Tomes

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NEW BUSINESS

CASE NUMBER 19-WAIVER-0106

Request: Landscape Waiver
Project Name: R+R Limo
Location: 4719 Poplar Level Rd
Owner/Applicant: Fieldhouse Properties LLC
Representative: Fieldhouse Properties LLC
Jurisdiction: Louisville Metro
Council District: 10 – Pat Mulvihill
Case Manager: **Julia Williams, AICP, Planning Supervisor**

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:

00:39:04 Julia Williams presented the case (see staff report and recording for detailed presentation.) Ms. Williams noted the landscaping preservation and the MSD portion of land adjacent to the site.

00:41:25: Commissioner Mims asked if the tree line along the MSD adjacent lot would be unaffected by the waiver request. Julia Williams replied the tree line is on MSD property and the buffer area would remain. This development would meet its tree canopy in any event MSD would remove their tree line buffer in the future.

00:42:57 Commissioner Brown asked if the proposed 6 foot wooden fence is required. Julia Williams replied a 3 foot screen is required but the applicant doesn't want any fence screening on the site.

The following spoke in favor of this request:

Jason Lange, 11106 Decimal Drive, Louisville, Kentucky, 40299

Summary of testimony of those in favor:

00:43:52 Jason Lange, representing the applicant, stated he is present for questions and detailed the reduced waiver along the property line adjacent to the MSD lot. Mr. Lange noted the existing trees and new additional landscaping will meet tree canopy requirements.

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NEW BUSINESS

CASE NUMBER 19-WAIVER-0106

The following spoke in opposition to this request:

No one spoke

Deliberation:

00:45:32 Commissioners' deliberation (see recording for detailed presentation).

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

00:46:03 On a motion by Commissioner Brown, seconded by Commissioner Mims, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, the following resolution was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds the waiver will not adversely affect adjacent property owners since the abutting property along the north property line is owned by Louisville & Jefferson County MSD, and there appear to be existing plantings and trees on the MSD-owned side of the shared property line that will provide a visual buffer in addition to the 9.5 foot LBA; and

WHEREAS, the Louisville Metro Development Review Committee further finds Land Use & Development Goal 1, Policy 9 ensures an appropriate transition between uses that are substantially different in scale and intensity or density of development. Land Use & Development Goal 1, Policy 10 calls for mitigation of the impacts caused when incompatible developments unavoidably occur adjacent to one another. Buffers should be used between uses that are substantially different in intensity or density. Buffers should be variable in design and may include landscaping, vegetative berms and/or walls and should address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. The waiver will not violate specific guidelines of Plan 2040. There appear to be plantings in place on the property to the north that provide a visual buffer. The property to the north, the Buechel Basin, is a wet weather storage facility owned by MSD and is unlikely to be re-developed; and

WHEREAS, the Louisville Metro Development Review Committee further the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the abutting property along the north property line is owned by Louisville &

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Jefferson County MSD, and there appear to be existing plantings and trees on the MSD-owned side of the shared property line that will provide a visual buffer in addition to the 9.5 foot LBA; and

WHEREAS, the Louisville Metro Development Review Committee further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant since the abutting property along the north property line is owned by Louisville & Jefferson County MSD, and there appear to be existing plantings and trees on the MSD-owned side of the shared property line that will provide a visual buffer in addition to the 9.5 foot LBA; now, therefore be it,

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested **Waiver** of Land Development Code section 10.2 to eliminate the planting and screening requirements adjacent to R-4 and M-2 zoned property.

The vote was as follows:

YES: Commissioners Mims, Brown, and Carlson.
ABSENT: Commissioner Tomes

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NEW BUSINESS

CASE NUMBER 19-DDP-0061

Request: Revised District Development Plan with Waivers
Project Name: Dollar General Store
Location: 7701 Smyrna Parkway
Owner/Applicant: Kennie and Patricia Combs/ SC Development LLC
Representative: Frost Brown Todd
Jurisdiction: Louisville Metro
Council District: 23-James Peden
Case Manager: **Julia Williams, AICP, Planning Supervisor**

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:

00:47:07 Julia Williams presented the case (see staff report and recording for detailed presentation.)

00:49:19 Commissioner Mims asked if there will be access to this development from the adjacent lot. Julia Williams replied yes, there is an existing connection and they are owned by the same property owner.

The following spoke in favor of this request:

Jon Baker, 400 W. Market Street, Suite 2000, Louisville, Kentucky, 40202
Brandy Zackery, 1136 South Park Drive, Bowling Green, Kentucky, 42103
Kennie Combs, 2604 Evergreen Wynde, Louisville, Kentucky, 40223

Summary of testimony of those in favor:

00:50:24 Jon Baker, representing the applicant, presented a Power Point slide show (see recording for detailed presentation). Mr. Baker noted multiple iterations of the plan created with staff to diminish the impact on the Outer Loop buffer. Jon Baker stated Brandy Zackery is present to provide information regarding the development plan.

00:55:15 Brandy Zackery noted the access on Smyrna Parkway will be widened, the cross access easement to Outer Loop, and the reduced parking to not encroach on the Outer Loop buffer. Ms. Zackery detailed meetings with MSD for a public sanitation force main extension.

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00:57:44 Jon Baker clarified there will be a waiver for one parking space. He noted this a relocation of a store nearby to this stand alone building site. He detailed the landscape plan to include screening on Smyrna Parkway and the back of the site.

01:00:07 Commissioner Mims asked if the windows will be faux or real. Brandy Zackery stated the majority of them will be faux. Commissioner Mims, Julia Williams, and Brandy Zackery discussed the type of windows allowed in the code requirements (see recording for detailed presentation).

01:02:54 Commissioner Brown expressed concerns with the layout of the sidewalks along Smyrna Parkway. Commissioner Brown, Beth Stuber, and Brandy Zackery discussed the 15 foot verge space required by the Land Development Code (see recording for detailed presentation).

01:06:53 Commissioner Mims asked what the grade is like on the site. Brandy Zackery stated along Smyrna Parkway is up grade and noted the underground detention basin they will provide.

01:07:51 Commissioner Carlson asked Jon Baker if the landscaping will cover the back portion of the building from the road. Jon Baker replied there is an existing privacy fence and a mason enclosed dumpster will be provided as well to screen the back of the building. Mr. Baker stated the vegetation along the fence line will remain.

The following spoke in neither for nor against to this request:

David Steff, 2812 Appleview Lane, Louisville, Kentucky, 40228

Summary of testimony of those neither for nor against:

01:10:53 David Steff stated concerns with the façade of the building. He noted the east side of the building is metal and he would like to see brick along this side.

The following spoke in opposition to this request:

John Torskey, 601 West Jefferson Street. Louisville, Kentucky, 40202

Summary of testimony of those in opposition:

01:13:16 John Torskey stated he is opposed to the waiver of the Outer Loop buffer and Smyrna Parkway buffer. He noted there should be brick on all four sides of the building.

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The following spoke in favor of this request:

Kennie Combs, 2604 Evergreen Wynde, Louisville, Kentucky, 40223

Summary of testimony of those in favor:

01:16:00 Kennie Combs, property owner, detailed the previous plan for Jewish Hospital. He noted this site has not have a business on the site for quite sometime and would like to see the current plan go through.

Rebuttal:

01:18:18 Brandy Zackery stated the applicant has no problem with brick wrapped around the east side of the building and there will be trees added to the back of the building to screen the metal siding. Commissioner Brown noted the binding element regarding the cedar fencing. Julia Williams replied the cedar fencing has been installed previously. Commissioners and Brandy Zackery discussed landscape screening along the back portion of the property (see recording for detailed presentation).

01:27:49 David Steff asked if the utility pole on the Smyrna Parkway will be relocated. Brandy Zackery stated if needed it can be moved.

01:28:52 Travis Fiechter, Brandy Baker, and Jon Baker discussed the sidewalk, pedestrian connections, and the window facades (see recording for detailed presentation). Julia Williams explained the Land Development Code requires clear windows and doors on facades facing roadways. Ms. Williams asked there be clarification for the window facades rendering prior to building permitting to confirm the correct types of windows to be installed. Brian Davis detailed the Land Development code regarding window facades (see recording for detailed presentation).

Deliberation:

01:43:18 Commissioners' deliberation (see recording for detailed presentation).

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

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Waivers:

1. 5.5.2.A.1 to permit the building to have an entrance along 1 roadway instead of a corner entrance or entrances along both roadways (19-WAIVER-0110)
2. Waiver from 10.3.5 to permit encroachments into the Outer Loop and Smyrna Parkway buffers as shown on the development plan (19-WAIVER-0079)
3. Parking Waiver from 9.1.3 to reduce the required parking from 21 spaces to 20 (19PARKWAIVER-0008)

01:45:15 On a motion by Commissioner Brown, seconded by Commissioner Mims, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, the following resolution was adopted:

(Waiver #1) WHEREAS, the Louisville Metro Development Review Committee finds the waiver will not adversely affect adjacent property owners since there will be windows on the Smyrna façade and it will look similar to the front façade along Outer Loop; and

WHEREAS, the Louisville Metro Development Review Committee further finds 2040 Community Form Goal 1, Policy 4 encourages new development and redevelopment be compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. The proposal meets the comprehensive plan since there will be windows on the Smyrna façade and it will look similar to the front façade along Outer Loop; and

WHEREAS, the Louisville Metro Development Review Committee further finds the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since there will be windows on the Smyrna façade and it will look similar to the front façade along Outer Loop; and

WHEREAS, the Louisville Metro Development Review Committee further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant since there will be windows on the Smyrna façade and it will look similar to the front façade along Outer Loop; and

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(Waiver #2) WHEREAS, the Louisville Metro Development Review Committee further finds the waiver will not adversely affect adjacent property owners since the screening and plantings requirements will still be met within the buffers; and

WHEREAS, the Louisville Metro Development Review Committee further finds 2040 Community Form Goal 1, Policy 12 encourages the design of parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Encourage the placement of parking lots and garage doors behind or beside the building rather than facing the street. Mobility Goal 2, Policy 9 Develop, preserve, and maintain an interconnected system of scenic corridors and parkways. Encourage the preservation of important cultural resources, landscapes and scenic vistas in the design, maintenance and development of major thoroughfares and parkways. The proposal meets Plan 2040 since the screening and plantings requirements will still be met within the buffers; and

WHEREAS, the Louisville Metro Development Review Committee further finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the screening and plantings requirements will still be met within the buffers; and

WHEREAS, the Louisville Metro Development Review Committee further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant since the screening and plantings requirements will still be met within the buffers; and

(Waiver #3) WHEREAS, the Louisville Metro Development Review Committee further finds 2040 Community Form Goal 1, Policy 12 encourages parking, loading and delivery to be adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians; encourages elimination or reduction of parking minimums in areas readily accessible to transit routes. Community Form Goal 2, Policy 15 Parking in activity centers should reflect the area's associated Form District standards to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations. The proposal meets Plan 2040 since the request is to further reduce parking on the site from the minimum required; and

WHEREAS, the Louisville Metro Development Review Committee further finds the applicant made a good faith effort to provide as many parking spaces as possible on the

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site, on other property under the same ownership, or through joint use provisions since there are other waivers affecting the site but the site is also providing all landscape requirements. The reduction is for one space; and

WHEREAS, the Louisville Metro Development Review Committee further finds the requirements found in Table 9.1.2 do not accurately depict the parking needs of the proposed use and the requested reduction will accommodate the parking demand to be generated by the proposed use because the proposal has indicated that there is not a need for more than 20 spaces; and

WHEREAS, the Louisville Metro Development Review Committee further finds adjacent or nearby properties will not be adversely affected because all parking will be available on the site; and

WHEREAS, the Louisville Metro Development Review Committee further finds the requirements found in Table 9.1.2 do not accurately depict the parking needs of the proposed use and the requested reduction will accommodate the parking demand to be generated by the proposed use because the proposal has indicated that there is not a need for more than 20 spaces; and

WHEREAS, the Louisville Metro Development Review Committee further finds there is a surplus of off-street parking in the area that can accommodate additional parking demand if necessary, however the applicant has indicated there will not be a need; now, therefore be it,

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested **Waiver** 5.5.2.A.1 to permit the building to have an entrance along 1 roadway instead of a corner entrance or entrances along both roadways (19-WAIVER-0110) **AND** the requested **Waiver** from 10.3.5 to permit encroachments into the Outer Loop and Smyrna Parkway buffers as shown on the development plan (19-WAIVER-0079 **AND** the requested **Parking Waiver** from 9.1.3 to reduce the required parking from 21 spaces to 20 (19PARKWAIVER-0008).

The vote was as follows:

YES: Commissioners Mims, Brown, and Carlson.

ABSENT: Commissioner Tomes

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CASE NUMBER 19-DDP-0061

District Development Plan

01:46:13 On a motion by Commissioner Brown, seconded by Commissioner Mims, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, the following resolution was adopted:

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

WHEREAS, the Louisville Metro Development Review Committee further finds 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 Louisville Metro Development Review Committee further finds there are no open space requirements pertinent to the current proposal; and

WHEREAS, the Louisville Metro Development Review Committee further finds 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 Louisville Metro Development Review Committee further finds 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 Louisville Metro Development Review Committee further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code; now, therefore be it,

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested District Development Plan and the Proposed Binding Elements with the revision to SUBJECT to the following binding elements :

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1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
 - c. 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. A six foot western red cedar fence shall be erected along the south boundary of the site from a point 30 feet east of Smyrna Road for a distance of 338 feet. The fence shall be erected before occupancy and maintained thereafter.
 - d. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the

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recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.

e. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff prior to construction permitting. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.

5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
8. No idling of trucks shall take place within 200 feet of residential development. No overnight idling of trucks shall be permitted on-site.
9. The property owner shall provide a cross over access easement if the property to the south is ever developed for a nonresidential use. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.
10. Sidewalk location and verge along Smyrna Parkway and the pedestrian connection from Smyrna Parkway to the building entrance shall comply with the dimensional requirements in Chapter 6 of the LDC.

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11. The east façade shall be substantially similar to the west façade.
12. In addition to the Chapter 10 requirements landscaping shall be provided as shown in the landscape exhibit presented at the January 8, 2020 Development Review Committee meeting.

The vote was as follows:

YES: Commissioners Mims, Brown, and Carlson.

ABSENT: Commissioner Tomes

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ADJOURNMENT

The meeting adjourned at approximately 2:51 p.m.

Chairman

Division Director