

**LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE  
MEETING MINUTES  
JULY 19, 2017**

A meeting of the Louisville Metro Development Review Committee was held on July 19, 2017, at 1:00 p.m. at the Old Jail Building, 514 W Liberty Street, Louisville, KY 40202.

**Commissioners present:**

Rich Carlson, Chair pro tem  
Jeff Brown  
Laura Ferguson

**Commissioners absent:**

Emma Smith  
David Tomes, Chair

**Staff members present:**

Brian Davis, Planning Manager  
Laura Mattingly, Planner II  
Jay Lucket, Planner I  
Brian Mabry, Planning Supervisor  
James Carey, Legal Counsel  
Kristen Loeser, Management Assistant

The following matters were considered:

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**APPROVAL OF MINUTES**

**00:08:15** On a motion by Commissioner Brown, seconded by Commissioner Ferguson, the following resolution was adopted:

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on June 28, 2017.

**The vote was as follows:**

**Yes: Brown and Carlson**  
**Absent: Smith and Tomes**  
**Abstain: Ferguson**  
**No: None**

**DEVELOPMENT REVIEW COMMITTEE MINUTES  
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**NEW BUSINESS**

**CASE NUMBER 17MOD1002**

Project Name: The Vinings  
Location: 9502 Williamsburg Plaza  
Owners: BEC JDGV I, LLC  
Applicant: Jefferson Development Group  
Representative: Bardenwerper Talbott & Roberts  
Jurisdiction: Hurstbourne  
Council District: 18 – Marilyn Parker  
Case Manager: Laura Mattingly, AICP, Planner II

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. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

**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.**

**Agency Testimony:**

**00:09:20** Laura Mattingly provided the Commissioners with a letter from attorney Stephen Porter who believes there are still violations on the site. Because of this the applicant wishes to continue the case.

**The following spoke in favor of the request:**

Bill Bardenwerper, 1000 N Hurstbourne Pkwy., Louisville, KY 40223

**Summary of testimony of those in favor:**

**00:10:23** Mr. Bardenwerper stated that he is working with Mr. Porter to come to a resolution regarding the binding element issues.

**00:15:45** On a motion by Commissioner Brown, seconded by Commissioner Ferguson, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **CONTINUE** case number 17MOD1002 to the August 2, 2017 Development Review Committee meeting.

**The vote was as follows:**

**Yes: Brown, Ferguson, and Carlson**

**Absent: Smith and Tomes**

**Abstain: None**

**No: None**

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**NEW BUSINESS**

**CASE NUMBER 17DEVPLAN1107**

Project Name: Terra View Trail  
Location: 14105 Aiken Road  
Owner(s): Otte Family Limited Partnership  
Applicant(s): Otte Family Limited Partnership  
Representative(s): Land Design & Development  
Jurisdiction: Louisville Metro  
Council District: 19 – Julie Denton  
Case Manager: Laura Mattingly, AICP, Planner II

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. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

**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.**

**Agency Testimony:**

**00:17:02** Laura Mattingly presented the case (see Staff Report and recording for detailed presentation).

**The following spoke in favor of the request:**

Bill Bardenwerper, 1000 N Hurstbourne Pkwy., Louisville, KY 40223  
Derek Triplett, 503 Washburn Avenue, Suite 101, Louisville, KY 40222

**Summary of testimony of those in favor:**

**00:19:20** Bill Bardenwerper spoke on behalf of the applicant who is requesting a waiver and revised detailed district development plan.

**00:23:10** Commissioner Brown stated that the new gate location would have to be moved if the road is ever extended in the future and suggested that note 13 on the plan be modified to reflect this.

**00:23:50** Derek Triplett stated that the applicant would be willing to change note 13 per Commissioner Brown's suggestion.

**00:25:00** On a motion by Commissioner Brown, seconded by Commissioner Ferguson, the following resolution was adopted:

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**NEW BUSINESS**

**CASE NUMBER 17DEVPLAN1107**

**Waiver**

**WHEREAS**, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners as it is adjacent to the Gene Snyder and all required plantings and screening will still be provided within the 50' buffer, and

**WHEREAS**, the Committee further finds that the waiver will not violate guideline 3, Compatibility, of Cornerstone 2020, which calls for the protection of roadway corridors and public areas from visual intrusions, for mitigation of parking areas so as not to negatively impact nearby residents and pedestrians, and for parking areas adjacent to streets to be screened and buffered. The waiver will not violate guideline 13, Landscape Character, which calls for the protection of roadways through standards for buffers, landscape treatment, lighting and signs. The purpose of Gene Snyder landscape buffer area is to protect existing scenic and aesthetic qualities, to ensure a quality visual experience on developing corridors and to protect and improve the visual experience on established corridors. The intent of the Comprehensive Plan is met as the buffer is provided and all required screening and plantings will be provided, and

**WHEREAS**, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the detention area is a requirement of MSD and only encroaches a total of 15% of the entire buffer area, and

**WHEREAS**, the Committee further finds that the applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived as the proposal includes 55% more tree cover than what is required and is providing greater than required screening. Additionally, the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as the size of the detention basin cannot be altered and relocating it would cause significant changes to the site layout, and

**Revised Detailed District Development Plan**

**WHEREAS**, the Louisville Metro Development Review Committee finds that LOJIC has indicated the quarry as a protected waterway. The Army Corps of Engineers has previously approved the quarry for fill activity. There are no other natural features on site, and

**WHEREAS**, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community have been provided through the proposed vehicular access and sidewalks. Transportation has given their preliminary approvals, and

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**WHEREAS**, the Committee further finds that this development does not meet the threshold for open space or outdoor amenity requirements, and

**WHEREAS**, the Committee further finds that the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community, and

**WHEREAS**, the Committee further finds that the overall land uses are compatible with the existing and future development of the area, as this area is comprised of industrial vacant land as well as commercially zoned properties and is in close proximity to the interstate, and

**WHEREAS**, the Committee further finds that this development conforms to the Land Development Code and the Comprehensive Plan, and

**WHEREAS**, the Committee further finds that, based on the staff report and the evidence and testimony presented today, that all of the applicable guidelines of Cornerstone 2020 are being met; now, therefore be it

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE (1)** the waiver of 10.3.7.A.10 to allow a detention basin within the Gene Snyder Landscape Buffer Area and **(2)** the revised detailed district development plan, on **CONDITION** that plan note #13 is modified to state “The gate providing primary access to the site off of the future Terra Crossing Blvd. will be relocated 70’ from the right of way upon the extension of the proposed Terra Crossing Blvd.”, and **SUBJECT** to the following binding elements:

**Binding Elements**

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding elements 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. Use of the subject site shall be limited to nursery, earth fill, recycling yard, environmental processing, and other uses permitted in the M-3 district. There shall be no other use of the property unless prior approval is obtained from the (Planning Commission / LD&T Committee). Notice of a request to amend this binding element

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shall be given in accordance with the Planning Commission's policies and procedures. The (Planning Commission/LD&T Committee) may require a public hearing on the request to amend this binding element.

3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
  - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. The appropriate modified conditional use permit shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
  - c. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
  - d. A minor subdivision plat shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
  - e. 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.
  - f. Building elevations must be submitted to Planning & Design Services staff for approval prior to building permit issuance.
5. A berm shall be erected, where needed, to contain all organic materials used for the recycling operations within the site, which will be inspected and monitored by the Metropolitan Sewer District as a condition of approval for recycling operations occurring on the development site.

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6. 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.
  
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. Owner shall dedicate Terra Crossing Blvd to public use, the area shown as an 80' private access easement on the proposed minor plat, within 60 days of request by Louisville Metro Public Works Director.

**The vote was as follows:**

**Yes: Brown, Ferguson, and Carlson**

**Absent: Smith and Tomes**

**Abstain: None**

**No: None**



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**NEW BUSINESS**

**CASE NUMBER 17DEVPLAN1090**

Project Name: None  
Location: 4905 Rear Cooper Chapel Road  
Owner(s): Charles Davis, Jr. and Renay Davis  
Applicant: Jason Sams  
Jurisdiction: Louisville Metro  
Council District: 24 – Madonna Flood  
Case Manager: Jon E. Crumbie, Planning & Design Coordinator

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. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

**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.**

**Agency Testimony:**

**00:27:11** Jon Crumbie presented the case (see Staff Report and recording for detailed presentation).

**The following spoke in favor of the request:**

Jason Sams, 1517 Fabricon Blvd., Jeffersonville, IN 47130

**Summary of testimony of those in favor:**

**00:30:46** Jason Sams spoke on behalf of the applicant who is requesting a revised detailed district development plan and an amendment to the binding elements. He withdrew the request for a sidewalk waiver. The applicant would be willing to work with Staff to come up with some animating features to add to the main building.

**00:36:10** Commissioners' deliberation

Commissioner Brown stated that he likes the way the access control was set up. He appreciates the withdrawal of the sidewalk waiver, and stated Public Works will work with the applicant at the time of construction.

Commissioner Ferguson and Chair pro tem Carlson are in favor of the requests.

**00:37:30** On a motion by Commissioner Brown, seconded by Commissioner Ferguson, the following resolution was adopted:

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**WHEREAS**, the Louisville Metro Development Review Committee finds that the trees on the site will be removed, but the Stream Corridor Protection Area located parallel to the unnamed tributary of Fishpool Creek will be preserved and maintained in accordance with the standards of the Land Development Code, and

**WHEREAS**, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided and Metro Public Works has approved the preliminary development plan, and

**WHEREAS**, the Committee further finds that there are no open space requirements for this development; although the area located adjacent to the Stream Corridor Protection Area of Fishpool Creek will be preserved and maintained, and

**WHEREAS**, the Committee further finds that the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community, and

**WHEREAS**, the Committee further finds that the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways, and

**WHEREAS**, the Committee further finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code, and

**WHEREAS**, the Committee further finds that, based on the staff report and the evidence and testimony presented today, that all of the applicable guidelines of Cornerstone 2020 are being met; now, therefore be it

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the revised detailed district development plan, **SUBJECT** to the following binding elements:

**Binding Elements**

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the

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Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.

2. The development shall not exceed 131,940 square feet of gross floor area.
3. Sign shall be in accordance with Chapter 8 or as presented at the public hearing.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. 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.
6. 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 (617 W. Jefferson Street) and the Metropolitan Sewer District (700 West Liberty).
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
7. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
8. 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.
9. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties

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

10. The Stream Corridor Protection Area located parallel to the unnamed tributary of Fishpool Creek shall be preserved and maintained in accordance with the standards of the Land Development Code (Chapter 4, Part 8.).
11. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the July 19, 2017 Development Review Committee meeting.
12. The façade elevations shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approvals.
13. The applicant shall provide documentation showing that the development complies with all regulations from Chapter 4, Part 1, Section 3, Lighting, prior to the issuance of a construction permit. These regulations include the following items:
  - a. Mounting height Limit
  - b. Luminaire Shielding
  - c. Canopy Lighting Level
  - d. Light Trespass
14. 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.
15. A certificate of occupancy for development of Lot J will not be requested until a second left-turn lane on Cooper Chapel Road to Preston Crossing Boulevard has been installed.

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**CASE NUMBER 17DEVPLAN1090**

**The vote was as follows:**

**Yes: Brown, Ferguson, and Carlson**

**Absent: Smith and Tomes**

**Abstain: None**

**No: None**

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**NEW BUSINESS**

**CASE NUMBER 17MINORPLAT1045**

Project Name: Revision of Lot 85 of the Meadow Hill Subdivision  
Location: 1120 Clay Avenue  
Owner(s): Dennis Potts  
Applicant: Todd K. Willett  
Jurisdiction: Louisville Metro  
Council District: 13 – Vicki Aubrey Welch  
Case Manager: Brian Mabry, Planning & Design Supervisor

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. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

**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.**

**Agency Testimony:**

**00:38:33** Brian Mabry presented the case which is a request to amend a record plat to create two lots from one (see Staff Report and recording for detailed presentation).

**The following spoke in favor of the request:**

Todd Willett, 7329 Saint Andrews Church Road, Louisville, 40214

**Summary of testimony of those in favor:**

**00:40:35** Land Surveyor Todd Willett offered to answer questions from the Commissioners. There were none.

**00:41:37** On a motion by Commissioner Brown, seconded by Commissioner Ferguson, the following resolution was adopted:

**WHEREAS**, the Committee further finds that, based on the staff report and the evidence and testimony presented today, that all of the applicable guidelines of Cornerstone 2020 are being met; now, therefore be it

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the amendment to the record plat.

**The vote was as follows:**

**Yes: Brown, Ferguson, and Carlson**

**Absent: Smith and Tomes**

**Abstain: None**

**No: None**

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**NEW BUSINESS**

**CASE NUMBER 17MINORPLAT1056**

Project Name: Westport Road Plaza  
Location: 9407 & 9451 Westport Road  
Owner(s): Goose Creek Properties  
Applicant: Chris Brown, BTM Engineering  
Jurisdiction: Louisville  
Council District: 17, Glen Stuckel  
Case Manager: Jay Lockett, Planner I

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. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

**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.**

**Agency Testimony:**

**00:42:50** Jay Lockett presented the case (see Staff Report and recording for detailed presentation).

**The following spoke in favor of the request:**

Chris Brown, 3001 Taylor Springs Dr., Louisville, KY 40220

**Summary of testimony of those in favor:**

**00:44:32** Chris Brown spoke on behalf of the applicant who is requesting an amendment to a record plat to create two tracts from one. In response to a question from Commissioner Brown, he stated there is an existing reciprocal easement agreement on the subject property that is specifically for parking and access.

**00:46:13** On a motion by Commissioner Brown, seconded by Commissioner Ferguson, the following resolution was adopted:

**WHEREAS**, the Committee further finds that, based on the staff report and the evidence and testimony presented today, that all of the applicable guidelines of Cornerstone 2020 are being met; now, therefore be it

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the amendment to the record plat.

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**NEW BUSINESS**

**CASE NUMBER 17MINORPLAT1056**

**The vote was as follows:**

**Yes: Brown, Ferguson, and Carlson**

**Absent: Smith and Tomes**

**Abstain: None**

**No: None**



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**NEW BUSINESS**

**CASE NUMBER 17DEVPLAN1096**

Project Name: Hidden Lakes Dental  
Location: 3801 Hurstbourne Pkwy  
Owner(s): Fifth Third Bank of KY, Inc.  
Applicant: Avalon Properties  
Jurisdiction: Louisville Metro  
Council District: 11 – Kevin Kramer  
Case Manager: Jay Lockett, Planner I

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. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

**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.**

**Agency Testimony:**

**00:47:20** Jay Lockett presented the case (see Staff Report and recording for detailed presentation).

**The following spoke in favor of the request:**

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

**Summary of testimony of those in favor:**

**00:50:38** Ashley Bartley spoke on behalf of the applicant who is requesting a revised detailed district development plan. She showed a brief presentation.

**00:53:00** On a motion by Commissioner Brown, seconded by Commissioner Ferguson, the following resolution was adopted:

**WHEREAS**, the Committee further finds that, based on the staff report and the evidence and testimony presented today, that all of the applicable guidelines of Cornerstone 2020 are being met; now, therefore be it

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** revised detailed district development plan, **SUBJECT** to the following binding elements:

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**Binding Elements**

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission, except for land uses permitted in the established zoning district.
2. The development shall not exceed 4,600 square feet of gross floor area.
3. Signs shall be in accordance with Chapter 8 of the Land Development Code.
4. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants or banners shall be permitted on the site.
5. There shall be no outdoor storage on the site.
6. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff so that no light source is visible off-site. Lighting levels attributable to the fixtures located on the subject site shall not exceed two foot candles at the property line.
7. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
  - a. The development plan must receive full construction approval from the Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways or Jefferson County Public Works.
  - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - d. An access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be secured from the adjoining property owner and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services; transmittal of approved plans to

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the office responsible for permit issuance will occur only after receipt of said instrument.

8. If a building permit is not issued within one year of the date of approval of the plan, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
9. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
10. There shall be no outdoor music (live, piped, radio or amplified), outdoor entertainment, or outdoor PA system permitted on the site.
11. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project, and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.

**The vote was as follows:**

**Yes: Brown, Ferguson, and Carlson**

**Absent: Smith and Tomes**

**Abstain: None**

**No: None**

DEVELOPMENT REVIEW COMMITTEE MINUTES  
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ADJOURNMENT

The meeting adjourned at approximately 2:00 p.m.

*Richard Cook*  
\_\_\_\_\_  
Vice Chairman

*[Signature]*  
\_\_\_\_\_  
Division Director