

**MINUTES OF THE MEETING
OF THE
DEVELOPMENT REVIEW COMMITTEE
August 17, 2022**

A meeting of the Development Review Committee was held on, August 17, 2022 at 1:00 p.m. in the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Committee Members present were:

Rich Carlson, Chair
Jeff Brown
Glenn Price

Committee Members absent were:

Patti Clare, Vice Chair
Suzanne Cheek

Staff Members present were:

Joe Reverman, Assistant Director, Planning & Design Services
Brian Davis, Planning Manager
Julia Williams, Planning Supervisor
Jay Lockett, Planner II
Molly Clark, Planner I
Laura Ferguson, Legal Counsel
Pamela M. Brashear, Management Assistant

Others present:

Mark Dutrow, Engineer II
Tony Kelly, MSD
Beth Stuber, Transportation

The following matters were considered:

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APPROVAL OF MINUTES

AUGUST 3, 2022 DRC MEETING MINUTES

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

RESOLVED, that the Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on August 3, 2022.

The vote was as follows:

YES: Commissioners Brown, Price and Carlson
ABSTAINING: Commissioners Cheek and Clare

DEVELOPMENT REVIEW COMMITTEE
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NEW BUSINESS

CASE NO. 22- EXTENSION-0007

Request:	Extension of Expiration
Project Name:	Willow Grande
Location:	1418/1426 Willow Avenue
Owner:	Willow Grande LLC
Applicant:	JDG Development
Representative:	Bardenwerper Talbott & Roberts PLLC
Jurisdiction:	Louisville Metro
Council District:	8 – Cassie Chambers Armstrong
Case Manager:	Julia Williams, AICP, Planning & Design Supervisor

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

Agency Testimony:

00:04:32 Julia Williams discussed the case summary, standard of review and staff analysis from the staff report (see PowerPoint presentation and recording).

The following spoke in favor of this request:

Nick Pregliasco, Bardenwerper, Talbott and Roberts, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223

Summary of testimony of those in favor:

00:05:23 Nick Pregliasco stated the extension of expiration is needed because it's a large project and was started during the COVID era. A lot of money has been spent getting to this point and the applicant is continuing to make progress (see recording for detailed presentation).

The following spoke in opposition of this request:

Tim Holz, 1044 Everett Avenue, Louisville, Ky. 40204
Waller H. Austin, 1435 Willow Avenue, Louisville, Ky. 40204

Summary of testimony of those in opposition:

00:06:59 Tim Holz said this project was approved 7 years ago (2015), 5 years before COVID. There have been a lot of changes in the last 7 years such as a new Comprehensive Plan, significant Development Code changes, landmarks ordinance and

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historical preservation changes. The applicant needs to bring the plan back when ready to adhere to the current regulations (see recording for detailed presentation).

00:11;25 Waller Austin said he agrees with Tim Holz.

Waller Austin said he's in favor of development but opposed to this project moving forward in its current state without looking at the changes (see recording for detailed presentation).

Rebuttal:

00:13:07 Nick Pregliasco said the applicant has been doing extensive work on the home, which is part of the development. The changes to the Comprehensive Plan was zoning, but the request is for the development plan (see recording for detailed presentation).

Deliberation

Development Review Committee deliberation.

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

Extension of Expiration

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

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the extension of expiration to May 14, 2024.

The vote was as follows:

YES: Commissioners Brown and Carlson
ABSTAIN: Commissioner Price
ABSENT: Commissioners Cheek and Clare

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Julia Williams said the May 14, 2022 date was based on the original approval, but because the case had gone through litigation that date has changed. The expiration date needs to be changed to September 1, 2024.

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following case 22-EXTENSION-0007 was reconsidered.

By general consensus, the motion carried.

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

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the extension of expiration to September 1, 2024.

The vote was as follows:

YES: Commissioners Brown and Carlson
ABSTAIN: Commissioner Price
ABSENT: Commissioners Cheek and Clare

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NEW BUSINESS

CASE NO. 22-DDP-0053

Request: Revised Detailed District Development Plan with Binding Elements and Waivers
Project Name: Quadrant Expansion
Location: 12500 Plantside Drive
Owner: Foresee Investment, LLC
Applicant: Foresee Investment, LLC
Representative: Mindel Scott
Jurisdiction: Louisville Metro
Council District: 11 – Kevin Kramer
Case Manager: Julia Williams, AICP, Planning & Design Supervisor

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

Agency Testimony:

00:20:57 Julia Williams discussed the case summary, standard of review and staff analysis from the staff report (see PowerPoint presentation and recording).

00:27:42 Chair Carlson requests that the words 'there shall be' be added to binding element 11.

The following spoke in favor of this request:

Nick Pregliasco, Bardenwerper, Talbott and Roberts, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223

Kent Gootee, Mindel, Scott and Associates, 5151 Jefferson Boulevard, Louisville, Ky. 40219

Greg Oakley, 12451 Plantside Drive, Louisville, Ky. 40299

Summary of testimony of those in favor:

00:29:37 Nick Pregliasco gave a power point presentation discussing Phase 2, agreement to no connection to Tucker Station Rd., binding elements, bridge for the creek and elevations (see recording for detailed presentation).

00:38:24 Kent Gootee explained the grading (see recording for detailed presentation).

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00:41:25 Greg Oakley answered Commissioner Brown stating he will provide a binding element concerning historic concrete mix (see recording for detailed presentation).

The following spoke in opposition of this request:

Steve Porter, 2406 Tucker Station Road, Louisville, Ky. 40299
David Kaelin,

Summary of testimony of those in opposition:

00:41:53 Steve Porter said he did not receive notice or any details regarding this proposal. The applicant will not meet with him or provide lighting plans, construction plan or the landscaping plan.

Steve Porter requests a deferral and that the applicant/representatives meet with the Tucker Station Neighborhood Association, himself and David Kaelin (see recording for detailed presentation).

The following spoke as other:

David Kaelin, 2421 Tucker Station Road, Louisville, Ky. 40299

Summary of testimony of other:

00:50:02 David Kaelin said this is the first time he's seen this plan. He discussed the safety issue regarding Tucker Station Rd. being less than 18 feet wide and not being enough room for trucks to maneuver (see recording for detailed presentation).

Rebuttal:

00:52:46 Nick Pregliasco answered questions raised by Steve Porter and David Kaelin (see recording for detailed presentation).

00:55:57 Greg Oakley said this is not the first time the neighbors have seen this plan. It's been public knowledge for about a year (see recording for detailed presentation).

01:03:28 Steve Porter said he supported the other buildings, but the one on Tucker Station Rd. is different (see recording for detailed presentation).

Deliberation

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01:05:48 Development Review Committee deliberation. The commissioners discussed enhanced landscaping.

01:10:36 Kent Gootee said the applicant agrees to a 50% increase in plantings (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.

Waiver from Chapter 5.5.2.A.1 to allow the structure to be internally oriented instead of facing Tucker Station Road

On a motion by Commissioner Brown, seconded by Commissioner Price, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, the waiver will not adversely affect adjacent property owners since it appears that much of the structure will be underground; and

WHEREAS, Community Form Goal 1, Policy 4 calls to ensure new development and redevelopment are 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. Community Form Goal 2, Policy 2 encourages development of non-residential and mixed uses in designated activity centers provided that proposed uses, density and design are compatible with adjacent uses and meets Form District guidelines; or when a proposed use requires a special location in or near a specific land use, transportation facility or when a use does not fit well into a compact center (e.g., car dealerships or lumberyards). The front façade is oriented toward an access easement while the rear of the structure is oriented toward Tucker Station. The Tucker Station façade is partially underground while having windows on the exposed part of the structure. This façade also has other articulating materials that prevent a blank wall from facing this main roadway; and

WHEREAS, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since it appears that much of the structure will be underground; and

WHEREAS, the applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to

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be waived. With much of the structure being located underground, this compensates for non-compliance with the regulation.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the waiver from Chapter 5.5.2.A.1 to allow the structure to be internally oriented instead of facing Tucker Station Road **ON CONDITION** that landscaping is enhanced and increased by 50% for both trees and plantings along Tucker Station Rd. and a horse fence is provided.

The vote was as follows:

YES: Commissioners Brown, Price and Carlson
ABSENT: Commissioners Cheek and Clare

Revised Detailed District Development Plan/Subdivision Plan

On a motion by Commissioner Brown, seconded by Commissioner Price, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, the conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites because LOJIC has identified steep slopes on a portion of the site. The steep slopes for the expansion are located at the proposed bridge crossing. A karst survey was performed where no karst feature was apparent. A 25' stream buffer has been provided for the intermittent stream to the east; and

WHEREAS, 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. The proposal includes all required sidewalks and pedestrian connections as well as proposed future connection to the south; and

WHEREAS, 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 overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be

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provided to screen adjacent properties and roadways. Buildings will meet all required setbacks; and

WHEREAS, the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Revised Detailed District Development Plan/Subdivision Plan, **SUBJECT** to all the binding elements from the approved General Development Plan (9-67-05 & 10-51-05) in addition to the following and **ON CONDITION** that they provide the historic concrete mix for any concrete within the public right-of-way along Tucker Station Rd.:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be

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- submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
- 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.
5. 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.
 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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
 8. 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.
 9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the August 17, 2022 DRC meeting.
 10. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on site.
 11. There shall be no permanent direct access to the site from Tucker Station Road. Access will come via an extension of Schutte Station Place and Plantside Drive.
 12. The lighting shall be fully shielded; shall utilize flat lenses and shall be pointed to the ground.

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The vote was as follows:

YES: Commissioners Brown, Price and Carlson

ABSENT: Commissioners Cheek and Clare

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NEW BUSINESS

CASE NO. 22-WAIVER-0098

Request: Waivers
Project Name: Humana Centerwell Senior Primary Care
Location: 3000 West Market Street
Owner: Louisville Urban League
Applicant: Louisville Urban League
Representative: Sabak Wilson & Lingo
Jurisdiction: Louisville Metro
Council District: 5 – Donna Purvis
Case Manager: Julia Williams, AICP, Planning & Design Supervisor

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

Agency Testimony:

01:15:23 Julia Williams discussed the case summary, standard of review and staff analysis from the staff report (see PowerPoint presentation and recording).

The following spoke in favor of this request:

Matt Wolff, Sabak, Wilson and Lingo, 608 South 3rd Street, Louisville, Ky. 40202

Summary of testimony of those in favor:

01:18:51 Matt Wolff gave a power point presentation. He discussed the project and improvements (see recording for detailed presentation).

Deliberation

01:24:18 Development Review Committee deliberation.

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

On a motion by Commissioner Brown, seconded by Commissioner Price, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

Waivers:

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NEW BUSINESS

CASE NO. 22-WAIVER-0098

1. Waiver from 5.5.1.A.1.b to permit the structure to not have primary entrances along 30th and W. Market

WHEREAS, the waiver will not adversely affect adjacent property owners since the structure will be mainly served by the nearby parking lot and interior drop off; and

WHEREAS, Community Form Goal 1, Policy 4 calls to ensure new development and redevelopment are 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. Community Form Goal 2, Policy 2 encourages development of non-residential and mixed uses in designated activity centers provided that proposed uses, density and design are compatible with adjacent uses and meets Form District guidelines; or when a proposed use requires a special location in or near a specific land use, transportation facility or when a use does not fit well into a compact center (e.g., car dealerships or lumberyards). The other structures on the site are inward focused but have articulation on the building so as not to create a blank wall along the main roadways serving the site; and

WHEREAS, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since pedestrian will still be served at the nearby interior entrance; and

WHEREAS, the applicant has incorporated other design measures that exceed the minimums of the district since there is sufficient pedestrian access in and around the site.

2. Waiver from 5.6.1.C.1 to permit the structure to have less than 50% clear windows and doors at the street level

WHEREAS, the requested waiver will not adversely affect adjacent property owners as the building provides enough articulation along the facades to compensate for not having all clear windows and doors; and

WHEREAS, Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are 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. Community Form Goal 1, Policy 12 calls for the proposal to Design 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

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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. The use of alleys for access to parking lots is encouraged, especially in Downtown Louisville, Urban Center Neighborhoods, Traditional Neighborhoods and Traditional Marketplace Corridors. Encourage elimination or reduction of parking minimums in areas readily accessible to transit routes. Community Form Goal 2, Policy 11 calls for ensuring appropriate placement, design and scale of centers in Traditional Neighborhood, Neighborhood and Village Form Districts to ensure compatibility with nearby residences. Community Form Goal 2, Policy 15 calls for parking in activity centers should reflect the area's associated Form District standards to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations. There are some variations in materials and some clear glass at the street level but not enough to meet the 50% requirement. The street trees, as required, can be used to mitigate the request; and

WHEREAS, the extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant since the proposed medical office land use and the need for privacy is affecting the building; and

WHEREAS, 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 proposed medical office land use and the need for privacy is affecting the building. The street trees, as required, can be used to mitigate the request.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** Waiver 1, from section 5.5.1.A.1.b to permit the structure to not have primary entrances along 30th and W. Market and Waiver 2. from section 5.6.1.C.1 to permit the structure to have less than 50% clear windows and doors at the street level.

The vote was as follows:

YES: Commissioners Brown, Price and Carlson
ABSENT: Commissioners Cheek and Clare

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NEW BUSINESS

CASE NO. 22-DDP-0068

Request:	Detailed District Development Plan with Binding Elements
Project Name:	Blankenbaker Station III Lot 7
Location:	2701 Constant Comment Place
Owner:	Kinectrics AES Inc.
Applicant:	H03 Chestnut LLC
Representative:	Mindel Scott
Jurisdiction:	Louisville Metro
Council District:	11 – Kevin Kramer
Case Manager:	Julia Williams, AICP, Planning & Design Supervisor

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

Agency Testimony:

01:25:33 Julia Williams discussed the case summary, standard of review and staff analysis from the staff report (see PowerPoint presentation and recording).

The following spoke in favor of this request:

Kent Gootee, Mindel, Scott and Associates, 5151 Jefferson Boulevard, Louisville, Ky. 40219
Steve Porter, 2406 Tucker Station Road, Louisville, Ky. 40299

Summary of testimony of those in favor:

01:28:36 Kent Gootee stated the plan is the exact same footprint that was approved. There are some additional ILA's in the truck maneuvering area (see recording for detailed presentation).

01:31:32 Steve Porter said he represents the Tucker Station Rd. Neighborhood Association, which is in support of the proposal (see recording for detailed presentation).

Deliberation

01:32:33 Development Review Committee deliberation.

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NEW BUSINESS

CASE NO. 22-DDP-0068

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.

Revised Detailed District Development Plan

On a motion by Commissioner Brown, seconded by Commissioner Price, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, there do not appear to be any environmental constraints or historic resources on the subject site. The site is almost fully cleared and no natural resources appear to exist on the site; and

WHEREAS, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided. Louisville Metro Public Works has provided preliminary approval of the plan; and

WHEREAS, there are no open space requirements pertinent to the current proposal; and

WHEREAS, 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 overall site design and land uses are compatible with the existing and future development of the area. The proposal is for an office/warehouse in an existing industrial center. The overall site design and land uses are compatible with the existing and future development of the area. The proposal is for an office/warehouse in an existing industrial center; and

WHEREAS, the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Revised detailed District Development Plan **SUBJECT** to the following binding elements:

All binding elements from the approved General Development Plan are applicable to this 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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties

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engaged in development of the site, shall be responsible for compliance with these binding elements.

7. There shall be no outdoor storage on the site.

8. There shall be no outdoor music (live, piped, radio or amplified), outdoor entertainment or outdoor PA system audible beyond the property line.

9. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.

10. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the August 17, 2022 Development Review Committee meeting.

The vote was as follows:

YES: Commissioners Brown, Price and Carlson

ABSENT: Commissioners Cheek and Clare

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NEW BUSINESS

CASE NO. 22-DDP-0073

Request:	Revised Detailed District Development Plan
Project Name:	Shoppes at Lone Oak
Location:	3501 Outer Loop
Owner:	Greer Land Company Smyrna 2
Applicant:	Greer Land Company Smyrna 2
Representative:	Jihad Hallany – Vision Engineering
Jurisdiction:	Louisville Metro
Council District:	13 – Mark Fox
Case Manager:	Jay Lockett, AICP, Planner II

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

Agency Testimony:

01:33:19 Jay Lockett discussed the case summary, standard of review and staff analysis from the staff report (see PowerPoint presentation and recording).

The following spoke in favor of this request:

Jihad Hallany, 128 East (inaudible) Lexington, Ky. 40517

Summary of testimony of those in favor:

01:37:09 Jihad Hallany said he agrees with staff recommendations (see recording for detailed presentation).

Deliberation

01:38:18 Development Review Committee deliberation.

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

Revised Detailed District Development Plan

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NEW BUSINESS

CASE NO. 22-DDP-0073

On a motion by Commissioner Brown, seconded by Commissioner Price, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, the site has potential for hydric soils, and this has been reviewed along with previous approvals on the site. Wetland mitigation will be provided offsite in accordance with MSD and Army Corps of Engineers requirements; and

WHEREAS, 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 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 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 except where waivers have been approved. Buildings and parking lots will meet all required setbacks except where variances have been approved; and

WHEREAS, the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Revised Detailed District Development Plan with the following binding elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading

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or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.

4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) (NOTE: to be used for sites within an historic preservation district) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
7. The materials and design of proposed structures shall be submitted to the Planning Commission or Committee for review and approval prior to the issuance of building permits.
8. Prior to any request for the first Certificate of Occupancy in relation to the development plan, the following improvements shall be provided by the developer:

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- a. A right-in/right-out shall be provided on Outer Loop for the site.
 - b. A dedicated right-turn lane on Outer Loop to Minor Lane shall be constructed.
 - c. The existing left-turn lane on Outer Loop to Minor Lane shall be extended per length determined by KYTC at the time of construction approval.
 - d. Some mitigation may be required or updated traffic study for the impact at the 65 Northbound ramp to Outer Loop.
9. No attached lighting shall be permitted on the rear (north facades) of the structures within the development center that are adjacent to residentially zoned properties to the north of the site.

The vote was as follows:

YES: Commissioners Brown, Price and Carlson
ABSENT: Commissioners Cheek and Clare

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NEW BUSINESS

CASE NO. 22-DDP-0042

Request: Revised Detailed District Development Plan, Binding Elements, and Waiver 10.2.4
Project Name: Crossings at South Park
Location: 10511 W Manslick Road
Owner: Estate of Chester L Cummings
Applicant: Marian Development
Representative: Cliff Ashburner – Dinsmore & Shohl LLC
Jurisdiction: Louisville Metro
Council District: 13 – Mark Fox
Case Manager: Dante St. Germain, AICP, Planner II

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

Agency Testimony:

01:39:10 Dante St. Germain discussed the case summary, standard of review and staff analysis from the staff report (see PowerPoint presentation and recording).

The following spoke in favor of this request:

Ashley Bartley, QK4, 1046 East Chestnut Street, Louisville, Ky. 40204

Summary of testimony of those in favor:

01:43:34 Ashley Bartley gave a power point presentation. The buildings will be smaller and the front portion has no tenant at this time.

Ashley Bartley discussed the clubhouse as well (see recording for detailed presentation).

The following spoke as other for this request:

Stephen Ott, 601 West Jefferson Street, 3rd floor Metro Council District 13, Louisville, Ky. 40202

Summary of testimony of other:

01:46:01 Stephen Ott, on behalf of Councilman Fox, said he wants to ensure the front facing structures are brick and stone and the low grade signage is consistent with

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other new developments within the Fairdale Village Plan area (see recording for detailed presentation).

Rebuttal:

01:46:50 Ashley Bartley said if any binding elements are added, they would have to go back to the full Metro Council and they would like to avoid that (see recording for detailed presentation).

Deliberation

01:50:47 Development Review Committee deliberation.

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

Waiver from 10.2.4 to omit required Landscape Buffer Area (LBA), plantings and screening along zoning lines internal to the site (22-WAIVER-0065)

On a motion by Commissioner Brown, seconded by Commissioner Price, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, the waiver will not adversely affect adjacent property owners as the required LBAs are internal to the site and would not buffer any adjoining property if provided; and

WHEREAS, the waiver will not violate specific guidelines of Plan 2040 as Plan 2040 encourages appropriate buffering and transitions between uses that are significantly different in density or intensity. The zoning lines that require the LBA are internal to the site and the property owner can buffer the differing uses informally if so desired; and

WHEREAS, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the zoning lines requiring the LBA are internal to the site and provision of the required LBAs would not protect any other property; and

WHEREAS, the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because provision of the required landscape buffer area would make utilization of the lot less feasible.

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RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the waiver from 10.2.4 to omit required Landscape Buffer Area (LBA), plantings and screening along zoning lines internal to the site (22-WAIVER-0065).

The vote was as follows:

YES: Commissioners Brown, Price and Carlson
ABSENT: Commissioners Cheek and Clare

Revised Detailed District Development Plan with Binding Elements

On a motion by Commissioner Brown, seconded by Commissioner Price, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, the site is heavily wooded and features unstable soils and hydric soils across the majority of the site. Tree canopy preservation will be provided and will be preserved as threatened and endangered bat habitat binding element #9. The site must be developed in coordination with a geotechnical engineer due to the unstable soils; and

WHEREAS, 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 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, open space is being provided in compliance with the requirements of the Land Development Code; and

WHEREAS, the overall site design is in compliance with existing and planned future development in the area. The proposal is unchanged with respect to the provision of new housing in the neighborhood; and

WHEREAS, the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

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RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Revised Detailed District Development Plan, **SUBJECT** to the following binding elements **ON CONDITION** that DRC review and act on the renderings and signage for the commercial outlot:

RESOLVED, that the Louisville Metro Development Review Committee does hereby **RECOMMEND** the Louisville Metro Council **APPROVE** the Revised Detailed District Development Plan with the following binding elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - d. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.

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- e. The materials and design of proposed multi-family structures shall be substantially the same as depicted in the rendering as presented at the November 18, 2021 Planning Commission meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
 - f. Final elevations/renderings for the commercial structure shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
8. No idling of trucks shall take place within 200 feet of residential structures. No overnight idling of trucks shall be permitted on-site.
9. The area to the north-east which is shown on the development plan as Tree Canopy Credit Area and Open Space Preservation for Natural Resource Protection shall be maintained in a wild state to the maximum extent possible in order to preserve habitat for threatened or endangered bat species. Vegetation, including canopy trees, understory trees and undergrowth, shall not be removed unless the vegetation constitutes a safety hazard or consists of invasive species, or is required to maintain the drainage easement. Any removal of vegetation shall be limited to only to safety hazards and invasive species, or the minimum absolutely necessary for maintenance of the easement.

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10. Any significant changes or alterations to the proposed structures (e.g. building height, number of units, number of buildings), any increase in density on the property, any changes in use on the property, and/or any amendments to the binding elements shall be reviewed before the Planning Commission with final action to be determined by Metro Council.

The vote was as follows:

YES: Commissioners Brown, Price and Carlson
ABSENT: Commissioners Cheek and Clare

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NEW BUSINESS

CASE NO. 22-DDP-0058

Request: Detailed District Development Plan with Proposed Binding Elements and Waivers
Project Name: Proposed Five Story Hotel
Location: 10300 Brookridge Village Boulevard
Owner: Brookridge Village Condominium Association
Applicant: Junior Patel
Representative: Mindel Scott
Jurisdiction: Louisville Metro
Council District: 22 – Robin Engel
Case Manager: Molly Clark, Planner I

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

Agency Testimony:

01:53:01 Molly Clark discussed the case summary, standard of review and staff analysis from the staff report (see PowerPoint presentation and recording).

The following spoke in favor of this request:

Kent Gootee, Mindel, Scott and Associates, 5151 Jefferson Boulevard, Louisville, Ky. 40219

Summary of testimony of those in favor:

01:59:49 Kent Gootee gave a power point presentation discussing the following: signs, most trees to remain and entrance to site (see recording for detailed presentation).

Deliberation

02:09:58 Development Review Committee deliberation.

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

Waivers:

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NEW BUSINESS

CASE NO. 22-DDP-0058

- 1. Waiver from section 10.3.5 to reduce the Gene Snyder Buffer from 50 FT to 30 FT (22- WAIVER-0097)**
 - 2. Waiver from section 10.2.4 to reduce the VUA/LBA Buffer (22-WAIVER-0110)**
 - 3. Waiver from section 5.5.1.A.3.a & 5.9.2.C.4 to allow parking in front of the building and to not provide a masonry wall (22-WAIVER-0112)**
 - 4. Waiver from section 5.5.1.A.3.c & 5.9.2.A.1.b.ii to not provide a vehicular connection to the adjacent property (22-WAIVER-0113)**
- Revised Detailed District Development plan with proposed binding elements
Amendment to General Plan Binding Element #4**

On a motion by Commissioner Brown, seconded by Commissioner Price, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

- 1. Waiver from section 10.3.5 to reduce the Gene Snyder Buffer from 50 FT to 30 FT (22- WAIVER-0097)**

WHEREAS, the waiver will not adversely affect adjacent property owners as the required LBAs are internal to the site and would not buffer any adjoining property if provided; and

WHEREAS, the waiver will not violate specific guidelines of Plan 2040 as Plan 2040 encourages appropriate buffering and transitions between uses that are significantly different in density or intensity. The zoning lines that require the LBA are internal to the site and the property owner can buffer the differing uses informally if so desired; and

WHEREAS, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the zoning lines requiring the LBA are internal to the site and provision of the required LBAs would not protect any other property; and

WHEREAS, the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because provision of the required landscape buffer area would make utilization of the lot less feasible.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the waiver from section 10.3.5 to reduce the Gene Snyder Buffer from 50 FT to 30 FT (22- WAIVER-0097) **ON CONDITION** that the applicant return to the Development Review Committee for proposed signage along the Gene Snyder frontage for some reduction in the size allowed based on the Land Development Code (maybe 80%).

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The vote was as follows:

YES: Commissioners Brown, Price and Carlson

ABSENT: Commissioners Cheek and Clare

2. Waiver from section 10.2.4 to reduce the VUA/LBA Buffer (22-WAIVER-0110)

On a motion by Commissioner Brown, seconded by Commissioner Price, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, the waiver will not adversely affect adjacent property owners since the applicant will still be providing all the required plantings; and

WHEREAS, Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are 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. This site, although located in the Town Center Form District, is surround primarily by development that are designed according to the Suburban Form District standards. Community Form Goal 1, Policy 6 calls to discourage non-residential expansion into existing residential areas unless applicant can demonstrate that any adverse impact on residential uses will be mitigated. Evaluation of impacts may include, but not be limited to, displacement of residents, loss of affordable housing units, traffic, parking, signs, lighting, noise, odor, and stormwater. Appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential. This site is being proposed next to another hotel and will be surround by other commercial developments without displacing any current residents. Community Form Goal 1, Policy 20 calls to mitigate adverse visual intrusions when there are impacts to residential areas, roadway corridors, and public spaces. This site is not adjacent to existing residential uses and will still be providing all the required plantings in all landscape buffer areas; and

WHEREAS, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the applicant is still providing all the required plantings; and

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WHEREAS, the strict application of the provisions would create an unnecessary hardship on the applicant since the applicant is still providing all the required plantings and has enough room to do so in the remaining VUA/LBA shown on the plan.

3. Waiver from section 5.5.1.A.3.a & 5.9.2.C.4 to allow parking in front of the building and to not provide a masonry wall (22-WAIVER-0112)

WHEREAS, the waiver will not adversely affect adjacent property owners since safe pedestrian access is provided from the Brookridge Village Blvd to the building entrance. The 3' masonry wall is inappropriate for the site because Brookridge Village Blvd is a private road that ends in a cul-de-sac; and

WHEREAS, Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are 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. This site is located in Town Center Form District but many commercial development in the area are built to suburban form district building design standards. Community Form Goal 1, Policy 12 calls for the proposal to Design 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. The use of alleys for access to parking lots is encouraged, especially in Downtown Louisville, Urban Center Neighborhoods, Traditional Neighborhoods and Traditional Marketplace Corridors. Encourage elimination or reduction of parking minimums in areas readily accessible to transit routes. The applicant is still providing all the required plantings in all the landscape buffer areas. Community Form Goal 2, Policy 11 calls for ensuring appropriate placement, design and scale of centers in Traditional Neighborhood, Neighborhood and Village Form Districts to ensure compatibility with nearby residences. Community Form Goal 2, Policy 15 calls for parking in activity centers should reflect the area's associated Form District standards to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations; and

WHEREAS, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since the 3 ft masonry wall is inappropriate and the road is a private cul-de-sac. The areas surrounding this proposed site are all built to suburban

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form district standards. The applicant is also providing a safe pedestrian connection from Brookridge Village Blvd to the entrance of the building; and

WHEREAS, the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant since the proposed development is located in Town Center Form District which is an inappropriate form district for this area. The masonry wall is inappropriate for the site because Brookridge Village Blvd is a private road that is also a cul-de-sac. The applicant is also providing a safe pedestrian connection from Brookridge Village Blvd to the entrance of the building.

4. Waiver from section 5.5.1.A.3.c & 5.9.2.A.1.b.ii to not provide a vehicular connection to the adjacent property (22-WAIVER-0113)

WHEREAS, the waiver will not adversely affect adjacent property owners since the Office Condominium Association has requested the connection not be made so hotel customers are not using the office condominium parking spaces. Brookridge Village Blvd is a private road that functions as access of all the commercial developments in that area; and

WHEREAS, Community Form Goal 1, Policy 12 calls to ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. A safe pedestrian connection from Brookridge Village Drive to the entrance of the building is still being provided. Community Form Goal 2, Policy 16 calls to encourage activity centers to be easily accessible by bicycle, car, transit, and for pedestrians and people with disabilities. Mobility Goal 3, Policies 1-5, 9, 12, 17, 18, 20 call to provide transportation services and facilities to promote and accommodate growth and change in activity centers through improved access management. Provide walking and bicycling opportunities to enable activity centers to minimize single-occupant vehicle travel. Encourage a mix of complementary neighborhood serving businesses and services in neighborhood and village centers to encourage short trips easily made by walking or bicycling. To improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Evaluate developments for their ability to promote public transit and pedestrian use. Encourage development of walkable centers to connect different modes of travel. Evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality. When existing transportation facilities and services are inadequate and public funds are not available to rectify the situation, the developer may be asked to make improvements, roughly proportional to the projected impact of the

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proposed development, to eliminate present inadequacies if such improvements would be the only means by which the development would be considered appropriate at the proposed location. Ensure that transportation facilities of new developments are compatible with and support access to surrounding land uses and contribute to the appropriate development of adjacent lands. Where appropriate, provide at least one continuous roadway through the development to tie all local access roads or parking areas to the arterial street system. Adequate stub streets and pedestrian connections should be provided by developments. Require cross access easements according to standards set forth in the Land Development Code to reduce traffic on major thoroughfares and to reduce safety hazards. Minimize access points, connections and median openings within 1/4 mile of an interchange area to reduce safety hazards and improve flow of traffic onto and off the interchange. Promote joint access and circulation systems for development sites comprised of more than one building site or lot. Brookridge Village Blvd is a private road that functions as an access road for all the surrounding commercial developments. Livability Goal 1 Policy 35 Ensure critical connections are built and maintained in the pedestrian and bicycle networks including the development of sidewalks, bike lanes, shared use paths and walkways to promote the use of multi-modal transportation options. A safe pedestrian connection is still be provided and vehicles can still access other commercial developments through the private road known as Brookridge Village Drive; and

WHEREAS, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since Brookridge Village Drive functions as an access road for all the commercial developments in that area; and

WHEREAS, the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because Brookridge Village Blvd is a private road that functions as access for all the surrounding commercial developments.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the following waivers: 2. Waiver from section 10.2.4 to reduce the VUA/LBA Buffer (22-WAIVER-0110) 3. Waiver from section 5.5.1.A.3.a & 5.9.2.C.4 to allow parking in front of the building and to not provide a masonry wall (22-WAIVER-0112) and 4. Waiver from section 5.5.1.A.3.c & 5.9.2.A.1.b.ii to not provide a vehicular connection to the adjacent property (22-WAIVER-0113).

The vote was as follows:

YES: Commissioners Brown, Price and Carlson
ABSENT: Commissioners Cheek and Clare

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Revised Detailed District Development Plan

On a motion by Commissioner Brown, seconded by Commissioner Price, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, 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, 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 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 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 development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Revised Detailed District Development Plan and amendment to General Plan Binding Element #4, **SUBJECT** to the following binding elements:

Proposed General Plan Binding Elements (Amended under 15zone1055)

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission.
2. Prior to development of each site or phase of this project, a detailed district development plan shall be submitted to the Planning Commission for approval. Each plan shall be in adequate detail and subject to additional binding elements.

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The additional binding elements may relate, but not be limited, to the following items:

- a. screening, buffering, landscaping, tree preservation
- b. density, floor area, size and height of buildings
- c. points of access and site layout with respect to on-site circulation
- d. land uses
- e. signage
- f. loading berths
- g. parking
- h. sidewalks
- i. site design elements relating to alternative transportation modes
- j. outdoor lighting
- k. minor subdivision plat approval
- l. air pollution
- m. the timing of construction to coincide with the availability of flood protection measures, municipal sewer and water service, and adequate fire protection
- n. dumpsters

3. The density of the multi-family residential development shall not exceed 9.32 dwelling units per acre (330 units on 35.4 acres).
4. ~~The C-2 Commercial development shall be in accordance with Detailed District Development plan, unless amended in accordance with the LDC. The OTF development shall not exceed 35,200 square feet of gross floor area for office use. Any additional development of this portion of the site shall be in accordance with a new Detailed District Development plan and the LDC.~~
5. The C-M Commercial site shall be limited to mini-warehouses only, not to exceed 20,700 square feet. There shall be no other use which requires the C-M classification unless approved by the LD&T committee. Notice of a request to amend this binding element shall be given in accordance with Planning Commission policy. The LD&T Committee shall determine if a public hearing on the request to amend this binding element is needed.
6. The only permitted freestanding signs shall be monument style and located as shown on the approved general district development plan, or on detailed development plan. Prior to actual construction, each lot must receive detailed plan approval from the LD&T committee. No portion of any sign, including the leading edge of the sign frame, shall be closer than 5 feet to roadway easement line. The signs shall not exceed the size and height shown on the general district development plan. No sign shall have more than two sides. Nothing in this binding element shall be construed as giving permission to the property owner to erect a

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sign which may, upon further review, be determined to be illegal under the zoning district regulations.

7. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants balloons, or banners shall be permitted on the site.
8. 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.
9. Construction fencing shall be erected at the edge of the area of development prior to any grading or construction to protect the existing tree stands and their root systems from compaction. The fencing shall enclose the entire area 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.
10. The applicant shall submit a plan for approval by the Planning Commission staff landscape architect showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Any modification of the tree preservation plan requested by the applicant may be approved by the Planning Commission staff landscape architect if the changes are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
 - a. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
 - b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
 - c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
 - d. Location of construction fencing for each tree/tree mass designated to be preserved.
11. 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.

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CASE NO. 22-DDP-0058

- 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. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
12. If a building permit is not issued within two years 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.
13. 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.
14. 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.
15. A soil erosion and sedimentation control plan shall be developed and implemented in accordance with the Metropolitan Sewer District and the USDA Natural Resources Conservation Service recommendations. Documentation of the MSD's approval of the plan shall be submitted to the Planning Commission prior to grading and construction activities.
16. When the mini-warehouses develop, units shall be constructed with split faced decorative block as primary building material as shown in preliminary drawing presented at public hearing.

Proposed Detailed District Development Plan Binding Elements

All binding elements from the approved General Development Plan are applicable to this 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. 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 Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. 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.
5. 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. A minor subdivision plat or legal instrument 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; A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - c. The appropriate variance under 22-VARIANCE-0096 shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
 - d. 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.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.

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- f. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the August 17th, 2022 DRC meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line or permitted on the site).
8. 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 Brown, Price and Carlson

ABSENT: Commissioners Cheek and Clare

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NEW BUSINESS

CASE NO. 22-WAIVER-0091

Request:	Landscape Waiver and Sign Waiver
Project Name:	Proposed Jack in the Box
Location:	3232 Bardstown Road
Owner:	Lucinda Lloyd Murphy & Jane Lloyd Wright
Applicant:	APD Engineering & Architecture
Representative:	APD Engineering & Architecture
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
Case Manager:	Molly Clark, Planner I

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

Agency Testimony:

02:15:34 Molly Clark discussed the case summary, standard of review and staff analysis from the staff report (see PowerPoint presentation and recording).

The following spoke in favor of this request:

Todd Markevicz, APD Engineering and Architecture, 615 Fishers Run, Victor, N.Y. 14564

Nick Spaziani, APD Engineering and Architecture, 615 Fishers Run, Victor, N.Y. 14564

Summary of testimony of those in favor:

02:19:30 Todd Markevicz gave a power point presentation discussing the drive-through, LED lighting, dumpsters and tree preservation (see recording for detailed presentation).

02:22:47 Nick Spaziani discussed the building and sign waiver (see recording for detailed presentation).

Deliberation

02:24:15 Development Review Committee deliberation.

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

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NEW BUSINESS

CASE NO. 22-WAIVER-0091

Modification of Binding Elements

On a motion by Commissioner Brown, seconded by Commissioner Price, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

Waivers:

1. Waiver from table 8.3.2 to allow four signs on one facade (22-WAIVER-0137).

On a motion by Commissioner Brown, seconded by Commissioner Price, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, the waiver will not adversely affect adjacent property owners since the applicant will still be providing all the required plantings in all landscape buffer areas; and

WHEREAS, Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are 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. This site, although located in the Town Center Form District, is surround primarily by development that are designed according to the Suburban Form District standards. Community Form Goal 1, Policy 6 calls to discourage non-residential expansion into existing residential areas unless applicant can demonstrate that any adverse impact on residential uses will be mitigated. Evaluation of impacts may include, but not be limited to, displacement of residents, loss of affordable housing units, traffic, parking, signs, lighting, noise, odor, and stormwater. Appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential. This site is being proposed next to another hotel and will be surround by other commercial developments without displacing any current residents. Community Form Goal 1, Policy 20 calls to mitigate adverse visual intrusions when there are impacts to residential areas, roadway corridors, and public spaces. The applicant will still be providing all the required plantings; and

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WHEREAS, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the applicant is still providing all the required plantings; and

WHEREAS, the strict application of the provisions would create an unnecessary hardship on the applicant since the applicant is still providing all the required plantings.

Waiver #2

WHEREAS, the waiver will not adversely affect adjacent property owners because the majority of signage being proposed is very small compared to the size of the façade. Also, the proposed development is surround by other commercial uses. All the signs being proposed are under the maximum SF allowed for each sign on each façade which is 175 SF. All four signs cover 5% of the facade; and

WHEREAS, waiver will not violate specific guidelines of Plan 2040 since each sign being proposed is under the maximum allowed square footage of 175 SF per sign. According to Guideline 1, Policy 4, the proposal ensure new development and redevelopment are 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; and

WHEREAS, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the signs being proposed are each under the maximum SF allowed which is 175 SF. All four signs cover 5% of the façade; and

WHEREAS, the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because the signs being proposed are all under the maximum square feet allowed which is 175 square feet. All four signs cover 5% of the façade.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** Waiver 1 from table 8.3.2 to allow four signs on one facade (22-WAIVER-0137) and Waiver 2 from table 10.2.6 to allow an encroachment into the VUA/LBA (22-WAIVER-0091).

The vote was as follows:

YES: Commissioners Brown, Price and Carlson
ABSENT: Commissioners Cheek and Clare

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NEW BUSINESS

CASE NO. 22-DDP-0026

Request: Revised Detailed District Development Plan with Proposed Binding Elements and a Waiver
Project Name: Jack in the Box
Location: 10700 Dixie Highway
Owner: Valley Station Shopping Center, LLC
Applicant: APD Engineering and Architecture
Representative: Bardenwerper Talbott & Roberts PLLC
Jurisdiction: Louisville Metro
Council District: 16 – Scott Reed
Case Manager: Molly Clark, Planner I

NOTE: COMMISSIONER BROWN LEFT AT 4:00 AND THERE WAS NO QUORUM TO VOTE ON THE REMAINING CASES

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

Agency Testimony:

02:27:04 Molly Clark discussed the case summary, standard of review and staff analysis from the staff report (see PowerPoint presentation and recording).

The following spoke in favor of this request:

Todd Markevicz, APD Engineering and Architecture, 615 Fishers Run, Victor, N.Y. 14564

Nick Spaziani, APD Engineering and Architecture, 615 Fishers Run, Victor, N.Y. 14564

Summary of testimony of those in favor:

02:31:12 Todd Markevicz gave a power point presentation (see recording for detailed presentation).

02:33:08 Nick Spaziani gave a power point presentation (see recording for detailed presentation).

By general consensus, this case will be continued to the August 18, 2022 Planning Commission meeting.

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NEW BUSINESS

CASE NO. 22-WAIVER-0120

Request:	Sidewalk Waiver
Project Name:	Louisville Country Club
Location:	25 Mockingbird Valley Trail
Owner:	Louisville County Club Realty Co.
Applicant:	Louisville Country Club Realty Co.
Representative:	Bardenwerper Talbott & Roberts PLLC
Jurisdiction:	Louisville Metro
Council District:	16 – Scott Reed
Case Manager:	Clara Schweiger, Planner I

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

Agency Testimony:

02:35:11 Clara Schweiger discussed the case summary, standard of review and staff analysis from the staff report (see PowerPoint presentation and recording).

The following spoke in favor of this request:

John Talbott, Bardenwerper, Talbott and Roberts, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223
Steve Scott, Mindel, Scott and Associates, 5151 Jefferson Boulevard, Louisville, Ky. 40219
David Dunn, 512 Tiffany Lane, Louisville, Ky. 40207

Summary of testimony of those in favor:

02:39:29 John Talbott gave a summary of the proposal as there was no power point available (see recording for detailed presentation).

02:49:32 Steve Scott said he's here to answer questions.

02:50:11 David Dunn, Mayor of city of Rolling Fields stated the sidewalks would be impractical and dangerous (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

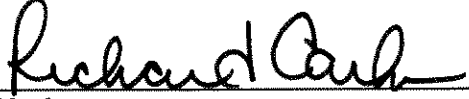
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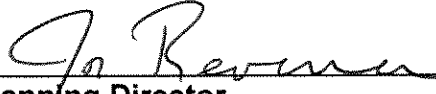
**By general consensus, this case will be continued to the August 18, 2022
Planning Commission meeting.**

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ADJOURNMENT

The meeting adjourned at approximately 4:28 p.m.

 11/31/22
Chair


Planning Director