

**MINUTES OF THE MEETING
OF THE
DEVELOPMENT REVIEW COMMITTEE
September 16, 2015**

A meeting of the Development Review Committee was held on Wednesday, September 16, 2015, at 1:00 p.m. in the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Committee Members present were:

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

Committee Members absent were:

Chip White, Vice Chairman
Robert Kirchdorfer, Commissioner

Staff Members present were:

Joseph Reverman, Planning Manager
Brian Davis, Planning Supervisor
Sherie' Long, Landscape Architect
Christopher Brown, Planner II
Julia Williams, Planner II
Jon Baker, Legal Counsel
Sue Reid, Management Assistant

The following matters were considered:

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APPROVAL OF MINUTES

Approval of the minutes of the September 2, 2015 Development Review Committee meeting

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

RESOLVED, that the Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on September 2, 2015.

The vote was as follows:

YES: Commissioners Brown and Peterson, and Chairman Tomes.

NO: No one.

NOT PRESENT AND NOT VOTING: Vice Chair White and Commissioner Kirchdorfer.

DEVELOPMENT REVIEW COMMITTEE
September 16, 2015

NEW BUSINESS

CASE NO. 15MISC1006

Request: Waivers to not provide a sidewalk along Knopp Avenue and Melton Avenue; to not provide the required perimeter and VUA landscape buffers; to not provide the loading area screen plantings; and to allow a reduction of the provided tree canopy.

Project Name: Redden Mobile Mechanic
Location: 4612 Knopp Avenue
Owner: Phil Charmoli, Charmoli-Knopp Properties, LLC
Applicant: Chris Guffey, Allegiant Construction, LLC
Representative: Jason Hall, Prism Engineering & Design Group, LLC
Jurisdiction: Louisville Metro
Council District: 13 – Vicki Aubrey Welch
Case Manager: Sherie' Long, Landscape Architect

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

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:

00:06:29 Sherie' Long requested deferment of this case to the Land Development and Transportation Committee meeting on September 24, 2015 due to the fact that the applicant made some significant changes to their development proposal after the deadline for this hearing.

The following spoke on behalf of the applicant:

Jason Hall, Prism Engineering, 2300 Plantside Drive, Louisville, KY 40299

Summary of testimony for applicant:

00:07:10 Jason Hall stated with some ongoing issues with the plan and the waivers they have requested they agree with the deferment until next week.

The following spoke in opposition to this request:

No one spoke.

00:07:26 On a motion by Commissioner Peterson, seconded by Commissioner Brown, the following resolution was adopted:

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NEW BUSINESS

CASE NO. 15MISC1006

RESOLVED, the Louisville Metro Development Review Committee does hereby **DEFER** 15MISC1006 to the **September 24, 2015** Land Development and Transportation Committee meeting.

The vote was as follows:

YES: Commissioners Brown, Peterson, and Chairman Tomes.

NO: No one.

NOT PRESENT AND NOT VOTING: Vice Chair White and Commissioner Kirchdorfer.

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NEW BUSINESS

CASE NO. 15WAIVER1020

Request: Waivers to not provide a sidewalk along Collins Lane and to exceed the maximum distance between Interior Landscape Areas (ILAs).

Project Name: Ford - Kentucky Truck Plant

Location: 3001 Chamberlain Lane

Owner: Ford Motor Land Development Corp.

Applicant: Owner

Representative: Phil Gambrell, Lockett & Farley

Jurisdiction: Louisville Metro

Council District: 17 – Glen Stuckel

Case Manager: Sherie' Long, Landscape Architect

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

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:

00:08:23 Sherie' Long presented the case (see staff report and recording for detailed presentation).

The following spoke in favor of this request:

Brooks Benton, Lockett & Farley, 737 South Third Street, Louisville, KY 40202

Summary of testimony of those in favor:

00:12:34 Brooks Benton was available on behalf of the applicant to answer questions.

The following spoke in opposition to this request:

John Perkins, 3112 N. Winchester Acres Road, Louisville, KY 40245

00:14:13 John Perkins stated it was his understanding initially the sidewalk waiver was for Chamberlain Lane. Mr. Perkins expressed concerns over lack of sidewalks on Chamberlain Lane.

00:15:16 Commissioner Brown explained to Mr. Perkins that as new developments come along, they are required to provide a proportional share of the sidewalks along

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their frontage. He stated that it is piecemeal, but eventually that whole frontage will be done, but it's as they meet that threshold to require the sidewalks.

00:18:03 Commissioners' deliberation

00:21:29 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that based on the proposed road work along this frontage to provide the left turn lane and the existing form district, the suburban workplace form district, and Collins provides that connection between Westport and Chamberlain which are the higher classified roads, now therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **DENY** 15WAIVER1020, Waiver #1 to not provide a sidewalk along Collins Lane.

The vote was as follows:

YES: Commissioners Brown, Peterson, and Chairman Tomes.

NO: No one.

NOT PRESENT AND NOT VOTING: Vice Chair White and Commissioner Kirchdorfer.

00:22:10 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners since the required square footage of ILA is being provided on the site along with the required number of interior trees, and

WHEREAS, the Committee further finds that Guideline 13, Policy 5 calls for standards to ensure the creation and/or preservation of tree canopy as a valuable community resource. The purpose of interior landscape areas is to break up large impervious areas and allow for a greater distribution of tree canopy coverage. The waiver does not violate the comprehensive plan since the required number of trees are being provided and located throughout the parking lot which provides distribution of the tree canopy coverage. Plus a parking lot locate adjacent to Chamberlain Lane, within this property, was granted a waiver which is similar to this request, and

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WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since both ILA square footage requirement and ILA tree requirements are being met, 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 requirement being waived. The applicant is exceeding the minimum ILA square footage requirement and providing additional trees beyond the minimum interior tree planting requirement. The applicant is also exceeding the required tree canopy for the site, now therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** 15WAIVER1020, Waiver #2 to exceed the maximum distance between Interior Landscape Areas (ILAs), based on the staff report and testimony heard today.

The vote was as follows:

YES: Commissioners Brown, Peterson, and Chairman Tomes.

NO: No one.

NOT PRESENT AND NOT VOTING: Vice Chair White and Commissioner Kirchdorfer.

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NEW BUSINESS

CASE NO. 15DEVPLAN1123

Request:	Revised Detailed District Development Plan
Project Name:	Old Henry Crossing Lot 11C & D
Location:	2101 Highwickham Place
Owner:	OREO 2 LLC
Applicant:	OREO 2 LLC
Representative:	Stites & Harbinson PLLC Sabak, Wilson & Lingo Inc.
Jurisdiction:	Louisville Metro
Council District:	19 – Julie Denton
Case Manager:	Christopher Brown, 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.)

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:

00:23:06 Christopher Brown presented the case (see staff report and recording for detailed presentation).

The following spoke in favor of this request:

Matt Wolff, Sabak, Wilson & Lingo, 608 South Third Street, Louisville, KY 40202

Summary of testimony of those in favor:

00:25:33 Matt Wolff spoke on behalf of the applicant.

The following spoke in opposition to this request:

No one spoke.

00:27:24 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that there does 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

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WHEREAS, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community will be provided. Transportation Planning Review has approved the preliminary development plan, and

WHEREAS, the Committee further finds that provisions of sufficient open space will be provided, 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, now therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** 15DEVPLAN1123, Revised Detailed District Development Plan and **CHANGES** to Binding Elements shown on page 7 of the staff report and **SUBJECT** to the following Binding Elements, based on the staff report and testimony heard today.

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) is requested:~~
- ~~a. The development plan must receive full construction approval from Louisville Metro Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.~~
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
- a. The development plan must receive full construction approval from Louisville Metro **Develop Louisville Office of Construction Review**, ~~Louisville Metro Public Works~~ **Transportation Planning** and the Metropolitan Sewer District.
- b. The appropriate variances shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
- c. 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 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 reciprocal access and crossover easement and shared parking 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 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.

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- f. An update to the Traffic Impact Study completed in March 2007 shall be provided to Planning and Design Services in a form acceptable to Transportation Planning Review.
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 substantially the same as depicted in the renderings as presented at the October 23, 2014 Development Review Committee meeting.~~
7. The materials and design of proposed structures shall be substantially the same as depicted in the renderings as presented at the ~~October 23, 2014~~ **September 16th, 2015** Development Review Committee meeting.
8. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90-degree cutoff and height of the light standard shall be set so that no light source is visible off-site.
9. Building Four on Lot D of the approved district development plan shall not be permitted an increase in maximum height of one-story, unless it meets at least two of the design criteria listed under Building Design Criteria within Appendix 5A of the Land Development Code.

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The vote was as follows:

YES: Commissioners Brown, Peterson, and Chairman Tomes.

NO: No one.

NOT PRESENT AND NOT VOTING: Vice Chair White and Commissioner Kirchdorfer.

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CASE NO. 15DEVPLAN1119

Request:	Detailed District Development Plans
Project Name:	Blankenbaker Station III Lots 1 & 4-7
Location:	2600 Tucker Station Road, Otto Knop Drive, Chestnut Station Court, & 2701 Constant Comment Place
Owner:	HO3 Chestnut LLC and CAR Properties LLC
Applicant:	HO3 Chestnut LLC and CAR Properties LLC
Representative:	Mindel Scott and Assoc.
Jurisdiction:	Louisville Metro
Council District:	20-Stuart Benson
Case Manager:	Julia Williams, AICP, RLA, 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.)

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:

00:28:22 Julia Williams presented the case (see staff report and recording for detailed presentation.)

The following spoke in favor of this request:

Kent Gootee, Mindel Scott and Assoc., 5151 Jefferson Blvd., Louisville, KY 40219

Summary of testimony of those in favor:

00:30:51 Kent Gootee spoke on behalf of the applicant.

The following spoke in opposition to this request:

No one spoke.

00:32:35 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that tree canopy requirements of the Land Development Code will be provided on the subject site, and

WHEREAS, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community

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has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan, and

WHEREAS, the Committee further finds that there are no open space requirements with the current proposal. Open space is provided within required landscape buffer areas, 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. Buildings and parking lots will meet all required setbacks, and

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

RESOLVED, the Louisville Metro Development Review Committee does here **APPROVE** 15DEVPLAN1119 Detailed District Development Plan and the Binding Elements on pages 6 and 7, with the revision to Binding Element Number 2 for Lot 7 to read "the development shall not exceed 30,000 square feet of gross floor area for lot 7" and **SUBJECT** to the following Binding Elements, based on the staff report and testimony heard today.

Proposed Binding Elements for BBIII lots 1, 4-6

All binding elements from the approved General Development Plan are applicable to this site, in addition to the following:

1. The development shall be in accordance with the approved 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. The development shall not exceed 60,000 square feet of gross floor area for Lot 1.

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- The development shall not exceed 25,000 square feet of gross floor area for Lot 4.
- The development shall not exceed 56,450 square feet of gross floor area for Lot 5.
- The development shall not exceed 43,050 square feet of gross floor area for Lot 6.
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, 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.
 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

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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. The façade elevations shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.
9. No idling of trucks shall take place within 200 feet of residences. No overnight idling of trucks shall be permitted on-site.

Proposed Binding Elements for Lot 7 (2701 Constant Comment Place)

All binding elements from the approved General Development Plan are applicable to this site, in addition to the following:

1. The development shall be in accordance with the approved 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. ~~The development shall not exceed 60,000 square feet of gross floor area for Lot 4.~~
~~The development shall not exceed 25,000 square feet of gross floor area for Lot 4.~~
~~The development shall not exceed 56,450 square feet of gross floor area for Lot 5.~~
~~The development shall not exceed 43,050 square feet of gross floor area for Lot 6.~~
The development shall not exceed 30,000 square feet of gross floor area for lot 7.
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

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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.

5. 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.
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. The façade elevations shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.

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The vote was as follows:

YES: Commissioners Brown, Peterson, and Chairman Tomes.


NO: No one.

NOT PRESENT AND NOT VOTING: Vice Chair White and Commissioner Kirchdorfer.

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ADJOURNMENT

The meeting adjourned at approximately 1:35 p.m.



Chair



Planning Director