

**MINUTES OF THE MEETING
OF THE
DEVELOPMENT REVIEW COMMITTEE
May 6, 2015**

A meeting of the Development Review Committee was held on, May 6, 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:

John Carroll, Legal Counsel
Sherie Long, Landscape Architect
Julia Williams, AICP, Planner II
Joseph Reverman, AICP, Planning Coordinator
Brian Davis, AICP, Planning Supervisor
Jon Crumbie, Planner II
Matt Doyle, Planner I
Tammy Markert, Transportation Planning
Pat Barry, MSD representative
Sue Reid, Management Assistant
Chris Cestaro, Management Assistant

The following matters were considered:

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APPROVAL OF MINUTES

Approval of the minutes of the April 15, 2015 Development Review Committee meeting

00:03:38 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 April 15, 2015.

The vote was as follows:

YES: Commissioners Tomes, Brown, and Peterson.

NO: No one.

NOT PRESENT: Commissioners Kirchdorfer and White.

ABSTAINING: No one.

DEVELOPMENT REVIEW COMMITTEE
May 6, 2015

NEW BUSINESS

CASE NO. 15EXTENSION1001

Request:	Letter of Extension
Project Name:	Jefferson Centre Day Care
Location:	5702 Outer Loop
Owner(s):	Jesse Flynn
Applicant:	Kent Gootee
Representative(s):	Kent Gootee, Sabak Wilson & Lingo, Inc.
Jurisdiction:	Louisville Metro
Council District:	23 – James Peden

Case Manager: **Jon E. Crumbie, 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:

00:13:37 Jon Crumbie presented the case (see staff report and recording for detailed presentation.) He said this will be the second extension request, for an expiration date of May 2, 2016.

The following spoke in favor of this request:

Kent Gootee, Mindel Scott & Associates, 5151 Jefferson Boulevard, Louisville, KY 40219

Summary of testimony of those in favor:

00:14:25 Kent Gootee, the applicant's representative, explained why the applicant is making the request for the extension, and what type of tenant the applicant is looking for.

The following spoke in opposition to this request:

No one spoke.

The following spoke neither for nor against the request:

No one spoke.

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NEW BUSINESS

CASE NO. 15EXTENSION1001

00:16:16 On a motion by Commissioner Peterson, seconded by Commissioner Brown, the following resolution was adopted:

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

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the applicant's request for an Extension of Expiration date to **May 2, 2016**.

The vote was as follows:

YES: Commissioners Tomes, Peterson, and Brown.

NO: No one.

NOT PRESENT: Commissioners Kirchdorfer and White.

ABSTAINING: No one.

DEVELOPMENT REVIEW COMMITTEE
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NEW BUSINESS

CASE NO. 15CELL1000

Request:	Request to construct a 136-foot tall tower with a 3-foot tall lightning arrester for a total height of 139 feet with a 2,480 square foot compound area.
Project Name:	Brownsboro Road
Location:	6060 Brownsboro Road
Owner:	Brownsboro Office Park, Inc.
Applicant:	Crown Castle GT Company, LLC
Representative:	Christopher L. King
Jurisdiction:	Louisville Metro
Council District:	16 – Kelly Downard

Case Manager: **Steve Hendrix, Planning 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.)

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:

00:19:21 Joe Reverman presented the case on behalf of Steve Hendrix (case manager) and showed a Power Point presentation. See staff report and recording for detailed presentation. This request is to remove and replace an existing cell tower.

The following spoke in favor of this request:

Christopher King, Lorch Naville Ward, 506 State Street, New Albany, Indiana 47150

Summary of testimony of those in favor:

00:22:34 Chris King, the applicant's representative, presented the applicant's case and showed a Power Point presentation.

00:26:09 Mr. King submitted a letter of agreement from the property owner to expand the compound and to extend an existing brick wall for screening. A chain-link fence will also be added around the back for security purposes.

The following spoke in opposition to this request:

No one spoke.

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NEW BUSINESS

CASE NO. 15CELL1000

The following spoke neither for nor against the proposal:

No one spoke.

00:29:40 Commissioners' deliberation.

00:30:04 On a motion by Commissioner Peterson, seconded by Commissioner Brown, the following resolution was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the proposal meets the intents of Guideline 3.1 – Compatibility. The proposal ensures compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development. The proposed 139 foot high cell tower replaces the existing 136 foot structure; and

WHEREAS, the Committee further finds that the proposal meets the intents of Guideline 3.9 – Visual Impacts. The existing brick wall will be extended around the new area for the cell tower to match the existing masonry wall, so the view of the base will be buffered. The visual impact of the additional 3 feet will remain the same; and

WHEREAS, the Committee further finds that the proposal meets the intents of Guideline 3.22 – Buffers. There will be no signage on the site other than emergency information. As mentioned earlier, this is a replacement and the existing brick wall will be extended to screen the new portion; and

WHEREAS, the Committee further finds that the proposal meets the intents of Guideline 3.30 – Cellular Towers. The applicant states that there are no other suitable or willing co-locatable structures or structure owners identified within the vicinity to meet the coverage objectives. The applicant states they have considered the likely effects of the installation on nearby land uses and values and have concluded that there is no more suitable location reasonably available from which adequate service can be provided. The applicant further states that the proposed facility has been designed to accommodate additional wireless telecommunication carriers, thus reducing the need for additional towers in the area in the future; and

WHEREAS, the Committee further finds that the proposal meets the intents of Community Facilities. This is a replacement tower that will have the existing brick wall extended along the southern and western sides to screen the compound area addition. The Watterson Expressway right of way is approximately 9 feet at its closest point from the compound area and has existing vegetation and trees to screen the base from the eastern view; and

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NEW BUSINESS

CASE NO. 15CELL1000

WHEREAS, the Committee further finds that the applicant is requesting to **replace** a wireless communications facility to better serve the public and to provide co-location opportunities for other carriers. The proposed location is within an OR-3 zoning district. The existing masonry wall will be extended along the southern and western sides to block the base of the compound expansion. The applicant has met the applicable requirements of the Comprehensive Plan and the Land Development Code. The monopole will not be lighted. The applicant has submitted the required information concerning the reasoning and need for this particular location; and

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

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested 136 foot monopole tower with a 3 foot lightning arrestor for a total structure height of 139 feet **to replace** the existing 136 foot structure (122 - foot tower and 14 foot lightning arrestor).

The vote was as follows:

YES: Commissioners Tomes, Peterson, and Brown.

NO: No one.

NOT PRESENT: Commissioners Kirchdorfer and White.

ABSTAINING: No one.

DEVELOPMENT REVIEW COMMITTEE

May 6, 2015

NEW BUSINESS

CASE NO. 15DEVPLAN1018

NOTE: This case was heard following Case No. 15EXTENSION1001 and prior to Case No. 15CELL1000.

Request: Revised Detailed District Development Plan with a Waiver
Project Name: Auto Truck
Location: 407 N. English Station Road & 13051 Equity Place
Owner: Auto Truck Group, LLC
Applicant: Auto Truck Group, LLC
Representative: Mindel Scott & Associates
Jurisdiction: City of Middletown
Council District: 19 – Julie Denton

Case Manager: Julia Williams, 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.)

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

Agency Testimony:

00:17:15 Julia Williams said the applicant is requesting that this case be continued to a date uncertain.

The following spoke in favor of this request:

No one spoke.

The following spoke in opposition to this request:

No one spoke.

00:18:44 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby **CONTINUE** this case to a date uncertain.

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NEW BUSINESS

CASE NO. 15DEVPLAN1018

The vote was as follows:

YES: Commissioners Tomes, Peterson, and Brown.

NO: No one.

NOT PRESENT: Commissioners Kirchdorfer and White.

ABSTAINING: No one.

DEVELOPMENT REVIEW COMMITTEE

May 6, 2015

NEW BUSINESS

CASE NO. 15DEVPLAN1043

Request: Revised Detailed District Development Plan
Project Name: Misa Metal Fabricating, Inc. Expansion
Location: 7101 International Drive
Owner: Misa Metal Fabricating, Inc.
Applicant: Misa Metal Fabricating, Inc.
Representative: Qk4
Jurisdiction: Louisville Metro
Council District: 1 – Jessica Green

Case Manager: Matthew Doyle, 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.)

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:

00:31:01 Matthew Doyle presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

00:33:13 Mr. Doyle reviewed corrections to proposed binding element #2 in the staff report (correction to square footage to account for the loading dock in the back.)

00:34:15 Commissioner Brown expressed concerns about parking and parking requirements, particularly in the front of the building. He asked to see a revised plan which addresses his concerns.

The following spoke in favor of this request:

The applicant's representative was not present.

The following spoke in opposition to this request:

No one spoke.

00:36:15 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted:

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NEW BUSINESS

CASE NO. 15DEVPLAN1043

RESOLVED, the Louisville Metro Development Review Committee does hereby **CONTINUE** this case to the May 20, 2015 Development Review Committee meeting.

The vote was as follows:

YES: Commissioners Tomes, Peterson, and Brown.

NO: No one.

NOT PRESENT: Commissioners Kirchdorfer and White.

ABSTAINING: No one.

DEVELOPMENT REVIEW COMMITTEE
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NEW BUSINESS

CASE NO. 15MINORPLAT1006

Request:	Amendment to Record Plat to create 3 lots from 2 lots
Project Name:	Smith Plat
Location:	7006 Woodrow Way
Owner:	John and Mary Smith
Applicant:	John and Mary Smith
Representative:	Advanced Engineering and Surveying, LLC
Jurisdiction:	Louisville Metro
Council District:	23 – James Peden

Case Manager: **Brian Davis, AICP, Planning 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.)

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:

00:37:19 Brian Davis presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) Mr. Davis discussed comments received from an adjoining property owner.

The following spoke in favor of this request:

Morris Talbott, 319 Tucker Station Road, Louisville, KY 40243

Summary of testimony of those in favor:

00:40:26 Morris Talbott presented the applicant's case.

The following spoke in opposition to this request:

No one spoke.

00:42:19 After some discussion between Mr. Davis and Commissioner Brown, it was agreed that Condition #2 be struck as irrelevant; and Condition #6 be amended to include "all the lots will be reviewed for driveway access".

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NEW BUSINESS

CASE NO. 15MINORPLAT1006

00:43:26 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 proposed plat has received preliminary approvals from Transportation Planning, the Metropolitan Sewer District, and the Highview Fire Department; and

WHEREAS, the Committee further finds that the request complies with all zoning and subdivision regulations; and

WHEREAS, the Committee further finds that this case was noticed in accordance with Policy 3.03 of the Louisville Metro Planning Commission; and

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

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Amendment to Record Plat to create three lots from two at the intersection of Whispering Hills Boulevard and Woodrow Way **ON CONDITION** that Note #2 is stricken from the plat and Note #6 is amended to include Lots A, B, and C, to be reviewed and approved by Metro Public Works.

The vote was as follows:

YES: Commissioners Tomes, Peterson, and Brown.

NO: No one.

NOT PRESENT: Commissioners Kirchdorfer and White.

ABSTAINING: No one.

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NEW BUSINESS

CASE NO. 14MINORPLAT1156

Request: Amendment to Record Plat to create 5 tracts from 1 tract
Project Name: Price Minor Plat
Location: 3514 Hedgewick Place
Owner: Janet R. Price
Applicant: Janet R. Price
Representative: Alpha Omega Innovations, LLC
Jurisdiction: Louisville Metro
Council District: 17 – Glen Stuckel

Case Manager: Brian Davis, AICP, Planning 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.)

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:

00:44:29 Brian Davis presented the case (see staff report and recording for detailed presentation.) He showed a site plan and aerial photo to illustrate the case.

The following spoke in favor of this request:

No one spoke.

The following spoke in opposition to this request:

No one spoke.

00:50:40 – Commissioners' deliberation.

00:51:12 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 proposed plat has received preliminary approvals from Transportation Planning, the Metropolitan Sewer District, Construction Review, and the Middletown Fire Department; and

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NEW BUSINESS

CASE NO. 14MINORPLAT1156

WHEREAS, the Committee further finds that the request complies with all zoning and subdivision regulations. Minor subdivision regulation 7.8.60.B.1 allows residential lots to be accessed through a private access easement, as long as it is not used for access to more than 20 lots. LDC major subdivision regulation 7.3.30.B requires all new lots for detached houses to abut a public street. The Brookview Estates Subdivision received a waiver of 7.3.30.B under case 18533 to allow single family lots to be accessed by the Twin Creek private access easement. The combination of existing and proposed lots having access and abutting the Twin Creek Drive private access easement results in a total of 17 lots; and

WHEREAS, the Committee further finds that this case was noticed in accordance with Policy 3.03 of the Louisville Metro Planning Commission; and

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

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Amendment to Record Plat to create five tracts from one, along with amending three recorded plats, as described in the legal description and in the staff report.

The vote was as follows:

YES: Commissioners Tomes, Peterson, and Brown.

NO: No one.

NOT PRESENT: Commissioners Kirchdorfer and White.

ABSTAINING: No one.

DEVELOPMENT REVIEW COMMITTEE

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NEW BUSINESS

CASE NO. 15DEVPLAN1048

Request: Revised Detailed District Development Plan
Project Name: Chef Space
Location: 1812 W. Muhammad Ali Boulevard
Owner: Community Reinvestment Properties LLC
Applicant: Community Ventures
Representative: CMW Inc.
Jurisdiction: Louisville Metro
Council District: 4 – David Tandy

Case Manager: Brian Davis, AICP, Planning 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.)

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:

00:51:45 Brian Davis presented the case and showed a site plan and exhibits (see recording and staff report for detailed presentation.)

00:54:20 Mr. Davis discussed proposed amendments to binding elements, as described in the staff report.

The following spoke in favor of this request:

Todd Ott, CMW Architects, 400 Vine Street, Lexington, KY

Summary of testimony of those in favor:

00:55:42 Todd Ott, the applicant's representative, said he was available for any questions. In response to a question from Commission Tomes, he described the proposed use in more detail.

The following spoke in opposition to this request:

No one spoke.

Revised Detailed District Development Plan AND Binding Element Amendments

00:57:45 On a motion by Commissioner Peterson, seconded by Commissioner Brown, the following resolution was adopted:

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NEW BUSINESS

CASE NO. 15DEVPLAN1048

WHEREAS, the Louisville Metro Development Review Committee finds that there do not appear to be any environmental constraints or historic resources on the subject site. While the site is located in the Russell National Historic District the structure, which was constructed in the 1990s, is not a contributor; and

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

WHEREAS, the Committee further finds that there are no open space requirements with the current proposal; 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. Buildings and parking lots will meet all required setbacks as approved with the original variance that was granted in 1993; and

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

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Revised Detailed District Development Plan AND Binding Element Amendments, **SUBJECT** to the following binding elements:

1. The development plan shall be in accordance with the approved district development plan, land use 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.

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NEW BUSINESS

CASE NO. 15DEVPLAN1048

2. The development shall not exceed ~~13,410~~13,200 square feet of gross floor area for restaurant- the primary building, 3,600 square feet of gross floor area for retail and 6,572 square feet of gross floor area for retail.
3. The existing 6,572 square foot and proposed 3,600 square foot structures shall not be used for restaurants or any other use requiring a parking ratio greater than one space for every 200 square feet of floor area unless parking can meet the requirement of the proposed use.
4. There shall be no vehicular access to Madison Street.
5. There shall be no freestanding business identification sign permitted on site.
6. Outdoor lighting shall be directed down and away from adjacent residential use.
7. Outdoor storage shall not be permitted on the site.
8. Before a building or alteration permit and/or a certificate of occupancy is requested:
 - a. The development plan must be reapproved by the **Louisville Metro City** of ~~Louisville~~ Department of Inspections, Permits and Licenses and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in ~~Article 12~~**Chapter 10**. Such plan shall be implemented prior to requesting a certificate of occupancy and 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 submitted to the Planning Commission.~~
 - d. ~~The alley right of way shown on the approved general district development plan must be closed.~~
9. If a building permit is not issued within ~~two~~ one years of the date of approval of the plan and 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.
10. 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.

The vote was as follows:

YES: Commissioners Tomes, Peterson, and Brown.

NO: No one.

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NEW BUSINESS

CASE NO. 15DEVPLAN1048

NOT PRESENT: Commissioners Kirchdorfer and White.

ABSTAINING: No one.

DEVELOPMENT REVIEW COMMITTEE
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NEW BUSINESS

CASE NO. 14DEVPLAN1154

Request: Waivers to allow the proposed stadium lighting to exceed the maximum mounting height; to allow the light trespass to exceed 0.5 foot-candles at the property line; and to not provide the full shield/full-cutoff for the proposed stadium lighting.

Project Name: DeSales Athletic Field Stadium Lighting

Location: 425 W. Kenwood Dr., 421, 423, 425 Lyman Ave., 421, 424, 425 Northern Ave.

Owner: Roman Catholic Bishop of Louisville

Applicant: St. Francis DeSales High School

Representative: Kelli Jones – Sabak Wilson & Lingo

Jurisdiction: Louisville Metro

Council District: 21 – Dan Johnson

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:

00:59:50 Sherie Long presented the case and showed a Power Point presentation. In response to a question from Commissioner Peterson, she pointed out the location of the residential property that would be most affected by light trespass. She added that she had received no comments from the public.

The following spoke in favor of this request:

Kelli Jones, Sabak Wilson & Lingo, 608 S. 3rd Street, Louisville, KY 40202

Doug Strothman, President of DeSales High School, 425 W. Kenwood Drive, Louisville, KY 40214

Curt Mickey, 110 Casey Lane, Georgetown, KY 40324

Tom Kargle, Tucker Booker Donhoff Architects, 716 East Market Street, Louisville, KY 40202

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NEW BUSINESS

CASE NO. 14DEVPLAN1154

Summary of testimony of those in favor:

01:18:29 Kelli Jones, the applicant's representative, presented the applicant's case and showed a Power Point presentation.

01:24:55 Ms. Jones read a revised applicant's justification into the record (see recording for verbatim presentation) and explained why these waivers are necessary for visibility and safety.

01:26:40 Ms. Jones addressed tree preservation and how that could be affected by drainage issues.

01:28:01 Ms. Jones and Commissioner Brown discussed tree height for screening.

01:32:03 Doug Strothman, President of DeSales High School.

The following spoke in opposition to this request:

Mark Stack (sp), 120 Esplanade,

Summary of testimony of those in opposition:

01:34:00 Mark Stack (sp) discussed his concerns about light trespass, adequate buffering, and pedestrian traffic onto his property. He asked about having a fence to protect his property.

01:37:11 Ms. Jones resumed the podium to discuss Mr. Stack's concerns, and added that the site will be fenced.

01:45:40 Mr. Strothman discussed foul balls/property issues with Mr. Stack.

01:53:41 Curtis Mickey discussed lighting.

Waiver #1:

Waiver from Land Development Code Section 4.1.3.B.2.b.ii to allow the proposed stadium lighting to exceed the maximum 20 foot mounting height.

01:58:34 on a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted:

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CASE NO. 14DEVPLAN1154

WHEREAS, the Louisville Metro Development Review Committee finds that the Waiver will not adversely affect adjacent property owners. Lighting will make the area safer for the school and the surrounding properties. Stadium lighting will be shielded and used for games and practices only. Lights will be turned off when the fields are not in use and will be turned off by 11:00 on game nights except as allowed by LDC 4.1.3.B.6.a.ii. The applicant is also proposing screening for a majority of the affected properties; and

WHEREAS, the Committee further finds that the Waiver will not violate the Comprehensive Plan. These waivers will allow an existing school to provide adequate athletic facilities that meet the requirements of KHSAA. In addition, the applicant is making every effort to reduce the amount of light trespass on adjoining properties, including increased height, screening and shielded fixtures; and

WHEREAS, the Committee further finds that the extent of the Waiver of the regulation is the minimum necessary to afford relief to the applicant. In order to meet KHSAA standards for field lighting, while reducing light trespass on adjoining property owners, these waivers are the minimum required to afford relief to the applicant; and

WHEREAS, the Committee further finds that the applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) and that 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. The applicant is making every effort to reduce the impact of light trespass on adjoining property owners by providing shielded light fixtures, screening and increasing the height of these fixtures. The strict application of the provisions of the regulation would prevent the applicant from lighting their new athletic facilities per the KHSAA requirements. This would greatly reduce the usability of the stadium and would restrict activities to daylight hours. One of the primary goals of this athletic facility improvement is to allow the 2-time State Champion football team to host varsity football games on their home field. The ability to do this would be greatly decreased or eliminated if this waiver is not granted. This would cause an unnecessary hardship on the applicant; and

WHEREAS, the Committee finds that, based the applicant's justification and on the evidence and testimony presented today, that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver of Section 4.1.3.B.2.b.ii to allow the proposed stadium lighting to exceed the maximum 20 foot mounting height.

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NEW BUSINESS

CASE NO. 14DEVPLAN1154

The vote was as follows:

YES: Commissioners Tomes, Peterson, and Brown.

NO: No one.

NOT PRESENT: Commissioners Kirchdorfer and White.

ABSTAINING: No one.

Waiver #2 –

Waiver from Land Development Code Section 4.1.3.B.11.a to allow light trespass to exceed 0.5 foot-candles at the property line.

02:00:44 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 adversely affect adjacent property owners since the addition of lighting on this property alters the essential character of the general vicinity by increasing the intensity of the site. The ability of the property to be used after dark is an essential change which will adversely affect the neighborhood and directly affect the adjacent property owners. The applicant is showing spillage of light onto the adjacent residential properties. However, pole height and additional screening has reduced the amount of spillage along most of the properties. Preservation of the existing tree canopy would also help to mitigate the adverse public health and welfare impacts on adjacent properties; and

WHEREAS, the Committee further finds that Guideline 3, policy 8 of the Comprehensive Plan calls for the mitigation of adverse impacts of lighting from proposed development on nearby properties, and on the night sky. Guideline 3, policies 21 and 22 calls to ensure appropriate transitions between uses that are substantially different in scale and intensity or density of development, and to mitigate the impacts caused when incompatible developments unavoidably occur adjacent to one another. These transitions and buffers are to address issues such as outdoor lighting; and

WHEREAS, the Committee further finds that the applicant has increased the mounting height of the fixture but is not providing the required cut-off and shielding. The applicant is also providing screening along the perimeters where the light trespasses. However, preservation of existing large trees along the perimeter would also help to reduce the impact of the trespass of the light and impact on the adjacent properties; and

WHEREAS, the Committee further finds that, based the staff report and on the evidence and testimony presented today, that applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are not being met; now, therefore be it

DEVELOPMENT REVIEW COMMITTEE
May 6, 2015

NEW BUSINESS

CASE NO. 14DEVPLAN1154

RESOLVED, the Louisville Metro Development Review Committee does hereby **DENY** the requested Waiver of Section 4.1.3.B.11.a to allow light trespass to exceed 0.5 foot-candles at the property line, and that additional landscaping be provided along the area of the unimproved right-of-way where the exhibit has shown that lighting level to exceed the ½ foot-candle allowed by the Land Development Code.

The vote was as follows:

YES: Commissioners Tomes, Peterson, and Brown.

NO: No one.

NOT PRESENT: Commissioners Kirchdorfer and White.

ABSTAINING: No one.

Waiver #3

Waiver from Development Code Section 4.1.3.B.2.c.i to not fully-shield the light fixtures.

WHEREAS, the Louisville Metro Development Review Committee finds that the requested Waiver will not adversely affect adjacent property owners. Lighting will make the area safer for the school and the surrounding properties. Stadium lighting will be shielded and used for games and practices only. Lights will be turned off when the fields are not in use and will be turned off by 11:00 on game nights except as allowed by LDC 4.1.3.B.6.a.ii. The applicant is also proposing screening for a majority of the affected properties; and

WHEREAS, the Committee further finds that the Waiver will not violate the Comprehensive Plan. These waivers will allow an existing school to provide adequate athletic facilities that meet the requirements of KHSAA. In addition, the applicant is making every effort to reduce the amount of light trespass on adjoining properties, including increased height, screening and shielded fixtures; and

WHEREAS, the Committee further finds that Guideline 3, policy 8 of the Comprehensive Plan calls for the mitigation of adverse impacts of lighting from proposed development on nearby properties, and on the night sky. Guideline 3, policies 21 and 22 calls to ensure appropriate transitions between uses that are substantially different in scale and intensity or density of development, and to mitigate the impacts caused when incompatible developments unavoidably occur adjacent to one another. These transitions and buffers are to address issues such as outdoor lighting. The waiver request does not violate the before mentioned guidelines. The applicant has increased

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CASE NO. 14DEVPLAN1154

the pole height, along with providing screening in the locations where the light trespass is the most intense; and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. In order to meet KHSAA standards for field lighting, while reducing light trespass on adjoining property owners, these waivers are the minimum required to afford relief to the applicant; and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the applicant has provided additional planting to mitigate the impact on the adjacent properties which are the most affected by the light spillage. The applicant has increased the mounting height of the fixtures to reduce the amount of light trespass onto the adjacent properties, in addition to the added screening to assist in the reduction of the adverse impact; and

WHEREAS, the Committee further finds that the applicant is making every effort to reduce the impact of light trespass on adjoining property owners by providing shielded light fixtures, screening and increasing the height of these fixtures. The strict application of the provisions of the regulation would prevent the applicant from lighting their new athletic facilities per the KHSAA requirements. This would greatly reduce the usability of the stadium and would restrict activities to daylight hours. One of the primary goals of this athletic facility improvement is to allow the 2-time State Champion football team to host varsity football games on their home field. The ability to do this would be greatly decreased or eliminated if this waiver is not granted; and

WHEREAS, the Committee further finds that the applicant has increased the mounting height of the fixture but is not providing the required cut-off and shielding. The applicant is also providing screening along the perimeters where the light trespasses. The strict application of the provisions to fully shield the lights would deprive the applicant the ability to have adequate athletic facilities which meet the KSHAA requirements; and

WHEREAS, the Committee finds that, based the applicant's justification and on the evidence and testimony presented today, that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver of Section 4.1.3.B.2.c.i to not fully-shield the light fixtures.

The vote was as follows:

YES: Commissioners Tomes, Peterson, and Brown.

DEVELOPMENT REVIEW COMMITTEE
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NO: No one.

NOT PRESENT: Commissioners Kirchdorfer and White.

ABSTAINING: No one.

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NEW BUSINESS

CASE NO. 15WAIVER1007

Request:	Waiver to allow more than a 50% overlap of existing easements into the proposed 15-foot landscape buffer area (LBA)
Project Name:	Zaxby's
Location:	4913 Dixie Highway
Owner:	Dixie Associates
Applicant:	North Dixie – Cornerstone, LLC
Representative:	Ann Richard, Land Dfesign & Development, Inc.
Jurisdiction:	Louisville Metro
Council District:	3 – Mary Woolridge

Case Manager: Sherie Long, Landscape Architect

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

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:

02:02:11 Sherie Long presented the case and showed a Power Point presentation.

The following spoke in favor of this request:

Ann Richard, Land Design & Development, 503 Washburn Ave # 101, Louisville, KY 40222

Summary of testimony of those in favor:

02:08:33 Ann Richard, the applicant's representative, presented the applicant's case and answered questions.

The following spoke in opposition to this request:

No one spoke.

Waiver of Section 10.2.4.B to allow an existing sanitary sewer and drainage easement to encroach 100% into the required 15' Landscape Buffer Area (LBA) along the Dixie Highway frontage.

DEVELOPMENT REVIEW COMMITTEE
May 6, 2015

NEW BUSINESS

CASE NO. 15WAIVER1007

02:10:41 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 easement is existing; also the required buffer and trees plantings are being provided; and

WHEREAS, the Committee further finds that Guideline 3, policy 9 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. Even though there is encroachment of the easement into the landscape buffer area, the applicant is providing plantings which meet the minimum required tree and shrub plantings for the perimeter buffers. Plus the tree canopy requirements are being fulfilled for the site. Therefore the waiver will not violate the comprehensive plan; and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the easement is an existing condition. Plus even with the encroachment of the easement into the landscape buffer area, the applicant is providing plantings which meet the minimum required tree and shrub plantings for the perimeter buffers. Plus the tree canopy requirements are being fulfilled for the site; and

WHEREAS, the Committee further finds that, although the applicant has not incorporated other design measures that exceed the minimums of the district to

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NEW BUSINESS

CASE NO. 15WAIVER1007

compensate for non-compliance with the requirements to be waived, 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 development of the site is utilizing the existing pavement to provide the required parking if the pavement were to be removed the applicant would lose 14 parking spaces along the front of the parcel; and

WHEREAS, the Committee finds that, based the staff report, the applicant's justification and on the evidence and testimony presented today, that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver of Section 10.2.4.B to allow an existing sanitary sewer and drainage easement to encroach 100% into the required 15' Landscape Buffer Area (LBA) along the Dixie Highway frontage.

The vote was as follows:

YES: Commissioners Tomes, Peterson, and Brown.

NO: No one.

NOT PRESENT: Commissioners Kirchdorfer and White.

ABSTAINING: No one.

DEVELOPMENT REVIEW COMMITTEE
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NEW BUSINESS

CASE NO. 15STREETS1005

Request:	Closure of the easternmost portion of the 20-foot wide alley parallel to and between Dumesnil St. and W. Ormsby Ave. and intersecting the west line of another 30-foot wide alley (A.K.A. Nashville Ave.)
Project Name:	Pettit Environmental Alley Closure
Location:	901 W. Ormsby Ave. & 900 Dumesnil St.
Owner:	Louisville Metro
Applicant:	Pettit Environmental, Inc.
Representative:	Lockett & Farley Cardinal Surveying Services
Jurisdiction:	Louisville Metro
Council District:	6 – David James

Case Manager: **David B. Wagner, Planner II**

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

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:

02:11:25 Brian Davis presented the case on behalf of David Wagner, the case manager.

The following spoke in favor of this request:

Phil Gambrell (sp), Lockett & Farley, 737 S 3rd St, Louisville, KY 40202

Summary of testimony of those in favor:

Phil Gambrell (sp), Lockett & Farley - the applicant's representative. (Activated at 02:13:13)

The following spoke in opposition to this request:

No one spoke.

02:14:08 On a motion by Commissioner Peterson, seconded by Commissioner Brown, the following resolution was adopted:

DEVELOPMENT REVIEW COMMITTEE
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NEW BUSINESS

CASE NO. 15STREETS1005

RESOLVED, the Louisville Metro Development Review Committee does hereby place this case on the Consent Agenda for the **May 7, 2015** Planning Commission public hearing.

The vote was as follows:

YES: Commissioners Tomes, Peterson, and Brown.

NO: No one.

NOT PRESENT: Commissioners Kirchdorfer and White.

ABSTAINING: No one.

**DEVELOPMENT REVIEW COMMITTEE
May 6, 2015**

NEW BUSINESS

CASE NO. 15DEVPLAN1030

Request:	Revised Detailed District Development Plan and Binding Elements
Project Name:	Oxmoor Mazda
Location:	7913 Shelbyville Road
Owner:	7913 Shelbyville Road, LLC
Applicant:	7913 Shelbyville Road, LLC
Representative:	BTM Engineering, Inc.
Jurisdiction:	City of Lyndon
Council District:	18 – Marilyn Parker

Case Manager: David B. Wagner, Planner II

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

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:

02:14:37 Brian Davis presented the case on behalf of David Wagner, the case manager.

02:16:22 Mr. Davis discussed the proposed changes to binding elements #2 and #5. He explained that a few binding elements have been removed since they are no longer relevant (see staff report.)

The following spoke in favor of this request:

John Addington, BTM Engineering, 3001 Taylor Springs Dr, Louisville, KY 40220

Summary of testimony of those in favor:

02:17:55 John Addington, BTM Engineering, presented the applicant's case.

The following spoke in opposition to this request:

No one spoke.

02:20:18 – On a motion by Commissioner Peterson, seconded by Commissioner Brown, the following resolution was adopted:

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NEW BUSINESS

CASE NO. 15DEVPLAN1030

WHEREAS, the Louisville Metro Development Review Committee finds that the proposal conserves as many natural resources as possible that currently exist on the site while still allowing the development; and

WHEREAS, the Committee further finds that safe and efficient vehicular and pedestrian transportation is provided by the sidewalks and vehicular access to the public road network through the entrances provided on the site; and

WHEREAS, the Committee further finds that open space is not required for this proposal; and

WHEREAS, the Committee further finds that MSD has approved the drainage facilities for the site; and

WHEREAS, the Committee further finds that the proposal is compatible with existing commercial development in this area. The only change is the expansion of the building, mostly at the front of the site, which has existed for some time. There are small changes to the display area, parking, and ILA which all comply with the LDC requirements. The plan is also incorporating the full 15' LBA along the street which is a 10' increase from what exists currently; and

WHEREAS, the Committee further finds that this development conforms to the intent of the Regional Center Form District and the Comprehensive Plan as it would continue the pattern of high intensity uses in a previously built commercial development. The existing landscaping along the south side of the site will be increased to the required width to help provide more screening and landscaping along the street. Adequate vehicular, pedestrian, and bicycle access is provided through the public right-of-way network and existing infrastructure will be utilized for this development. It lies along a Major Arterial level street and is a short distance from major retail centers. This proposal is appropriately located as there are two interstate highways that intersect in the vicinity and renovates an existing auto dealership building; and

WHEREAS, the Committee finds that, based the staff report, the applicant's justification and on the evidence and testimony presented today, that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **RECOMMEND** approval of the requested Revised Detailed District Development Plan and Amended Binding Elements to the City of Lyndon, **SUBJECT** to the following binding elements:

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CASE NO. 15DEVPLAN1030

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 and to the City of Lyndon for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed:
 - Area 1: 41,544 **15,205** square feet of gross floor area.
 - Area 2: 76,421 square feet of gross floor area.
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 Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - ~~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 the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.~~
 - ~~d. A minor plat or legal instrument shall be recorded consolidating Area 1 property into one lot and Area 2 into one lot. A copy of the recorded instrument shall be 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.~~
 - e. c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to

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CASE NO. 15DEVPLAN1030

- occupancy of the site and shall be maintained thereafter.
- f. ~~d.~~ A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the three lots (Areas 1,2, and 3) and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - g. ~~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.
 - h. ~~f.~~ A deed restriction in a form acceptable to the Planning Commission legal counsel shall be recorded acknowledging the location, site, ownership, and maintenance of the cemetery; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
6. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised detailed district development plan is approved or an extension is granted by the Planning Commission and the City of Lyndon.
 7. 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 and the City of Lyndon.
 8. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
 9. 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.

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CASE NO. 15DEVPLAN1030

10. No idling of trucks shall take place within 200 feet of residential property. No overnight idling of trucks shall be permitted on-site.
11. The site shall be developed in accordance with the woodland protection areas delineated on the site plan, tree preservation plan and related notes. Any modification of the woodland protection area requires notification of adjoining property owners and LD&T action.
12. The applicant shall provide deeds of restriction ensuring that WPAs will be permanently protected in a manner consistent with these binding elements and the approved plan. The form of the deed restrictions shall be approved by Planning Commission counsel. Deed Restrictions must be recorded prior to tree preservation approval. All plans setting out woodland protection areas must contain the following notes:
 - a. Woodland Protection Areas (WPAs) identified on this plan represent portions of the site on which all existing vegetation shall be permanently preserved. All clearing, grading, and fill activity in these areas must be in keeping with restrictions established at the time of development plan approval. No further clearing, grading, construction or other land disturbing activity shall take place within designated WPAs beyond pruning to improve the general health of the tree or to remove dead or declining trees that may pose a public health and safety threat. As trees are lost thru natural causes new trees shall be planted in order to maintain minimum tree canopy as specified in Chapter 10, Part 1 of the LDC and as shown on the approved Tree Canopy/Landscape Plan.
 - b. Dimension lines have been used on this plan to establish the general location of WPAs and represent the minimum boundary of the designated WPAs. The final boundary for each WPA shall be established in the field by the applicant, developer, or property owner to include canopy area of all trees at or within the dimension line.
13. At such time that Area 1, Area 2, or Area 3 are under different ownership, a legal instrument providing for the long-term use of the off-site parking spaces as shown on the approved general district development plan and in accordance with Section 9.1.5 Off-Site Parking, shall be submitted and approved by the Planning Commission legal counsel and recorded in the County Clerk's office. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.
14. Parking lot and outdoor sales and display lights for Area 2 shall be turned off by 10pm.

DEVELOPMENT REVIEW COMMITTEE
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NEW BUSINESS

CASE NO. 15DEVPLAN1030

The vote was as follows:

YES: Commissioners Tomes, Peterson, and Brown.

NO: No one.

NOT PRESENT: Commissioners Kirchdorfer and White.

ABSTAINING: No one.

DEVELOPMENT REVIEW COMMITTEE

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NEW BUSINESS

CASE NO. 15DEVPLAN1032

Request: Revised Detailed District Development Plan and Binding Elements
Project Name: Riverport Building 4 Expansion
Location: 10650 Freeport Dr. & 7101-7111 Trade Port Dr.
Owner: Louisville/Jefferson County Riverport
Applicant: Prologis Management, LLC
Representative: Mindel Scott & Associates, Inc.
Jurisdiction: Louisville Metro
Council District: 12 – Rick Blackwell

Case Manager: David B. Wagner, Planner II

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

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:

02:20:52 Brian Davis presented the case on behalf of David Wagner, the case manager.

The following spoke in favor of this request:

Steve Scott, Mindel Scott & Associates, 5151 Jefferson Blvd, Louisville, KY 40219

Summary of testimony of those in favor:

02:24:04 Steve Scott, the applicant's representative, presented the applicant's case.

The following spoke in opposition to this request:

No one spoke.

Revised Detailed District Development Plan and Binding Elements

02:25:16 On a motion by Commissioner Peterson, seconded by Commissioner Brown, the following resolution was adopted:

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CASE NO. 15DEVPLAN1032

WHEREAS, the Louisville Metro Development Review Committee finds that the proposal conserves as many natural resources as possible that currently exist on the site while still allowing the development; and

WHEREAS, the Committee further finds that safe and efficient vehicular and pedestrian transportation is provided by the sidewalks and vehicular access to the public road network through the entrances provided on the site; and

WHEREAS, the Committee further finds that open space is not required for this proposal; and

WHEREAS, the Committee further finds that MSD has approved the drainage facilities for the site; and

WHEREAS, the Committee further finds that the proposal is compatible with existing warehouse development in this area. The only change is the expansion of the building, at the east end of the site, which faces other similar uses in the industrial park. There are additions to the parking and ILA which all comply with the LDC requirements. The plan is also incorporating the full 15' VUA LBA along the streets; and

WHEREAS, the Committee further finds that this development conforms to the intent of the Suburban Workplace Form District and the Comprehensive Plan as it would continue the pattern of warehouse development within an established industrial park. The required landscaping along both streets will be provided and the design of the addition will match the existing building on the site. Adequate vehicular, pedestrian, and bicycle access is provided through the public right-of-way network and existing infrastructure will be utilized for this development. This proposal is appropriately located as it lies at the corner of a minor arterial and local level roadway; and

WHEREAS, the Committee finds that, based the staff report, the applicant's justification and on the evidence and testimony presented today, that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested 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:

1. The development shall be in accordance with the approved district development

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plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.

2. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be 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.
4. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
5. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner

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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.

6. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the May 6, 2015 Development Review Committee meeting.
7. There shall be no outdoor storage on the site.

The vote was as follows:

YES: Commissioners Tomes, Peterson, and Brown.

NO: No one.

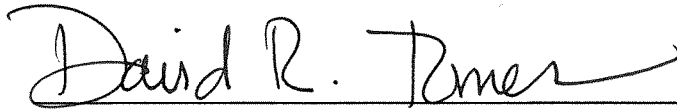
NOT PRESENT: Commissioners Kirchdorfer and White.

ABSTAINING: No one.

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ADJOURNMENT

The meeting adjourned at approximately 3:36 p.m.

A handwritten signature in cursive script that reads "David R. Jones". The signature is written in black ink and is positioned above a horizontal line.

Chair

A handwritten signature in cursive script, which is partially illegible but appears to start with "Liz". The signature is written in black ink and is positioned above a horizontal line.

Planning Director