

**MINUTES OF THE MEETING  
OF THE  
DEVELOPMENT REVIEW COMMITTEE  
October 18, 2017**

A meeting of the Development Review Committee was held on October 18, 2017 at 1:00 p.m. in the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

**Committee Members present were:**

Rich Carlson, Vice Chair  
Emma Smith  
Jeffrey Brown

**Committee Members absent were:**

David Tomes, Chairman  
Laura Ferguson

**Staff Members present were:**

Joe Reverman, AICP, Assistant Director, Planning & Design Services  
Brian Davis, AICP, Planning & Design Manager  
Brian Mabry, Planning & Design Supervisor  
Steve Hendrix, Planning Supervisor  
Joe Haberman, Planning & Design Manager  
Joel Dock, Planner II  
Jay Lockett, Planner I  
Julia Williams, RLA, AICP, Planning & Design Planning Supervisor  
Laura Mattingly, AICP, Planner II  
Dante St. Germain, Planner I  
Paul Whitty, Legal Counsel  
Travis Fiechter, Legal Counsel  
Tammy Markert, Transportation Planning  
Chris Cestaro, Management Assistant (minutes)

The following matters were considered:

**DEVELOPMENT REVIEW COMMITTEE**  
**October 18, 2017**

**APPROVAL OF MINUTES**

**Approval of the minutes of the October 4, 2017 Development Review Committee meeting**

00:04:35 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution was adopted.

**RESOLVED**, that the Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on October 4, 2017.

**The vote was as follows:**

**YES: Commissioners Smith, Brown, and Carlson.**

**NO: No one.**

**NOT PRESENT: Commissioners Ferguson and Tomes.**

**ABSTAINING: No one.**

**DEVELOPMENT REVIEW COMMITTEE**  
**October 18, 2017**

**NEW BUSINESS**

**CASE 17MOD1010**

Request: Amendment to Binding Elements – **TO BE CONTINUED TO A DATE UNCERTAIN**  
Project Name: Signature Point  
Location: 1111 Rose Hill Lane  
Owner: Multiple Owners  
Applicant: Elite Homes, Inc.  
Representative: Elite Homes, Inc.  
Kevin Young – Land Design & Development  
Jurisdiction: Louisville Metro  
Council District: 20 – Stuart Benson

**Case Manager: Joel Dock, 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. 5<sup>th</sup> 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:**

00:05:17 Joel Dock explained that, after conversations with the property owner to the north, the applicant has decided to continue this case indefinitely (see recording for detailed presentation.) There is also some work that AT&T is doing which may impact the development.

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

No one spoke.

**The following spoke in opposition to the request:**

No one spoke.

**The following spoke neither for nor against the request:**

No one spoke.

00:06:00 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution was adopted:

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

**CASE 17MOD1010**

**RESOLVED**, the Louisville Metro Development Review Committee does hereby CONTINUE this case indefinitely.

**The vote was as follows:**

**YES: Commissioners Smith, Brown, and Carlson**

**NO: No one.**

**NOT PRESENT: Commissioners Ferguson and Tomes.**

**ABSTAINING: No one.**

**DEVELOPMENT REVIEW COMMITTEE**  
**October 18, 2017**

**NEW BUSINESS**

**CASE 17WAIVER1022**

Request: Waiver to allow the footprint of an accessory structure to exceed the footprint of the principle structure  
Project Name: 4301 Mud Lane Garage  
Location: 4301 Mud Lane  
Owner: Rickey & Janice Conley  
Applicant: Rickey Conley  
Representative: Rickey Conley  
Jurisdiction: Louisville Metro  
Council District: 13 – Vicki Aubrey Welch

**Case Manager: Dante St. Germain, 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. 5<sup>th</sup> 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:**

00:06:58 Dante St. Germain presented the case and showed the site plan (see staff report and recording for detailed presentation.)

00:10:31 In response to a question from Commissioner Brown, Ms. St. Germain discussed side yard setback requirements (see recording for detailed discussion.)

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

Rickey Conley (applicant), 4301 Mud Lane, Louisville, KY 40229

Terri Keating, 195 Half Moon Drive, Mount Washington, Kentucky. 40047-7307

Theresa Fuelling, 12506 Somerset Drive, Louisville, KY 40229

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

00:12:07 Rickey Conley, the applicant, presented his request (see recording for detailed presentation.) Mr. Conley handed out copies of photos of the site to the Commissioners on file) and described the content of the photos.

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**NEW BUSINESS**

**CASE 17WAIVER1022**

02:22:12 In response to a question from Paul Whitty, legal counsel for the Planning Commission, Mr. Conley described the agricultural uses he had planned for this structure (he said he was thinking about bringing in horses or cattle, after he retires.)

00:23:59 Terri Keating spoke in support (see recording for detailed presentation.) She discussed the vehicles on the property, the garden, and the condition of the rest of the property.

**The following spoke in opposition to the request:**

Matthew Doyle, 110 Trimmingham Road, New Albany, IN 47150

Donna and Garry Doyle, 4227 Mud Lane, Louisville, KY 40229

**Summary of testimony of those in opposition:**

00:30:39 Matthew Doyle spoke on behalf of the opposition and showed a Power Point presentation (see recording for detailed presentation.) The presentation contained photos of the site and some activities on the site, and also rebutted the applicant's justification statement/s.

00:55:39 Garry Doyle spoke in opposition.

**The following spoke neither for nor against the request:**

No one spoke.

**Rebuttal:**

00:57:56 Mr. Conley said he has tried to talk to Mr. Doyle about what he was going to do, and he said Mr. Doyle never raised any objections at the time, but only after the fact. He said he has also put up a privacy fence. He explained about some family issues that were relevant to the car storage issue/s. He explained why he needs storage. He said he is not working on any vehicles on the property.

01:00:35 Commissioner Brown asked Mr. Conley if Code Enforcement officers had visited his property, and if he had allowed Code Enforcement officers access to the property. Mr. Conley said he did for the first visit, but did not for the second visit because he was not at home. Commissioner Brown asked if Mr. Conley would allow Code Enforcement officers to document conditions inside and outside the garage. Mr. Conley said he would.

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**NEW BUSINESS**

**CASE 17WAIVER1022**

**01:01:47 Commissioners' deliberation**

01:06:12 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that the waiver will adversely affect adjacent property owners. The owner has stated his intent to store and repair several vehicles within the accessory structure. With its location less than 10 feet from the side property line adjoining another residentially used property, noise associated with the ongoing repair of vehicles will create a nuisance that will adversely affect adjacent property owners. Further, the size and scale of the accessory structure is not mitigated and may serve as a visual intrusion on the neighboring property; and

**WHEREAS**, the Committee further finds that the non-commercial storage and repair of personal vehicles could take place in several smaller garages that do not require waivers. If a large garage is desired, there are other locations on the subject property that are not near a property line and would be more suitable for a large garage containing the repair activity; and

**WHEREAS**, the Committee further finds that the waiver will violate specific guidelines of Cornerstone 2020 because, although the property is in the Suburban Workplace form district, the principal land uses of the surrounding properties are residential and agricultural. If the property is in fact being used for commercial repair as suggested in the zoning complaint being investigated, Guideline 3, Compatibility, states that non-residential expansion into existing residential areas should be discouraged unless the applicant can demonstrate that any adverse impact on residential uses will be mitigated. The form district on the other side of Mud Lane from the subject property is Neighborhood; and

**WHEREAS**, the Committee further finds that other policies that apply include Guideline 3, Policy 3, which encourages residential character that is compatible with adjacent residential areas. Allow a mixture of densities as long as their designs are compatible. Guideline 3, Policy 7 states to mitigate adverse impacts of noise from proposed development on existing communities. Guideline 3, Policy 9 states to protect the character of residential areas, roadway corridors, and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, Compatibility, Policy 23 states that setbacks, lot dimensions and building heights should be compatible with those of nearby developments that meet form district guidelines. These policies are violated by the size of the building and its position close to the most affected neighboring property, as well as the use of the building to restore vehicles which creates noise and other adverse impacts; and

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**NEW BUSINESS**

**CASE 17WAIVER1022**

**WHEREAS**, the Committee further finds that the extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant as the proposed activities could be conducted in multiple accessory structures, each of which has a footprint less than the footprint of the principal structure; and

**WHEREAS**, the Committee further finds that the strict application of the provisions of the regulation would create a hardship on the applicant by requiring the applicant to remove part of an accessory structure which has already been constructed. However, as the applicant built the accessory structure initially without the benefit of a building permit and under the premise of an agricultural use, the hardship may or may not be unnecessary; and

**WHEREAS**, the Committee further finds that, based the staff report and the evidence and testimony presented today, the development plan does not conform to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Development Code; now therefore be it

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **DENY** the requested Waiver of Land Development Code section 5.4.2.C.1 to allow the footprint of an accessory structure to exceed the footprint of the principal structure on a lot.

**The vote was as follows:**

**YES: Commissioners Smith, Brown, and Carlson.**

**NO: No one.**

**NOT PRESENT: Commissioners Ferguson and Tomes.**

**ABSTAINING: No one.**



**DEVELOPMENT REVIEW COMMITTEE**

**October 18, 2017**

**NEW BUSINESS**

**CASE 17MINORPLAT1098**

Request: A waiver to allow individual direct single-family access on a collector level road  
Project Name: 6612 Mount Washington Road  
Location: 6612 Mount Washington Road  
Owner: Richard & Kathryn Matheny  
Applicant: Richard Matheny  
Representative: Kathryn Matheny  
Jurisdiction: Louisville Metro  
Council District: 13 – Vicki Aubrey Welch and 23 – James Peden

**Case Manager: Brian Mabry, Planning & Design Supervisor**

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

01:08:17 Brian Mabry presented the case (see staff report and recording for detailed presentation.)

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

Richard Matheny, 6600 Mount Washington Road, Louisville, KY

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

01:12:25 Richard Matheny, the applicant, explained the request (see recording for details.)

**The following spoke in opposition to the request:**

No one spoke.

**The following spoke neither for nor against the request:**

No one spoke.

01:13:07 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution was adopted:

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**NEW BUSINESS**

**CASE 17MINORPLAT1098**

**WHEREAS**, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners as access will serve single-family residences and traffic will be the minimum necessary to serve them; and

**WHEREAS**, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 3, Policy A.6 strives to mitigate adverse impacts of traffic from proposed development on nearby existing communities. The waiver will not violate specific guidelines of Cornerstone 2020 as the proposed subdivision will accommodate single-family residences and traffic will be the minimum necessary to serve them. The communities abutting Mt. Washington Road are currently medium-density; and

**WHEREAS**, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the two existing properties serve single-family residences and the third will be used for low-density residential development; and

**WHEREAS**, the Committee further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land. There would not be unnecessary hardship, but KTC and Transportation Planning have preliminarily approved the proposed additional single-family access on this primary collector roadway. LDC section 7.8.60.B.4 prohibits Planning Commission staff from approving the minor subdivision, unless a waiver is granted; and

**WHEREAS**, the Committee further finds that, based on the staff report, the applicant's justification and 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 Land Development Code (LDC) section 7.8.60.B.4 to allow individual single-family driveway access to a collector level roadway.

**The vote was as follows:**

**YES: Commissioners Smith, Brown, and Carlson.**

**NO: No one.**

**NOT PRESENT: Commissioners Ferguson and Tomes.**

**ABSTAINING: No one.**

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**NEW BUSINESS**

**CASE 17WAIVER1034**

Request: Landscape Waivers  
Project Name: 17WAIVER1034  
Location: 4530 Poplar Level Road  
Owner: Mark Williams - Poplar Level Road Self Storage, LLC  
Applicant: Mark Williams – Poplar Level Road Self Storage, LLC  
Representative: Brandy Zackery – Arnold Consulting Engineering Services  
Jurisdiction: Louisville Metro  
Council District: 21 – Dan Johnson

**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. 5<sup>th</sup> 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:**

01:13:38 Steve Hendrix presented the case (see staff report and recording for detailed presentation.)

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

Brian Shirley, 1136 South Park Drive, Bowling Green, KY 42103

Mark Williams, P.O. Box 15, Bowling Green, KY 42102

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

01:16:57 Brian Shirley, the applicant's representative, presented the applicant's case (see recording for detailed presentation.)

**The following spoke in opposition to the request:**

No one spoke.

**The following spoke neither for nor against the request:**

No one spoke.

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**NEW BUSINESS**

**CASE 17WAIVER1034**

**01:18:20 Commissioners' deliberation.**

**(Waivers #1 and #2)**

01:18:47 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that the waivers will not adversely affect the adjacent property owner since the adjacent land use is the 869 foot long entry drive to the proposed Trackage facility; and

**WHEREAS**, the Committee further finds that the waivers will not violate specific guidelines of Cornerstone 2020. Guideline 3, Policy 9 of Cornerstone 2020 calls for protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate. Guideline 3, Policies 21 and 22 call for appropriate transitions between uses that are substantially different in scale and intensity or density, and mitigation of 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 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 waiver requests are consistent with these principals as the required planting material and screening will be provided; and

**WHEREAS**, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant when combining the existing buildings with the new structures and maneuvering area; and

**WHEREAS**, the Committee further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant since the proposal includes existing buildings and pavement with new structures, while having an entrance driveway on the adjacent property to the north being zoned R-1, Residential Single Family; and

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**NEW BUSINESS**

**CASE 17WAIVER1034**

**WHEREAS**, the Committee further finds that, based the staff report, the applicant's justification, and 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 the Land Development Code section 5.5.4.B.1 to reduce the required 50 foot landscape buffer area between an industrial zoned property and residentially zoned property to 25 feet (Suburban Workplace Form District Specific Compatibility Standard); **AND** the requested Waiver of the Land Development Code, section 10.2.4 to reduce the Landscape Buffer Area from 50 feet to 25 feet.

**The vote was as follows:**

**YES: Commissioners Smith, Brown, and Carlson.**

**NO: No one.**

**NOT PRESENT: Commissioners Ferguson and Tomes.**

**ABSTAINING: No one.**

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

**CASE 17DEVPLAN1167**

Request: Revised Detailed District Development Plan  
Project Name: Middletown Apartments  
Location: 114 Urton Lane  
Owner: Three Oaks, LLC  
Applicant: The Housing Partnership, Inc.  
Representative: Sabak, Wilson & Lingo, Inc.  
Jurisdiction: City of Middletown  
Council District: 19 – Julie Denton

**Case Manager: Laura Mattingly, 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. 5<sup>th</sup> 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:**

01:19:50 Laura Mattingly presented the case (see staff report and recording for detailed presentation.) She said she had received one e-mail in support, from Mr. David Dries – he had suggestions for roadway and sanitary sewer improvements.

01:22:03 She discussed proposed changes to binding elements, and handed out the written proposed changes to the Commissioners (binding elements #11, #12, and #13.)

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

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

Jeremy Dyer, 1512 Crums Lane, Louisville, KY 40216

Andrew Hawes, 10507 St. Roche Drive, Louisville, KY 40299

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

01:24:05 Matt Wolff, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

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**NEW BUSINESS**

**CASE 17DEVPLAN1167**

01:28:18 Mr. Wolff said he had communicated with Mr. Dries and discussed his questions regarding improvements to the roadway and sanitary sewer connections, and then told the Commissioners what they had talked about.

**The following spoke in opposition to the request:**

No one spoke.

**The following spoke neither for nor against the request:**

Daphne Kute, 118 Urton Lane, Louisville, KY 40223

**Summary of testimony of those neither for nor against the request:**

01:34:32 Daphne Kute, a nearby resident, said she wanted to make sure that the Meridian Avenue stub was brought down to allow her to access her property. She also asked why the stub was moved to the front of the property. Using an aerial photo, Mr. Wolff addressed her questions. She also had questions about the road easement, which she discussed with Mr. Wolff and Commissioner Brown.

**01:41:05 Commissioners' deliberation.**

01:42:03 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that LOJIC has not identified any hydric soils, streams or steep slopes at this site. The site does contain tree canopy that will not be preserved, although the proposal meets the requirements for replanting tree canopy; and

**WHEREAS**, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan. The proposal includes all required sidewalks and pedestrian connections and all existing binding elements concerning traffic have been addressed; and

**WHEREAS**, the Committee further finds that the proposal has met the open space requirements for multi-family developments, including the 50% dedication of recreational space; and

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**NEW BUSINESS**

**CASE 17DEVPLAN1167**

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

**WHEREAS**, the 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 will meet all required setbacks; and

**WHEREAS**, the Committee further finds that, based the staff report, the applicant's justification, and 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** to the City of Middletown that the requested Detailed District Development Plan be **APPROVED**, as well as the binding elements in the staff report including all changes to binding elements #11, #12, and #13 as discussed today, to read as follows:

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



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**CASE 17DEVPLAN1167**

4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, or demolition permit) is requested:
  - a. The development plan must receive full construction approval from 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 dedicating additional right-of-way to Urton Lane to provide a total of 50 feet from the centerline. 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. The property owner/developer must obtain approval by the Planning Commission and the City of Middletown 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. There shall be no removal of the existing landscaping or required landscaping without City Commission approval. In the event any tree or other landscaping is removed without written consent of the City, the City may require the owner/applicant to replace with a tree of similar size and age (when cut), or as approved by the City Commission. Any replacement tree or trees shall be such as are deemed adequate by the City to mitigate the impact.
  - 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.
  - f. Unless a building permit or a clearing and grading permit is issued within two years from the date of the City of Middletown's approval therein, then the development plan must return to the Planning Commission and the City of Middletown for reapproval before any work can commence.
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 *and the City of Middletown*.

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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 photographs as presented at the **October 18, 2017 Development Review Committee Public Meeting**.
8. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained thereafter. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.
9. All street signs shall be installed by the Developer, and shall conform to the *Manual on Uniform Traffic Control Devices (MUTCD)* requirements and shall be of the same type and quality as the standard Middletown street signage. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street, and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
10. ~~Developer shall improve Urton Lane in order to provide adequate sight distance for access and provide a 3-lane section and Westbound & Northbound right-turn lanes at Shelbyville Road/Urton Lane intersection per the approved schematic drawing and Public Works & KTC requirements.~~ Developer shall be responsible for utility relocations if required, final surface overlay, and striping associated with road improvements. Construction plans, bond and permit are required by Metro Public Works prior to construction approval. Developer shall not request a certificate of occupancy until road improvements are complete.
11. The developer shall construct Urton Lane Road improvements and Shelbyville Road right-turn lane per the approved schematic and Kentucky Transportation Cabinet and Metro Public Works standards and requirements. The developer

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**CASE 17DEVPLAN1167**

shall be responsible for utility relocation (if required), final surface overlay, signage, stumping and signal modifications associated with road improvements. Construction plans, bond, and encroachment permits shall be obtained prior to construction Certificate of Occupancy until improvements are complete.

12. The proposed project shall be developed in conformance with the Campus Form District design standards to ensure that this **development** located at the northern edge of the Campus will be integrated with the future developments to the west and south in terms of function, design, connectivity, open space, building materials and landscape standards.

**The vote was as follows:**

**YES: Commissioners Smith, Brown, and Carlson.**

**NO: No one.**

**NOT PRESENT: Commissioners Ferguson and Tomes.**

**ABSTAINING: No one.**

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

**CASE 17DEVPLAN1124**

Request: Revised Detailed District Development Plan and Landscape Waiver  
Project Name: The Shoppes at Lone Oak  
Location: 3501 & 3541 Outer Loop  
Owner: Greer Land Co-Smyrna #2 LLC  
Applicant: Vision Engineering LLC  
Representative: Vision Engineering LLC  
Jurisdiction: Louisville Metro  
Council District: 13 – Vicki Aubrey Welch

**Case Manager: Laura Mattingly, 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. 5<sup>th</sup> 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:**

01:43:31 Laura Mattingly presented the case (see staff report and recording for detailed presentation.) She noted that Metro Transportation Planning staff had some changes in addition to those noted in the staff report. Those changes were handed out to the Commissioners to read.

01:46:55 She noted that binding element #10 was deleted and replaced with Transportation's binding element #10.

Also, binding element #12 will be added, to read as follows:

“A dedicated right-turn lane from Outer Loop to Minor Lane shall be provided prior to the issuance of the first Certificate of Occupancy.”

01:47:27 She added that the applicant does not have elevations yet for the hotel, restaurant A, or another structure.

01:49:50 Commissioner Smith asked why the applicant did not want to provide the Vehicle Use Area (VUA) landscape buffer. Ms. Mattingly gave a brief background of that request, but said the applicant could possibly give a more detailed explanation.

**DEVELOPMENT REVIEW COMMITTEE**  
**October 18, 2017**

**NEW BUSINESS**

**CASE 17DEVPLAN1124**

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

Jihad Hallany, Vision Engineering, 128 East Reynolds Road Suite 150, Lexington, KY 40515

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

01:51:00 Jihad Hallany, the applicant's representative, said the applicant is in agreement with all of the conditions, but asked for some clarification on proposed binding element #12 (see recording for detailed conversation.) He said the purpose of the waiver request for the landscape buffer is because landscaping, a berm, and a sidewalk have already been constructed. Transportation has also requested a right-of-way from the property.

01:54:29 In response to a question from Commissioner Brown, Mr. Hallany showed a photo of the road and discussed the eastbound right-turn lane (see recording for detailed discussion.)

01:57:46 Commissioner Carlson asked about having a three-story building adjacent to one-story, single-family dwellings. He said better screening should be provided. Mr. Hallany proposed making a berm with evergreen vegetation along the back. He added that the applicant is reluctant to add any more binding elements, due to the difficulty that this property has had over the last ten years in being developed. He said he believes more binding elements and restrictions will prohibit development.

02:04:21 Commissioner Smith suggested pine trees or other evergreens, planted close together, as an effective buffer. Mr. Hallany agreed.

02:04:46 Mr. Hallany asked if these buffering binding elements would affect the entire property, or only the property line closest to the single-story homes.

02:08:04 Julia Williams, Planning & Design Planning Supervisor, suggested tabling this case until the end of today's meeting to give the applicant time to work with Ms. Mattingly to develop binding elements regarding the buffer issue.

02:08:40 Commissioner Brown said he was not in favor of eliminating binding element #10, because there was no updated traffic study that would support elimination or reduction of the required road improvements that were part of the original development. Mr. Hallany and Commissioner Brown discussed particular road improvements (see recording for detailed discussion.)

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02:13:21 Commissioner Smith said a traffic study would help to make an informed decision on binding element #10. Commissioner Carlson said that the original rezoning was controversial, and binding element #10 was added to mitigate some of the issues that were a result of the rezoning.

**The following spoke in opposition to the request:**

No one spoke.

**The following spoke neither for nor against the request:**

No one spoke.

**02:14:14 The Commissioners voted to table this case until the end of today's hearing.**

**02:20:47 The Committee resumed this case.**

02:20:49 Ms. Mattingly said Mr. Hallany said he does not feel comfortable committing to a certain binding element at this time without the applicant being present. Therefore, he has requested that this case be continued to the November 15, 2017 Development Review Committee meeting.

02:21:11 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **CONTINUE** this case to the **November 15, 2017** Development Review Committee meeting.

**The vote was as follows:**

**YES: Commissioners Smith, Brown, and Carlson.**

**NO: No one.**

**NOT PRESENT: Commissioners Ferguson and Tomes.**

**ABSTAINING: No one.**

**DEVELOPMENT REVIEW COMMITTEE**  
**October 18, 2017**

**NEW BUSINESS**

**CASE 17WAIVER1033**

Request: Waiver of 8.3.3.A.1 to allow two signs on a single façade for a business in a multi-tenant building  
Project Name: Buffalo Wild Wings sign waiver  
Location: 6801 Dixie Highway  
Owner: BC Wood Properties  
Applicant: Louisville Sign Co.  
Representative: Debbie Brent  
Jurisdiction: Louisville Metro  
Council District: 12 – Rick Blackwell

**Case Manager: Jay Lockett, 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. 5<sup>th</sup> 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:**

02:14:32 Jay Lockett presented the case and showed photos of the buildings and proposed signage (see staff report and recording for detailed presentation.)

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

Debbie Brent, Louisville Sign Company, 270 Ranch Road, Mount Washington, KY 40047- 3614

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

02:18:21 Debbie Brent, the applicant's representative, discussed the case (see recording for detailed presentation.)

**The following spoke in opposition to the request:**

No one spoke.

**The following spoke neither for nor against the request:**

No one spoke.

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

**CASE 17WAIVER1033**

**02:19:30**      **Commissioners' deliberation.**

02:19:52      On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners, as the signs are all replacing existing signs and reducing the square footage; and

**WHEREAS**, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 3, Policy 28 states signs are compatible with the form district pattern and contribute to the visual quality of their surroundings. The signs proposed are smaller than the existing signs and are compatible with the general character of the area and form district; 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. All signs are being reduced in area, and are located in the same place as current signs; and

**WHEREAS**, the Committee further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as the existing signs were previously approved, potentially in error, leading to the current situation of nonconformance with zoning regulations; and

**WHEREAS**, the Committee further finds that, based the staff report, the applicant's justification, and 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 Land Development Code section 8.3.3.A.1 to allow for more than one sign on a façade for a business in a multiple tenant building.

**The vote was as follows:**

**YES: Commissioners Smith, Brown, and Carlson.**

**NO: No one.**

**NOT PRESENT: Commissioners Ferguson and Tomes.**

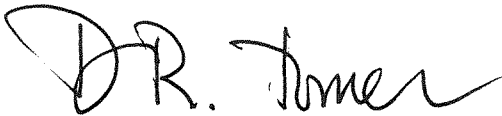
**ABSTAINING: No one.**



**DEVELOPMENT REVIEW COMMITTEE**  
**October 18, 2017**

**ADJOURNMENT**

The meeting adjourned at approximately 3:22 p.m.

A handwritten signature in cursive script that reads "D.R. Jones".

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**Chair**

A handwritten signature in cursive script, appearing to be "L. Jones".

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**Planning Director**

