

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE MEETING
October 28, 2020**

A meeting of the Louisville Metro Development Review Committee was held on Wednesday, October 28, 2020 at 1:00 p.m. via Cisco Webex Video Conferencing. On the recommendation of the Louisville Metro Department of Health and Wellness regarding congregate events and social distancing, the Development Review Committee meeting set for today was held online.

Commissioners present:

Richard Carlson, Chair (left at 2:45 p.m.)
Jim Mims, Vice Chair
Marilyn Lewis (arrived at 1:09 p.m.)
Jeff Brown
Pat Seitz (arrived at 1:23 p.m.)

Commissioners absent:

None.

Staff members present:

Emily Liu, Director, Planning & Design Services
Joe Reverman, Assistant Director, Planning & Design Services
Brian Davis, Planning & Design Manager
Julia Williams, Planning & Design Supervisor
Jay Lockett, AICP, Planner I
Beth Stuber, Transportation & Planning
Travis Fiechter, Legal Counsel
Rachel Dooley, Management Assistant (minutes)

The following matters were considered

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APPROVAL OF MINUTES

Minutes of the October 14, 2020 Development Review Committee meeting

00:03:43 On a motion by Commissioner Brown, seconded by Commissioner Mims, the following resolution was adopted:

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on October 14, 2020.

The vote was as follows:

YES: Commissioners Brown, Mims, and Carlson

NO: No one.

Absent: Commissioners Lewis and Seitz.

DEVELOPMENT REVIEW COMMITTEE MINUTES
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NEW BUSINESS

CASE NUMBER 20-DDP-0046

Request: Revised Detailed District Development Plan with replacement of Binding Elements and a Waiver
Project Name: Wallingford Lane Townhouse
Location: 4200 Wallingford Ln
Owner: SYR International, Inc.
Applicant: SYR International, Inc.
Representative: Land Design and Development
Jurisdiction: Louisville Metro
Council District: 10 – Pat Mulvihill

Case Manager: Jay Lockett, AICP, Planner I

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

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

Agency Testimony:

00:04:50 Jay Lockett presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) Mr. Lockett detailed the waiver, revised detailed district development plan (RDDP) with binding elements, and variance.

The following spoke in favor of this request:

Mike Hill, 503 Washburn Avenue, Louisville, Kentucky, 40222

Summary of testimony of those in favor:

00:07:14 Mike Hill, representing the applicant, presented a Power Point slide show (see recording for detailed presentation.) Mr. Hill stated there will be 1 new building with 6 townhouse units on this site. Mike noted the waiver is for the encroachment into the 15' Landscape Buffer Area (LBA) along the North property line for parking and the building. He detailed the history of the site, aerial views, proposed sidewalks, dedication of right of way, building renderings, and landscaping (see recording for detailed presentation.)

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CASE NUMBER 20-DDP-0046

00:13:31 Commissioner Lewis asked if the buildings across the street on Wallingford Lane are apartments. Mike Hill replied yes.

00:13:59 Joe Reverman, Planning and Design, asked Jay Lockett if the change in binding elements would affect the properties included in the original development plan or just this site. Jay Lockett replied the proposed binding elements would only be applicable to this parcel.

00:15:47 Commissioner Mims asked to view the original general plan for the development. Jay Lockett noted the general plan approved in 1987 show lots 2-5 developed into multi-family homes and lot 1 established as a daycare. The proposed development presented today is located in lot 1.

00:18:37 Commissioner Brown asked if the Committee acts on this request today to approve would they need to make a condition for the related Variance that will be heard at the Board of Zoning Adjustment meeting. Jay Lockett replied the condition is listed in the proposed Binding Element 4.c.

The following spoke against of this request:
No one spoke.

The following spoke in neither for nor against this request:
No one spoke.

Commissioner Deliberation

00:19:30 Commissioner Deliberation (see recording for detailed presentation.)

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

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NEW BUSINESS

CASE NUMBER 20-DDP-0046

Waiver from 10.2.4 to allow a building and parking area to encroach into a property perimeter Landscape Buffer Area.

00:20:01 On a motion by Commissioner Brown, seconded by Commissioner Mims, the following resolution, based on the Standard of Review and Staff Analysis, testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the will not adversely affect adjacent property owners, as all required landscaping and screening will still be provided on the subject site; and

WHEREAS, the Committee further finds that the waiver will not violate the comprehensive plan, as it will allow for additional housing options with infill development in the area. The proposed structure is a scale appropriate for the form district and will fit with existing development in the area; 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. The encroachment allows the site to be developed with additional housing options for the area while still providing adequate screening and buffering; 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, as the site is very narrow and the proposed encroachments are similar to existing site conditions; now, therefore be it:

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver of Land Development Code sections 10.2.4 to allow a building and parking area to encroach into a property perimeter Landscape Buffer Area

The vote was as follows:

YES: Commissioners Lewis, Mims, Brown, and Carlson.

NO: none.

ABSTAIN: Commissioner Seitz.

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NEW BUSINESS

CASE NUMBER 20-DDP-0046

Revised Detail District Development Plan

00:21:27 On a motion by Commissioner Mims, seconded by Commissioner Seitz, the following resolution, based on the Standard of Review and Staff Analysis, testimony heard today, was adopted:

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. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

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

WHEREAS, the Committee further finds that there are no open space requirements pertinent to the current proposal; and

WHEREAS, the Committee further finds 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; and

WHEREAS, the Committee further finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code. The proposal will allow for additional housing options in an existing neighborhood area; now, therefore be it:

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Revised Detailed District Development Plan with revisions **SUBJECT** to the following Binding Elements:

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

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

2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. The appropriate variances shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
 - d. A minor subdivision plat or legal instrument shall be recorded dedicating additional right-of-way to Six Mile Ln to provide a total of 40 feet from the centerline. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
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.

The vote was as follows:

YES: Commissioners Lewis, Mims, Brown, and Carlson.

NO: none.

ABSTAIN: Commissioner Seitz.

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NEW BUSINESS

CASE NUMBER 20-AMEND-0006

Request: Binding Element Amendment
Project Name: Bar of Soap
Location: 2070 S Preston Street
Owner: Antz Wettig
Applicant: Antz Wettig
Representative: Chris Brown, AICP, BTM Engineering
Jurisdiction: Louisville Metro
Council District: 15 – Kevin Triplett
Case Manager: Julia Williams, AICP, Planning Supervisor

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

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

Agency Testimony:

00:23:19 Julia Williams presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) Ms. Williams detailed the applicant's request, the associated temporary activity permit, socially distance pod seating, proposed hours of operation, and amendments to the binding elements. Julia noted comments forwarded to Committee members regarding support and opposition to this request.

00:28:15 Commissioner Brown asked if parking requirements are covered under the conditions of approval (COA) and if temporary activity permit had been approved. Julia Williams replied the parking is noted in the COA with approval. Ms. Williams stated the temporary activity permit can be approved on condition that the amendment to the binding elements are approved.

00:29:10 Commissioner Mims noted this site would be in violation of the local noise ordinance. Julia Williams replied with the temporary activity permit there are allowances for noncompliance within the noise ordinance. Joe Reverman stated the noise ordinance is enforced by the police department who have certain standards they would consider before determining that the volume of noise would be onerous to adjacent property owners.

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NEW BUSINESS

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00:31:10 Commissioner Mims asked if the temporary permit would be two 30 consecutive day permits. Julia Williams replied yes.

00:31:21 Commissioner Lewis asked how the 30 days would be counted for the temporary permit. Julia Williams replied the temporary activity permit would cover 8 events a month, Friday's, and Saturdays, for two permits this would allow 16 events in total for the year. Commissioner Lewis asked if it is for the summer of 2020 only. Julia Williams replied the applicant would need to reapply for a temporary permit in 2021; they are a maximum of two 30 calendar day permits per year. Commissioner Carlson noted the applicant would need to reapply yearly as it is written in the amended binding elements.

00:33:39 Commissioner Lewis asked if there will be anything built on the lot containing the socially distance pods. Julia Williams replied it is an open lot and the applicant can answer if there will be proposed structures in the future.

00:34:09 Joe Reverman clarified that outdoor entertainment permitted by Louisville Metro Government are exempt from the noise ordinance. Commissioner Brown asked if the exemption included all hours or just hours of operation. Mr. Reverman replied it would only be allowed for the hours of operation as explained in the binding elements.

00:34:5 Commissioner Mims asked if the permit could be revoked if the permit is in noncompliance. Joe Reverman replied the applicant is not complying with the conditions of the permit it can be revoked.

00:35:46 Commissioner Carlson asked who approves the temporary activity permit. Julia Williams replied the permits are approved by staff. Commissioner Carlson asked who are notified of temporary permit applications. Julia Williams replied there are no notices sent out for temporary activity permits.

00:36:34 Commissioner Seitz asked if this permit would be valid for one year. Julia Williams replied if the applicant applied in January 2021, they would be responsible for choosing only two months out of the entire year when they want to have their events.

The following spoke in favor of this request:

Antz Wettig, 213 Brown Avenue, Louisville, Kentucky, 40207

Chris Brown, 3001 Taylor Springs Drive, Louisville, Kentucky, 40220

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NEW BUSINESS

CASE NUMBER 20-AMEND-0006

Summary of testimony of those in favor:

00:37:35 Chris Brown, representing the applicant, presented a Power Point slide show (see recording for detailed presentation.) Mr. Brown detailed the aerial views of the site, history of the site, socially distance pod areas, binding element amendment, and the hours of operation. Chris stated the applicant is present today to answer questions and give further details regarding the amended binding elements.

00:44:28 Antz Wettig, applicant, detailed the history of the site, hours of operation, socially distance pod areas, and how the new venue would allow people to gather socially safely. Mr. Wettig noted the adjacent property owner is opposed to this development, but the tenants are not opposed (see recording for detailed presentation.)

00:52:49 Commissioner Brown asked for clarification for the temporary activity permit, the amended binding element, and if there will be fence screening. Chris Brown replied on the development plan there is an existing fence is six feet. Commissioner Brown, Chris Brown, and Joe Reverman discussed the fencing requirements for the site (see recording for detailed presentation.)

00:55:14 Commissioner Mims asked how the socially distance pods will be designed. Chris Brown replied the pods will be 5x5 feet of marked designated space for groups with no physical structures.

00:56:31 Commissioner Carlson asked for more information for the 5x5 foot allotted space and if those would follow fire safety regulations. Chris Brown replied the pods themselves will complying with social distance requirements.

00:58:25 Commissioner Seitz asked if the pods will be a structural pod. Chris Brown replied there would be a marked off area with a table and standing room.

00:59:03 Commissioner Lewis asked what the pods will hold or will the public need to bring seating. Antz Wettig replied the pods is a physical space that will be reserved for family units by the table.

01:00:05 Commissioner Seitz asked if they will need to comply with seating space requirements outdoors. Antz Wettig replied yes.

The following spoke against of this request:
No one spoke.

The following spoke in neither for nor against this request:
Gail J. Linville, 526 Atwood Street, Louisville, Kentucky, 40217

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NEW BUSINESS

CASE NUMBER 20-AMEND-0006

Summary of testimony of those in neither for nor against this request:

01:01:50 Gail Linville expressed excitement how this development will work for the community when the building is done. She noted the neighborhood association is not opposed to this development.

01:03:13 Commissioner Carlson asked if the pods will be five feet apart or six feet apart. Chris Brown replied the pods will be six feet apart.

01:04:17 Commissioner Lewis, Commissioner Brown, Chris Brown, and Joe Reverman discussed the fencing requirement within the ordinances for the visibility near the intersections (see recording for detailed presentation.)

Commissioner Deliberation

01:09:46 Commissioner Deliberation (see recording for detailed presentation.). Commissioners and Antz Wettig discussed the fence height (see recording for detailed presentation.)

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

01:24:02 On a motion by Commissioner Mims, seconded by Commissioner Seitz, the following resolution, based on the Standard of Review and Staff Analysis, testimony heard today, was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the Binding Element Amendment.

The vote was as follows:

YES: Commissioners Lewis, Mims, and Seitz.

NO: Commissioner Brown, and Carlson.

The Committee continues this case to October 29, 2020 Planning Commission Public Hearing.

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NEW BUSINESS

CASE NUMBER 20-DDP-0015

Request: Revised Detailed District Development Plan with Amenity Area and Waiver
Project Name: PACCAR
Location: 13641 Dixie Highway
Owner: Dan Lewis, PACCAR Inc.
Applicant: Dan Lewis, PACCAR Inc.
Representative: Alex Rosenburg, AL Engineering Inc.
Jurisdiction: Louisville Metro
Council District: 14 – Cindi Fowler
Case Manager: Julia Williams, AICP, Planning Supervisor

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

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

Agency Testimony:

01:28:31 Julia William presented the case via Power Point slide show (see staff report and recording for detailed presentation.) Ms. Williams detailed the history of the site, aerial photos, the proposed development plan, the waiver, and staff findings.

01:31:34 Commissioner Carlson asked if the amenity area action will be part of this proposed development plan. Julia Williams replied the action for the amenity area can be included with the development plan.

01:31:55 Commissioner Brown asked if this site is included with River Port. Julia Williams replied that this portion is Phase 5 of the River Port development. Commissioner Brown asked if this site will need architectural review for building design within River Port. Julia Williams replied the applicant can answer this question.

The following spoke in favor of this request:

Alex Rosenburg, 1300 Middletown Industrial Boulevard, Suite A, Louisville, Kentucky, 40223

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NEW BUSINESS

CASE NUMBER 20-DDP-0015

Summary of testimony of those in support of the proposal:

01:33:05 Alex Rosenberg, representing the applicant, stated in the development plan for River Port was approved in 2019. Mr. Rosenberg explained the development plan presented today has more detail regarding the size of the building, design of the structure, and the proposed use. Alex stated the waiver is to not provide animating features along public streets; this will allow for the building to have the proposed number of truck docks. Mr. Rosenberg noted the deed of restrictions for River Port will dictate the designs of the building. He detailed the increased landscaping along Randy Coe Lane and Lewis Lane (see recording for detailed presentation.)

01:37:44 Commissioner Mims asked if there will be an additional architectural review done by River Port. Alex Rosenberg replied if there is it will be developed with Phase 5. Mr. Rosenberg noted this will be the first building in Phase 5 for River Port. He detailed the proposed elevations and renderings (see recording for detailed presentation.)

01:39:18 Commissioner Mims asked staff what would be used on this site instead of animated features on the façade. Julia Williams replied when a site is adjacent to a road way it requires animated features such as windows, doors, columns, projections along the façade, variation in materials. Commissioner Mims asked what has been asked for River Port prior to this site. Julia Williams replied this site is unique with three adjacent roadways and with truck maneuvering on site (see recording for detailed presentation.)

01:41:42 Commissioner Mims asked if there is a detention basin on site. Alex Rosenberg replied there is drainage to a detention basin off site. He noted the orientation of the building allows for future expansion.

01:42:45 Commissioner Carlson left the meeting approx. 2:45 p.m.

01:45:34 Joe Reverman noted there have been waivers like this site and the façade for this site will not face residential areas.

The following spoke in opposition:

No one spoke.

The following spoke in neither for nor against:

No one spoke.

Commissioner Deliberation

01:46:17 Commissioner Deliberation (see recording for detailed presentation.)

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

Waiver

01:47:20 On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution, based on the Standard of Review and Staff Analysis, testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the requested waiver will not adversely affect adjacent property owners because the subject site is internally located within the Riverport Phase 5 industrial park development. It is surrounded by other industrial and commercial uses; and

WHEREAS, the Committee further finds that the Land Use & Development Goal 1, Policy 4 states that the proposal ensures new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. Land Use & Development Goal 1, Policy 10 calls for mitigation of the impacts caused when incompatible developments unavoidably occur adjacent to one another. Buffers should be used between uses that are substantially different in intensity or density.

The subject site is internal to the Riverport Phase 5 industrial complex, and is surrounded by similar and compatible uses. The applicant is providing plantings that provide visual interest and break up the façade of the building, however, the layout of the building and its position on the parcel and the surrounding public streets create obstacles to providing plantings or animating features consistent with the requirements of the Land Development Code; 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 layout of the building and its position on the site and the surrounding public streets create obstacles to providing plantings and animating features; and

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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. The applicant is proposing to provide additional plantings between the truck loading docks and the public roadway in order to provide a buffer and additional visual interest; now, therefore be it:

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver of Land Development Code sections 5.6.1.B to not provide animating features along public streets (20-WAIVER-0092).

The vote was as follows:

YES: Commissioners Lewis, Brown, Mims, and Seitz.

NO: none.

Revised Detail District Development Plan

01:48:20 On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution, based on the Standard of Review and Staff Analysis, testimony heard today, was adopted:

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. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

WHEREAS, the Committee further finds that the 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. Kentucky Transportation Cabinet approval is required prior to MSD construction plan approval; and

WHEREAS, the Committee further finds that the proposal meet Land Development Code Amenity Area requirements; and

WHEREAS, the Committee further finds that the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate

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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; and

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

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Revised Detailed District Development Plan with Amenity area **SUBJECT** to the following Binding Elements:

Existing General Plan Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Prior to development (including clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.
3. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is requested:

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- a. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
 - b. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
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. No idling of trucks shall take place within 200 feet of single-family residences.
 8. A note shall be placed on the construction plan and the record plat that states: "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."
 9. All street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
 10. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90-degree cutoff so that no light source is visible off-site. Outdoor lighting shall at all times comply with the Land Development Code Chapter 4.
 11. Uses to be prohibited on this subject site:
Pawn shop
Automobile rental agencies

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Automobile repair garages
Automobile sales agencies
Billiard parlors, game rooms and similar entertainment uses
Bingo halls and parlors
Dance halls
Skating rinks (ice or roller)
Tattoo, body art, and piercing parlors
Used car sales areas
Transitional Housing
Homeless Shelter
Outdoor Paintball Ranges
River terminals
Animal pound
Firearms
Animal packing or slaughtering
Adult entertainment
Race tracks for motor-powered vehicles

Existing Site Plan 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 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:

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- a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works, and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
 - 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. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
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 of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

The vote was as follows:

YES: Commissioners Lewis, Mims, Brown, and Seitz.

NO: none.

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NEW BUSINESS

CASE NUMBER 20-MPLAT-0084

Request: An Amendment to a Record Plat
Project Name: Minor Subdivision Plat
Location: 3811 Freedom Way & 9322 Blue Lick Road
Owner: LZ Partners LLC.
Applicant: LZ Partners LLC.
Representative: Kathy and Richard Matheny, Cardinal Surveying
Jurisdiction: Louisville Metro
Council District: 24 – Madonna Flood
Case Manager: Julia Williams, AICP, Planning Supervisor

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

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

Agency Testimony:

01:50:57 Julia Williams presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) Ms. Williams stated the request is for a record plat amendment to create two lots from one in the Silver Heights Subdivision. She detailed the proposed use for the site, history of the site, and agency comments (see recording for detailed presentation.)

01:52:22 Commissioner Mims asked for clarification regarding the notice. Julia Williams detailed 7.1.91 of the Land Development Code that staff determines who is notified. Staff notified 1st Tier adjacent property owners and the recipients of Council District 24 GovDelivery email list of this Record Plat Amendment. Commissioner Mims and Julia Williams discussed the notification process (see recording for detailed presentation.)

01:54:44 Commissioner Brown asked if this site was preplanned certain. Julia Williams replied yes.

The following spoke in favor of this request:

Kathy Matheny, 9009 Preston Highway, Louisville, KY 40219

DEVELOPMENT REVIEW COMMITTEE MINUTES
October 28, 2020

NEW BUSINESS

CASE NUMBER 20-MPLAT-0084

Summary of testimony of those in favor:

01:55:12 Kathy Matheny, representing the applicant, stated the site is on the corner of a long-term existing shopping center. Ms. Matheny detailed the history of the site, future proposed use of the site, notices, and agency approvals (see recording for detailed presentation.)

01:57:40 Commissioner Mims asked Kathy Matheny if the lots behind this site is residential. Kathy replied there is residential behind this site.

**The following spoke against of this request:
No one spoke.**

**The following spoke in neither for nor against this request:
No one spoke.**

Commissioner Deliberation

01:59:54 Commissioner Deliberation (see recording for detailed presentation.)

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

02:00:40 On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution, based on the Standard of Review and Staff Analysis, testimony heard today, was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Record Plat Amendment to create 2 lots from 1 lot in the Silver Heights Subdivision section 3A.

The vote was as follows:

YES: Commissioners Lewis, Mims, Seitz, and Brown.

NO: none.

ABSTAIN: Commissioner Brown

DEVELOPMENT REVIEW COMMITTEE MINUTES
October 14, 2020

NEW BUSINESS

CASE NUMBER 20-DDP-0044

Request: An Amendment to a Record Plat
Project Name: Minor Subdivision Plat
Location: 6415 & 6420 Glenwood Road
Owner: Khaled Jouja & Houda Alatassi
Applicant: Khaled Jouja & Houda Alatassi
Representative: Kathy and Richard Matheny, Cardinal Surveying
Jurisdiction: Louisville Metro
Council District: 16 – Scott Reed
Case Manager: Julia Williams, AICP, Planning Supervisor

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

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

Agency Testimony:

02:02:00 Julia Williams presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) Ms. Williams detailed the history of the site, use of the proposed lots, and the existing family homes. She noted all the lots will exit/enter on Glenwood Road. Julia stated there were comments of opposition regarding safety, number of driveways, and landscaping.

02:07:50 Commissioner Mims asked who was notified of this Record Plat Amendment application. Julia Williams replied 1st Tier adjacent property owners was notified.

02:08:19 Commissioner Brown asked with the proximity of this site to an expressway travel lane if the setback for noise was taken into consideration. Julia Williams replied the setback is 250 Feet from the edge of pavement of the express way nearest travel lane. Commissioner Mims noted the setback would take up a good portion of the lots.

The following spoke in favor of this request:

Kathy Matheny, 9009 Preston Highway, Louisville, KY 40219

DEVELOPMENT REVIEW COMMITTEE MINUTES
October 14, 2020

NEW BUSINESS

CASE NUMBER 20-DDP-0044

Summary of testimony of those in favor:

02:10:52 Kathy Matheny, representing the applicant, detailed the history of the site, existing structures, proposed residential use of the site, and the entrance via Glenwood Road (see recording for detailed presentation.)

02:16:47 Commissioner Mims and Brown discussed Kentucky Transportation Cabinets (KYTC) polices for driveways in front of an adjacent lot (see recording for detailed presentation.)

**The following spoke against of this request:
No one spoke.**

**The following spoke in neither for nor against this request:
No one spoke.**

Commissioner Deliberation

02:18:10 Commissioner Deliberation (see recording for detailed presentation.)

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

02:18:58 On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution, based on the Standard of Review and Staff Analysis, testimony heard today, was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Record Plat Amendment to create 4 lots from 2 lots within the Glenwood Subdivision Section 2

The vote was as follows:

YES: Commissioners Lewis, Mims, Seitz, and Brown.

NO: none.

DEVELOPMENT REVIEW COMMITTEE MINUTES
October 28, 2020

ADJOURNMENT

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

Chairman

Division Director