

**MINUTES OF THE MEETING
OF THE
DEVELOPMENT REVIEW COMMITTEE
April 20, 2016**

A meeting of the Development Review Committee was held on, April 20, 2016 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
Rob Peterson, Vice Chairman
Jeff Brown, Commissioner

Committee Members absent were:

Robert Kirchdorfer, Commissioner
Chip White, Commissioner

Staff Members present were:

Emily Liu, Planning Director
Jon Crumbie, Planning Coordinator
Regina Thomas, Administrative Coordinator
Burcum Keeton, Architectural Projects Coordinator
Ross Allen, Planner I
Laura Mattingly-Humphrey, Planner I
Joel Dock, Planner I
Tammy Markert, Transportation Planning
Tony Kelly, MSD
John Carroll, Legal Counsel
Pamela M. Brashear, Management Assistant

The following matters were considered:

DEVELOPMENT REVIEW COMMITTEE

April 20, 2016

APPROVAL OF MINUTES

APRIL 6, 2016 DRC MEETING MINUTES

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

RESOLVED, that the Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on April 6, 2016.

The vote was as follows:

YES: Commissioners Brown, Peterson and Tomes

NOT PRESENT FOR THIS CASE: Commissioners Kirchdorfer and White

DEVELOPMENT REVIEW COMMITTEE
April 20, 2016

OLD BUSINESS

CASE NO. 16DEVPLAN1028

Request: Category 3 Plan for a 105,453 square foot hotel
Project Name: Homewood Suites
Location: 631, 635 and 639 West Market Street
Owner: HBGM Partners
Applicant: Poe Companies LLC
Representative: Frost Brown Todd LLC; Land Design and Development
Jurisdiction: Louisville Metro
Council District: 4 – David Tandy
Case Manager: Brian Davis, AICP, Planning Manager
Presented by: Joel Dock, Planner I

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

Agency Testimony:

00:04:39 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Glenn Price, Frost, Brown and Todd LLC, 400 West Market Street, Louisville, Ky. 40202
Ann Richard, Land Design and Development, 503 Washburn Avenue, Louisville, Ky.
40222

Summary of testimony of those in favor:

00:06:42 Mr. Price is here to answer questions if needed.

00:07:30 Ms. Richard stated, “The reason we deferred this case was because we were still in discussion with LG&E on where to locate an underground vault. That decision has been made to place it under the Market St. sidewalk.”

00:08:09 Commissioner Brown remarked, “I think for the Category 3 Plan, I would ask for a note that all the specifics of the design will be determined at construction phase plan review.” Ms. Richard said they have those notes on the plan – general note 14 and 15.

Deliberation

00:10:26 Development Review Committee deliberation.

DEVELOPMENT REVIEW COMMITTEE

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OLD BUSINESS

CASE NO. 16DEVPLAN1028

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

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

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Category 3 Plan for Case No. 16DEVPLAN1028 based on the presentation and the staff report **SUBJECT** to the following Conditions of Approval:

Conditions of Approval

1. All signage shall be submitted to Staff for review and approval prior to installation.
2. Lighting plans to be submitted to the Staff prior to installation for review and approval.
3. Details of awnings and canopies at storefronts to be submitted to the Staff prior to installation for review and approval.
4. Final exterior materials, including storefront windows, to be submitted to Staff for review and approval prior to installation.
5. The applicant will work the City Arborist to incorporate additional trees where feasible to the site.

The vote was as follows:

YES: Commissioners Brown, Peterson and Tomes

NOT PRESENT AND NOT VOTING: Commissioners Kirchdorfer and White

DEVELOPMENT REVIEW COMMITTEE
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NEW BUSINESS

Discussion Item

Project Name: Covington by the Park

THIS REQUEST WILL NOT BE HEARD. NO PROPER APPLICATION HAS BEEN FILED.

DEVELOPMENT REVIEW COMMITTEE
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OLD BUSINESS

CASE NO. 16WAIVER1003

Case No.: 16WAIVER1003
Project Name: Exceptional Senior Living
Location: 6909 Beech Avenue
Owner(s): Exceptional Senior Living – Prospect LLC
Applicant(s): Exceptional Living Centers
Representative(s): Travis Edelen
Project Area/Size: 5.06 acres
Existing Zoning District: R-4, Residential Single Family
Existing Form District: V, Village Center
Jurisdiction: Louisville Metro
Council District: 16 – Kelly Downard
Case Manager: Jon E. Crumie, Planning and Design Coordinator

CONTINUED FROM APRIL 6, 2016 DRC MEETING

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

Agency Testimony:

00:12:06 Mr. Crumie discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Travis Edelen, 639 East Jefferson Street, Suite 102, Louisville, Ky. 40202

Summary of testimony of those in favor:

00:13:12 Mr. Edelen said there's encroachment on the MSD drainage easement (north property line). A variety of landscaping will be added and the applicant will maintain it over the life of the project.

Deliberation

00:16:17 Development Review Committee deliberation.

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

DEVELOPMENT REVIEW COMMITTEE

April 20, 2016

OLD BUSINESS

CASE NO. 16WAIVER1003

**WAIVER of section 10.2.4.A. to allow the elimination of the
required landscaping and buffering
(south property line)**

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

WHEREAS, The waiver will not adversely affect adjacent property owners since the area in question will be used for a detention basin for the previously approved Conditional Use Permit on the west side Beech Avenue; and

WHEREAS, Guideline 3, policy 9 of Cornerstone 2020 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. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. 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; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since there is existing vegetation along the south property line; and

WHEREAS, the Louisville Metro Development Review Committee further finds the applicant has incorporated other design measures that exceed the minimum by adding nine evergreen trees.

**WAIVER of section 10.2.4.A. to allow the elimination of the
required landscaping and buffering**

DEVELOPMENT REVIEW COMMITTEE

April 20, 2016

OLD BUSINESS

CASE NO. 16WAIVER1003

(north property line)

WHEREAS, The waiver could adversely affect the adjacent property owner since currently there is no screening or buffering along the north property line to help mitigate the possible nuisance of the detention basin; and

WHEREAS, 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; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of the waiver is not the minimum necessary since the intent of the landscape buffer area is to create suitable transitions between varying forms of development. Currently there is no landscaping between the adjacent property and the current vacant lot which will become a retention basin; and

WHEREAS, the Louisville Metro Development Review Committee further finds the strict applications of the provisions of the regulation would not deprive the applicant of the reasonable use of land since the area has already been approved for a detention basin under the previous Conditional Use Permit plan.

WAIVER of section 10.2.4.B. to allow a utility easement to encroach more than 50% into the landscape buffer area (north property line)

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OLD BUSINESS

CASE NO. 16WAIVER1003

WHEREAS, the waiver will not adversely affect adjacent property owners since the area in question will be used for a detention basin for the previously approved Conditional Use Permit on the west side Beech Avenue; and

WHEREAS, 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; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the waiver would allow landscaping along the north property line; and

WHEREAS, the Louisville Metro Development Review Committee further finds the applicant has incorporated other design measures that exceed the minimum by adding nine evergreen trees.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the following: waivers of section 10.2.4.A to eliminate the required landscaping and buffering along the south and north property lines adjacent to the detention basin; waiver of section 10.2.4.B to allow an easement overlap of more than 50% along the north property line based on the staff report, testimony heard today and the additional landscaping that is being provided within the MSD easement area along the north property line to mitigate the impact of the abutting property owners.

The vote was as follows:

YES: Commissioners Brown, Peterson and Tomes

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OLD BUSINESS

CASE NO. 16WAIVER1003

NOT PRESENT AND NOT VOTING: Commissioners Kirchdorfer and White

DEVELOPMENT REVIEW COMMITTEE

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NEW BUSINESS

CASE NO. 16WAIVER1002

Case No: 16WAIVER1002
Project Name: Portland Christian LED Sign
Location: 8509 Westport Road
Owner: Portland Christian School System Inc.
Applicant: Stephen Wilson - Portland Christian School Inc.
Representative: Stephen Wilson - Portland Christian School Inc. Project
Area/Size: 2.93060
Existing Zoning District: R-4, Residential
Existing Form District: N, Neighborhood
Jurisdiction: Plantation
Council District: 7 – Angela Leet
Case Manager: Ross Allen, Planner I

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

Agency Testimony:

00:18:31 Mr. Allen discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Deborah Childers, 8509 Westport Road, Louisville, Ky. 40242

Summary of testimony of those in favor:

00:22:54 Ms. Childers said they will work under advisement regarding the hours of operation for the sign.

Deliberation

00:25:46 Development Review Committee deliberation.

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

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

DEVELOPMENT REVIEW COMMITTEE

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NEW BUSINESS

CASE NO. 16WAIVER1002

WHEREAS, The waiver could adversely affect adjacent property owners since the proposed LED sign is located within the 300 foot buffer as required by LDC section 8.2.1.D.6 and the closest changing image sign would be located at the “Brakeway” Automotive shop nearer to Westport Road and Hermitage Way, roughly 1348 feet East of the Portland Christian School; and

WHEREAS, Guideline 3, policy 8 of Cornerstone 2020 calls for the mitigation of adverse impacts of lighting from proposed development on the nearby properties, and on the night sky. Guideline 3, policy 28 of Cornerstone 2020 tries to ensure that signs are compatible with the form district pattern and contribute to the visual quality of their surroundings, to promote signs of a size and height adequate for effective communication and conducive to motor vehicle safety, limit freestanding signs to monument style signs unless such design would unreasonably compromise sign effectiveness. Last, Guideline 3, policy 28 of Cornerstone 2020 ask that freestanding signs in multi-lot developments, minimize the number of signs by including signage for each establishment on the same support structure to encourage consistent design (size, style, and materials). There currently exist a static sign for the Portland Christian School on the western side of the entrance which is located on a separate parcel that the school owns. There would be two signs along the Westport Road street frontage in close proximity of the school entrance; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the proposed sign would allow the school to provide information to the community, students, and general public concerning school related activities; and

WHEREAS, the Louisville Metro Development Review Committee further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant since the proposed sign would be located in a position that is visible for drivers along Westport Road. The applicant has stated that the rate of change will meet code requirements, rate of change to occur no more than every 20 seconds, and the topography of the property (a slight decline from the sidewalk down and within the Portland Christian School property, causes the sign to be less visible to the roadway. Last, the request for the sign has been reviewed and approved by the City of Plantation.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 16WAIVER1002, a waiver from section 8.2.1.D.6 of the Land Development Code to allow a monumental freestanding sign with a moving image portion to be closer than 300 feet to residentially zoned properties with an additional requirement that the sign be set for the lower dimming capable setting of dark during the night time hours

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NEW BUSINESS

CASE NO. 16WAIVER1002

The vote was as follows:

YES: Commissioners Brown, Peterson and Tomes

NOT PRESENT AND NOT VOTING: Commissioners Kirchdorfer and White

DEVELOPMENT REVIEW COMMITTEE

April 20, 2016

NEW BUSINESS

CASE NO. 16WAIVER1004

Case No: 16WAIVER1004
Project Name: Sidewalk Waiver
Location: 8120 Red Stone Hill Road
Owner: Donna and Larry Ledington
Applicant: Donna and Larry Ledington
Representative: Donna and Larry Ledington
Project Area/Size: 1.21710
Existing Zoning District: R-4, Residential
Existing Form District: N, Neighborhood
Jurisdiction: Louisville Metro
Council District: 25 – David Yates
Case Manager: Ross Allen, Planner I

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

Agency Testimony:

00:27:45 Mr. Allen discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Donna and Larry Ledington, 2500 Eno Road, Louisville, Ky. 40214

Summary of testimony of those in favor:

00:29:31 Mr. and Mrs. Ledington provided pictures for the commissioners.

Deliberation

00:31:24 Development Review Committee deliberation.

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

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

DEVELOPMENT REVIEW COMMITTEE

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NEW BUSINESS

CASE NO. 16WAIVER1004

WHEREAS, The waiver will not adversely affect adjacent property owners since there are no sidewalks along the entirety of Red Stone Hill Road from the intersection with Allanwood Road with a linear distance of approximately 1,800 linear feet from the Parkridge Woods Subdivision. Furthermore, neighboring residences have not provided sidewalks along their street frontage in the general vicinity; and

WHEREAS, Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. However, the entire length of Red Stone Hill Road has no sidewalks and is at a distance of approximately 1,800 linear feet from the closest sidewalks which are located in the Parkridge Woods Subdivision; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since the north/south portion of Red Stone Hill Road where the subject property lies has no sidewalks and current residents have not been required to provide sidewalks; and

WHEREAS, the Louisville Metro Development Review Committee further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant since adjacent residences and neighbors in the general vicinity have not provided sidewalks. This would be the only property on the north/south portion of Red Stone Hill Road that would have a sidewalk with no adjacent sidewalks in existence.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **GRANT** Case No. 16WAIVER1004, a waiver from section 5.8.1 of the Land Development Code to not provide a sidewalk along the street frontage located at 8120 Red Stone Hill Road based on the staff report and the testimony heard today.

The vote was as follows:

YES: Commissioners Brown, Peterson and Tomes

NOT PRESENT AND NOT VOTING: Commissioners Kirchdorfer and White

DEVELOPMENT REVIEW COMMITTEE
April 20, 2016

NEW BUSINESS

CASE NO. 16DEVPLAN1007

Case No: 16DEVPLAN1007
Project Name: Ivy Ridge Gate
Location: 4318 Ivy Crest Circle
Owners: Ivy Ridge Patio Home Association
Applicant: Ivy Ridge Patio Home Association – David Williams
Representative(s): Goldberg Simpson, LLC. – Mark Sandlin
Project Area/Size: 19.5 Acres
Existing Zoning District: R-5A, Multi-Family
Existing Form District: N, Neighborhood
Jurisdiction: Louisville Metro
Council District: 16 – Kelly Downard
Case Manager: Joel P. Dock, Planner I

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

Agency Testimony:

00:33:04 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Anne Stengell, 4312 Ivy Crest Circle, Louisville, Ky.

Summary of testimony of those in favor:

00:37:27 Ms. Stengell is here to answer questions.

The following spoke neither for nor against the request:

Mark Adams, 4314 Hampton Creek Drive, Louisville, Ky. 40241
Ted King, 7615 Beech Spring Farm Boulevard, Louisville, Ky.
David Williams, 4318 Crest Circle, Louisville, Ky.

Summary of testimony of those neither for nor against:

00:38:06 Mr. Adams provided handouts and pictures for the commissioners. Mr. Adams stated he is on the Board of Beech Springs Farm and this proposal was discussed at their last meeting.

DEVELOPMENT REVIEW COMMITTEE

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NEW BUSINESS

CASE NO. 16DEVPLAN1007

Mr. Adams gave background information for this case. It was agreed upon, in the past, that there would be connectivity.

Mr. Adams stated, "They ought to be required to remove that chain link until they do it right, whatever is decided."

00:46:10 Mr. King said he received no notice for this proposal. He found out about it on Facebook.

00:48:04 Mr. Williams is the President of the Ivy Ridge Homeowners Association. It's a private road and using it as a cut-through is a danger to the residents.

Deliberation

00:50:55 Commissioner Brown supports connectivity, especially for emergencies. Also, the gate needs to be the full width of the road.

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

Revised Detailed District Development Plan for proposed gate to close secondary entrance

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

WHEREAS, The proposed development does not appear to have an impact on the existing natural resources; and

WHEREAS, Provisions for safe and efficient vehicular and pedestrian transportation within the development and the community is provided through the entrance to the patio home development along Barbour Lane and the internal network of streets, parking, and walks are private; and

WHEREAS, The proposal does not impact provisions for sufficient open space (scenic and recreational) to meet the needs of the proposed development; and

WHEREAS, The Metropolitan Sewer District 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

DEVELOPMENT REVIEW COMMITTEE
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NEW BUSINESS

CASE NO. 16DEVPLAN1007

WHEREAS, the Louisville Metro Development Review Committee finds the overall site design and land uses are compatible with the existing and future development of the area as the proposed gate is compatible with the character of fences within the general vicinity; and

WHEREAS, the Louisville Metro Development Review Committee further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code (LDC).

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 16DEVPLAN1007, the Revised Detailed District Development Plan to include the gate being proposed at the Creekton Drive intersection with the Ivy Ridge Condo Association **ON CONDITION** that the gate is the full width of the road and the stone columns, as presented today, are a part of the overall installation based on the staff report and the testimony heard today and **SUBJECT** to the following Binding Elements:

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. The density of the development shall not exceed 4.7 dwelling units per acre (92 units on 19.5 acres).
3. Signs shall be in accordance with Chapter 8.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. 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.

DEVELOPMENT REVIEW COMMITTEE

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NEW BUSINESS

CASE NO. 16DEVPLAN1007

6. Before any permit (including but not limited to building, parking lot, change of use, or site disturbance permit 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. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A 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.
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
7. 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 district development plan is approved or an extension is granted by the Planning Commission.
8. 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.
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.
10. At the time the developer turns control of the condo owner's association over to the condo owners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the condo owner's association account. The subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement.

DEVELOPMENT REVIEW COMMITTEE

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NEW BUSINESS

CASE NO. 16DEVPLAN1007

11. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the December 19, 2005 Planning Commission meeting.
12. The façade elevations shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.
13. 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. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.
14. 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.
15. Multi-family development of the property shall be limited to development under a horizontal property regime.
16. No two adjoining buildings shall have identical façade colors (e.g., one building with a red brick façade shall not adjoin another building with a red brick façade).
17. At no time shall the density of the subject property be greater than 5.25 dwelling units per acre.

The vote was as follows:

YES: Commissioners Brown, Peterson and Tomes

NOT PRESENT AND NOT VOTING: Commissioners Kirchdorfer and White

DEVELOPMENT REVIEW COMMITTEE
April 20, 2016

NEW BUSINESS

CASE NO. 16DEVPLAN1034

Case No: 16DEVPLAN1034
Project Name: Riverport Landings
Location: 4646 Cane Run Road
Owners: The Salvation Army and Louisville Metro
Applicant: Riverport Development, LLC.
Representative(s): Dinsmore & Shohl – Clifford Ashburner
Project Area/Size: 34.53 Acres
Existing Zoning District: R-7, Multi-Family and C-1, Commercial
Existing Form District: N, Neighborhood
Jurisdiction: Louisville Metro
Council District: 1 – Jessica Green
Case Manager: Joel P. Dock, Planner I

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

Agency Testimony:

00:56:12 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Cliff Ashburner, Dinsmore and Shohl, 101 South 5th Street, Suite 2500, Louisville, Ky. 40202

Summary of testimony of those in favor:

01:00:17 Mr. Ashburner gave a power point presentation. The proposal is a series of small changes to the Riverport Landing's plan – a sidewalk waiver and a revised plan for changes to the Family Scholar House lot and the family lot (referencing the roundabout).

Deliberation

01:09:53 Development Review Committee deliberation.

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

DEVELOPMENT REVIEW COMMITTEE

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NEW BUSINESS

CASE NO. 16DEVPLAN1034

Sidewalk Waiver

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

WHEREAS, The waiver will not adversely affect adjacent property owners as adequate provisions for safe pedestrian access serving the development and the community is provided from Cane Run Road, Camino Way, and the South/Southeast side of the proposed right-of-way; and

WHEREAS, The proposed waiver of the sidewalk on the North/Northwest side of the right-of-way does not violate specific guidelines of Cornerstone 2020 as Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. The proposed development enhances vehicular connection between adjacent subdivisions where they were previously disconnected and provides a sidewalk in an area where no sidewalks currently exist. Pedestrian connection to the site is also provided from Camino Way and to the Public Sidewalk on cane Run Road; and

WHEREAS, The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as a sidewalk is being constructed on one side of the right-of-way to provide safe pedestrian connection to adjacent build-out neighborhoods that currently contain no sidewalks; and

WHEREAS, The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of land or create an unnecessary hardship as the proposed development revisions provide safe pedestrian access to the site from multiple points on three sides of the site, as well as safe pedestrian access along the proposed right-of-way to the surrounding neighborhoods lacking the safety of a sidewalk network.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 16DVEPLAN1034, the sidewalk waiver on the north side of the new connection street being proposed on the development plan based on the staff report and the testimony heard today.

The vote was as follows:

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CASE NO. 16DEVPLAN1034

YES: Commissioners Brown, Peterson and Tomes

NOT PRESENT AND NOT VOTING: Commissioners Kirchdorfer and White

Revised Detailed District Development Plan

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

WHEREAS, The development does not appear to have an adverse impact on natural resources or the environment. All tree canopy and landscaping requirements of the Land Development Code (LDC) are being met; and

WHEREAS, Provisions for safe and efficient vehicular and pedestrian transportation within the development and the community is provided through pedestrian connection to the public sidewalk on Cane Run Road, as well as pedestrian access to adjacent neighborhoods from Camino Way and Raven Ridge/Trumpet Way street connection. Two access points serve the development from Cane Run Road and emergency vehicle access is provided towards the rear of the development. Additionally, the development provides an internal network of pedestrian and vehicular connectivity from each lot to parking areas, playgrounds and recreation space, and commercial frontage lots; and

WHEREAS, The development site meets or exceeds the provisions for open space as established by the LDC. The site provides three playgrounds, clubhouse with pool, and a combination of recreation and park open space areas; and

WHEREAS, 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 Louisville Metro Development Review Committee finds the overall site design and land uses are compatible with the existing and future development of the area as the development provides a mix of neighborhood serving uses at a multi-generational level available to both residents within the development and the surrounding community; and

WHEREAS, the Louisville Metro Development Review Committee further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code (LDC).

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 16DEVPLAN1034, the Revised Detailed District Development

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Plan lots 2, 3, 4 and 8 based on the staff report and testimony heard today **SUBJECT** to the following Binding Elements:

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 (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville and the Metropolitan Sewer District.
 - b. 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 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.

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- e. 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.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
7. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the August 20, 2015 Planning Commission meeting for Lots 2, 3, 4 and 8.
8. The materials and design of proposed structures for Lots 1, 5, 6 and 7 shall be reviewed for compliance with the LDC upon submittal of a Detailed District Development Plan for each lot.

The vote was as follows:

YES: Commissioners Brown, Peterson and Tomes

NOT PRESENT AND NOT VOTING: Commissioners Kirchdorfer and White

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NEW BUSINESS

CASE NO. 16DEVPLAN1035

Case No: 16DEVPLAN1035
Request: Revised Detailed District Development Plan and Waiver
Project Name: Buddha Bless Temple at Park Ridge Village
Location: 7748 Third Street Road
Owner: Trung Huynh, Buddha Blessed Temple, Inc
Applicant: Trung Huynh, Buddha Blessed Temple, Inc
Representative: John Addington, BTM Engineering, Inc.
Jurisdiction: Louisville Metro
Council District: 25 – David Yates
Case Manager: Laura Mattingly-Humphrey, Planner I

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

Agency Testimony:

01:11:49 Mrs. Mattingly-Humphrey discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

John Addington, BTM Engineering, Inc., 3001 Taylor Springs Drive, Louisville, Ky. 40220
Reverend Thich Hang Dat, 5466 Newcut Road, Louisville, Ky. 40214
Father Anthony, 4839 Southside Drive, Louisville, Ky. 40214
Ann Walter, 1021 South 7th Street, Louisville, Ky. 40203
Robert Juang, Gant Hill and Associates Commercial Real Estate, 10300 Linn Station Road, Louisville, Ky. 40223

Summary of testimony of those in favor:

01:21:47 Mr. Addington gave a power point presentation. There are 108 condominium units (2-story) that have already been approved. There's almost an acre of green space and 900 linear feet of walkways and sidewalks being provided on the plan. The temple is set back approximately 225 feet from Third Street Road.

01:37:22 Rev. Thich Hang Dat said the temple will be an advocate for peace and compassion in the community.

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01:40:13 Father Anthony stated "We are of different faiths, but we have the same goals, to care for the young and the elderly. We want to build up the community so our children will grow up to be good Americans."

01:41:06 Ms. Walter remarked, "I'm here as a witness to the benefits of welcoming a community like this into a neighborhood." There is a concern about the design but it has been discussed with the City of St. Matthews and Windy Hills. There is a lot of support from the community.

01:42:44 Mr. Juang stated, "My company is on the team with Buddha Bless and our function would be to assist in overseeing the architectural construction process, making sure all the construction will be done in a professional manner."

The following spoke in opposition to this request:

Nelson Lemmon, 8000 Manslick Road, Louisville, Ky.
Kenneth Besaw, 8010 Manslick Road, Louisville, Ky.

Summary of testimony of those in opposition:

01:43:59 Mr. Lemmon, adjacent property owner, gave a power point presentation.

Mr. Lemmon has the following concerns: architectural design for the temple is not consistent with neighborhood buildings; How do condos fit into a religious campus with a pastoral park-like setting?; and unwillingness of the developer to incorporate any neighborhood aesthetics into the temple or housing units.

01:58:36 Mr. Besaw is an Acting Officer for the Redbud Neighborhood Association.

Mr. Besaw is concerned with keeping nature (deer, red fox, etc.) in-tact and with keeping the integrity of the neighborhood. Also, "It's a real clash with the religious campus and the condos they plan to put in. We would like to see some uniformity."

Rebuttal:

02:02:10 Mr. Addington said they will honor the binding element (keep it) that guarantees the condominium regime' won't be apartments or rental units. "We believe the condos do go with the religious campus because they're trying to create and grow a following. They may not all be Buddhists that come in to buy these units, but they will be owner occupied."

Mr. Addington said the applicant wants to provide an attractive campus.

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Deliberation

02:10:00 Development Review Committee deliberation. Commissioner Brown stated that the applicant is decreasing intensity. Also, the style of the building is internal to the site and not visible on any frontages (except statue). Commissioner Peterson said he thinks the temple is very attractive and embraces the different architectural style. Chairman Tomes said the plan and waiver are justified.

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

Section 10.2.4.B to allow a utility easement to overlap a required LBA by more than 50%

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

WHEREAS, The waiver will not adversely affect adjacent property owners as the planting and screening requirements will still be met; and

WHEREAS, 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. As the applicant is still providing the required buffer with planting and screening that will provide a transition to the neighboring residential

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developments across McNair Road, these policies of Cornerstone 2020 are not violated; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as all other elements of the revised plan conform to the LDC and the applicant is meeting all other landscaping requirements; and

WHEREAS, the Louisville Metro Development Review Committee further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant as moving the LBA out of the utility easement would require the abutting VUA, parking and education buildings to be moved north into the Tree Canopy Protection Area.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 16DEVPLAN1035, a waiver of section 10.2.4.B to allow a utility easement to encroach into a required Landscape Buffer Area by more than 50% base on the staff report and testimony heard today.

The vote was as follows:

YES: Commissioners Brown, Peterson and Tomes

NOT PRESENT AND NOT VOTING: Commissioners Kirchdorfer and White

Revised Detailed District Development Plan

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

WHEREAS, The proposal is adding tree canopy in addition to the preservation of all Tree Canopy Protection Areas as well as the preservation and buffering of two wetland areas; and

WHEREAS, Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works have approved the preliminary development plan; and

WHEREAS, The proposal includes 1.19 acres of passive open space containing a water feature and walkways, as well as recreational walking paths through the wooded areas; and

WHEREAS, The Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions of adequate drainage facilities on the subject site in

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order to prevent drainage problems from occurring on the subject site or within the community; and

WHEREAS, the Louisville Metro Development Review Committee finds the overall land uses are compatible with the existing and future development of the area. The commercial building, setback approximately the same as nearby commercial structures, will be a good transition into commercial development to the south. The religious campus and condominiums are a less intense land use than what was previously approved and will provide green space and landscaping that is very compatible to the surrounding low density neighborhoods; and

WHEREAS, the Louisville Metro Development Review Committee further finds the development plan conforms to requirements of the Comprehensive Plan and Land Development Code with the exception of the requested land development code waiver to allow a utility easement to overlap a Landscape Buffer Area by more than 50%.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 16DEVPLAN1035, the Revised Detailed District Development Plan and the proposed binding elements on page 9 of the staff report, as well as an amendment to binding element number 6a – with the exception of the permits pulled pertaining to lot 1 and building 1 as shown on the development plan, based on the staff report and testimony heard today and **SUBJECT** to the following Binding Elements:

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 for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. 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.
3. Lot 2: The total building area of structures shall not exceed 19,200 square feet.
Lot 4: The development shall not 8,050 square feet of gross floor area for commercial use.
Lot 5: The density of the development shall not exceed 12.5 dwellings per acre (16 units on 1.28 acres)

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Lot 6: The density of the development shall not exceed 8.2 dwellings per acre (60 units on 7.30 acres)

4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. 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.
6. 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 Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District with the exception of the permits pulled pertaining to lot 1 and building 1 as shown on the development plan.
 - 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 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.
 - 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. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining C-I and R-5A 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.

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g. A minor subdivision plat shall be recorded dedicating additional right-of-way. 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.

7. 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 district development plan is approved or an extension is granted by the Planning Commission.

8. 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.

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

10. 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

11. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.

a) Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Homeowners Association.

b) A deed of restriction in a form approved by Counsel to the Planning Commission addressing responsibilities for the maintenance of common areas and open space, maintenance of noise barriers, maintenance of WPAs & TPAs, and other issues required by these binding elements I conditions of approval.

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c) Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.

12. The materials and design of proposed structures shall be substantially the same as depicted in the renderings as presented at the April 20th, 2016 Development Review Committee meeting.

13. No overnight idling of trucks shall be permitted on the C-I site.

14. 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. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.

15. 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.

Special Binding Elements - Docket No. 9-64-05W

16. Multi-family development of the property shall be limited to development under a horizontal property regime.

17. The site shall be developed in accordance with the tree preservation areas delineated on the site plan and related notes. Any modification of the tree preservation plan requested by the applicant may be approved by the designated DPDS staff if the changes are in keeping with the intent of the approved tree preservation plan. All plans setting out tree preservation areas must contain the following notes:

a. Tree preservation areas (TPAs) identified on this plan represent portions of the site the developer has designated to be left undisturbed during the development of roadways, utilities and similar infrastructure. These are not permanent preservation areas. Tree in these areas may be removed during construction of homes or buildings on individual lots.

b. Dimension lines have been used on this plan to establish the general location of TPAs and represent minimum distances. The final boundary for each TPA shall be

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established in the field by the applicant, developer, or property owner to include canopy area of all trees at or within the dimension line.

c. Tree protection fencing shall be erected around all TPAs prior to site disturbance (except as provided in these notes) to protect the existing tree stands and their root systems. The fencing shall be located at least 3 feet beyond the edge of the tree canopy and shall remain in place until all construction is completed. When trees must be removed in a TPA, the fence shall be relocated to protect all remaining trees within that TPA. When a tree mass contains both WPAs and TPAs, fencing shall only be required at the outer most perimeter of that tree mass.

d. No parking, material storage, or construction activities are permitted within the TPAs beyond that allowed for preliminary site investigation work.

e. Clearing necessary to provide access for survey work, rock soundings or other usual and customary site investigations shall be permitted prior to Site Disturbance Approval. Preliminary site investigations shall be carefully planned to minimize the amount of clearing required. Clearing should follow proposed roadway centerlines and should not result in a clear access way of more than twenty (20) feet in width. Cleared access ways beyond proposed roadways to assess individual lots shall not exceed 12 feet in width or encroach into any proposed open space lots. No trees exceeding eight (8) inches in diameter measured at a height of four and one-half feet above ground level shall be removed without prior approval by DPDS.

18. Street trees shall be planted as required per Chapter 10 along all public roads.

19. Best Management Practices for Sediment, Erosion, and Drainage Control shall be utilized during any and all construction on this site. The report written by Kurt Mason, dated December 6, 2005, must be followed during all site disturbance activities.

20. Before plan transmittal, a Nationwide 404 Permit of approval from the US Army Corp of Engineers must be submitted to Planning and Design staff.

The vote was as follows:

YES: Commissioners Brown, Peterson and Tomes

NOT PRESENT AND NOT VOTING: Commissioners Kirchdorfer and White

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ADJOURNMENT

The meeting adjourned at approximately 3:31 p.m.

Chair

Planning Director