

**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE MEETING  
MAY 9, 2018**

A meeting of the Louisville Metro Development Review Committee was held on May 9, 2018 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, KY 40202.

**Commissioners present:**

David Tomes, Chair  
Rich Carlson, Vice Chair  
Emma Smith  
Jeff Brown

**Commissioners Absent:**

Laura Ferguson

**Staff members present:**

Emily Liu, Director, Planning & Design Services  
Brian Davis, Planning & Design Manager  
Jay Lockett, Planner I  
Ross Allen, Planner I  
Laura Mattinlgy, Planner II  
Joel Dock, Planner II  
Beth Stuber, Transportation Planning  
Travis Fiechter, Legal Counsel  
Chris Cestaro, Management Assistant

The following matters were considered:

**DEVELOPMENT REVIEW COMMITTEE MINUTES  
MAY 9, 2018**

**APPROVAL OF MINUTES**

**APRIL 18, 2018 DRC MEETING MINUTES**

00:06:17 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution was adopted:

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on April 18, 2018.

**The vote was as follows:**

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

**NOT PRESENT: Commissioner Ferguson.**

**DEVELOPMENT REVIEW COMMITTEE MINUTES  
MAY 9, 2018**

**NEW BUSINESS**

**CASE NUMBER 18MOD1001**

**NOTE: Commissioner Tomes arrived after this case had already been introduced and so abstained from voting.**

Request:	Modification to a Condition of Approval to allow a signature entrance to exceed the height dimension allowed in the Floyds Fork Overlay District
Project Name:	Manor at Floyds Fork and Meadows at Floyds Fork
Location:	15909 Aiken Road
Owner(s):	JSAR, LLC
Applicant:	JSAR, LLC
Representative(s):	Mindel, Scott & Associates
Jurisdiction:	Louisville Metro
Council District:	19 – Julie Denton

**Case Manager: Laura Mattingly, AICP, Planner II**

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:**

00:09:05 Laura Mattingly presented the case and showed aerial photos of the site, as well as the proposed Condition of Approval (see recording for detailed presentation.)

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

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

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

00:11:15 Kent Gootee, the applicant's representative, presented the applicant's case and showed a Power Point presentation, which explained in detail why the applicant is requesting the modification (see recording for detailed presentation.)

00:15:13 In response to a concern from Commissioner Carlson, Ms. Mattingly suggested the proposed language for the binding element to be modified:

“The height of the proposed signature entrance shall be permitted to exceed the height limit.”

00:16:50 In response to a question from Commissioner Smith, Mr. Gootee explained about the berm that the applicant is building and why that affects the height of the signature entrance.

**DEVELOPMENT REVIEW COMMITTEE MINUTES  
MAY 9, 2018**

**NEW BUSINESS**

**CASE NUMBER 18MOD1001**

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

No one spoke.

**Deliberation:**

00:18:06      The Commissioners concur that the proposal is justified.

**An audio/visual recording of the Planning Commission hearing 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.**

**00:19:03**      On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution, based on the Standard of Review and Staff Analysis and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that the applicant is not disturbing the Floyd's Fork Creek stream buffer and will be preserving 600,988 square feet of existing tree canopy. The proposed amendment does not affect the conservation of natural resources on the property; and

**WHEREAS**, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community will continue to be provided as the proposed signature entrance will be setback 15' from the right of way and will not affect sight lines for vehicles or pedestrians; and

**WHEREAS**, the Committee further finds that the subdivision plan meets open space standards; and

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

**WHEREAS**, the Committee further finds that the overall site design and land uses are compatible with the existing and future development of the area. The change in the condition of approval does not appear to affect this, as the additional setback and design of the wall appears to be in character with the area. The wall will also have landscaping that will provide for visual breaks and increase compatibility; and

**WHEREAS**, the Committee further finds that the amendment to the binding element does not affect the development plan's compliance with the Land Development Code or the Comprehensive Plan as the proposed signature entrance wall size meets Land Development Code requirements; now, therefore be it

**DEVELOPMENT REVIEW COMMITTEE MINUTES  
MAY 9, 2018**

**NEW BUSINESS**

**CASE NUMBER 18MOD1001**

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the requested amendment to Condition of Approval #15, to read as follows:

15. Signature entrance/s signage shall be limited to the length that is permitted within the Floyds Fork Overlay District as stated in Chapter 3 Part 1 of the Land Development Code. The height of the proposed signature entrance/s shall be permitted to exceed the height limit within the Floyds Fork Overlay District, but will comply with the Land Development Code standards.

**The vote was as follows:**

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

**ABSTAIN: Commissioner Tomes.**

**NOT PRESENT: Commissioner Ferguson.**

**DEVELOPMENT REVIEW COMMITTEE MINUTES  
MAY 9, 2018**

**NEW BUSINESS**

**CASE NUMBER 18WAIVER1014**

Request:: General Waivers from the LDC (August 2017a) 8.2.1.D.4 and 8.2.1.D.6 for Sign Illumination and Movement  
Project Name: 7206 Shepherdsville Road  
Location: 7206 Shepherdsville Road  
Owner(s): Lisa Sayler – Parkland Baptist Church  
Applicant: Nick Delsignore – Golden Rule Signs  
Representative(s): Nick Delsignore – Golden Rule Signs  
Jurisdiction: Louisville Metro  
Council District: 24 – Madonna Flood

**Case Manager: Ross Allen – 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:**

00:20:14 Ross Allen discussed the case summary, standard of review and staff analysis from the staff report (see recording for detailed presentation.)

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

Nick DelSignore, 2420 Holloway Road, Louisville, KY 40299

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

00:22:14 Nick DelSignore, the applicant's representative, answered several questions from the Commissioners about the proposed sign. It will have manual- and auto-dimming; automatic turn-off during the day and automatic turn-on at night; an internally-illuminated cabinet.

00:23:45 In response to a question from Travis Fiechter, legal counsel for the Development Review Committee, Mr. DelSignore discussed square footage of the sign. Mr. Allen referred Mr. Fiechter to page one of the staff report. The sign is proposed to exceed the square footage by about 40%.

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

No one spoke.

**Deliberation:**

00:24:35 After some discussion, the Commissioners agreed that the sign should operate from 7:00 a.m. to about 9:00 p.m. The Commissioners concur that the proposal is justified.

**DEVELOPMENT REVIEW COMMITTEE MINUTES  
MAY 9, 2018**

**NEW BUSINESS**

**CASE NUMBER 18WAIVER1014**

**An audio/visual recording of the Planning Commission hearing 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 #1:** from LDC (Louisville Metro) 8.2.1.D.4 to allow the proposed changing image portion of the sign to exceed more than 30% of the total sign area within the Neighborhood Form District.

**WAIVER #2:** from LDC (Louisville Metro) 8.2.1.D.6 to allow the proposed freestanding changing image sign to be closer than 300 feet to a residentially zoned district.

00:28:35 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Standard of Review and Staff Analysis and testimony heard today, was adopted:

**(Waiver #1) WHEREAS**, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners since the subject site is located along a minor arterial (Shepherdsville Rd.) with the closest changing image sign located approximately 1,264 feet north at a Speedway Gas Station on the same side of the street and the next closest LED changing image sign being located (approximately 2,290 ft. south-southeast) on the northeastern corner at the intersection of Shepherdsville Road and Outer Loop; and

**WHEREAS**, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 3, Policy 4 calls for preserving the character of existing neighborhoods and discourage non-residential expansion into existing residential areas unless the applicant can demonstrate that any adverse impact on residential uses will be mitigated. The waiver will not violate specific guidelines of Cornerstone 2020. The subject site is located along a minor arterial (Shepherdsville Rd.) with the closest changing image sign located approximately 1,264 feet north at a Speedway Gas Station on the same side of the street and the next closest LED changing image sign being located (approximately 2,290 ft. south-southeast) on the northeastern corner at the intersection of Shepherdsville Road and Outer Loop; 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 subject site is located along a minor arterial (Shepherdsville Rd.) with the closest changing image sign located approximately 1,264 feet north at a Speedway Gas Station on the same side of the street and the next closest LED changing image sign being located (approximately 2,290 ft. south-southeast) on the northeastern corner at the intersection of Shepherdsville Road and Outer Loop; 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 since the subject site is

**DEVELOPMENT REVIEW COMMITTEE MINUTES  
MAY 9, 2018**

**NEW BUSINESS**

**CASE NUMBER 18WAIVER1014**

located along a minor arterial (Shepherdsville Rd.) with the closest changing image sign located approximately 1,264 feet north at a Speedway Gas Station on the same side of the street and the next closest LED changing image sign being located (approximately 2,290 ft. south-southeast) on the northeastern corner at the intersection of Shepherdsville Road and Outer Loop. The proposed sign is a replacement and/or update to the existing sign on the subject site and is not out of character with the current on site condition. Additionally, the sign may be automatically and/or manually dimmable and may be programmed to shut off at certain times; and

**(Waiver #2) WHEREAS**, the Committee further finds that the waiver will not adversely affect adjacent property owners since the sign is automatically and manually dimmable. The proposed sign may be programmed to shut off at certain times. The intent of the proposed sign is to provide easier and faster communication for the Church. The subject site is located along a minor arterial (Shepherdsville Rd.) with the closest changing image sign located approximately 1,264 feet north at a Speedway Gas Station on the same side of the street and the next closest LED changing image sign being located (approximately 2,290 ft. south-southeast) on the northeastern corner at the intersection of Shepherdsville Road and Outer Loop; and

**WHEREAS**, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 3, Policy 4 calls for preserving the character of existing neighborhoods and discourage non-residential expansion into existing residential areas unless the applicant can demonstrate that any adverse impact on residential uses will be mitigated. The waiver will not violate specific guidelines of Cornerstone 2020. The proposed sign is located in the same location as the previous static illuminated sign, has auto dimming technology and can be programmed to shut-off at pre-determined times. The result is not an expansion of a use but rather the continuation of the existing condition on site. The subject site is located along a minor arterial (Shepherdsville Rd.) with the closest changing image sign located approximately 1,264 feet north at a Speedway Gas Station on the same side of the street and the next closest LED changing image sign being located (approximately 2,290 ft. south-southeast) on the northeastern corner at the intersection of Shepherdsville Road and Outer Loop; 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 proposed sign is a replacement and/or update to the existing sign on the subject site; 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 since the subject site is located along a minor arterial (Shepherdsville Rd.) with the closest changing image sign located approximately 1,264 feet north at a Speedway Gas Station on the same side of the street and the next closest LED changing image sign being located (approximately 2,290 ft. south-southeast) on the northeastern corner at the intersection of Shepherdsville Road and Outer Loop. The proposed sign is a replacement and/or update to the existing sign on the subject site and is not out of character with the current on site condition. Additionally, the sign may be automatically and/or manually dimmable and may be programmed to shut off at certain times; now, therefore be it



**DEVELOPMENT REVIEW COMMITTEE MINUTES  
MAY 9, 2018**

**NEW BUSINESS**

**CASE NUMBER 18WAIVER1014**

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the requested **WAIVER #1:** from LDC (Louisville Metro) 8.2.1.D.4 to allow the proposed changing image portion of the sign to exceed more than 30% of the total sign area within the Neighborhood Form District; **AND** the requested **WAIVER #2:** from LDC (Louisville Metro) 8.2.1.D.6 to allow the proposed freestanding changing image sign to be closer than 300 feet to a residentially zoned district.

**The vote was as follows:**

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

**NOT PRESENT: Commissioner Ferguson.**

**DEVELOPMENT REVIEW COMMITTEE MINUTES  
MAY 9, 2018**

**NEW BUSINESS**

**CASE NUMBER 18DEVPLAN1058**

Request:	Revised Detailed District Development Plan
Project Name:	Sam Swope Care Center
Location:	240 Masonic Home Drive
Owner(s):	Masonic Homes of KY, Inc.
Applicant:	Masonic Homes of KY, Inc.
Representative(s):	Clifford Ashburner – Dinsmore & Shohl, LLP
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander

**Case Manager:** **Joel Dock, Planner II**

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:**

00:29:41 Joel Dock discussed the case summary, standard of review and staff analysis from the staff report (see recording for detailed presentation.)

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

Clifford Ashburner, Dinsmore & Shohl LLP, 101 S. Fifth Street, Louisville, KY 40202

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

00:31:41 Clifford Ashburner, the applicant’s representative, presented the applicant’s case and showed a brief Power Point presentation (see recording for detailed presentation.)

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

No one spoke.

**Deliberation:**

00:33:57 The Commissioners concur that the proposal is justified.

**An audio/visual recording of the Planning Commission hearing 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**

**DEVELOPMENT REVIEW COMMITTEE MINUTES  
MAY 9, 2018**

**NEW BUSINESS**

**CASE NUMBER 18DEVPLAN1058**

00:34:19      On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Standard of Review and Staff Analysis and testimony heard today, with **NO** changes to the binding elements, was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that the proposed improvements do not adversely impact natural resources; and

**WHEREAS**, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community are provided as the Masonic Homes property is an integrated development with mixed-uses, shared parking facilities, internal drives, and open space; and

**WHEREAS**, the Committee further finds that the development site, larger campus, and the community provide sufficient open space to meet the needs of the proposed development; and

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

**WHEREAS**, the Committee further finds that the overall site design and land uses are compatible with the existing and future development of the area that contains a mix of residential and non-residential uses; and

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

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the requested **Revised Detailed District Development Plan** subject existing binding elements, as follows:

1.      The maximum density permitted for the Masonic Homes campus, being that as described in deed book 9046 page 151, and being in the R-5A zoning district, shall be 12.01 dwelling units per acre (946 units on 78.82 acres) as permitted in R-5A zoning district.
2.      Prior to any building permits being issued for the development of lots 2 through 7 detailed district development plans will be submitted to the Planning Commission for approval. These development plans will be subject to all agency approvals and additional binding elements.

**DEVELOPMENT REVIEW COMMITTEE MINUTES  
MAY 9, 2018**

**NEW BUSINESS**

**CASE NUMBER 18DEVPLAN1058**

3. There shall be no access to this site from Napanee, Ormond, and Leland Roads and Elmwood Avenue. In the event of an emergency Washington Square will provide access to the site. Washington Square will not be used for access except in emergency and safety situations and during the annual Masonic Picnic.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Construction Review, Louisville Metro Public Works, and the Metropolitan Sewer District.
  - b. The size and location of any proposed development identification signs must be approved by the Planning Commission.
  - c. A minor subdivision plat shall be recorded creating the lot lines as shown on the development plan. A copy of the instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
  - d. The appropriate variances and modification to conditional use permit shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
5. Retention basins are shown for general location purposes only. The configuration and size of each basin will be determined prior to approval of the detailed district development plan for the area for which they are shown.
6. Storm water retention shall be provided to maintain runoff at present rates.
7. Construction of retention facilities are waived for any new structures on Lot 1.
8. Off-site drainage improvements in lieu of retention basins may be required for development in Lot 7.
9. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of a structure or land for the proposed use.
10. These binding elements may be amended as provided for in the Zoning District Regulations.
11. A stub connection shall be provided along the western property line of this site as shown in case 14169 unless other access is provided elsewhere on the western campus boundary. Access through the campus shall utilize existing and currently planned road infrastructure to service emergency access.

**DEVELOPMENT REVIEW COMMITTEE MINUTES  
MAY 9, 2018**

**NEW BUSINESS**

**CASE NUMBER 18DEVPLAN1058**

**The vote was as follows:**

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

**NOT PRESENT: Commissioner Ferguson.**

**DEVELOPMENT REVIEW COMMITTEE MINUTES  
MAY 9, 2018**

**NEW BUSINESS**

**CASE NUMBER 18DEVPLAN1028**

Request:	Revised District Development Plan
Project Name:	Hometown Brewery
Location:	4031 Preston Highway
Owner(s):	Thomas Brown
Applicant:	Thomas Brown
Representative:	BTM Engineering
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill

**Case Manager:** Jay Lockett, 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:**

00:35:10 Jay Lockett discussed the case summary, standard of review and staff analysis from the staff report.

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

Christopher brown, BTM Engineering, 3001 Taylor Springs Drive, Louisville, KY 40220

Robert Widman, 4606 Sunny Hill Drive, Crestwood, KY 40014

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

00:37:39 Christopher Brown, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

00:39:52 In response to questions from Commissioners Carlson and Smith, Mr. Brown confirmed that there will be no seating of guests in the microbrewery area (no customers.)

00:40:55 In response to questions from Commissioner Brown, Mr. Brown discussed parking requirements for this site. In addition, Commissioner Brown said that, to have an encroachment into a State ROW for parking or landscaping requires permission from the KY State Transportation Cabinet before Louisville Metro can issue a license agreement – has this been obtained? Mr. Brown used an aerial photo of the site to point out where landscaping is proposed to be.

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

No one spoke.

**DEVELOPMENT REVIEW COMMITTEE MINUTES  
MAY 9, 2018**

**NEW BUSINESS**

**CASE NUMBER 18DEVPLAN1028**

**The following spoke neither for nor against (“Other”):**

Megan Schweri, 1207 Short Street, Louisville, KY 40213

**Summary of testimony of those neither for nor against**

00:43:33 Megan Schweri, who lives adjacent to the property, said her primary concern was parking. She said the existing parking lot currently has 10-15 vehicles on it. Will there be more on-street parking? She was also concerned if the landscaping would cause any drainage issues. Mr. Brown explained that drainage has been addressed so there will be no additional runoff; also, the parking spaces will be striped and all existing parking will be maintained on-site. He said there should be no additional on-street parking.

00:47:55 Commissioner Brown, Mr. Lockett and Mr. Brown discussed whether or not there is a binding element or note on the plan regarding the license agreement. Commissioner Brown requested an additional binding element to read as follows:

“A license agreement for the parking lot encroachments on Morgan and Preston Highway shall be obtained prior to issuance of Certificate of Occupancy for the building addition.”

**Deliberation:**

00:33:18 The Commissioners concur that the proposal is justified.

**An audio/visual recording of the Planning Commission hearing 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 District Development Plan and Binding Elements**

00:50:02 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Standard of Review and Staff Analysis and 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 Development Code will be provided on the subject site; and

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

**DEVELOPMENT REVIEW COMMITTEE MINUTES  
MAY 9, 2018**

**NEW BUSINESS**

**CASE NUMBER 18DEVPLAN1028**

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

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

**WHEREAS**, the Committee further finds that the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways; 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 Development Code, with the exception of the parking waiver request under staff review, and the variances being considered by the Board of Zoning Adjustment; now, therefore be it

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Revised District Development Plan, **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 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) is requested:
  - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways and Louisville Metro Public Works.



**DEVELOPMENT REVIEW COMMITTEE MINUTES  
MAY 9, 2018**

**NEW BUSINESS**

**CASE NUMBER 18DEVPLAN1028**

- 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 plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
  7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
  8. No overnight idling of trucks shall be permitted on-site.
  9. Landscaping shall be planted minimally as shown on the approved plan.
  10. Applicant shall work with staff landscape architect on plantings between the existing parking lot and existing fence at the rear of the lot.
  11. Applicant will work with Metro Staff, KTC and Public Works on a plan for a barrier for the outdoor dining area along Preston Highway.
  12. The lighting on the property will meet the lighting requirements in the Land Development Code.
  13. The closing time will be 1:00 am for the outdoor seating and dining area.
  14. The applicant shall remove the curb cut along Preston Highway in front of the building and restore the curb, verge and sidewalk there.

**DEVELOPMENT REVIEW COMMITTEE MINUTES  
MAY 9, 2018**

**NEW BUSINESS**

**CASE NUMBER 18DEVPLAN1028**

15. A license agreement for the parking lot encroachments on Morgan and Preston Highway shall be obtained prior to issuance of Certificate of Occupancy for the building addition.

**The vote was as follows:**

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

**NOT PRESENT: Commissioner Ferguson.**

**DEVELOPMENT REVIEW COMMITTEE MINUTES  
MAY 9, 2018**

**NEW BUSINESS**

**CASE NUMBER 18MOD1002**

Request:	Modification to a Binding Element
Project Name:	4938 Brownsboro Road
Location:	4938 Brownsboro Road
Owner(s):	RVR Capital
Applicant:	Alvey's Signs
Representative:	Alvey's Signs
Jurisdiction:	Louisville Metro
Council District:	7 – Angela Leet

**Case Manager:** Jay Lockett, 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:**

00:50:49 Jay Lockett discussed the case summary, standard of review and staff analysis from the staff report (see recording for detailed presentation.) After giving some background information on the case, he said the applicant is requesting the deletion of current binding elements #5 and #6 and replace them with the following binding element, to read as follows:

“Signs shall be in accordance with Chapter 8 of the Land Development Code.”

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

Jill Steinsultz, Alvey's Signs, 13100 Hwy 57 North, Evansville, IN 47725

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

00:53:03 Jill Steinsultz, the applicant's representative, said she was available for questions.

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

No one spoke.

**Deliberation:**

00:53:37 The Commissioners concur that the proposal is justified.

**DEVELOPMENT REVIEW COMMITTEE MINUTES  
MAY 9, 2018**

**NEW BUSINESS**

**CASE NUMBER 18MOD1002**

**An audio/visual recording of the Planning Commission hearing 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.**

00:53:46 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Standard of Review and Staff Analysis and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that no changes to the exterior of the structure or site are proposed in this request; and

**WHEREAS**, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community were established during the review and approval of the district development plan for the site; and

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

**WHEREAS**, the Committee further finds that the Metropolitan Sewer District 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 as established in the review and approval of the revised district development plan in case. The amendment to binding element will not create conflict with zoning regulations (parking, landscaping, or setback); and

**WHEREAS**, the Committee further finds that the proposed sign and location are in conformance with the Land Development Code and the Comprehensive Plan; now, therefore be it

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the requested revisions to the binding elements for this case. Current binding elements should read as follows:

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission.
2. The following C-1 uses shall be the only uses permitted on site:

**DEVELOPMENT REVIEW COMMITTEE MINUTES  
MAY 9, 2018**

**NEW BUSINESS**

**CASE NUMBER 18MOD1002**

Accessory building or uses; those uses which are subordinate, customary and incidental to the primary use

Agricultural uses

Athletic facilities (except in City of Louisville) Automobile parking areas, public and private

Bakeries, retail (all products produced to be sold on the premises only)

Banks, credit unions, savings and loans, and similar financial institutions

Barber shops and

Beauty shops

Bicycle sales and service

Boarding and lodging houses

Book stores

Business schools

Churches, parish halls, temples, convents and monasteries

Clubs, private, non-profit or proprietary

Colleges, schools, and institutions of learning, not for profit

Community buildings

Community residences

Confectionery or candy stores, retail (all products produced to be sold on the premises only)

Day care centers, day nurseries, nursery schools and kindergartens

Department stores

Dressmaking or millinery shops

Drug stores

Dry cleaning, dyeing, pressing and laundry; distributing stations or retail business where no cleaning, dyeing, pressing, or laundry is done for other

Distributing stations or cleaning establishments

Dry goods and notion stores

Dwelling, two family

Electric appliance stores Family care home (mini-home) Family day care home

Florist shops

Funeral homes Furniture stores Garage or yard sale

Grocery stores, including fruit, meat, fish, and vegetable

Hardware and paint stores

Health spas (except in City of Louisville) Home occupations

Interior decorating shops

Jewelry stores

Laundries or laundrettes, self-service

Libraries, museums, historical buildings and grounds, arboretums, aquariums, and art galleries

Medical laboratories

Music stores

Multiple family dwellings

Nurseries, retail

Office, business, professional and governmental

Parks, playgrounds, and community centers

Pet shops

Photographic shops

Radio and television stores

**DEVELOPMENT REVIEW COMMITTEE MINUTES  
MAY 9, 2018**

**NEW BUSINESS**

**CASE NUMBER 18MOD1002**

Restaurants, tea rooms and cafes but no:

- 1) Restaurants with drive-through windows;
- 2) Restaurants, tea rooms and cafes where dancing and Entertainment is permitted;
- 3) Restaurant with outdoor seating

Shoe repair shops

Shoe stores

Single family dwellings

Stationery stores

Tailor

Tanning salons

Temporary buildings, the uses of which are incidental to construction operations being conducted on the same or adjoining lot or tract, and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two years from the time of erection of such temporary buildings, whichever is sooner

Tents, air structures and other temporary structures intended for occupancy by commercial activities including but not limited to sales, display and food services, provided that applicable building and fire safety codes are met, and provided further that such structures may not be installed for a period (or period totaling) more than ten (10) days during a calendar year.

Toy and hobby stores

Variety stores

Wearing apparel shops

The following conditional uses may be permitted in this district, upon the granting of a Conditional Use Permit by the appropriate Board of Zoning Adjustment: Hospitals, institutions, nursing homes and homes for the infirm and aged.

3. There shall be no medical offices or other uses requiring a parking ratio greater than one space per 400 square feet of floor area unless parking can meet the requirement of the proposed use.
4. The development on Lot 1 shall not exceed 28,000 square feet of gross floor area.
5. Signs shall be in accordance with Chapter 8 of the Land Development Code.
6. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants or banners shall be permitted on the site.
7. There shall be no outdoor storage on the site
8. Outdoor lighting shall be high-pressure sodium and 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. Lighting levels attributable to the fixtures located on the subject site shall not exceed two foot candles at the property line.

**DEVELOPMENT REVIEW COMMITTEE MINUTES  
MAY 9, 2018**

**NEW BUSINESS**

**CASE NUMBER 18MOD1002**

9. The applicant shall submit a plan for approval by the Planning Commission staff landscape architect showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e, clearing, grading, demolition). Any modification of the tree preservation plan requested by the applicant may be approved by the Planning Commission staff landscape architect if the changes are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
  - a. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
  - b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
  - c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
  - d. Location of construction fencing for each tree/tree mass designated to be preserved.
10. Construction fencing shall be erected at the edge of the area of development in accordance with the tree preservation plan prior to any grading or construction to protect the existing tree stands and their 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.
11. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
  - a. The construction plan must receive full construction approval from the Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - c. A minor subdivision plat shall be recorded creating the lot lines as shown on the development plan, dedicating 10 feet of additional right-of-way to Kentucky Highway 22. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
  - d. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 and the parkway

**DEVELOPMENT REVIEW COMMITTEE MINUTES  
MAY 9, 2018**

**NEW BUSINESS**

**CASE NUMBER 18MOD1002**

policy prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

- e. An access and crossover easement agreement in a form acceptable to the planning Commission legal counsel between the owners of Lots 1 & 2 shall be secured from the adjoining property owner and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
  
- 12. 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.
  
- 13. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
  
- 14. There shall be no outdoor music (live, piped, radio or amplified), outdoor entertainment, or outdoor PA system permitted on the site.
  
- 15. A legal instrument providing for the long-term (minimum 30 years) use of the off-site parking spaces, as shown on the approved general district development plan, shall be submitted and approved by the Planning Commission legal counsel and recorded in the County Clerk's office. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
  
- 16. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project, and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements.. The property owner/developer shall ensure their compliance with the binding elements.
  
- 17. Attached signage shall be back-lit channel letters
  
- 18. No drive-through facilities shall be permitted on site.
  
- 19. Retail hours of operation shall be restricted to 8:00 am to 8:00 PM, Monday through Saturday, and noon to 6:00 PM on Sunday.



**DEVELOPMENT REVIEW COMMITTEE MINUTES  
MAY 9, 2018**

**NEW BUSINESS**

**CASE NUMBER 18MOD1002**

20. The design and materials of the office building shall be substantially similar to the building shown in the rendering introduced into public hearing record on February 4, 1999.
21. An 8 foot high solid brick wall shall be constructed beginning at the time that construction of the site commences and shall be completed prior to obtaining a certificate of occupancy. The wall shall extend from the required front yard setback at Kentucky Highway 22 to the southerly side yard of the property located at 1917 Crossgate Lane. Prior to construction of the wall, a variance shall be obtained from the Board of Zoning Adjustments.
22. All driveways and the area used for the parking of vehicles shall be surfaced with a hard durable material and be properly drained.
23. There shall be no access to any adjoining property located south of the Conditional Use Permit boundary line as shown on the approved general district development plan. Furthermore, there shall be no access to Grantham Place from the subject site.
24. The building on lot 1 shall not contain more than four individual retail tenants on the first floor.

**The vote was as follows:**

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

**NOT PRESENT: Commissioner Ferguson.**

**DEVELOPMENT REVIEW COMMITTEE MINUTES  
MAY 9, 2018**

**NEW BUSINESS**

**CASE NUMBER 18MOD1003**

Request:	Modification to a Binding Element
Project Name:	Schoenhoff Property
Location:	836/840 East Chestnut Street
Owner(s):	Nancy Schoenhoff
Applicant:	Nancy Schoenhoff
Representative:	Nancy Schoenhoff
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith

**Case Manager:** **Julia Williams, RLA, 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:**

00:53:33 Julia Williams discussed the case summary, standard of review and staff analysis from the staff report (see recording for detailed presentation.)

00:57:26 Commissioner Brown asked if there would be a change in the parking requirements. Ms. Williams said this particular use does not change the parking requirements.

00:57:51 In response to a question from Commissioner Smith, Ms. Williams said there are other tenants in the building and other non-conforming uses. Also, in response to another question from Commissioner Smith, Ms. Williams said there are no chemicals used in the proposed food-processing use.

00:58:43 In response to some comments by Commissioner Brown, Ms. Williams gave a brief history of the zoning on this site. She said most of the surrounding area is zoned OR-2.

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

Nancy Schoenhoff, 1604 Jaeger Avenue, Louisville, KY 40205 (signed in but did not speak)

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

No one spoke.

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

No one spoke.

**DEVELOPMENT REVIEW COMMITTEE MINUTES  
MAY 9, 2018**

**NEW BUSINESS**

**CASE NUMBER 18MOD1003**

**Deliberation:**

**01:01:21** The Commissioners concur that the proposal is justified.

**An audio/visual recording of the Planning Commission hearing 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.**

**01:01:30** On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Standard of Review and Staff Analysis and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that the binding element modification will not affect the natural resources on the site; and

**WHEREAS**, the Committee further finds that the modification will not affect vehicular or pedestrian transportation around the site; and

**WHEREAS**, the Committee further finds that open space is not affected; and

**WHEREAS**, the Committee further finds that drainage is not affected by the modification; 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; 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**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the requested amendment to binding element #3. The binding elements shall now read as follows:

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 4,150 square feet of gross floor area.
3. The following M-2 uses shall not be permitted on the site:

Auction sales, outdoor

**DEVELOPMENT REVIEW COMMITTEE MINUTES  
MAY 9, 2018**

**NEW BUSINESS**

**CASE NUMBER 18MOD1003**

Building materials (cement, lime, sand, gravel, lumber, and the like), storage and sales  
Bus garage and repair shop  
Exposition building or center  
Fairgrounds  
Heavy truck and other heavy motor driven vehicles: sales, rental, repair and storage  
Lumber yards  
Railroad freight terminals and yards  
River terminals  
Truck or transfer terminal, freight and motor freight and motor freight stations  
Warehouses, produce and storage  
Waterfront shipping

**Uses, manufacture, processing, treatment, or storage of the following:**

Air conditioning, commercial  
Aircraft and aircraft parts  
Aluminum extrusion, rolling, fabrication, and forming  
Animal pound  
Assembly and repair of automobiles, bicycles, carriages, engines (new and rebuilt), motorcycles, trailers, trucks, wagons, including parts  
Battery, storage (wet cell)  
Boat manufacturing and repair  
Coal and coke, storage and sales  
Concrete products (except central mixing and proportioning plant) Culverts  
Firearms  
Foundry products (electrical only) Implements, agricultural or farm Ink manufacture (mixing only)  
Insecticides, fungicides, disinfectants, and related industrial and household chemical compounds (blending only)  
Machine, tool, die, and gauge shops  
Paint and coating, except manufacturing gun cotton nitro-cellulose lacquers and reactive resin cooking  
Pencils  
Perfumes or perfumed soaps, commercial  
Plating, electrolytic process  
Plumbing supplies  
Poultry or rabbit, packing or slaughtering (wholesale)  
Rubber and synthetic-treated fabric products (excluding all rubber or synthetic processing) such as washers, gloves, footwear, bathing caps, atomizers, or similar products  
Sheet metal products from metal stamping or extrusion, including containers, costume jewelry, pins and needles, razor blades, bottle caps, buttons, kitchen utensils, or similar products  
Shipping containers (corrugated board, fiber or wire-bound) Tire re-treading and vulcanizing shop  
Tobacco (including curing) or tobacco products

4. There shall be no freestanding sign permitted on site without prior approval. Monument style signs that meet the size and height limits established in the "Policies for Future

**DEVELOPMENT REVIEW COMMITTEE MINUTES  
MAY 9, 2018**

**NEW BUSINESS**

**CASE NUMBER 18MOD1003**

Development Along Designated Parkways” may be approved by DPDS staff. Signs that exceed those limits are permitted only if approved by LD&T or the Commission. LD&T or the Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations.

5. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants balloons, or banners shall be permitted on the site.
6. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff and height of the light standard shall be set so that no light source is visible off-site.
7. There shall be no outdoor music (live, piped, radio or amplified), outdoor entertainment, or outdoor PA system audible beyond the property line.
8. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project, and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.

**The vote was as follows:**

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

**NOT PRESENT: Commissioner Ferguson.**

**DEVELOPMENT REVIEW COMMITTEE MINUTES  
MAY 9, 2018**

**NEW BUSINESS**

**CASE NUMBER 17DEVPLAN1095**

Request:	Approval of Elevations per Binding Element #6
Project Name:	Passport Health and Wellness Campus Phase I
Location:	1800, 1824, & 1912 West Broadway
Owner(s):	University Healthcare Inc., DBA PA
Applicant:	University Healthcare Inc., DBA PA
Representative:	Sabak Wilson & Lingo Wyatt Tarrant & Combs, PLLC
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith

**Case Manager:** **Julia Williams, RLA, 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:**

01:02:27 Julia Williams presented the case and showed a Power Point presentation (see recording for detailed presentation.)

01:04:03 In response to a question from Commissioner Carlson, Ms. Williams said the applicant may have signage on the building, but that is something that would be covered under staff review.

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

Jon Baker, Wyatt Tarrant & Combs, 500 West Jefferson Street Suite 2800, Louisville, KY 40202

John Robertson, Arrasmith Judd Rapp and Chauvin, 620 South Third Street, Louisville, KY

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

01:05:21 Jon Baker, the applicant's representative, presented the applicant's case. He discussed the applicant's future plans for signage.

01:06:05 John Robertson, the architect, gave more detailed information about the elevations and building materials. In response to a question from Travis Fiechter, legal counsel for the Planning Commission, Mr. Robertson said the west elevations faces 20<sup>th</sup> Street (a short street to the left of what is now an auto parts store). That is the building's loading dock and was placed there to minimize impact.

**DEVELOPMENT REVIEW COMMITTEE MINUTES  
MAY 9, 2018**

**NEW BUSINESS**

**CASE NUMBER 17DEVPLAN1095**

01:09:36 In response to a question from Commissioner Carlson, Mr. Robertson said the project should take about 22 months to complete and is almost ready to begin.

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

No one spoke.

**Deliberation:**

01:10:52 The Commissioners concur that the proposal is justified.

**An audio/visual recording of the Planning Commission hearing 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.**

01:11:08 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Standard of Review and Staff Analysis and testimony heard today, was adopted:

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the building elevations as presented today in accordance with Binding Element #6.

**The vote was as follows:**

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

**NOT PRESENT: Commissioner Ferguson.**

**DEVELOPMENT REVIEW COMMITTEE MINUTES  
MAY 9, 2018**

**NEW BUSINESS**

**CASE NUMBER 18DEVPLAN1038**

Request:	Revised Detailed Development Plans and Waiver
Project Name:	Louisville City FC
Location:	237-243, 249-251, 255-257, 261, 267-275, & 270 North Campbell Street 250, 350, 375, & 1080 Adams Street 214, 225-229, 249-257, 261-265, & 271 Mill Street 200, 203/203R Cabel Street 275 North Shelby Street
Owner(s):	Louisville Metro Government
Applicant:	Louisville City FC
Representative:	Bardenwerper Talbott & Roberts PLLC Mindel Scott & Associates
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith

**Case Manager:** **Julia Williams, RLA, 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:**

01:12:06 Julia Williams discussed the case summary, standard of review and staff analysis from the staff report (see recording for detailed presentation.)

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

William Bardenwerper, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway, Louisville, KY 40223

Kent Gootee, Mindel Scott & Associates, 5151 Jefferson Boulevard, Louisville, KY 40214

Lee Hasken, Hollenbach Oakley, 13307 Magisterial Drive, Louisville, KY 40223

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

01:16:26 William Bardenwerper, the applicant's representative, presented the applicant's case and showed a Brief Power Point presentation (See recording for detailed presentation.) He noted that, under "Case Summary / Background" there are uses listed for the property/s. He said the property/s are currently vacant. He also emphasized that **NO** street closings will be required and asked that the staff report be corrected to reflect this. He also asked that binding



**DEVELOPMENT REVIEW COMMITTEE MINUTES  
MAY 9, 2018**

**NEW BUSINESS**

**CASE NUMBER 18DEVPLAN1038**

element # 2 regarding banners (soccer stadium should be excluded) and #4d should be eliminated because no street or alley closures will be needed.

01:21:24 Commissioner Carlson asked about a parking area on the original plan (located toward the end of the stadium). On the revised plan, it looks like many of those parking spaces have been removed and another parking area, which appears to be smaller, has taken its place. Kent Gootee, an applicant's representative, went over the revised plan and explained the parking issue (see recording for detailed discussion.) In response to another question from Commissioner Carlson, Ms. Williams said that parking is not required in the Downtown form district.

01:23:24 Commissioner Brown pointed out that the applicant had added a space for "Rideshare" parking in the ROW. Louisville Metro does not have "Rideshare" parking; only passenger pickup or dropoff.

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

No one spoke.

**Deliberation:**

01:24:27 Commissioner Brown asked about Binding Element #2. Ms. Williams said the binding element should read as follows:

"Except for the soccer stadium property itself, no outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the overall development site."

She added that binding elements 4C and 4D can be stricken, and replaced with the following:

"A license agreement from Louisville Metro Public Works for the pedway over Campbell Street shall be required prior to construction approval."

01:26:40 The Commissioners concur that the proposal is justified.

**An audio/visual recording of the Planning Commission hearing 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**

**01:26:43** On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Standard of Review and Staff Analysis and testimony heard today, was adopted:

**DEVELOPMENT REVIEW COMMITTEE MINUTES  
MAY 9, 2018**

**NEW BUSINESS**

**CASE NUMBER 18DEVPLAN1038**

**WHEREAS**, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners since safe pedestrian access is provided from the public rights-of-way to the building entrance; and

**WHEREAS**, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 2, Policy 15 encourages the design, quantity and location of parking in activity centers to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations. Guideline 3, Policy 1 ensures compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. Guideline 3, Policy 23 states that setbacks, lot dimensions and building heights should be compatible with those of nearby developments that meet form district guidelines. Guideline 7, Policy 3 states to evaluate developments for their ability to promote mass transit and pedestrian use. Encourage higher density mixed use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation choices. Guideline 9, Policy 1 states that new development and redevelopment should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with location of retail and office uses, especially in the Traditional Neighborhood, Village, Marketplace Corridor, Traditional Workplace Form Districts close to the roadway to minimize the distance pedestrians and transit users have to travel. The purpose of the requirement is to promote mass transit and pedestrian use and reduce vehicle trips in and around the site, and to reduce the distance pedestrians and transit users have to travel. The waiver is compatible with the pattern of development within the form district. Pedestrians are provided for in and around the site with new sidewalks proposed where they are not currently. Building expansion after initial development could be placed to replace the parking; and

**WHEREAS**, the Committee further finds that the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since there are multiple rights of way frontages making parking around the structures inevitable but pedestrian connectivity is expanded; 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 or would create an unnecessary hardship on the applicant since there are multiple rights of way frontages making parking around the structures inevitable but pedestrian connectivity is expanded; now, therefore be it

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Waiver of the Land Development Code Waiver from 5.5.1.B.1.a.ii to permit parking in front of primary structures along Cabel Street.

**The vote was as follows:**

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

**NOT PRESENT: Commissioner Ferguson.**

**DEVELOPMENT REVIEW COMMITTEE MINUTES  
MAY 9, 2018**

**NEW BUSINESS**

**CASE NUMBER 18DEVPLAN1038**

**Revised Detailed District Development Plan and binding elements**

01:27:24 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Standard of Review and Staff Analysis and 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 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 has approved the preliminary development plan; and

**WHEREAS**, the Committee further finds that the open space requirements are provided in the form of common areas and plazas; and

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

**WHEREAS**, the Committee further finds that the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways; and

**WHEREAS**, the Committee further finds that the development plan generally 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 binding elements originally approved at the February 1, 2018 Planning Commission public hearing, **with the binding elements to read as follows:**

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. "Except for the soccer stadium property itself, no outdoor advertising signs, small freestanding signs , pennants, balloons, or banners shall be permitted on the overall development site.

**DEVELOPMENT REVIEW COMMITTEE MINUTES  
MAY 9, 2018**

**NEW BUSINESS**

**CASE NUMBER 18DEVPLAN1038**

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) is requested:
  - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - c. A license agreement from Louisville Metro Public Works for the pedway over Campbell Street shall be required prior to construction approval.
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 façade elevations shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.
8. Amenity areas per LDC Chapter 5.12.2 shall be submitted and approved by a committee of the Planning Commission prior to obtaining a building permit.

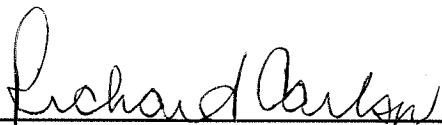
**The vote was as follows:**

**YES: Commissioners Smith, Carlson, Brown, and Tomes.  
NOT PRESENT: Commissioner Ferguson.**

DEVELOPMENT REVIEW COMMITTEE MINUTES  
MAY 9, 2018

ADJOURNMENT

The meeting adjourned at approximately 2:30 p.m.

  
\_\_\_\_\_  
Vice Chairman

  
\_\_\_\_\_  
Division Director