

**MINUTES OF THE MEETING
OF THE
DEVELOPMENT REVIEW COMMITTEE
December 17, 2014**

A meeting of the Development Review Committee was held on, DATE & TIME in the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Committee Members present were:

David Tomes, Chairman
Jeff Brown, Commissioner
Robert Kirchdorfer, Commissioner
Rob Peterson, Commissioner

Committee Members absent were:

Chip White, Vice Chairman

Staff Members present were:

Joseph Reverman, Planning Manager
David Wagner, Planner II
Julia Williams, Planner II
Matthew R. Doyle, Planner I
Tammy Markert, Traffic Planning Coordinator
John Carroll, Legal Counsel
Pamela M. Brashear, Management Assistant

The following matters were considered:

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APPROVAL OF MINUTES

DECEMBER 3, 2014 DRC MEETING MINUTES

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

RESOLVED, that the Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on December 3, 2014.

The vote was as follows:

YES: Commissioners Brown, Kirchdorfer, Peterson and Tomes

NO: No one

NOT PRESENT FOR THIS CASE: Commissioner White

ABSTAINING: No one

**DEVELOPMENT REVIEW COMMITTEE
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NEW BUSINESS

CASE NO. 14DEVPLAN1125

Request:	Community Facility Review for a new vector dumping pit
Project Name:	CMF Vector Truck Dumping Pit
Location:	2601 Millers Lane
Owner:	Louisville Metropolitan Sewer District (MSD)
Applicant:	Josh Dickerson, MSD
Representative:	Casey DeYoung, Heritage Engineering
Jurisdiction:	Louisville Metro
Council District:	3 - Mary C. Woolridge
Case Manager:	Sherie' Long, Landscape Architect

This case is being continued to a date uncertain. New notices will be sent.

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NEW BUSINESS

CASE NO. 14WAIVER1042

Request: Article 12 Landscape Waiver
Project Name: 7315 Deutsch Road
Location: 7315 Deutsch Road
Applicant/Owner: Ball Homes LLC
Representative: Rocco Pigneri
2527 Nelson Miller Parkway, #207
Louisville, Ky. 40223
Jurisdiction: Louisville Metro
Council District: 23- James Peden
Case Manager: Julia Williams, AICP, Planner II

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

Agency Testimony:

00:06:42 Mrs. Williams discussed the case summary, standard of review and staff analysis from the staff report.

Deliberation

00:09:11 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 Kirchdorfer, seconded by Commissioner Peterson, the following resolution was adopted.

WHEREAS, Adjacent property owners will not be affected because the home is adjacent to other new homes or will be and the other adjacent properties are a park and a large lot single family zoned property. The landscape requirements will still be met on the site; and

WHEREAS, 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,

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NEW BUSINESS

CASE NO. 14WAIVER1042

junk, outdoor storage, and visual nuisances. 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. The landscape requirements within the buffer will still be met on the site within the buffer; and

WHEREAS, the Louisville Metro Development Review Committee finds the home and deck have been constructed. The LBA is adjacent to a park and there are no existing plant materials within the buffer. The landscape requirements will still be met within the buffer. Removal of the deck would be unnecessary due to its lack of impact on the LBA; and

WHEREAS, the Louisville Metro Development Review Committee further finds the home and deck have been constructed. The LBA is adjacent to a park and there are no existing plant materials within the buffer. The landscape requirements will still be met within the buffer. Removal of the deck would be unnecessary due to its lack of impact on the LBA.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the waiver from Article 12 to permit the encroachment of a deck into the 25 foot Landscape Buffer Area based on the staff report and the testimony heard today.

The vote was as follows:

YES: Commissioners Brown, Kirchdorfer, Peterson and Tomes

NO: No one

NOT PRESENT FOR THIS CASE: Commissioner White

ABSTAINING: No one

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NEW BUSINESS

CASE NO. 14STREETS1006

Request: Street Closure of Rosemont Avenue, running from Midland Avenue to the west approximately 445 feet
Project Name: Meredith Dunn Learning Center Street Closure
Location: 3023 Melbourne Avenue
Owner: Louisville Metro
Applicant: Meredith Dunn Learning Center
Representative: Alex Rosenberg
2518 Hermitage Way
Louisville, Ky. 40242
Jurisdiction: Louisville Metro
Council District: 26 – Brent Ackerson
Case Manager: David B. Wagner – Planner II

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

Agency Testimony:

00:11:12 Mr. Wagner discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Alex Rosenberg, 2518 Hermitage Way, Louisville, Ky. 40242

Summary of testimony of those in favor:

16:50 Mr. Rosenberg said he represents the applicant and will answer any questions from the committee.

Deliberation

00:17:05 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 Kirchdorfer, seconded by Commissioner Peterson, the following resolution was adopted.

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CASE NO. 14STREETS1006

RESOLVED, that the Louisville Metro Development Review Committee does hereby place Case No. 14STREETS1006 on tomorrow's Consent Agenda.

The vote was as follows:

YES: Commissioners Brown, Kirchdorfer, Peterson and Tomes

NO: No one

NOT PRESENT FOR THIS CASE: Commissioner White

ABSTAINING: No one

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NEW BUSINESS

CASE NO. 14DEVPLAN1124

Request: Revised Detailed District Development Plan, Waivers and Binding Element Amendments
Project Name: Indian Springs Hotel
Location: 3501 Indian Lake Dr. and 11021 Fairway Pointe Drive
Owner: Indian Springs, LLC
Indian Springs Green Space, LLC
Applicant: M and T, LLC
Representative: Bardenwerper, Talbott & Roberts, PLLC
1000 North Hurstbourne Parkway
Louisville, Ky. 40223
Mindel, Scott & Associates, Inc.
5151 Jefferson Boulevard
Louisville, Ky. 40219
Jurisdiction: Louisville Metro
Council District: 17 – Glen Stuckel
Case Manager: David B. Wagner – Planner II

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

Agency Testimony:

00:18:36 Mr. Wagner discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Bill Bardenwerper, Bardenwerper, Talbott and Roberts, 1000 North Hurstbourne Parkway, Louisville, Ky., 40223
David Mindel, Mindel, Scott and Associates, 5151 Jefferson Boulevard, Louisville, Ky. 40219

Summary of testimony of those in favor:

00:25:37 Mr. Bardenwerper discussed the following: large amount of open space; connectivity for the guests; additional parking; upscale project; worked hard with the Homeowner's Association; and compatibility with the neighborhood.

00:35:25 Mr. Mindel answered questions from the committee.

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CASE NO. 14DEVPLAN1124

Deliberation

00:37:35 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 Brown, seconded by Commissioner Peterson, the following resolution was adopted.

WAIVER #1
to allow dumpsters and VUA to encroach into the 15' LBA along the south property line (LDC 10.2.4)

WHEREAS, The waiver will not adversely affect adjacent property because the dumpster is proposed to be located next to an existing maintenance building on adjoining apartment property and the VUA will encroach only in an area adjacent to the tennis courts for the apartment complex; and

WHEREAS, The waiver will not violate the Comprehensive Plan because of all that is set forth in staff's analysis of the RDDDP in regards to applicable Guidelines and Policies of Cornerstone 2020; 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 because the dumpster would extend out into the vehicle maneuvering area and create an unsafe hazard to vehicles traversing the parking lot if it was moved any further away from the property line. The VUA encroachment allows the entrance to the site to align with the club house entrance across Indian Lake Drive which is required by Transportation Review; and

WHEREAS, the Louisville Metro Development Review Committee further finds Strict application of the provisions of the regulation will deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the dumpster would otherwise have to be located in an inconvenient spot on the site plan that would not necessarily be a better location for the adjoining apartment community or from the standpoint of aesthetics of the overall site relative to the larger Indian Springs community. Transportation Review has effectively required the VUA encroachment so that the two site entrances on Indian Lake Drive align.

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CASE NO. 14DEVPLAN1124

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** Waiver No. 1 to allow the dumpsters and VUA to encroach into the 15 foot LBA along the south property line (LDC 10.2.4) based on the staff report and testimony heard today.

The vote was as follows:

YES: Commissioners Brown, Kirchdorfer, Peterson and Tomes

NO: No one

NOT PRESENT AND NOT VOTING: Commissioner White

ABSTAINING: No one

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

WAIVER #2
to allow VUA to encroach into the 50' Gene Snyder Freeway Buffer Area
along the northeast property line (LDC 10.3.7)

WHEREAS, The waiver will not adversely affect adjacent property owners because there are none adjacent to the encroachment; and

WHEREAS, The waiver will not violate the Comprehensive Plan because of all that is set forth in staff's analysis of the RDDDP in regards to applicable Guidelines and Policies of Cornerstone 2020; 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 because the encroachment prevents more of the open space from being converted to hotel parking lot and the same encroachment was previously approved by the Planning Commission along the Gene Snyder Freeway for the OTF zoned portion of the development; 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 because the homeowners association would like to keep as much open space as possible. If the encroachment wasn't allowed, the applicant would need to extend the parking lot further to the southeast which would take up even more open space.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** Waiver No. 2 to allow the VUA to encroach into the 50 foot Gene Snyder

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Freeway Buffer Area along the northeast property line (LDC 10.3.7) based on the staff report and testimony heard today.

The vote was as follows:

YES: Commissioners Brown, Kirchdorfer, Peterson and Tomes

NO: No one

NOT PRESENT AND NOT VOTING: Commissioner White

ABSTAINING: No one

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

WHEREAS, The proposal conserves as many natural resources as possible that currently exist on the site while still allowing the development; and

WHEREAS, Safe and efficient vehicular and pedestrian transportation is provided by the sidewalks and vehicular access to the public road network through the entrance provided on the site; and

WHEREAS, Open space is not required for this proposal; and

WHEREAS, MSD has approved the drainage facilities for the site; and

WHEREAS, the Louisville Metro Development Review Committee finds the proposal would be in a neighborhood center that is across the street from a large Regional Center commercial development with a mixture of uses. It also sits at the intersection of a minor arterial street and interstate highway. Although the site abuts residential zoning, these sites are an apartment community to the south, open space to the east, and the retail site to the west that is currently under construction. As the site sits in a depression that is lower than surrounding land, the single family residences further to the south should be somewhat buffered by the apartment complex. The hotel, restaurant, and conference center serve as neighborhood uses; and

WHEREAS, the Louisville Metro Development Review Committee further finds this development conforms to the intent of the form districts and the comprehensive plan as it would be in a neighborhood center that is across the street from a large Regional Center commercial development with a mixture of uses. It also sits at the intersection of a minor arterial street and interstate highway. Although the site abuts residential zoning, these sites are an apartment community to the south, open space to the east, and the retail site to the west that is currently under construction. As the site sits in a depression that is lower than surrounding land, the single family residences further to the south

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should be somewhat buffered by the apartment complex. The hotel, restaurant, and conference center serve as neighborhood uses.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Revised Detailed District Development Plan **ON CONDITION** that the multi-use path connecting Indian Lakes Drive to the existing pathway on the golf course is shown on the development plan and the proposed binding elements shown on pages 9 and 10 of the staff report based on the testimony heard today and the staff report.

Proposed 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. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, or alteration 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. 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 Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - e. 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

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- approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
- f. The appropriate variances and conditional use permit shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
4. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
 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 materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the December 17, 2014 Development Review Committee meeting.
 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.

The vote was as follows:

YES: Commissioners Brown, Kirchdorfer, Peterson and Tomes

NO: No one

NOT PRESENT AND NOT VOTING: Commissioner White

ABSTAINING: No one

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NEW BUSINESS

CASE NO. 14SUBDIV1011

Request: Conservation Subdivision
Project Name: Flat Rock Ridge Section 4
Location: 1700 Flat Rock Road
Owner: Ball Homes LLC
Applicant: Ball Homes LLC
Representative: Mindel Scott and Associates; Bardenwerper Talbott and Roberts LLC.
Jurisdiction: Louisville Metro
Council District: 19- Jerry Miller
Case Manager: Julia Williams, AICP, Planner II

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

Agency Testimony:

00:40:48 Mrs. Williams discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Bill Bardenwerper, Bardenwerper, Talbott and Roberts, 1000 North Hurstbourne, Louisville, Ky. 40223
Kathy Linares, Mindel, Scott and Associates, 5151 Jefferson Boulevard, Louisville, Ky. 40219
David Mindel, Mindel, Scott and Associates, 5151 Jefferson Boulevard, Louisville, Ky. 40219

Summary of testimony of those in favor:

00:45:07 Mr. Bardenwerper said they're taking the R-4 section, which hasn't been completed, and moving to a conservation-style plan. The final plan is slightly different than what was shown at the neighborhood meeting.

00:48:05 Ms. Linares stated, along with saving other open space, they are able to provide additional open space behind the lots that front on Flat Rock Rd. and make more connections so people can get to the open space from their property. There's also a Scenic Corridor buffer being provided. There are a lot of nice views being provided.

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Ms. Linares explained the differences from the plan shown today and the plan shown for the neighborhood meeting.

00:55:43 Mr. Mindel said they are preserving a lot of the existing streams.

The following spoke in opposition to this request:

Rodes Brown, 175 East Main Street, Suite 500, Lexington, Ky. 40507

Summary of testimony of those in opposition:

00:58:33 Mr. Brown represents Bluegrass Real Estate Development, Inc. (Barlow Homes). The change in the plan leaves 6 lots unable to be accessed.

Deliberation

01:18:23 Mr. Carroll said there are no development rights from a preliminary plan. Commissioner Peterson remarked, "The Conservation Plan has been very well thought out with the use of the pond and the streams. Giving full access to that conservation area."

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

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Conservation Subdivision Plan and the elimination of Condition of Approval number 17 as recommended by the applicant and supported by the staff report, based on the staff report and testimony heard today.

Proposed Conditions of Approval

1. 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.

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2. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. 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 Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
4. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
5. The applicant, developer, or property owner shall provide copies of these conditions of approval 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.
6. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.

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CASE NO. 14SUBDIV1011

- 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 TCPAs etc.) and other issues required by these conditions of approval.
 - c) Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.
7. At the time the developer turns control of the homeowner's association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowner's association account. The subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement.
 8. An original stamped copy of the approved Tree Preservation Plan shall be present on site during all clearing, grading, and construction activity and shall be made available to any DPDS inspector or enforcement officer upon request.
 9. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities - preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
 10. All street signs shall be installed by the Developer, and shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street, and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
 11. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.

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12. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.
13. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Homeowners Association. Accumulations of water in which mosquito larvae breed or have the potential to breed are required to be treated with a mosquito larvacide approved by the Louisville Metro Health Department. Larvacides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.
14. Tree Canopy Protection Areas (TCPAs) identified on this plan represent individual trees and/or portions of the site designated to meet the Tree Canopy requirements of Chapter 10 Part 1 of the Land Development Code and are to be permanently protected. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of plan approval. As trees within TCPAs are lost through natural causes, new trees shall be planted in order to maintain minimum tree canopy as specified on the approved development or preliminary subdivision plan.
- 15. No tree over 6" caliper shall be removed by the developer unless necessary for roadway, utility or home construction. Trees will be preserved and/or provided on site as required by Chapter 10, Part 1 of the Land Development Code and as indicated in the Tree Canopy Calculations on the Preliminary Subdivision Plan. The applicant shall submit a landscape plan for approval by Planning Commission staff for any trees to be planted to meet the Tree Canopy requirements of Chapter 10, Part 1 of the LDC and for required plantings in the Scenic Corridor Buffer along Flat Rock Road. A tree preservation plan shall be submitted for review and approval for any trees to be preserved to meet the Tree Canopy requirements of Chapter 10. Said plans shall be submitted for review and approval prior to recording the record plat. Prior to, or during DPDS staff review of the landscape plan, the developer shall be responsible for providing a copy of the plan to the Eastwood Neighborhood Association president for review prior to receiving approval by DPDS staff.**
- 16. There shall be language in the deed restrictions requiring maintenance of the 30' Scenic Corridor Buffer by the Homeowner's Association.**

The vote was as follows:

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YES: Commissioners Brown, Kirchdorfer, Peterson and Tomes
NO: No one
NOT PRESENT AND NOT VOTING: Commissioner White
ABSTAINING: No one

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NEW BUSINESS

CASE NO. 14DEVPLAN1159

Request: General Plan, Detailed District Development Plan with a
Landscape and Sidewalk Waiver
Project Name: Blankenbaker Distribution Center
Location: 2909 Blankenbaker Road
Owner: Synergy Logistics LLC
Applicant: Synergy Logistics LLC
Representative: Alex Rosenberg
Jurisdiction: Jeffersontown
Council District: 20-Stuart Benson
Case Manager: Julia Williams, AICP, Planner II

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

Agency Testimony:

01:24:06 Mrs. Williams discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Alex Rosenberg, Professional Engineer, 2518 Hermitage Way, Louisville, Ky. 40242

Summary of testimony of those in favor:

01:29:19 Mr. Rosenberg stated that the development plan was approved in 2009 for the entire 20 acres. It will now be subdivided into 2 tracts (~10 acres each). The following will be provided: a 15 foot landscape buffer area; road improvements; shared access; and storm drainage (underground storm lines). He also discussed the binding elements. Commissioner Peterson asked for the reasons for the sidewalk waiver. Mr. Rosenberg replied, "The sidewalks at this point don't go anywhere and there are some challenges down towards another portion. There would be significant drainage improvements that would need to be made off-site for the sidewalk to be continued to Electron. There's a triple culvert underneath Blankenbaker Road."

Deliberation

1:36 Commissioner Brown said Jeffersontown will have final action on the removal of the binding element so he suggests leaving it as it is. Also, he disagrees with the sidewalk waiver.

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CASE NO. 14DEVPLAN1159

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 Brown, seconded by Commissioner Kirchdorfer, the following resolution was adopted.

WAIVER of Section 5.5.4.B.1. to reduce the buffer from 50' to 15'

WHEREAS, Because the adjacent property is in a residential zone with a CUP for offsite parking that site is already being used non-residentially. Reducing the LBA will not affect any other property owners and is consistent with LBAs in the PEC zoning district; 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. The two sites are still compatible with the reduction in LBA. Landscape requirements will still be met in the buffer with the exception of the berm; and

WHEREAS, the Louisville Metro Development Review Committee finds providing a 50' buffer adjacent to a non-residentially used site takes up more land than necessary for the two compatible uses. Allowing 35' more of land to be used as the zoning district allows affords relief to the applicant; and

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WHEREAS, the Louisville Metro Development Review Committee further finds the buffers along the adjacent roadways to the site exceed the requirements of the LDC which compensate for not complying with the regulations in this area.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the City of Jeffersontown, **APPROVAL** of the waiver from 5.5.4.B.1 to reduce the 50 foot LBA to 15 feet because it is compatible with the typical PEC zoning in this area based on the staff report and testimony heard today. Motion carried unanimously.

The vote was as follows:

YES: Commissioners Brown, Kirchdorfer, Peterson and Tomes

NO: No one

NOT PRESENT AND NOT VOTING: Commissioner White

ABSTAINING: No one

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

WAIVER of Section 5.8.1. to not provide a sidewalk along Blankenbaker Road

WHEREAS, The waiver will affect adjacent property owners because as the area develops and redevelops sidewalks will be required. The property at the corner of Electron and Blankenbaker Parkway has provided sidewalks along Electron Drive, once the property adjacent to the subject site is rezoned and developed sidewalks will connect to that existing Electron Drive sidewalk providing overall connectivity; 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. Not providing the sidewalks along Blankenbaker will violate the Comprehensive Plan; and

WHEREAS, the Louisville Metro Development Review Committee finds Transportation Planning has not given any indication that the sidewalks cannot be built so there is no evidence that suggests that topography is preventing the sidewalks from being constructed; and

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WHEREAS, the Louisville Metro Development Review Committee further finds the applicant has not indicated other design measures to mitigate for the non-compliance nor would building the sidewalk deprive the applicant of use of the land because the sidewalks are able to be constructed.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the City of Jeffersontown, **DENIAL** of the waiver from 5.8.1 to not provide a sidewalk along Blankenbaker Road based on the staff report and the current conditions of the roadway in the area. Motion carried unanimously.

The vote was as follows:

YES: Commissioners Brown, Kirchdorfer, Peterson and Tomes

NO: No one

NOT PRESENT AND NOT VOTING: Commissioner White

ABSTAINING: No one

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

WHEREAS, There are not 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, Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan; and

WHEREAS, An outdoor amenity area is being provided on the site along Blankenbaker Parkway; 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. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks; and

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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.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the City of Jeffersontown, **APPROVAL** of the General Plan and the Detailed District Development Plan with the revision to General Plan binding element No. 19 to reference binding element no. 18. Binding element no. 18 would have to be complied with prior to Certificate of Occupancy; based on the staff report and the testimony heard today.

Proposed General Plan Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Prior to development (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. The development shall not exceed 95,000 square feet of gross floor area for Tract 1.
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:

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- a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. 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 Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - e. A minor subdivision plat or legal instrument 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.
7. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
 8. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
 9. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
 10. The materials and design of proposed structures for Tract 1 shall be substantially the same as depicted in the rendering as presented at the December 17, 2014 Development Review Committee meeting.

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11. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
12. Except for low-voltage landscape and accent lighting, all exterior lighting, whether freestanding or attached, and whether on building lots or along streets or in common areas, shall be fully shielded, shall utilize flat or hidden lenses, and shall be pointed directly to the ground.
13. All exterior lighting shall be turned off or dimmed to the lowest level necessary for adequate security between the hours of 9:00 PM and 7:00 AM.
14. Any skylights or sidelights in any buildings shall be constructed or operated so as not to emit any light from within the building between 9:00 PM and 7:00 AM.
15. Signage attached to a building shall not be illuminated unless internally illuminated with opaque backgrounds with translucent letters, symbols and logos. No illuminated attached signage shall be visible from Blackacre Nature Preserve property.
16. Freestanding signs shall be illuminated only by one of two methods:
 - a. Internally illuminated with opaque backgrounds with translucent letters, symbols and logos, or
 - b. Externally illuminated by a fully-shielded light fixture mounted on top of the sign structure and directed towards the ground.
17. The applicant will work with PDS staff on landscaping and using native plant material in the outdoor amenity areas shown on the plan.
18. Per the plan dated 09/16/09 and Metro Public Works requirements and standards, the applicant shall provide the following: widen Blankenbaker Road to provide 24' of total pavement width (minimum 2 ft. widening) with 6 – 8 ft shoulders along the property frontage for approximately 900' north of the intersection with Blankenbaker Parkway. From this point north, pavement shall taper to provide 36' of total pavement width between the northern proposed site entrance and Election Drive. Existing driveways affected by the improvements, shall be modified or restored as required. Full width pavement overlay is required for all areas of widening.
19. Developer shall be responsible for any required utility relocations, final surface overlay, signage, and striping associated with required road improvements to Blankenbaker Road, Blankenbaker Parkway and Electron Drive. Construction plans, bond, and KTC permit are required by Metro Public Works prior to

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construction approval and issuance of MPW encroachment permit. All street name signs and pavement markings shall conform to the manual on uniform traffic control devices (MUTCD) requirements. Developer shall not request a certificate of occupancy until road improvements are complete per binding element #17.

20. The Applicant shall make a financial contribution to off-site roadway improvements at the Blankenbaker Parkway/Bluegrass Parkway intersection. Such contribution to off-site roadway improvements by the Applicant shall not exceed \$68,000.00 which may be adjusted downward based upon financial contributions which may be made by others in connection with any subsequent development plan approvals in the affected geographic area. Said contribution to off-site roadway improvements shall be made to Metro Works at the time of the commencement of construction of improvements to this intersection as recommended by the HOST Study under Binding Element 29 Docket No 11215.

The vote was as follows:

YES: Commissioners Brown, Kirchdorfer, Peterson and Tomes

NO: No one

NOT PRESENT AND NOT VOTING: Commissioner White

ABSTAINING: No one

DEVELOPMENT REVIEW COMMITTEE
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NEW BUSINESS

CASE NO. 14MOD1014

Request: Amendment to Binding Element to allow freestanding signs to be permitted in accordance with Chapter 8 of the Land Development Code

Project Name: First Capital Bank of KY

Location: 2735 Bardstown Road

Owner: First Capital Bank of KY

Applicant: First Capital Bank of KY

Representative: Commonwealth Sign Co.

Jurisdiction: Louisville Metro

Council District: 8 – Tom Owen

Case Manager: Matthew Doyle, Planner I

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

Agency Testimony:

01:40:21 Mr. Doyle discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Clara Bowman, 1824 Berry Boulevard, Louisville, Ky.

Summary of testimony of those in favor:

01:41:45 Ms. Bowman represents the sign company and just wants to raise it to Chapter 8 standards/guidelines.

Deliberation

01:42:16 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 Brown, seconded by Commissioner Peterson, the following resolution was adopted.

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CASE NO. 14MOD1014

WHEREAS, There does not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will continue to be provided on the subject site; and

WHEREAS, Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community will continue to be provided; and

WHEREAS, Provisions of sufficient open space will continue to be provided; and

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

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the amendment to the binding element as shown on page 9 of the staff report based on the staff report and testimony heard today. Motion carried unanimously.

Proposed Binding Elements

3. Signs shall be in accordance with Chapter 8 ~~and as presented at the public hearing (6 feet tall, 21 square feet)~~ **of the Land Development Code.**

The vote was as follows:

YES: Commissioners Brown, Kirchdorfer, Peterson and Tomes

NO: No one

NOT PRESENT AND NOT VOTING: Commissioner White

ABSTAINING: No one

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NEW BUSINESS

CASE NO. 14DEVPLAN1146

Request: Revised Detailed District Development Plan for automobile service and repair garages
Project Name: 3939 Central Avenue
Location: 3939 Central Avenue
Owner: David S. Elder
Applicant: David S. Elder
Representative: Alpha Omega Innovations, LLC
Jurisdiction: Louisville Metro
Council District: 2 – Barbara Shanklin
Case Manager: Matthew Doyle, Planner I

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

Agency Testimony:

01:43:06 Mr. Doyle discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

David Elder, 1019 Bunsen Way, Louisville, Ky.

Summary of testimony of those in favor:

01:45:25 Mr. Elder said he wants approval for his case.

Deliberation

01:45:53 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.

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

WHEREAS, There does 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

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WHEREAS, Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community will be provided. Transportation Planning Review has approved the preliminary development plan; and

WHEREAS, Provisions of sufficient open space will be provided; 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

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. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways; 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.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 14DEVPLAN1146, the Revised Detailed District Development Plan for automobile service and repair garages and the changes to the binding elements listed on page 8 of the staff report, striking binding element 3, 6 b, d and e and 14 based on the staff report and the testimony heard today.

Proposed Binding Elements

- ~~3. Signs shall be in accordance with Chapter 8 or as presented at the public hearing.~~
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 Public Works and the Metropolitan Sewer District.
 - ~~b. A minor subdivision plat shall be recorded as shown on the 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.~~
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to

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

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.~~

e. ~~The appropriate variance shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.~~

14. ~~Landscaping shall be in accordance with the concept landscape shown on the colored site plan presented at the public hearing, which shall include 50% more plantings than the Land Development Code requires adjacent to west side residential properties.~~

The vote was as follows:

YES: Commissioners Brown, Kirchdorfer, Peterson and Tomes

NO: No one

NOT PRESENT AND NOT VOTING: Commissioner White

ABSTAINING: No one

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NEW BUSINESS

CASE NO. 14DEVPLAN1147

Request: Revised Detailed District Development Plan for two mini-warehouse buildings
Project Name: Stor-All Cane Run Road
Location: 4100 Cane Run Road
Owner: Stor All Cane Run Road, Inc.
Applicant: Stor All Cane Run Road, Inc.
Representative: POD Group
Jurisdiction: Louisville Metro
Council District: 1 – Attica Scott
Case Manager: Matthew Doyle, Planner I

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

Agency Testimony:

01:48:00 Mr. Doyle discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Jim Lobb, 471 West Main Street, Suite 400, Louisville, Ky.

Summary of testimony of those in favor:

01:50:50 Mr. Lobb said the plan is in order and he's here to answer any questions.

Deliberation

01:51:12 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 Kirchdorfer, seconded by Commissioner Brown, the following resolution was adopted.

WHEREAS, There does 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

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WHEREAS, Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community will be provided. Transportation Planning Review has approved the preliminary development plan; and

WHEREAS, Provisions of sufficient open space will be provided; 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

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. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways; 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.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 14DEVPLAN1147, the Revised Detailed District Development Plan for two mini-warehouse buildings and the revisions of the binding elements listed on pages 7 and 8 of the staff report based on the staff report and the testimony heard today.

Proposed Binding Elements

2. The development shall not exceed 800 square feet of gross floor area for the office, 1000 square feet of gross floor area for the apartment and ~~119,200~~ **118,800** square feet of gross floor area for the mini-warehouse storage (~~9~~ **8** mini-warehouse buildings).

10. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a. The development 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.

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- c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/ landscaping) as described in Article 12 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.**
 - e. **A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created and recorded among all tracts in the development. 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.**
13. An 8-foot high solid wood fence shall be constructed along the proposed exterior line of Building Number ~~40~~ **9** to screen and buffer the mini-warehouses from the adjoining mobile home park. The portion of the fence adjoining Building ~~40~~ **9** may be removed when that building is constructed during Phase 3.
16. The exterior walls of the perimeter buildings 2, 3 and ~~40~~ **9** shall be split face block with natural gray color. The doors shall be a dark green color. Prior to requesting a building permit, the developer shall obtain approval from the Land Development and Transportation Committee for the style and design of the buildings.

The vote was as follows:

YES: Commissioners Brown, Kirchdorfer, Peterson and Tomes

NO: No one

NOT PRESENT AND NOT VOTING: Commissioner White

ABSTAINING: No one

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

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the building design as shown today (Building 9).

The vote was as follows:

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YES: Commissioners Brown, Kirchdorfer, Peterson and Tomes
NO: No one
NOT PRESENT AND NOT VOTING: Commissioner White
ABSTAINING: No one

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NEW BUSINESS

CASE NO. 14DEVPLAN1157

Request: Revised Detailed District Development Plan for an expansion of an existing industrial office/warehouse development.

Project Name: 7020 and 7040 International Drive

Location: 7020 and 7040 International Drive

Owner: Sondex Holdins A/S and SC Management, LLC

Applicant: Sondex, Inc. USA

Representative: Land Design & Development, Inc.

Jurisdiction: Louisville Metro

Council District: 1 – Attica Scott

Case Manager: Matthew Doyle, Planner I

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

Agency Testimony:

01:52:43 Mr. Doyle discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Ann Richard, Land Design and Development, 503 Washburn Avenue, Louisville, Ky. 40222

Summary of testimony of those in favor:

01:55:15 Ms. Richard remarked, “When the properties were plated, the overlap of the waiver and easements were not part of the Land Development Code so there’s no efficient room on the property at this time to come back and reduce the overlap. The sites are both built and there’s pavement currently where the 50 foot landscape buffer area would have to go if we didn’t have the overlap.”

Deliberation

01:58:06 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.

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NEW BUSINESS

CASE NO. 14DEVPLAN1157

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

**WAIVER of Section 5.5.4.B to waive the 6 ft. tall berm required
in the 50 ft. LBA along the rear property line of 7020
International Drive:**

WHEREAS, The waiver will not adversely affect adjacent property owners as the LBA will provide an 8 ft. tall privacy fence and the required trees to adequately screen and buffer the site from the adjacent residentially zoned property; 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. The waiver will not violate specific guidelines of Cornerstone 2020 as the LBA will provide an 8 ft. tall privacy fence and the required trees to adequately screen and buffer the site from the adjacent residentially zoned property; 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 the 6 ft. berm is the only provision of the regulation that cannot be provided because of the existing infrastructure; 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 as the LBA will provide an 8 ft. tall privacy fence and the

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required trees to adequately screen and buffer the site from the adjacent residentially zoned property.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the waiver of section 5.5.4.B to waive the 6 foot tall berm required in the 50 foot LBA along the rear property line of 7020 International Dr. **ON CONDITION** that the applicant provides the 8 foot high privacy fence and agrees to maintain it as they explained today in testimony, based on the staff report and testimony heard today. Motion carried unanimously.

The vote was as follows:

YES: Commissioners Brown, Kirchdorfer, Peterson and Tomes

NO: No one

NOT PRESENT AND NOT VOTING: Commissioner White

ABSTAINING: No one

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

WAIVER of Section 10.2.4.B to allow a utility easement to encroach more than 50% into the 50 ft. LBA along the rear of 7020 International Drive:

WHEREAS, The waiver will not adversely affect adjacent property owners as the LBA will provide an 8 ft. tall privacy fence and the required trees to adequately screen and buffer the site from the adjacent residentially zoned property; 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

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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. The waiver will not violate specific guidelines of Cornerstone 2020 as the LBA will provide an 8 ft. tall privacy fence and the required trees to adequately screen and buffer the site from the adjacent residentially zoned property; 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 encroachment of the LBA does not prevent the site from providing adequate screening and buffering; 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 since the encroachment into the LBA does not prevent the site from providing adequate screening and buffering.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the waiver of section 10.2.4.B to allow a utility easement to encroach more than 50% into the 50 foot LBA (standard practice) along the rear of 7020 International Drive, based on the staff report and testimony heard today. Motion carried unanimously.

The vote was as follows:

YES: Commissioners Brown, Kirchdorfer, Peterson and Tomes

NO: No one

NOT PRESENT AND NOT VOTING: Commissioner White

ABSTAINING: No one

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

RDDDP AND
AMENDMENT TO BINDING ELEMENTS

WHEREAS, There does 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

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WHEREAS, Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community will be provided. Transportation Planning Review has approved the preliminary development plan; and

WHEREAS, Provisions of sufficient open space will be provided; 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

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. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways; 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.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Revised Detailed District Development Plan for an expansion to an existing industrial office/warehouse development and the amendment to binding elements shown on page 9 of the staff report based on the staff report and testimony heard today. Motion carried unanimously.

Proposed Binding Elements

7020 International Drive

2. The development shall not exceed ~~4,800~~ **10,446** square feet of gross floor area.

7040 International Drive

2. The development shall not exceed ~~30,000~~ **29,934** square feet of gross floor area (~~26,400~~ **27,134** square feet of warehouse and ~~3,600~~ **2,800** square feet of office).

The vote was as follows:

YES: Commissioners Brown, Kirchdorfer, Peterson and Tomes

NO: No one

NOT PRESENT AND NOT VOTING: Commissioner White

ABSTAINING: No one

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ADJOURNMENT

The meeting adjourned at approximately 3:00 p.m.

Chair

Planning Director