

**MINUTES OF THE MEETING
OF THE
DEVELOPMENT REVIEW COMMITTEE
April 15, 2015**

A meeting of the Development Review Committee was held on, Wednesday, April 15, 2015, at 1:00 p.m. in the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Committee Members present were:

David Tomes, Chairman
Jeff Brown, Commissioner
Rob Peterson, Commissioner (arrived at 1:15 p.m.)
Robert Kirchdorfer, Commissioner

Committee Members absent were:

Chip White, Vice Chairman

Staff Members present were:

Joseph Reverman, Planning Manager
Brian Davis, Planning Supervisor
Joel Dock, Associate Planner
Jonathan Baker, Legal Counsel
Pat Barry, MSD
Tammy Markert, Transportation Planning
Chris Cestaro, Management Assistant

The following matters were considered:

DEVELOPMENT REVIEW COMMITTEE
April 15, 2015

APPROVAL OF MINUTES

Approval of the minutes of the April 1, 2015 Development Review Committee meeting

00:10:46 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted.

RESOLVED, that the Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on April 1, 2015.

The vote was as follows:

YES: Commissioners Tomes, Brown, and Peterson.

NO: No one.

NOT PRESENT: Commissioner White.

ABSTAINING: Commissioner Kirchdorfer.

DEVELOPMENT REVIEW COMMITTEE
April 15 2015

NEW BUSINESS

CASE NO. 14MINORPLAT1156

***NOTE: This case was taken out of order and was heard first.**

Request:	Amendment to Record Plat to create 5 tracts from 1 tract
Project Name:	Price Minor Plat
Location:	3514 Hedgewick Place
Owner(s):	Janet R. Price
Applicant:	Janet R. Price
Representative(s):	Alpha Omega Innovations, LLC
Jurisdiction:	Louisville Metro
Council District:	17 – Glen Stuckel

Case Manager: **Brian Davis, AICP, Planning Supervisor 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.)

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

Agency Testimony:

00:15:12 Brian Davis explained that the applicant has requested that this case be continued to the May 6, 2015 DRC meeting.

00:16:04 On a motion by Commissioner Kirchdorfer, seconded by Commissioner Brown, the following resolution was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby **CONTINUED** this case to the May 6, 2015 DRC meeting.

The vote was as follows:

YES: Commissioners Tomes, Brown, Peterson, and Kirchdorfer.

NO: No one.

NOT PRESENT: Commissioner White.

ABSTAINING: No one.

DEVELOPMENT REVIEW COMMITTEE
April 15, 2015

NEW BUSINESS

CASE NO. 15MOD1000

Request:	Amendment to Binding Element
Project Name:	Dohrman Office Building
Location:	4165 Westport Road
Owner:	Dohrman Realty, LLC
Applicant:	Scott Prince
Representative:	Scott Prince
Jurisdiction:	City of St. Matthews
Council District:	9 – Bill Hollander

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.)

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

Agency Testimony:

00:16:00 Brian Davis presented the case on behalf of Matt Doyle (see staff report for detailed presentation.)

The following spoke in favor of this request:

Scott Prince, 4165 Westport Road, Louisville, KY

Summary of testimony of those in favor:

00:17:37 Scott Prince, the applicant, said he was available for questions if needed.

The following spoke in opposition to this request:

No one spoke.

The following spoke neither for nor against the request:

No one spoke.

00:18:28 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted:

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NEW BUSINESS

CASE NO. 15MOD1000

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 continue to 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 will continue to be provided; and

WHEREAS, the Committee further finds that provisions of sufficient open space will continue to be provided; 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. Appropriate landscape buffering and screening will continue to be provided to screen adjacent properties and roadways; and

WHEREAS, the Committee further finds that, based on the evidence and testimony presented and the staff report, that all of the applicable Land Development Code regulations are being met; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the City of St. Matthews that the requested Amendments to Binding Elements as presented on pages 6 and 7 of the staff report be **APPROVED**, to read as follows:

All binding elements from the approved Detailed District Development Plan dated April 15, 1976 are applicable to this site, in addition to the following:

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 and City of St. Matthews, except for land uses permitted in the established zoning district.

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NEW BUSINESS

CASE NO. 15MOD1000

2. 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.
3. The development shall not exceed 10,500 square feet of gross floor area.
- ~~4. The only permitted freestanding sign shall be located as shown on the approved district development plan. The sign shall not exceed 30 square feet in area per side and 5 feet in height. No sign shall have more than two sides.~~
4. The only permitted freestanding sign shall be located as shown on the approved district development plan. The sign shall not exceed 30 square feet in area per side and 5 feet in height. No sign shall have more than two sides.
5. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants or banners shall be permitted on the site.
6. There shall be no outdoor storage on the site.
7. Outdoor lighting shall be directed down and away from surrounding residential properties.
8. 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. A copy of the recorded deed dedicating 20 feet as Right of Way shall be submitted to the City of St. Matthews.
 - 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.
9. If a building permit is not issued within one year of the date of approval of the plan, 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.

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NEW BUSINESS

CASE NO. 15MOD1000

10. 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.

11. 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 Tomes, Brown, Peterson, and Kirchdorfer.

NO: No one.

NOT PRESENT: Commissioner White.

ABSTAINING: No one.

DEVELOPMENT REVIEW COMMITTEE
April 15, 2015

NEW BUSINESS

CASE NO. 15MOD1004

Request:	Amendment to Binding Element
Project Name:	9001 Cane Run Road
Location:	9001 Cane Run Road
Owner:	BT 1 Louisville LLC – Brennan Investments
Applicant:	BT 1 Louisville LLC – Brennan Investments
Representative:	BT 1 Louisville LLC – Brennan Investments
Jurisdiction:	Louisville Metro
Council District:	12 – Rick Blackwell

Case Manager: **Brian Davis, AICP, Planning Supervisor**

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

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

Agency Testimony:

00:19:22 Brian Davis presented the case and showed the site plan and photos of the site (see recording and staff report for detailed presentation.)

The following spoke in favor of this request:

Doug Rich, 6060 Dutchmans Lane Suite 100, Louisville, KY 40205

Summary of testimony of those in favor:

00:23:00 Doug Rich, the applicant's representative, answered questions about loading.

The following spoke in opposition to this request:

No one spoke.

The following spoke neither for nor against the request:

No one spoke.

00:25:03 On a motion by Commissioner Peterson, seconded by Commissioner Brown, the following resolution was adopted:

DEVELOPMENT REVIEW COMMITTEE
April 15, 2015

NEW BUSINESS

CASE NO. 15MOD1004

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 continue to 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 will continue to be provided; and

WHEREAS, the Committee further finds that provisions of sufficient open space will continue to be provided; 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, based on the evidence and testimony presented and the staff report, that all of the applicable Land Development Code regulations are being met; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Amendments to Binding Elements as presented on pages 6 and 7 of the staff report, to read as follows:

1. The development plan 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, except for land uses permitted in the established zoning district.
2. The development shall not exceed 680,000 square feet of gross floor area (Building A – 212,500 square feet; Building B – 237,500 square feet, Building C – 230,000 square feet).
3. There shall be no freestanding sign permitted on site without prior approval by the Planning Commission. The Planning Commission may require that the signs be smaller than would be otherwise permitted by the Zoning District Regulations.

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NEW BUSINESS

CASE NO. 15MOD1004

4. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants, balloons, or banners shall be permitted on site.

- ~~5. There shall be no outdoor storage on the site.~~

5. There shall be no outdoor storage on the site **except as identified on the revised plan and approved at the April 15, 2015 Development Review Committee meeting.**

6. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff so that no light source is visible off-site. Lighting levels attributable to the fixtures located on the subject site shall not exceed two foot candles at the property line.

- 7a. Construction fencing shall be erected at the edge of the area of development prior to any grading and 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.

- 7b. 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.

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CASE NO. 15MOD1004

8. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is required:
 - 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.
 - 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.
9. If a building permit is not issued within one year of the date of approval of the plan, 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.
10. 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.
11. There shall be no outdoor music (live, piped, radio or amplified), outdoor entertainment, or outdoor PA system permitted on the site.
12. 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 Tomes, Brown, Peterson, and Kirchdorfer.

NO: No one.

NOT PRESENT: Commissioner White.

ABSTAINING: No one.

DEVELOPMENT REVIEW COMMITTEE
April 15, 2015

NEW BUSINESS

CASE NO. 15MINORPLAT1009

Request:	Minor plat waiver of LDC 5.4.2.C.2 to allow the creation of a lot that is less than 80% of the established lot pattern
Project Name:	10118 National Turnpike
Location:	10118 National Turnpike
Owner:	Terri Lisa Ramsey
Applicant:	Terri Lisa Ramsey
Representative:	Gary J. Dukes PLS
Jurisdiction:	Louisville Metro
Council District:	13 – Vicki Aubrey Welch

Case Manager: **Brian Davis, AICP, Planning Supervisor 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.)

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

Agency Testimony:

00:26:10 Brian Davis presented the case (see recording and staff report for detailed presentation.)

00:28:56 Mr. Davis and Commissioner Brown discussed the width of Holly Avenue (less than 18 feet wide), which could affect the ability to create lots. Tammy Markert, with Metro Transportation Planning, said the Director of Public Works needs to approve the creation of a new lot on a road that is less than 18-feet wide.

The following spoke in favor of this request:

Gary Dukes, 3602 Briar Lynn Lane, Louisville, KY 40220

Summary of testimony of those in favor:

00:30:48 Gary Dukes, the applicant's representative, said the applicant does have approval from the Fire Department regarding the width of the pavement. He also addressed a question from Commissioner Kirchdorfer regarding a structure on the site (a shed.)

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NEW BUSINESS

CASE NO. 15MINORPLAT1009

The following spoke in opposition to this request:

No one spoke.

The following spoke neither for nor against this request:

No one spoke.

00:32:18 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners as Lot 2 is an existing single family residence with access to National Turnpike which is a minor arterial roadway and proposed Lot 3 will be for a single family residential use with new access from Holly Avenue which is a local roadway, thus, having little impact on the surrounding community. (Staff Note: Lots 1 and 4 are the areas to be dedicated, so there are only two developable lots being created); and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 3, policy A.3 encourages residential character that is compatible with adjacent residential areas, as well as a mixture of different densities as long as their designs are compatible. The waiver will not violate specific guidelines of Cornerstone 2020 as the new lots are for single family residential use in an infill context and the proposed depth and density is consistent with the wide range of depths and densities within the general vicinity; and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as a depth of 230' would be the minimum depth permitted under LDC section 5.4.2.C.2 for Lot 3 and the proposed rear property line is being placed in a manner that divides the accessory structures on site for existing and future principal structures, eliminating the need for a waiver of LDC section 5.4.2.C.2 for Lot 2; and

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land as the new single family residential lots are in a low to medium-density portion of Louisville Metro and the lots are consistent with the wide range of densities and depths of the surrounding community as characterized by the intent of the Village form district; and

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NEW BUSINESS

CASE NO. 15MINORPLAT1009

WHEREAS, the Committee further finds that, based on the evidence and testimony presented and the staff report, that all of the applicable Land Development Code regulations are being met; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver of Chapter 5.4.2.C.2 to allow the creation of a lot that is less than 80% of the established lot pattern (lot width and depth), **ON CONDITION** that the necessary approvals are obtained from the Director of Public Works, Planning and Design, and concurrence from the Fire Department (specifically for access.)

The vote was as follows:

YES: Commissioners Tomes, Brown, Peterson, and Kirchdorfer.

NO: No one.

NOT PRESENT: Commissioner White.

ABSTAINING: No one.

DEVELOPMENT REVIEW COMMITTEE
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NEW BUSINESS

CASE NO. 15WAIVER1005

Request:	Waiver to allow more than 3 attached signs per façade
Project Name:	Raggard Road Walmart
Location:	7100 Raggard Road
Owner:	Walmart Real Estate Business Trust
Applicant:	Harrison, French & Associates, Ltd.
Representative:	Harrison, French & Associates, Ltd.
Jurisdiction:	Louisville Metro
Council District:	1 – Jessica Green

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.)

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

Agency Testimony:

00:33:40 Brian Davis presented the case and showed a Power Point presentation (see recording and staff report for detailed presentation.)

The following spoke in favor of this request:

Sarah Smith, Harrison French & Associates, 1705 S Walton Blvd. Suite 3, Bentonville, AR 72712

Summary of testimony of those in favor:

00:38:32 Sarah Smith, the applicant's representative, discussed allowable square footage for signs.

The following spoke in opposition to this request:

No one spoke.

Rebuttal:

There was no rebuttal, since no one spoke in opposition.

DEVELOPMENT REVIEW COMMITTEE
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NEW BUSINESS

CASE NO. 15WAIVER1005

00:39:30 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners since the proposed signage reduces the existing signage both in number and size; and

WHEREAS, the Committee further finds that the waiver would not violate specific guidelines of Cornerstone 2020 since the proposed signage is very similar to the existing signage; 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 additional signage is necessary to identify the location of services offered within the building; 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 land or create an unnecessary hardship since the proposed signage reduces the existing signage both in number and size; is very similar to the existing signage; and is necessary to identify the location of services offered within the building; and

WHEREAS, the Committee further finds that, based on the evidence and testimony presented and the staff report, that all of the applicable Land Development Code regulations are being met; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver of Chapter 8.3, Table 8.3.2 of the LDC to allow more than 3 signs per façade:

The vote was as follows:

YES: Commissioners Tomes, Brown, Peterson, and Kirchdorfer.

NO: No one.

NOT PRESENT: Commissioner White.

ABSTAINING: No one.

DEVELOPMENT REVIEW COMMITTEE
April 15, 2015

NEW BUSINESS

CASE NO. 14DEVPLAN1077

Waiver

00:46:08 On a motion by Commissioner Brown, seconded by Commissioner Kirchdorfer, the following resolution was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners since a pedestrian connection has been provided in a safe and reasonable distance and along the main roadway, Lake Station Place; and

WHEREAS, the Committee further finds that Guideline 9, Policy 1 states that new development should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with walkways for access. Pedestrian access is provided from Lake Station Place; 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 a pedestrian connection is already provided along Lake Station Place; and

WHEREAS, the Committee further finds that access from the main roadway, Lake Station Place, is already provided; and

WHEREAS, the Committee further finds that, based on the evidence and testimony presented today and the staff report that applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver from Chapter 5.9.2.A.1.b.i to not provide a pedestrian connection from Lake Station Place to the building entrance.

The vote was as follows:

YES: Commissioners Tomes, Brown, Peterson, and Kirchdorfer.

NO: No one.

NOT PRESENT: Commissioner White.

ABSTAINING: No one.

Detailed District Development Plan

DEVELOPMENT REVIEW COMMITTEE
April 15, 2015

NEW BUSINESS

CASE NO. 14DEVPLAN1077

00:47:27 On a motion by Commissioner Brown, seconded by Commissioner Kirchdorfer, the following resolution was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the 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 Transportation Planning has approved the preliminary development plan. Full pedestrian connections will be provided along Lake Station Place; and

WHEREAS, the Committee further finds that there are no open space requirements with the current proposal; 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 land use is compatible with the existing and future development of the area. Buildings and parking lots will meet all required setbacks; and

WHEREAS, the Committee further finds that the development plan conforms to requirements of the Land Development Code with the exception of the requested land development code waiver to not provide a pedestrian connection from Schutte Station to the building entrance. The requested waiver meets the standard of review; and

WHEREAS, the Committee further finds that, based on the evidence and testimony presented today and the staff report that applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Detailed District Development Plan, **SUBJECT** to the following binding elements, with a change to Binding Element #5a as noted in bold/italic below (change "Department of Inspections, Permits and Licenses" to "Develop Louisville"):

DEVELOPMENT REVIEW COMMITTEE
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NEW BUSINESS

CASE NO. 14DEVPLAN1077

Binding Elements

All binding elements from the approved General Development Plan are applicable to this site, in addition to the following:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 36,062 square feet of gross floor area.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. 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.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from **Develop Louisville**, and 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 Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
6. 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.

DEVELOPMENT REVIEW COMMITTEE
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NEW BUSINESS

CASE NO. 14DEVPLAN1077

7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
8. 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.
9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the April 15, 2015 DRC meeting.

The vote was as follows:

YES: Commissioners Tomes, Brown, Peterson, and Kirchdorfer.

NO: No one.

NOT PRESENT: Commissioner White.

ABSTAINING: No one.

DEVELOPMENT REVIEW COMMITTEE
April 15, 2015

NEW BUSINESS

CASE NO. 15DEVPLAN1023

Request:	Revised Detailed District Development Plan, Binding Elements, and Waivers
Project Name:	Derby Dental Expansion
Location:	3332 Gilmore Industrial Boulevard
Owner:	Nunnally & Nunnally, LLC
Applicant:	Nunnally & Nunnally, LLC
Representative:	BlueStone Engineers, PLLC
Jurisdiction:	Louisville Metro
Council District:	21 – Dan Johnson

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.)

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

Agency Testimony:

00:48:09 David Wagner presented the case and showed a Power Point presentation.

The following spoke in favor of this request:

Chris Crumpton, BlueStone Engineers, 3703 Taylorsville Road, Louisville, KY 40220

Summary of testimony of those in favor:

00:55:48 – Chris Crumpton - applicant's representative (Activated at 00:55:48)

The following spoke in opposition to this request:

No one spoke.

Waiver #1 to not provide the required 50' LBA, 6' berm and canopy trees along the west property line (LDC Section 5.5.4.B.1) AND Waiver #2 to not provide the required 50' LBA, 6' berm and canopy trees along the south property line (LDC Section 5.5.4.B.1)

DEVELOPMENT REVIEW COMMITTEE
April 15, 2015

NEW BUSINESS

CASE NO. 15DEVPLAN1023

00:58:52 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the waivers will not adversely affect adjacent property because the adjacent residential property owner is over 100' away from the area of the expansion. Tree cover already exists on the adjoining property and the proposed expansion results in no increase in the intensity of the use on the site; and

WHEREAS, the Committee further finds that the waivers will not adversely affect adjacent property because the existing landscape buffer and existing trees will be maintained along the south property line; and

WHEREAS, the Committee further finds that the waivers will not violate the Comprehensive Plan because of all that is set forth in staff's analysis of the RDDP in regards to applicable Guidelines and Policies of Cornerstone 2020; and

WHEREAS, the Committee further finds that the extent of the waivers of the regulations is the minimum necessary to afford relief to the applicant because the site was developed many years ago with the existing site layout without adversely affecting the adjoining property owner; and

WHEREAS, the Committee further finds that the extent of the waivers of the regulations is the minimum necessary to afford relief to the applicant because the applicant will maintain the existing trees and landscape buffer area along the south property line; and

WHEREAS, the Committee further finds that strict application of the provisions of the regulations will deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the site was developed before the LDC was adopted which has added regulations not required at the time this building was originally constructed. The expansion of the building does not increase adverse impacts upon the adjoining property owner; and

WHEREAS, the Committee further finds that, based on the evidence and testimony presented today and the staff report that applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver #1 to not provide the required 50' LBA, 6' berm and canopy trees along the west property line (LDC Section 5.5.4.B.1) AND Waiver #2 to not provide the required 50' LBA, 6' berm and canopy trees along the south property line (LDC Section 5.5.4.B.1).

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NEW BUSINESS

CASE NO. 15DEVPLAN1023

The vote was as follows:

YES: Commissioners Tomes, Brown, Peterson, and Kirchdorfer.

NO: No one.

NOT PRESENT: Commissioner White.

ABSTAINING: No one.

Revised Detailed District Development Plan and Binding Elements

00:59:11 On a motion by Commissioner Brown, seconded by Commissioner Kirchdorfer, the following resolution was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the proposal conserves as many natural resources as possible that currently exist on the site while still allowing the development; and

WHEREAS, the Committee further finds that safe and efficient vehicular and pedestrian transportation is provided by the sidewalks and vehicular access to the public road network through the entrances provided on the site; and

WHEREAS, the Committee further finds that open space is not required for this proposal; and

WHEREAS, the Committee further finds that MSD has approved the drainage facilities for the site; and

WHEREAS, the Committee further finds that the proposal is compatible with existing industrial development in this area. The only change is the expansion of the building at the rear of the site which has existed for some time. The existing drive aisle that the expansion is within will be slightly altered and the existing landscape buffer and trees will be maintained along the residential use to the south; and

WHEREAS, the Committee further finds that this development conforms to the intent of the Suburban Workplace Form District and the Comprehensive Plan as it would continue the pattern of industrial uses in a previously built industrial subdivision. The existing landscaping along the south side of the site will be maintained to prevent adverse impacts on surrounding properties. Adequate vehicular, pedestrian, and bicycle access is provided through the public right-of-way network and existing infrastructure will be utilized for this development; and

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WHEREAS, the Committee further finds that, based on the evidence and testimony presented today and the staff report that applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Revised Detailed District Development Plan, **SUBJECT** to the following binding elements, with a change to Binding Element #3a as noted in bold/italic below (change "Department of Codes and Regulations Construction Review" to "Develop Louisville"):

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from ***Develop Louisville*** ~~Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review~~ 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 Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
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

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conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.

5. The only permitted sign shall be located as shown on the approved district development plan. The sign shall not exceed 20 square feet in area and 4 feet in height.
6. 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.
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. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the April 15, 2015 Development Review Committee meeting.

The vote was as follows:

YES: Commissioners Tomes, Brown, Peterson, and Kirchdorfer.

NO: No one.

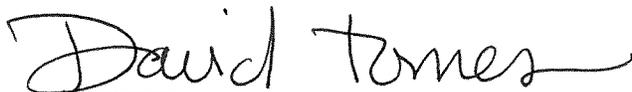
NOT PRESENT: Commissioner White.

ABSTAINING: No one.

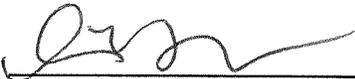
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ADJOURNMENT

The meeting adjourned at approximately 2:00 p.m.



Chair



Planning Director

