

**MINUTES OF THE MEETING
OF THE
DEVELOPMENT REVIEW COMMITTEE
March 16, 2022**

A meeting of the Louisville Metro Development Review Committee was held on Wednesday, March 16, 2022 at 1:00 p.m. via Cisco Webex Video Teleconferencing.

Committee Members present were:

Rich Carlson, Chair
Patti Clare, Vice Chair
Jeff Brown
Pat Seitz

Committee Members absent were:

Glenn Price

Staff Members present were:

Joe Reverman, Assistant Director, Planning and Design Services
Joe Haberman, Planning and Design Manager
Brian Davis, Planning and Design Manager
Julia Williams, Planning and Design Supervisor
Molly Clark, Planner I
Laura Ferguson, Legal Counsel
Pamela M. Brashear, Management Assistant

Others present:

Beth Stuber, Transportation
Tony Kelly, MSD

The following matters were considered:

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APPROVAL OF MINUTES

MARCH 2, 2022 DRC MEETING MINUTES

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

RESOLVED, that the Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on March 2, 2022 with a correction on page 2 – change March 16 to February 16.

The vote was as follows:

YES: Commissioners Brown, Seitz, Clare and Carlson
NOT PRESENT FOR THIS CASE: Commissioner Price

DEVELOPMENT REVIEW COMMITTEE
March 16, 2022

OLD BUSINESS
CASE NO. 21-DDP-0081

Request: Revised Detailed District Development Plan with amendment to binding elements
Project Name: Proposed Multi-Family Development
Location: 9118 W Manslick Road
Owner: LDG Development, LLC.
Applicant: Derek Triplett, Land Development and Design, Inc.
Representative: Derek Triplett, Land Development and Design, Inc.
Jurisdiction: Louisville Metro
Council District: 25 – Amy Holton Stewart
Case Manager: Molly Clark, Planner I

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

Agency Testimony:

00:04:36 Molly Clark discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Cliff Ashburner, Dinsmore and Shohl, 101 South 5th Street, Suite 2500, Louisville, Ky. 40202
Derek Triplett, Land Development and Design, 503 Washburn Avenue, Louisville, Ky. 40222
Councilwoman Amy Holton Stewart,

Summary of testimony of those in favor:

Cliff Ashburner gave a power point presentation discussing the changes to the plan.

Cliff Ashburner said a fence will be provided for Mr. Skaggs but will be placed on the subject property. Another fence will be provided to buffer the headlights from the parking lot. No turn lanes are warranted (see recording for detailed presentation).

Councilwoman Amy Holton Stewart thanks the applicant for providing the fence for Mr. Skaggs. It's a good plan (see recording for detailed presentation).

Deliberation

Development Review Committee deliberation.

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

Revised Detailed District Development plan with amended binding elements

On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today and at the March 2, 2022 DRC meeting was adopted.

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

WHEREAS, 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, there are no open space requirements pertinent to the current proposal. Future multifamily development proposed on the subject site will be required to meet Land Development Code requirements; and

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

WHEREAS, the 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

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 **SUBJECT** to the following Binding Elements and **ON CONDITION** that the height variance is approved under 22-VARIANCE-0028 which is docketed for BOZA on April 4, 2022:

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CASE NO. 21-DDP-0081

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 for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, 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.
5. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
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,

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contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

8. The applicant shall provide documentation showing that the development complies with all the regulations from Chapter 4, part 1, section 3, Lighting, prior to the issuance of a construction permit. These regulations include the following items: Mounting Height Limit, Luminaire Shielding, Canopy Lighting Level, and Light Trespass.
9. The address number shall be displayed on all structures prior to requesting a certificate of occupancy for that structure.
10. Applicant shall construct fencing within the subject property of at least 48 inches in height as shown on the exhibit plan dated March 16, 2022.
11. Floodplain compensation will be done on-site only.
12. Additional landscaping will be provided on the Manslick Road side of Building #1 and a window added on the Manslick Road end of the building to augment the visual appearance of this building from the road.
13. Within the 50-foot landscape buffer area adjoining the Gene Snyder Freeway, the Commission has requested that perimeter landscape trees be planted at a density of one every 25 feet in areas where there is no existing tree mass.

The vote was as follows:

YES: Commissioners Brown, Seitz, Clare and Carlson
NOT PRESENT AND NOT VOTING: Commissioner Price

DEVELOPMENT REVIEW COMMITTEE
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NEW BUSINESS
CASE NO. 21-AMEND-0001

Request: (TO BE CONTINUED) Binding Element Amendment
Project Name: Headquarters of the National Society of the Sons of the American Revolution
Location: 803 W Main Street
Owner: The National Society of the Sons of the American Revolution
Applicant: Gregg Weaver, Archon Design & Construction
Representative: Gregg Weaver, Archon Design & Construction
Jurisdiction: Louisville
Council District: 4 – Jecorey Arthur
Case Manager: Molly Clark, Planner I

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

Agency Testimony:

00:27:15 Molly Clark said this case is being continued because the applicant needs to file a Revised Detailed District Development Plan.

Deliberation

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 Clare, the following resolution was adopted.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **CONTINUE** this case to a date uncertain.

The vote was as follows:

YES: Commissioners Brown, Seitz, Clare and Carlson
NOT PRESENT AND NOT VOTING: Commissioner Price

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NEW BUSINESS
CASE NO. 21-MPLAT-0194

Request:	Record Plat Amendment
Project Name:	Minor Subdivision Plat
Location:	14815 Dixie Hwy
Owner:	Walter E & Diana Davis Living Trust
Applicant:	Tim Gehlhausen
Representative:	Tim Gehlhausen
Jurisdiction:	Louisville
Council District:	14 – Cindi Fowler
Case Manager:	Julia Williams

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:

00:29:24 Julia Williams discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Kathy Linares, Mindel, Scott and Associates, 5151 Jefferson Boulevard, Louisville, Ky. 40219

Summary of testimony of those in favor:

Kathy Linares said the access is currently from the alley. There is a proposal to close the alley (gravel) and change the zoning on 3 parcels. Commissioner Brown said he wouldn't be comfortable approving the plat as presented today because this lot doesn't have frontage on an improved public right-of-way or private access easement (see recording for detailed presentation).

Deliberation

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. 21-MPLAT-0194

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

RESOLVED, that the Louisville Metro Development Review Committee does hereby **CONTINUE** this case to the April 6, 2022 DRC meeting to allow the applicant time to resolve issues brought up today.

The vote was as follows:

YES: Commissioners Brown, Seitz, Clare and Carlson
NOT PRESENT AND NOT VOTING: Commissioner Price

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NEW BUSINESS
CASE NO. 19-DDP-0025

Request: Detailed District Development Plan with Binding Elements and Review of Outdoor Amenity Area Design
Project Name: Blankenbaker Station II Lots 30 and 31
Location: Parcel 003900690000
Owner: Hosts Development LLC
Applicant: Hosts Development LLC
Representative: Mindel Scott and Associates
Jurisdiction: Louisville Metro
Council District: 11 – Kevin Kramer
Case Manager: Jay Luckett, AICP, Planner II
Presented By: Julia Williams

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:

00:46:23 Julia Williams discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Nick Pregliasco, Bardenwerper, Talbott and Roberts, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223
Kent Gootee, Mindel, Scott and Associates, 5151 Jefferson Boulevard, Louisville, Ky. 40219
Steve Porter, 12406 Tucker Station Road, Louisville, Ky.

Summary of testimony of those in favor:

Nick Pregliasco gave a power point presentation. The proposal will be 2 warehouses with associated office space on property located within Blankenbaker Station 2, lots 30 and 31 (see recording for detailed presentation).

Kent Gootee explained the access. The 2 parking lots can't be connected (see recording for detailed presentation).

Commissioner Brown asked if Jeffersontown Fire District has reviewed the plan and access drive as shown. Kent Gootee said they received a copy from plan distribution but made no comments. It will be submitted for review prior to receiving a building permit (see recording for detailed presentation).

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Steve Porter represents the Tucker Station Neighborhood Association and sees no problem with the proposal (see recording for detailed presentation).

The following spoke neither for nor against the request:

Steve Jones, 2410 Plantside Drive, Louisville, Ky. 40299

Summary of testimony of those neither for nor against:

Steve Jones said he has no problems with the development and thinks it's great for the area.

Deliberation

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.

Detailed District Development Plan with Binding Elements and Review of Outdoor Amenity Area Design

On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, there do not appear to be any environmental constraints or historic resources on the subject site. The applicant has received approval from MSD to pipe an existing intermittent stream 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 has approved the preliminary development plan; and

WHEREAS, the applicant has provided the required outdoor amenity area space; and

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

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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

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 Detailed District Development Plan and Review of Outdoor Amenity Area Design, **SUBJECT** to the following Binding Elements:

All General Plan binding elements are applicable to the 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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. 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 prior to obtaining a building permit.
 - 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.

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CASE NO. 19-DDP-0025

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.

5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.

6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

The vote was as follows:

YES: Commissioners Brown, Seitz, Clare and Carlson
NOT PRESENT AND NOT VOTING: Commissioner Price

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NEW BUSINESS
CASE NO. 21-DDP-0099

Request:	Revised Detailed District Development Plan with a Waiver
Project Name:	Meadows Point
Location:	14714 Old Henry Rd
Owner:	Meadows Point LLC
Applicant:	Meadows Point LLC
Representative:	Wyatt Tarrant and Combs
Jurisdiction:	Louisville Metro
Council District:	19 – Anthony Piagentini
Case Manager:	Jay Lockett, AICP, Planner II
Presented By:	Julia Williams

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:

01:15:52 Julia Williams discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Jon Baker, Wyatt, Tarrant and Combs, 500 West Market Street, Suite 2000, Louisville, Ky.
Chris Brown, BTM Bowman Company, 3001 Taylor Springs Drive, Louisville, Ky. 40220

Summary of testimony of those in favor:

Jon Baker gave a power point presentation. MSD's primary concern is there being just enough room for stormwater drainage and sewer infrastructure to be in the place to properly serve the development as well as access to that infrastructure. The buildings will not be closer to the perimeter property lines (see recording for detailed presentation).

Chris Brown discussed the differences between the previous and current plan (see recording for detailed presentation).

Jon Baker provided elevations and renderings (see recording for detailed presentation).

The following spoke neither for nor against the request:

Helene Tracey, 3700 Woodmont Park Lane, Louisville, Ky. 40245

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Summary of testimony of those neither for nor against:

Helene Tracey said her property backs up to this new subdivision and there is a storm station at the end of the property. The station has a blinking light and alarm if there is a problem. Ms. Tracey said she has had to call for the past 20 years whenever there's a problem because no one comes out automatically. Can this area handle the new families? Also, sometimes there's a sewage odor. Tony Kelly said MSD is taking over the sanitary responsibilities of the pump station from Oldham County. There have been discussions about eliminating this pump station altogether to allow gravity to be the answer - no time line (see recording for detailed presentation).

Deliberation

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.

Waiver of Land Development Code section 7.3.30.E to allow a drainage easement to overlap more than 15% of a required yard for units 1-27

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

WHEREAS, the waiver will not adversely affect adjacent property owners. All buffering and screening required by the Land Development Code and the previously approved binding elements will be provided; and

WHEREAS, the waiver will not violate the Comprehensive Plan. The development will be compatible with other development in the area and the form district. The waiver will not result in a nuisance or hazard to the public; 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 as they have minimized the requested encroachment while still leaving adequate room for necessary 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. The proposed development is similar to the previous approval, with certain elements shifted to accommodate necessary infrastructure.

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CASE NO. 21-DDP-0099

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Waiver of Land Development Code section 7.3.30.E to allow a drainage easement to overlap more than 15% of a required yard for units 1-27.

The vote was as follows:

YES: Commissioners Brown, Seitz, Clare and Carlson
NOT PRESENT AND NOT VOTING: Commissioner Price

Revised Detailed Development Plan and Binding Elements

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

WHEREAS, the applicant has provided for protection of an intermittent stream on the subject site. Tree canopy requirements of the Land Development Code will be met on the subject site, including required tree preservation; 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 has approved the preliminary development plan; and

WHEREAS, required open space has been provided with this plan, including recreational open space and areas set aside to preserve natural areas along the front of the site; and

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

WHEREAS, the 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, including the parkway buffer and all required perimeter screening; 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.

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NEW BUSINESS
CASE NO. 21-DDP-0099

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Revised Detailed District Development Plan **ON CONDITION** that the Board of Zoning Adjustment approve the variance and **SUBJECT** to the following Binding Elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
3. 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, 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.

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

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

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

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

9. 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.

10. 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."

11. 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.

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12. 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.

13. The signature entrance shall be submitted to the Planning Commission staff for review and approval prior to recording the record plat.

14. Cross connectivity to the proposed private road on the development site will be permitted should the adjacent Forester property ever develop residentially.

15. Prior to the issuance of the 21st building permit, if KYTC Project No. 5-367.20 has not went into construction phase, the developer shall pay the sidewalk fee-in-lieu amount based on the cost of the 10' multi-use path construction.

16. The building materials and design of the proposed structures shall be substantially the same as the building materials and design of the proposed structures depicted on the building elevations and renderings, as presented to the Planning Commission during its public hearing held on November 27, 2018. Building Materials of the proposed structures shall consist of the combination of 70-80% brick, 15-25% fiber cement, and 2-5% stone.

17. Except for trees, vegetation and brush that pose a hazard or safety concern to persons or property, Applicant/Developer shall retain all existing vegetation, brush and trees' driplines within specifically identified areas, measured approximately 16 feet in depth, along the subject property's west and north perimeter property lines, as more specifically identified on the Applicant's Grading Worksheet, dated November 11 2018, as submitted to the administrative record for case no. 18ZONE1033. (On the Applicants grading worksheet, the 16-foot boundary to these areas along the west and north property lines where the above vegetation is to be retained are marked in red ink and further identified by arrows.) Dead or dying trees and vegetation, as determined by a licensed landscape architect or certified arborist, do not have to be retained within the specified area.

18. If any existing vegetation, brush, and/or trees located in the 16-foot area where vegetation, brush and/or trees are to be preserved, as required in Binding Element #17, are inadvertently destroyed during construction phase(s), an arborist or licensed landscape architect approved by Planning and Design will coordinate with developer to replace the same with Kentucky native species. Developer shall be responsible for the costs associated with replanting, including the hiring of the arborist or licensed landscape architect.

19. With the exception of lot #15 and the end of Street C, as they are depicted on the submitted Detailed District Development Plan for 18ZONE1033, Applicant/Developer

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shall attempt in good faith to retain vegetation, brush and trees within a 16-foot-wide area as measured from the subject property's perimeter boundary for all areas along the subject property's perimeter boundary not identified by binding element #2 on the west, north and east perimeter property lines of the subject property.

20. The proposed residential structure wall faces shall be constructed no closer than 33 feet from the west and north perimeter with the exception of unit 6 being setback 27' at its closest point from the northwest corner wall and 20' from the east perimeter as depicted on the proposed detailed district development plan/preliminary subdivision plan for case number 18ZONE1033.

21. No later than 180 days after construction activity specifically involving improvements to the portion of Old Henry Road adjacent to or including the development site has ceased, pursuant to KYTC Project No. 5-367.20, applicant/developer shall submit for approval to Louisville Metro Planning and Design Services a landscape/tree canopy plan whereon the required tree plantings shall establish a tree canopy of no less than 40% of the development site, as calculated in Chapter 10 of the Land Development Code. The cessation of construction activity referred to herein shall be confirmed by KYTC in writing (email correspondence is sufficient).

22. Amendments to Binding Elements shall require the Louisville Metro Council's approval.

The vote was as follows:

YES: Commissioners Brown, Seitz, Clare and Carlson
NOT PRESENT AND NOT VOTING: Commissioner Price

DEVELOPMENT REVIEW COMMITTEE
March 16, 2022

NEW BUSINESS
CASE NO. 21-CAT3-0020

Request: Category 3 Development Plan with Review of Outdoor
Amenity Area Design
Project Name: Goodwill Opportunity Campus
Location: 2820 W Broadway
Owner: Goodwill Industries of Kentucky
Applicant: Goodwill Industries of Kentucky
Representative: Land Design and Development
Jurisdiction: Louisville Metro
Council District: 4 – Jecorey Arthur
Case Manager: Jay Lockett, AICP, Planner II
Presented By: Julia Williams

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:

01:54:45 Julia Williams discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Derek Triplett, Land Design and Development, 503 Washburn Avenue, Louisville, Ky. 40222

Summary of testimony of those in favor:

Derek Triplett gave a power point presentation. It is an ‘opportunity campus’ which will house a variety of different uses – general office space, small warehouse, child care and a small café. There will be onsite stormwater detention.

Derek Triplett showed renderings and elevations for the site (see recording for detailed presentation).

Deliberation

Development Review Committee deliberation.

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

DEVELOPMENT REVIEW COMMITTEE
March 16, 2022

NEW BUSINESS
CASE NO. 21-CAT3-0020

Category 3 Development Plan and Review of Outdoor Amenity Area Design standards

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

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Category 3 Development Plan and Review of Outdoor Amenity Area Design standards.

The vote was as follows:

YES: Commissioners Brown, Seitz, Clare and Carlson
NOT PRESENT AND NOT VOTING: Commissioner Price

DEVELOPMENT REVIEW COMMITTEE
March 16, 2022

NEW BUSINESS
CASE NO. 22-DDP-0007

Request: Revised Detailed District Development Plan with Revisions to Binding Elements and a Waiver
Project Name: Clayton and Crume
Location: 11100 Plantside Dr
Owner: CCHQ LLC
Applicant: CCHQ LLC
Representative: LJB Inc
Jurisdiction: Jeffersontown
Council District: 11 – Kevin Kramer
Case Manager: Jay Luckett, AICP, Planner II
Presented By: Julia Williams

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:

02:12:05 Julia Williams discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Karl Lentz, LJB, Inc., 12800 Town Parkway, Suite 201, Louisville, Ky.

Summary of testimony of those in favor:

Karl Lentz gave a power point presentation describing the expansion. The dumpster will be relocated to the rear of the parking lot. There will be a net decrease of impervious surface on the site (see recording for detailed presentation).

Karl Lentz said Steve Rusie (Jeffersontown) is in agreement with the waiver (see recording for detailed presentation).

Deliberation

Development Review Committee deliberation.

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

DEVELOPMENT REVIEW COMMITTEE
March 16, 2022

NEW BUSINESS
CASE NO. 22-DDP-0007

Waiver of Land Development Code (Jeffersontown) section 5.5.2.B.2 to not screen a loading area from the public street

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

WHEREAS, the waiver will not adversely affect adjacent property owners, as the applicant will still provide all other required planting and screening around the subject site; and

WHEREAS, the waiver will not violate the Comprehensive Plan, as all required planting and screening will be provided around the site. The development will be in keeping with the pattern of the area and allows for further development within an established industrial center. The loading area is setback significantly from the street and will not cause a nuisance or hazard to the public; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant, as all other planting and screening will be provided on the subject site; and

WHEREAS, the Louisville Metro Development Review Committee further finds the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as screening cannot be reasonably installed between the loading area and the street due to the existing drive lanes and entrance into the subject site.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **RECOMMEND** that the city of Jeffersontown **APPROVE** the Waiver of Land Development Code (Jeffersontown) section 5.5.2.B.2 to not screen a loading area from the public street.

The vote was as follows:

YES: Commissioners Brown, Seitz, Clare and Carlson
NOT PRESENT AND NOT VOTING: Commissioner Price

Revised Detailed District Development plan with revisions to binding elements

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

DEVELOPMENT REVIEW COMMITTEE
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CASE NO. 22-DDP-0007

WHEREAS, there do not appear to be any environmental constraints or historic resources on the subject site. Existing landscaping and trees on the subject site will be maintained; 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 has approved the preliminary development plan; and

WHEREAS, there are no open space requirements pertinent to the current proposal; and

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

WHEREAS, the 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 except where the waiver is requested. Buildings and parking lots will meet all required setbacks; 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 **RECOMMEND** that the city of Jeffersontown **APPROVE** the Revised Detailed District Development Plan **SUBJECT** to the following Binding Elements:

All General District Development Plan Binding Elements are applicable to the 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. Any changes, additions or alterations of any binding element(s) shall be submitted to the Planning Commission and to the city of Jeffersontown for review and approval; any changes/additions/alterations not so referred shall not be valid.

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2. The size and location of any proposed freestanding sign must be in compliance with the City of Jeffersontown Sign Ordinance.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. There shall be no outdoor storage, display, or sales permitted on the site.
5. Outdoor lighting (for parking lot illumination and security) shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90-degree cutoff and height of the light standard shall be set so that no light source is visible off-site.
6. 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 City of Jeffersontown (10416 Watterson Trail) and the Metropolitan Sewer District (700 west Liberty).
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
7. If a building permit is not issued within two years of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
8. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
9. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and

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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. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.

11. All off-street parking areas shall be permanently and continually maintained in good condition and free from potholes, weeds, dirt, trash and other debris.

The vote was as follows:

YES: Commissioners Brown, Seitz, Clare and Carlson
NOT PRESENT AND NOT VOTING: Commissioner Price

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ADJOURNMENT

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

Chair

Planning Director