

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE MEETING
December 4, 2019**

A meeting of the Louisville Metro Development Review Committee was held on December 4, 2019 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, KY 40202.

Commissioners present:

David Tomes, Chair
Rich Carlson, Vice Chair
Jeff Brown

Commissioners absent:

Jim Mims

Staff members present:

Emily Liu, Director, Planning & Design Services
Joe Reverman, Assistant Director, Planning & Design Services
Brian Davis, Planning & Design Manager
Julia Williams, Planning Supervisor
Joel Dock, Planner II
Beth Jones, Planner II
Lacey Gabbard, Planner I
Jay Lockett, Planner I
John Carroll, Legal Counsel
Beth Stuber, Transportation
Tony Kelly, MSD
Chris Cestaro, Management Assistant

The following matters were considered

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APPROVAL OF MINUTES

November 20, 2019 DRC Meeting Minutes

00:07:54 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution was adopted:

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on November 20, 2019.

The vote was as follows:

YES: Commissioners Carlson, Brown, and Tomes.

ABSENT: Commissioner Mims.

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NEW BUSINESS

CASE NUMBER 19-DDP-0054

CONTINUED from the November 20, 2019 DRC meeting.

Request:	Detailed District Development Plan
Project Name:	Apex Center
Location:	11750 Interchange Drive
Owner:	FDR, LLC
Applicant:	FDR, LLC
Representative:	Kent Gootee - Mindel, Scott & Associates
Jurisdiction:	Louisville Metro
Council District:	13 – Mark Fox

Case Manager: Jay Luckett, AICP, Planner I

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

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

Agency Testimony:

00:08:38 Jay Luckett presented the case (see recording for detailed presentation.) He noted that the plan has been revised to show that an entrance has been relocated across from an existing entrance on the opposite side of Antonia Way. It is as far away from Interchange Drive as possible.

The following spoke in favor of this request:

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

Summary of testimony of those in favor:

00:10:03 Kent Gootee, the applicant's representative, presented the changes made to the plan (see recording for detailed presentation.) Additional evergreens and trees have been added to screen the existing adjacent apartments from the service area of the building.

The following spoke in opposition to this request:

No one spoke.

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00:12:02 Commissioners' discussion.

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.

00:12:15 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

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

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

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

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

WHEREAS, the Committee further finds that the overall site design and land uses are generally 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 Committee further finds that the development plan does conform to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code; now, therefore be it

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RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Detailed District Development Plan, **SUBJECT** to the following binding elements:

All General Plan binding elements approved under docket 9-25-99 are applicable to the subject 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. 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 Construction Review, 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. 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.
4. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
5. No idling of trucks shall take place within 200 feet of residences. No overnight idling of trucks shall be permitted on-site.

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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.

The vote was as follows:

YES: Commissioners Carlson, Brown, and Tomes.

ABSENT: Commissioner Mims.

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NEW BUSINESS

CASE NUMBER 19-DDP-0062

Request: Revised Detailed District Development Plan with Waivers
Project Name: Angel's Envy Expansion
Location: 500, 508, and 510 East Main Street; 101, 117, 119, 121,
123, and 125 South Jackson Street; 501, 503, and 507 East
Market Street
Owner: Louisville Distilling Company, LLC
Applicant: Louisville Distilling Company, LLC
Representative: Kevin Young - Land Design & Development
Jurisdiction: Louisville Metro
Council District: 4 – Barbara Sexton Smith

Case Manager: Jay Luckett, AICP, Planner I

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

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

Agency Testimony:

00:12:48 Jay Luckett provided an overview of the request, which is an expansion of the existing building. Two waivers are required for the request. The request has been before the Downtown Development Review Overlay and they have approved the design aspects of the plan (see recording for detailed presentation.)

00:15:50 In response to a question from Commissioner Brown, Mr. Luckett confirmed that the original portion of the building at Jackson Street was repurposed and is now being expanded. It is a historic treatment and architectural style.

The following spoke in favor of this request:

Kevin Young, Land Design & Development, 503 Washburn Ave # 101, Louisville, KY 40222

Eric Hillsman, Joseph & Joseph Architects, 550 S 4th St #100, Louisville, KY 40202

Summary of testimony of those in favor:

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00:16:33 Kevin Young, the applicant's representative, presented the applicant's request and showed a Power Point presentation (see recording for detailed presentation.)

00:18:12 Eric Hillsman, the architect, provided an overview of architectural renderings for the proposed addition (see recording for detailed presentation.)

The following spoke in opposition to this request:

No one spoke.

00:20:07 Commissioners' 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.

Waivers:

- 1. Waiver from 5.2.1.C.2 (19-Waiver-0101) to not maintain a 3 story street wall for the length of the lot frontage.**
- 2. Waiver from 5.6.2.A.2 (19-Waiver-0101) to not create a clear visual distinction between the ground floor and upper floor.**

00:20:52 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

(Waiver #1) WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners since the proposed structure will be of a high quality that matches the historic structure; and

WHEREAS, the Committee further finds that the waiver will not violate the Comprehensive Plan, as it will allow for the expansion of an existing development, including the continued use of a historic industrial property. The resulting construction will still maintain a high level of visual quality, and will result in a massing and street wall consistent with other development in the area. The design generally meets the purpose and intent of the Downtown form district design guidelines; and

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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 all other Downtown form district guidelines will be followed; 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 regulating exterior building design by number of stories rather than height is arbitrary and creates unnecessary restrictions on the creative development and design of structures; and

(Waiver #2) WHEREAS, the Committee further finds that the waiver will not adversely affect adjacent property owners since the proposed structure will be of a high quality that matches the historic structure; and

WHEREAS, the Committee further finds that the waiver will not violate the Comprehensive Plan, as it will allow for the expansion of an existing development, including the continued use of a historic industrial property. The resulting construction will still maintain a high level of visual quality, and will result in a massing and street wall consistent with other development in the area. The design generally meets the purpose and intent of the Downtown form district design guidelines; 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 all other Downtown form district guidelines will be followed; 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 proposed elevations are distinctive and utilize the historic design of the structure; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver from 5.2.1.C.2 (19-Waiver-0101) to not maintain a 3 story street wall for the length of the lot frontage; **AND** the requested Waiver from 5.6.2.A.2 (19-Waiver-0101) to not create a clear visual distinction between the ground floor and upper floor.

The vote was as follows:

YES: Commissioners Carlson, Brown, and Tomes.

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ABSENT: Commissioner Mims.

Revised Detailed District Development Plan with revisions to Binding Elements.

00:21:47 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

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

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

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

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

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

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

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Revised Detailed District Development Plan with revisions to Binding Elements, **SUBJECT** to the following binding elements:

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Existing Binding Elements with Proposed Changes

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 Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works, and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
4. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.

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- ~~6. If construction permits are 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 EZ-4 manner, if not already allowed in the M-2 zone, unless a revised district development plan is approved or an extension is granted 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 renderings as presented at the August 19, 2015 and December 4, 2019 Development Review Committee meetings.

Proposed Binding Elements

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

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- a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works, and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
4. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
 5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
 6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
 7. The materials and design of proposed structures shall be substantially the same as depicted in the renderings as presented at the August 19, 2015 and December 4, 2019 Development Review Committee meetings.

The vote was as follows:

YES: Commissioners Carlson, Brown, and Tomes.

ABSENT: Commissioner Mims.

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NEW BUSINESS

CASE NUMBER 19-CAT3-0018

Request: Category 3 Development Plan with approval of Outdoor
Amenity Area Design
Project Name: Louisville Industrial Center, Buildings B & G
Location: 7601, 7787, 7965, 7955, and 7745 National Turnpike
Owner LIT Industrial Limited Partnership
Applicant: NAI Fortis Group
Representative: John Campbell - Heritage Engineering
Jurisdiction: Louisville Metro
Council District: 13 – Mark Fox

Case Manager: Jay Lockett, AICP, Planner I

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

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

Agency Testimony:

00:22:13 Jay Lockett presented the case (see staff report and recording for detailed presentation.)

The following spoke in favor of this request:

John Campbell, Heritage Engineering, 642 South 4th St. Suite 100, Louisville, KY 40202

Summary of testimony of those in favor:

00:23:56 John Campbell, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.) The request is for one new building and the expansion of an additional building.

00:27:14 Commissioner Brown asked how the Building G amenity area is accessible. Mr. Campbell said the area will connect into the office component at the corner.

The following spoke in opposition to this request:

No one spoke.

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00:28:07 Commissioners' 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.

00:28:40 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution, based on the staff report and evidence and testimony heard today, was adopted:

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

The vote was as follows:

YES: Commissioners Carlson, Brown, and Tomes.

ABSENT: Commissioner Mims.

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NEW BUSINESS

CASE NUMBER 19-DDP-0056

Request: Revised District Development Plan
Project Name: Massie Avenue Condos
Location: 3930 Massie Avenue
Owner: Wayne Wells Jr; WHWJR, LLC
Applicant: Wayne Wells Jr; WHWJR, LLC
Representative: Nick Pregliasco - Bardenwerper Talbott & Roberts PLLC
Jurisdiction: City of St. Matthews
Council District: 9 – Bill Hollander

Case Manager: Lacey Gabbard, AICP, Planner I

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

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

Agency Testimony:

00:29:06 Lacey Gabbard presented the case (see staff report and recording for detailed presentation.) The request is to consolidate the lots, remove the existing structures, and construct new condo units.

The following spoke in favor of this request:

Nick Pregliasco, Bardenwerper Talbott & Roberts, 1000 North Hurstbourne Parkway, Louisville, KY 40223

Ivy Clinton, CARMAN Landscape Architecture, 400 E Main St unit 106, Louisville, KY 40202

Summary of testimony of those in favor:

00:31:34 Nick Pregliasco, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.) The proposal will decrease the building height from two stories to one; decrease the square footage; and decrease the impervious surface. The number of units will be increased from twelve to sixteen. He discussed drainage (a "more standard, underground detention type".)

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NEW BUSINESS

CASE NUMBER 19-DDP-0056

The following spoke in opposition to this request:

Spencer Probst, Adams Law Group, 6004 Brownsboro Park Blvd., Suite A, Louisville, KY 40207

Summary of testimony of those in opposition:

00:37:44 Spencer Probst spoke in opposition (see recording for detailed presentation.) He said he is representing a family that lives “feet” away from where this development is being proposed. He said it is unclear if the binding elements that were imposed on the old plan will be sufficient to alleviate concerns about the new proposed plan. He said the new plan does not appear to address St. Matthews’ concerns about traffic, parking and safety, particularly since the density is being increased. He said the previous plan had piping to handle drainage issues on the site, but now the applicant is proposing “a more standard” underground detention system than was originally promised. He said the opposition has not received any documentation about this drainage system.

00:41:01 In response to a question from Commissioner Carlson, Mr. Probst said his clients expressed concerns about safety issues due to increased vehicles and people moving through this area (increased number of units.) Also, his client was concerned that there is not a sufficient buffer between his home and this development. Commissioner Carlson said the original plan had a similar layout.

00:42:11 In response to another question from Commissioner Carlson, Mr. Probst said the binding elements called for a 15-foot landscape buffer between the development and the adjacent home behind it. He said it is not clear from the plan whether that has been provided.

Rebuttal:

00:42:50 Mr. Pregliasco provided rebuttal (see recording for detailed presentation.) Ivy Clinton, landscape architect, said the applicant is providing a landscape buffer and setbacks per the Land Development Code. She said there is not a required 15-foot landscape buffer or building setback. She explained that the binding element requiring this (placed along the adjacent property line) was put in during the previous plan with the idea that the applicant would shift the fourplex away from that property, and provide additional space between the two buildings. Since the building is now one story instead of two, the applicant will provide the required landscape buffer and screening fence.

00:46:50 Joe Reverman, Assistant Director of Planning & Design Services, asked if that binding element is still in place requiring the applicant to provide a 15-foot buffer.

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Mr. Pregliasco said that binding element would need to be amended with the new plan. Mr. Reverman asked if there is a request to amend that now. Mr. Pregliasco said it will need to be addressed.

00:48:13 Ms. Clinton discussed the proposed underground detention.

00:49:06 Commissioner Carlson asked for further clarification regarding the 15-foot binding element. Ms. Clinton said the current plan provides a 10-foot buffer between the building and the property line. Mr. Pregliasco said this issue will have to be addressed since the buildings have now been reduced from two stories to one (the two-story plan was the reason for that binding element.)

00:52:31 Commissioners' deliberation.

00:52:36 In response to a question from Commissioner Carlson, Ms. Gabbard said the final decision is up to the City of St. Matthews regarding any binding element modification. That binding element was put in place by the City of St. Matthews.

00:57:05 In response to a question from Commissioner Tomes, Mr. Pregliasco requested a continuance to the December 19, 2019 DRC Committee to allow the applicant to come back with a revised plan and a more detailed explanation about the binding element.

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

00:57:47 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution was adopted:

RESOLVED, that the Louisville Metro Development Review Committee does hereby **CONTINUE** this case to the December 18, 2019 Development Review Committee meeting to allow the applicant to consider revising the plan so that it conforms to the binding elements imposed upon it by the City of St. Matthews.

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CASE NUMBER 19-DDP-0056

The vote was as follows:

YES: Commissioners Carlson, Brown, and Tomes.

ABSENT: Commissioner Mims.

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NEW BUSINESS

CASE NUMBER 19-DDP-0039

Request: District Development Plan
Project Name: LDG – Old New Cut Road Apartments
Location: 6501 Old New Cut Road
Owner / Applicant: Michael Gross – LDG Development LLC
Representative: John Campbell and Scott Hannah – Heritage Engineering, LLC
Jurisdiction: Louisville Metro
Council District: 13 – Mark Fox

Case Manager: Lacey Gabbard, AICP, Planner I

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

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

Agency Testimony:

00:58:19 Lacey Gabbard presented the case (see staff report and recording for detailed presentation.)

The following spoke in favor of this request:

John Campbell and Scott Hannah, Heritage Engineering, 642 South 4th St. Suite 100, Louisville, KY 40202

Summary of testimony of those in favor:

01:00:36 John Campbell, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.) This proposed plan reduces the number of units from 420 to 344, removes 134 parking spaces, relocates the clubhouse, and changes the building configuration to help provide additional open space and natural areas on the site.

01:10:03 In response to a question from Commissioner Carlson, Mr. Campbell said the gas line the applicant is working around is an LG&E line.

01:10:16 Commissioner Brown asked if the applicant is proposing any gates or access control. Mr. Campbell said the property is designed with that as an option; the

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applicant has not committed to do that yet. He pointed out potential locations for gates on the site plan. He said a second access point has not been proposed yet, but the applicant will work with Transportation Planning to work that out if needed.

The following spoke in opposition to this request:

No one spoke.

01:11:32 Commissioners' deliberation.

01:11:41 Commissioner Brown asked about old binding element #23 – have the required road improvements been made (street widening, dedicated right-turn lane, etc.) Ms. Gabbard said she assumed so. In response to a question from Commissioner Brown, Ms. Gabbard recommended that binding element #23 be left in.

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

01:13:31 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

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

WHEREAS, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided. Public Works and MSD have provided preliminary approval; and

WHEREAS, the Committee further finds that this plan does not require an Outdoor Amenity Area per the Land Development Code; and

WHEREAS, the Committee further finds that the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate

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

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

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

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the requested District Development Plan, **SUBJECT** to the following binding elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.
3. The development shall 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.
4. The residential character of the structure shall be maintained. Changes to the following items shall not be made without prior approval of the Planning Commission or it's designee:
 - a. roof line
 - b. building material
 - c. porch
 - d. windows

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- e. (Other items may be added at the time of development plan approval.)
- 5. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
- 6. 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.
- 7. 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. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. 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.
- 8. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
- 9. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
- 10. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these

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binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

11. The site shall be developed in accordance with the recommendations as described in the geotechnical report provided by Greenbaum Associates, Inc.

12. Roadway improvements:
 - a. The first one hundred seventy (170) units may begin construction upon receipt of approval of a detailed district development plan and construction drawings. However no certificates of occupancy for these units may be requested until the following roadway improvements are completed by the developer:
 - 1, Addition of south bound right turn lane on New Cut Road at Old New Cut Road intersection.
 2. Widening of Old New Cut Road to three (3) lanes from New Cut Road to the west property line of the subject property.
 - b. No certificates of occupancy for the next one hundred twenty-five (125) units may be requested until the substantial completion of the New Cut Road widening between Outer Loop and the Gene Snyder Freeway as determined by County Public Works.
 - c. No building permits may be obtained for the remaining one hundred twenty-five (125) units until final completion of the New Cut Road widening between Outer Loop and Gene Snyder Freeway.

The vote was as follows:

YES: Commissioners Carlson, Brown, and Tomes.
ABSENT: Commissioner Mims.

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NEW BUSINESS

CASE NUMBER 19-WAIVER-0093

Request: Waivers of LDC sign requirements and standards
Project Name: Dixie Highway Sign Waivers
Location: 2137 Dixie Highway
Owner: Dr. David Romano
Applicant: Tim Story - Smart LED Signs & Lighting
Jurisdiction: Louisville Metro
Council District: 3 – Keisha Dorsey

Case Manager: Beth Jones, AICP, Planner II

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

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

Agency Testimony:

01:14:36 Beth Jones presented the case (see staff report and recording for detailed presentation.) Two waivers are being requested: one to permit a changing image sign within 300 feet of a residentially zoned parcel and one to have non-opaque backgrounds.

01:23:53 In response to question from John Carroll, legal counsel for the Planning Commission, Ms. Jones said there is only one sign advertising for the four tenants in the building.

01:24:20 Commissioner Brown said he was concerned about the sight distance at the intersection. He asked if there was anything in the Sign Regulations that would prohibit placing a sign within the 30 x 30-foot sight distance triangle. He and Ms. Jones discussed requirements for sight distance.

The following spoke in favor of this request:

Tim Story, Smart LED Signs, 11441 Blankenbaker Access Drive, Louisville, KY 40299

Summary of testimony of those in favor:

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01:25:54 Tim Story, the applicant's representative, presented on behalf of the applicant (see recording for detailed presentation.) He argued that the sign could be sufficiently shielded, screened and blocked from view of most of the residences.

01:31:33 The Commissioners and Mr. Story discussed the applicant's requests (see recording.)

01:33:21 Mr. Story discussed height restrictions and brightness control (automatic dimmers) on signs as safety issues.

The following spoke in opposition to this request:

No one spoke.

01:34:57 Commissioners' deliberation.

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

- **Waiver #1** - to permit non-opaque backgrounds on an internally illuminated sign within a Traditional Neighborhood transition zone (LDC 8.2.1.A.)
- **Waiver #2** - to permit a changing image sign to be located closer than 300 ft from a residentially zoned district (LDC 8.2.1.D.6)

01:35:57 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution, based on Standard of Review and Staff Analysis, and evidence and testimony heard today which presented an additional concern that the sign location may be within the sight triangle which could impede visibility for motorists and pedestrians, was adopted:

(Waiver #1) WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will adversely affect adjacent property owners in that the proposed sign would increase the amount of light emanating onto residentially zoned properties in the vicinity in residential use; and

WHEREAS, the Committee further finds that the waiver violates guidelines of Plan 2040, which requires that appropriateness must be evaluated in the context of the

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compatibility of the proposed use or uses with surrounding uses (Community Form 1.2.4); impacts on quality of life must be considered (Community Form 16); and adverse visual intrusions must be considered when there are impacts to residential areas (Community Form 20); and

WHEREAS, the Committee further finds that the applicant has not incorporated design measures that compensate for non-compliance with requirements, and strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land or create an unnecessary hardship. LDC standards and requirements permit a sign of size and design appropriate for permitted uses of the site that would not have the negative impacts of the applicant's proposal; and

(Waiver #2) WHEREAS, the Committee further finds that the waiver will adversely affect adjacent property owners in that the proposed sign would increase the amount of light emanating onto adjoining residentially zoned properties in residential use; and

WHEREAS, the Committee further finds that the waiver violates guidelines of Plan 2040, which requires that appropriateness must be evaluated in the context of the compatibility of the proposed use or uses with surrounding uses (Community Form 1.2.4); impacts on quality of life must be considered (Community Form 16); and adverse visual intrusions must be considered when there are impacts to residential areas (Community Form 20); and

WHEREAS, the Committee further finds that the applicant has incorporated design measures that compensate for non-compliance with requirements by proposing a changing image sign that is smaller than what would be permitted in the form district for a site not located in a transition zone if not for its proximity to a residential zone. Strict application of the provisions of the regulation would not, however, deprive the applicant of the reasonable use of the land or create an unnecessary hardship. LDC standards and requirements permit a sign of size and design appropriate for the use of the site that would not have the negative impacts of the applicant's proposal; now, therefore be it

RESOLVED, that the Louisville Metro Development Review Committee does hereby **DENY** the requested **Waiver #1** - to permit non-opaque backgrounds on an internally illuminated sign within a Traditional Neighborhood transition zone (LDC 8.2.1.A.), **AND** the requested **Waiver #2** - to permit a changing image sign to be located closer than 300 ft from a residentially zoned district (LDC 8.2.1.D.6)

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The vote was as follows:

YES: Commissioners Carlson, Brown, and Tomes.

ABSENT: Commissioner Mims.

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NEW BUSINESS

CASE NUMBER 19-DDP-0051

Request: Revised Detailed District Development Plan with Waivers
Project Name: Oxmoor Center East out-parcel
Location: 7900 Shelbyville Road
Owner: WMB 2, LLC and TWB Oxmoor 2, LLC
Applicant: Brookfield Properties Retail, Inc.
Representatives: Timothy Martin - Frost Brown Todd, LLC
Kelli Jones – Sabak Wilson & Lingo
Jurisdiction: Louisville Metro
Council District: 18 – Marilyn Parker

Case Manager: Joel P. Dock, AICP, Planner II

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

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

Agency Testimony:

01:37:21 Joel Dock presented the case and showed a brief Power Point presentation (see staff report and recording for detailed presentation.) He noted that the Board of Zoning Adjustment (BOZA) has heard and approved a Conditional Use Permit for the site.

01:41:05 In response to a question from Commissioner Carlson, Mr. Dock showed the locations of pedestrian connectivity from both Shelbyville Road and Christian Way.

The following spoke in favor of this request:

Timothy Martin, Frost Brown Todd, 400 W Market St #3200, Louisville, KY 40202

Kelli Jones, Sabak Wilson & Lingo, 608 S 3rd St, Louisville, KY 40202

Summary of testimony of those in favor:

01:41:44 — Timothy Martin, the applicant's representative, presented the applicant's request (see recording for detailed presentation.)

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01:45:21 Kelli Jones, an applicant's representative, continued outlining the applicant's proposal and associated waiver requests and showed a Power Point presentation (see recording.)

The following spoke in opposition to this request:

No one spoke.

01:51:12 Commissioners' deliberation.

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

Waivers:

Waiver #1 - of land Development Code (LDC), section 10.2.10 to allow for existing encroachments in the landscape buffer area

Waiver #2 - of LDC, section 5.5.2.A to orient the primary customer entrance away from public streets

01:51:19 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

(Waiver #1) WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners as existing conditions create the lack of conformance with the current regulation and no greater encroachment into the area appears to be made. All planting material and screening as required by Chapter 10 of the Land Development Code will be provided; and

WHEREAS, the Committee further finds that Guideline 3, Policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The existing conditions create the lack of conformance with the current regulation and no greater encroachment into the area

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appears to be made. All planting material and screening as required by Chapter 10 of the Land Development Code will be provided; 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 existing conditions create the lack of conformance with the current regulation and no greater encroachment into the area appears to be made. All planting material and screening as required by Chapter 10 of the Land Development Code will be provided; and

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as existing conditions create the lack of conformance with the current regulation and no greater encroachment into the area appears to be made. All planting material and screening as required by Chapter 10 of the Land Development Code will be provided; and

(Waiver#2) WHEREAS, the Committee further finds that the waiver will not adversely affect adjacent property owners as the orientation of the primary entrance at this location does not affect the use of, or access to adjacent properties. The design of the façade facing public roadways contains windows, animating features, and landscaping; and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Plan 2040 as the orientation does not limit pedestrian accessibility or multi-modal accessibility, or detract from the established character of the area. The primary entrance is oriented towards the centrally located shopping center and interior parking lots, pedestrian connectivity and public walks will be provided directly to the customer entrance, and the facades facing public streets provide windows, animating features, and landscaping; and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant as the customer entrance and building could be rotated 90 degrees and comply with the regulation; and

WHEREAS, the Committee further finds that the applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived as the facades facing public streets contain windows, animating features and changes in building material, recesses, and landscaping; now, therefore be it

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver of land Development Code (LDC), section 10.2.10 to

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allow for existing encroachments in the landscape buffer area; **AND** the requested Waiver of LDC, section 5.5.2.A to orient the primary customer entrance away from public streets.

The vote was as follows:

YES: Commissioners Carlson, Brown, and Tomes.

ABSENT: Commissioner Mims.

Revised Detailed District Development Plan

01:51:19 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites will not be impacted as the site is located within an existing surface parking lot. Trees will be planting within required buffers and landscape islands as required by the LDC; and

WHEREAS, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community are provided as public sidewalks and pedestrian connectivity will be provided in the area of development; and

WHEREAS, the Committee further finds that the development of this site does not require provisioning for open space. Proposed landscape islands will help break up surface parking areas; and

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

WHEREAS, the Committee further finds that the overall site design and land uses are compatible with the existing and future development of the area as the site is in the Regional Center form district. The regional center serves as an area for the

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concentration of regional shopping, office, services, entertainment facilities and medium to high-density residential uses. The development site is not adjacent to residential zones or uses. It will not create any significant nuisances upon adjoining property; and

WHEREAS, the Committee further finds that the proposal complies with land Use and Development Goals 1 & 2: Community Form as the site is compatible with the scale and intensity of uses within the center. No significant negative impacts on the environment or from traffic will be created. The proposal further concentrates mixed-uses within a current activity center, which encourages a more compact pattern of development and efficient land use pattern. The proposal complies with Land Use and Development Goal 3: Mobility as the site is accessible via safe pedestrian walkways from public ways and necessary pedestrian improvements (sidewalks) within the public right-of-way have been provided. The development promotes public transit and pedestrian use. Lastly, Plan 2040 calls for out-lot development in underutilized parking lots of existing development to promote utilization of existing infrastructure; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Revised Detailed District Development Plan, **SUBJECT** to the following binding elements:

Existing Binding Elements (PW-10-00/9-50-80/9-49-83)

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 for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Total building area for Oxmoor Center shall not exceed 1,171,072 square feet of gross floor area; gross leasable space shall not exceed 959,751 square feet. Additional gross building area and/or gross leasable space may be permitted if a revised district development plan is approved together with either (i) additional parking provided pursuant to LDC Article 9, or (ii) approval of an appropriate parking waiver, both of which require filing a revised development plan.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. Outdoor storage is not permitted on site except as permitted by LDC

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Sec. 4.4.8 and as designated on an approved revised development plan.

5. 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 Department of Inspections, Permits and Licenses and Transportation and the Metropolitan Sewer District
 - b. 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.
 - c. Crossover and parking agreements shall be obtained. A copy of the recorded instrument(s) shall be submitted to the Department of Planning and Design Services. Annual re-certification is required.
6. 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.
7. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
8. 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. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement

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of materials according to the approved landscape plan.

10. The Planning Commission shall require a full traffic and air quality analysis, including an arterial analysis for Shelbyville Road, before considering any additional development of the general area known as Oxmoor Center/the Bullitt Farm. This binding element shall apply to any commercial, retail, residential or office development. The aforementioned analysis shall include expected traffic from all approved developments within the impact area, as defined by the Department of Public Works. It shall also include any proposed roadway improvements expected to be completed before completion of the proposed development. The goal of the traffic analysis is to recommend appropriate mitigation measures to accommodate expected traffic from the proposed development. Mitigation measures for traffic and air quality shall include, but not limited to, recommended signal timing adjustments along Shelbyville Road and construction of Bunsen/Bowling Parkway, in part or whole. The Developer should also furnish additional mitigation recommendations, as required, at impacted intersections.
11. No parking of vehicles in the Star Ford inventory shall take place at the parking areas subject to the Parking Waiver, unless a joint parking agreement is approved by the Planning Commission. The applicant of PW-10-00 shall provide Star Ford with the above conditions of approval and binding elements.

The vote was as follows:

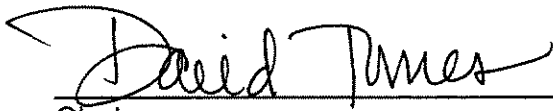
YES: Commissioners Carlson, Brown, and Tomes.

ABSENT: Commissioner Mims.

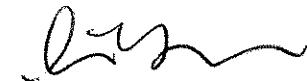
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ADJOURNMENT

The meeting adjourned at approximately 2:50 p.m.



Chairman



Division Director