

**MINUTES OF THE MEETING  
OF THE  
DEVELOPMENT REVIEW COMMITTEE  
March 18, 2015**

A meeting of the Development Review Committee was held on, March 18, 2015, at 1:00 p.m. in the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

**Committee Members present were:**

David Tomes, Chairman  
Vince Jarboe, Commissioner  
Jeff Brown, Commissioner

**Committee Members absent were:**

Chip White, Vice Chairman  
Robert Kirchdorfer, Commissioner  
Rob Peterson, Commissioner

**Staff Members present were:**

Brian Davis, Planning Supervisor  
Christopher Brown, Planner II  
David Wagner, Planner II  
Matt Doyle, Planner I  
Sherie Long, Landscape Architect  
John Carroll, Legal Counsel  
Chris Cestaro, Management Assistant

The following matters were considered:

**DEVELOPMENT REVIEW COMMITTEE**  
**March 18, 2015**

**APPROVAL OF MINUTES**

**Approval of the minutes of the March 4, 2015 Development Review Committee meeting**

00:03:38 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted.

**RESOLVED**, that the Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on March 4, 2015 with the following correction: On Case No. 15DEVPLAN1012, binding element No. 7c shall read as follows:

**32.5 feet from center line of Lyndon Lane is reserved for possible future right-of-way dedication to Lyndon Lane upon 30-days advance notice to the property owner from Metro Public Works. If so noticed, then a minor subdivision plat shall be forthwith recorded dedicating said additional right-of-way to Lyndon Lane at the expense of the property owner.**

The vote was as follows:

**YES: Commissioners Brown, Jarboe, and Tomes.**

**NO: No one.**

**NOT PRESENT: Commissioners Kirchdorfer, White, and Peterson.**

**ABSTAINING: No one.**

**DEVELOPMENT REVIEW COMMITTEE**  
**March 18, 2015**

**NEW BUSINESS**

**CASE NO. 15STREETS1004**

Request: Street Name change from Rock Bluff Drive to River Rock Drive  
Project Name: Rock Bluff Drive Street Name Change  
Location: 5512 Rock Bluff Drive & 11001 Pebble Creek Drive.  
Owner(s): Louisville Metro  
Applicant: Rock Springs Farms, LLC  
Representative(s): Sabak, Wilson & Lingo, Inc.  
Jurisdiction: Louisville Metro  
Council District: 16 – Kelly Downard

**Case Manager: David B. Wagner, Planner II**

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

**Agency Testimony:**

00:05:26 David Wagner presented the case (see recording and staff report for detailed presentation.)

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

No one spoke.

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

No one spoke.

**The following spoke neither for nor against the request:**

No one spoke.

**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.**

00:07:22 On a motion by Commissioner Brown, seconded by Commissioner Jarboe, the following resolution was adopted.

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby place this case on the Consent Agenda for a hearing by the Louisville Metro Planning Commission on March 19, 2015.

**DEVELOPMENT REVIEW COMMITTEE**  
**March 18, 2015**

**NEW BUSINESS**

**CASE NO. 15STREETS1004**

**The vote was as follows:**

**YES: Commissioners Brown, Jarboe, and Tomes.**

**NO: No one.**

**NOT PRESENT: Commissioners Kirchdorfer, White, and Peterson.**

**ABSTAINING: No one.**

**DEVELOPMENT REVIEW COMMITTEE**  
**March 18, 2015**

**NEW BUSINESS**

**CASE NO. 14DEVPLAN1182**

Request:	Revised Detailed District Development Plan
Project Name:	157 Thierman Lane
Location:	157 Thierman Lane
Owner:	JAG Services, LLC
Applicant:	Joe Gottbrath
Representative:	
Jurisdiction:	City of St. Matthews
Council District:	9 – Bill Hollander

**Case Manager:** **Matthew Doyle, Planner I**

**Agency Testimony:**

00:08:00 Matthew Doyle said the applicant has requested a Continuance of this case to the April 1, 2015 DRC Committee meeting.

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

No one spoke.

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

No one spoke.

**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.**

00:08:22 On a motion by Commissioner Jarboe, seconded by Commissioner Brown, the following resolution was adopted.

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby CONTINUE this case to the April 1, 2015 DRC Committee meeting.

**The vote was as follows:**

**YES: Commissioners Brown, Jarboe, and Tomes.**

**NO: No one.**

**NOT PRESENT: Commissioners Kirchdorfer, White, and Peterson.**

**ABSTAINING: No one.**

**DEVELOPMENT REVIEW COMMITTEE**  
**March 18, 2015**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1010**

Request:	Revised Detailed District Development Plan
Project Name:	Lake Forest Legacy, Sec. 4
Location:	14900 Tradition Drive
Owner:	Lake Forest Fairways, LLC
Applicant:	Lake Forest Fairways, LLC
Representative:	Sabak, Wilson & Lingo, Inc.
Jurisdiction:	Louisville Metro
Council District:	19 – Julie Denton

**Case Manager:** **Matthew Doyle, Planner I**

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

**Agency Testimony:**

00:09:00 Matthew Doyle presented the case (see recording and staff report for detailed presentation.)

00:11:17 Binding element #11 was discussed.

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

Kelli Jones, Sabak Wilson & Lingo, 608 South Third Street, Louisville, KY 40202

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

00:12:07 Kelli Jones, the applicant's representative, presented the case and showed a Power Point presentation.

00:13:25 Ms. Jones addressed the building elevations. In response to a question from Commissioner Brown, she added that there were never any sidewalks shown on the plan.

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

No one spoke.

**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 18, 2015**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1010**

00:14:39 On a motion by Commissioner Jarboe, seconded by Commissioner Brown, the following resolution 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 will be provided; and

**WHEREAS**, the Committee further finds that provisions of sufficient open space will be provided; and

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

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

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

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Revised Detailed District Development Plan (RDDDP), subject to the following binding elements:

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes/ additions/alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The density of the development shall not exceed 4.35 dwelling units per acre (192 units on 44.1 acres).
3. There shall be no freestanding sign permitted on site without prior approval. Monument style signs that meet the size and height limits established in the "Policies for Future Development Along Designated Parkways may be approved by DPDS staff. Signs that exceed those limits are permitted only if approved by LD&T or the Commission. LD&T or

**DEVELOPMENT REVIEW COMMITTEE**  
**March 18, 2015**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1010**

the Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations.

4. Lighting shall be consistent with lighting established in the Lake Forest Subdivision.
5. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
6. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
  - a. The development plan must receive full construction approval from the Jefferson county Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - c. A minor subdivision plat shall be recorded dedicating additional right-of-way to Bush Farm Road to provide a total of 40 feet from the centerline, and a dedication of an additional 35 feet of right of way (as shown on the plan) for Old Henry Road. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
  - d. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 and in conformance with the Parkway Policy prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - e. The applicant shall submit a plan by the Planning Commission staff landscape architect showing tree/tree masses to be preserved prior to beginning any construction procedure (i.e., clearing, grading, demolition). Any modification of the tree preservation plan requested by the applicant may be approved by the Planning Commission staff landscape architect if the changes are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
    1. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography and other significant site features (LOJIC topographic information is acceptable).
    2. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.)
    3. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
    4. Location of construction fencing for each tree/tree masses designated to be preserved.



**DEVELOPMENT REVIEW COMMITTEE**  
**March 18, 2015**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1010**

7. 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.
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. 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.
10. Development of the site shall be restricted to a horizontal property regime, KRS 381.805 et. Seq. Fonnat, as those laws presently exist.
11. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the April 6, 2000, Planning Commission meeting.

**The vote was as follows:**

**YES: Commissioners Brown, Jarboe, and Tomes.**

**NO: No one.**

**NOT PRESENT: Commissioners Kirchdorfer, White, and Peterson.**

**ABSTAINING: No one.**

**DEVELOPMENT REVIEW COMMITTEE**  
**March 18, 2015**

**NEW BUSINESS**

**CASE NO. 14WAIVER1041**

Request:	Waivers from the Land Development Code
Project Name:	Oxmoor Collision Center
Location:	11501-11505 Electron Drive
Owner:	Steve Kelly, Oxmoor Body Shop
Applicant:	Steve Kelly, Oxmoor Body Shop
Representative:	Patrick Blackburn – Voelker Blackburn Niehoff Architects
Jurisdiction:	Jeffersontown
Council District:	11 – Kevin Kramer

**Case Manager:** **Sherie Long, Landscape Architect**

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. 5<sup>th</sup> Street.)

**Agency Testimony:**

00:15:24 Sherie Long presented the case and showed a Power Point presentation (see recording and staff report for detailed presentation.)

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

Patrick Blackburn, Voelker Blackburn Niehoff, 640 S 4th St, Louisville, KY 40202

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

00:21:06 Patrick Blackburn, the applicant's representative, said the only comment he had was that the applicant will restore the landscaping the way it was originally planned in 2007.

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

No one spoke.

**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.**

00:22:583 On a motion by Commissioner Jarboe, seconded by Commissioner Brown, the following resolution was adopted:

**DEVELOPMENT REVIEW COMMITTEE**  
**March 18, 2015**

**NEW BUSINESS**

**CASE NO. 14WAIVER1041**

**WHEREAS**, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners since the required plantings will be provided in the reduced LBA areas; and

**WHEREAS**, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 3, policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. The waiver does not violate the guidelines and policies of Cornerstone 2020 because all the required plantings will be provided in the LBA's even with the width being reduced as requested; and

**WHEREAS**, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the applicant is requesting only reductions in the width but still providing the required plantings; and

**WHEREAS**, the Committee further finds that the strict application of the requirements would require removal of the existing pavement which is encroaching into the LBA areas creating a hardship on the applicant; and

**WHEREAS**, the Committee further finds that, based on the evidence and testimony presented, the staff report, and staff's findings of fact that all of the other applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

**DEVELOPMENT REVIEW COMMITTEE**  
**March 18, 2015**

**NEW BUSINESS**

**CASE NO. 14WAIVER1041**

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver of section 10.2.4. to allow a reduction of the 15' LBA to 6' along the west, 3' along the north, and 13' along a portion of the east perimeters.

**The vote was as follows:**

**YES: Commissioners Brown, Jarboe, and Tomes.**

**NO: No one.**

**NOT PRESENT: Commissioners Kirchdorfer, White, and Peterson.**

**ABSTAINING: No one.**

**DEVELOPMENT REVIEW COMMITTEE**  
**March 18, 2015**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1005**

Request:	A Community Facility Review (CFR) for a new building addition to Schaffner Elementary
Project Name:	Schaffner Elementary
Location:	2701 Crums Lane
Owner:	Board of Education of Jefferson County
Applicant:	Mike Mulheirn, representing JCPS
Representative:	John Addington, BTM Engineering
Jurisdiction:	Louisville Metro
Council District:	3 – Mary Woolridge

**Case Manager:** **Sherie Long, Landscape Architect**

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. 5<sup>th</sup> Street.)

**Agency Testimony:**

00:23:55 Sherie Long presented the case and showed a Power Point presentation (see recording and staff report for detailed presentation.) She added that there is no money in the School Board’s budget to replace trees or construct sidewalks.

00:34:39 Ms. Long added that there are no drainage plans, and that when she visited the site, there appear to be drainage issues.

00:36:08 In response to a question from Commissioner Tomes, Ms. Long discussed lack of sound mitigation between the school and the adjacent residential properties.

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

Mike Mulheirn, representing Jefferson County Public Schools, 3332 Newburg Road, Louisville, Kentucky 40218

Susan Biasioli - JCPS Director of Facility Planning

Robert Candler, BTM Engineering, 3001 Taylor Springs Dr, Louisville, KY 40220

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

00:38:30 Mike Mulheirn, representing the applicant, mentioned that there is a crossing guard in front of the school and further discussed the project. He said they are trying to bring relief to the school and give the existing students more room, not increase the student population.

**DEVELOPMENT REVIEW COMMITTEE**  
**March 18, 2015**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1005**

00:39:48 Susan Biasioli, JCPS Director of Facility Planning, gave additional details about the project. In response to a question from Commissioner Jarboe, Ms. Biasioli and Mr. Mulheirn discussed tree planting.

00:42:32 Robert Candler, BTM Engineering, said he was available for questions.

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

No one spoke.

00:43:06 Commissioners' deliberation. Commissioner Tomes "strongly encouraged" the applicant to replace the trees.

**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.**

00:47:04 On a motion by Commissioner Jarboe, seconded by Commissioner Brown, the following resolution was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that **the proposed development meets 15 of the applicable guidelines of the Comprehensive Plan.** The proposed improvement is located on a minor arterial street limiting the impact on low intensity residential uses (Guideline 1: Community Form, Policy B.3). The proposed expansion is compact and results in an efficient land use pattern, cost-effective infrastructure since the proposal is to expand on an existing facility with existing utilities hookups (Guideline 2: Centers, Policies A.4, A.5 and A.14). The new addition's proposed building materials are compatible with the existing building and the facility is located along an existing transit corridor (Guideline 3: Compatibility, Policies A.2 and A.11). The new addition and existing school facility is setback beyond and separated from the adjacent residential properties by a large green scape which provides some transitional area between uses (Guideline 3: Compatibility, Policies A.21 and A.23). Open space is being provided between the residential properties and the school facility in the large green scape which helps meet the community needs and is consistent with the form district. (Guideline 4: Open Space, Policies A.2/3/7 and A.4). The proposal includes adequate parking spaces to support the use (Guideline 7: Circulation, Policy A.10) The proposal has been reviewed by APCD and found to not have a negative impact on air quality (Guideline 12: Air Quality). The area of the proposal has existing utility services; adequate supply of potable water; and existing sanitary sewers available (Guideline 14: Infrastructure, Policy A.2, A.3 and A.4); and

**DEVELOPMENT REVIEW COMMITTEE**  
**March 18, 2015**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1005**

The Committee further finds that the proposal is in compliance with the Comprehensive Plan, with the caveat that the Committee wishes the Jefferson County School System finds funding in their budget to plant trees around the back of the building to replace the trees being lost; and

**WHEREAS**, the Committee further finds that, based on the evidence and testimony presented by the applicants and the Commissioners' deliberation that applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Community Facility Review (CFR) for construction of a new media center/ library addition to the existing Schaffner Elementary School.

**The vote was as follows:**

**YES: Commissioners Brown, Jarboe, and Tomes.**

**NO: No one.**

**NOT PRESENT: Commissioners Kirchdorfer, White, and Peterson.**

**ABSTAINING: No one.**

**DEVELOPMENT REVIEW COMMITTEE**  
**March 18, 2015**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1014**

Request:	Revised Detailed District Development Plan with Landscape Waiver
Project Name:	Graybar
Location:	3880 Business Park Drive
Owner:	Gault Development Inc.
Applicant:	Gault-Marsh Development
Representative:	Land Design & Development, Inc.
Jurisdiction:	Louisville Metro
Council District:	2 – Barbara Shanklin

**Case Manager:** **Christopher Brown, Planner II**

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

**Agency Testimony:**

00:47:11 Christopher Brown presented the case and showed a Power Point presentation (see recording and staff report for detailed presentation.)

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

Ann Richard, Land Design & Development

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

00:49:47 Ann Richards - applicant's representative.

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

No one spoke.

**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 #1: Landscape waiver from Chapter 10.2.4.B of the Land Development Code to allow a more than 50% utility easement overlap with the proposed landscape buffer**

00:50:26 On a motion by Commissioner Jarboe, seconded by Commissioner Brown, the following resolution was adopted:



## DEVELOPMENT REVIEW COMMITTEE

March 18, 2015

### NEW BUSINESS

#### CASE NO. 15DEVPLAN1014

**WHEREAS**, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners since all required planting and screening materials will be provided on site; and

**WHEREAS**, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 3, policy 9 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. The waiver will not violate specific guidelines of Cornerstone 2020 since the intent of the code will be met with the planting and screening materials; 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 to allow the buffer to be provided while maintain proper circulation and access; and

**WHEREAS**, the Committee further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant by requiring the movement of the landscape buffer further into the site possibly disrupting the circulation and existing asphalt area; and

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

**DEVELOPMENT REVIEW COMMITTEE**  
**March 18, 2015**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1014**

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Landscape Waiver from Chapter 10.2.4.B of the Land Development Code to allow a more than 50% utility easement overlap with the proposed landscape buffer.

**The vote was as follows:**

**YES: Commissioners Brown, Jarboe, and Tomes.**

**NO: No one.**

**NOT PRESENT: Commissioners Kirchdorfer, White, and Peterson.**

**ABSTAINING: No one.**

**Revised Detailed District Development plan**

00:50:55 On a motion by Commissioner Jarboe, seconded by Commissioner Brown, the following resolution was adopted:

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP and/or AMENDMENT TO BINDING ELEMENTS**

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

**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 with the current proposal; and

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

**WHEREAS**, the Committee further finds that the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape

**DEVELOPMENT REVIEW COMMITTEE**  
**March 18, 2015**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1014**

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 with the exception of the requested waiver which meets the standard of review for granting a waiver; and

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

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

1. ~~The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission, except for land uses permitted in the established zoning district. No further subdivision or re-subdivision of the land shall occur without prior approval from the Planning Commission.~~ **The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.**
2. The development shall not exceed ~~38,200~~ **54,300** square feet of gross floor area. (~~Warehouse - 29,767 square feet, office - 8,413 square feet~~)
3. Sidewalks shall be constructed on the west side of Road A adjacent to Lots 22 through 25, and Lot 29 and on the north side of Road B adjacent to Lots 20 through 22. Sidewalks shall be constructed prior to issuance of a certificate of occupancy for development on these lots.
4. No outdoor advertising signs (billboards), small free- standing (temporary) signs, pennants or banners shall be permitted on the site.
5. Outdoor lighting shall be directed down and away from surrounding residential properties.

**DEVELOPMENT REVIEW COMMITTEE**  
**March 18, 2015**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1014**

6. The following uses are prohibited:

- a. Grain blending and packaging; Manufacture, processing, treatment or storage of insecticides, fungicides, disinfectants and related industrial and household chemical compounds;
- b. Animal and poultry raising, commercial;
- c. Animal pound;
- d. Distilleries, breweries or manufacturing or processing of nonindustrial alcoholic products;
- e. Processing, treatment, storage or sales of coal or coke;
- f. Manufacture, processing, treatment or storage of firearms;
- g. Lumber yards;
- h. Plating and electrolytic processing;
- i. Railroad freight terminals and yards;
- 1. Tire retreading and vulcanizing;
- k. Waterfront shipping;
- l. Radio and television towers and antennas (Two-way antennas and receivers are allowed for business communication);
- m. Manufacture, processing, treatment or storage of furs and fur goods;
- n. Solid waste transfer station

7. All manufacturing, procession treatment uses shall be in an enclosed building. Any outside storage shall be completely screened with opaque fencing.

8. Height limitation of buildings shall be 22 feet from first floor elevation to bottom of ceiling joist. The structures (to peak of roof) shall not exceed two stories or 35 feet.

9. ~~Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:~~

a. ~~The development plan must receive full construction approval from the Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (400 S. Sixth Street).~~ **The development plan must receive full construction approval from Louisville Metro Develop Louisville Construction Review and Transportation Planning Review and the Metropolitan Sewer District.**

b. ~~The size and location of any proposed freestanding sign must be approved by the Planning Commission. The Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations.~~

c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/ landscaping) as described in ~~Article 12~~ **Chapter 10** prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

**DEVELOPMENT REVIEW COMMITTEE**  
**March 18, 2015**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1014**

10. If a building permit is not issued within ~~one~~ **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.

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

~~12. The property owner/developer shall provide copies of these binding elements to contractors and other parties engaged in development of this project, and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.~~ **The 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, Jarboe, and Tomes.**

**NO: No one.**

**NOT PRESENT: Commissioners Kirchdorfer, White, and Peterson.**

**ABSTAINING: No one.**

**DEVELOPMENT REVIEW COMMITTEE**  
**March 18, 2015**

**ADJOURNMENT**

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

---

**Chair**

---

**Planning Director**