

**MINUTES OF THE MEETING  
OF THE  
DEVELOPMENT REVIEW COMMITTEE  
May 20, 2015**

A meeting of the Development Review Committee was held on, May 20, 2015, at 1:00 p.m. in the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

**Committee Members present were:**

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

**Committee Members absent were:**

Chip White, Vice Chairman

**Staff Members present were:**

Paul Whitty, Legal Counsel  
Joseph Reverman, AICP, Planning Coordinator  
Brian Davis, AICP, Planning Supervisor  
Matt Doyle, Planner I  
Tammy Markert, Transportation Planning  
Pat Barry, MSD representative  
Sue Reid, Management Assistant  
Chris Cestaro, Management Assistant

The following matters were considered:

**DEVELOPMENT REVIEW COMMITTEE**  
**May 20, 2015**

**APPROVAL OF MINUTES**

**Approval of the minutes of the May 6, 2015 Development Review Committee meeting**

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

**RESOLVED**, that the Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on May 6, 2015.

**The vote was as follows:**

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

**NO: No one.**

**NOT PRESENT: Commissioner White.**

**ABSTAINING: Commissioner Kirchdorfer.**

**DEVELOPMENT REVIEW COMMITTEE**  
**May 20, 2015**

**NEW BUSINESS**

**CASE NO. 15MOD1006**

**\*NOTE: This case has been requested for a Deferral with new notices being sent.**

Request:	Amendment to Binding Elements
Project Name:	9913 Shelbyville Road
Location:	9913 Shelbyville Road
Owner(s):	Working Capital LLC
Applicant:	Working Capital LLC
Representative(s):	Stites & Harbison PLLC
Jurisdiction:	Louisville Metro
Council District:	18 – Marilyn Parker

**Case Manager: Julia Williams, AICP, Planner II**

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

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

**Agency Testimony:**

00:15:39 Matthew Doyle explained that the case has been requested to be deferred to the June 3, 2015 DRC meeting. New notices for that date have been sent.

**No vote or action was taken on the case.**

**DEVELOPMENT REVIEW COMMITTEE**  
**May 20, 2015**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1043**

**NOTE: This case was CONTINUED from the May 6, 2015 DRC meeting.**

Request:	Revised Detailed District Development Plan
Project Name:	Misa Metal Fabricating Inc. Expansion
Location:	7101 International Drive
Owner:	Misa Metal Fabricating, Inc.
Applicant:	Misa Metal Fabricating, Inc.
Representative:	Qk4
Jurisdiction:	Louisville Metro
Council District:	1 – Jessica Green

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

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

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

**Agency Testimony:**

00:16:24 Matthew Doyle presented the case (see staff report and recording for detailed presentation.) A technical issue regarding parallel parking has been addressed.

00:17:45 Mr. Doyle and Commissioner Brown discussed whether carpool and bike parking is required on the site.

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

Keith Holtz (sp), Qk4 Engineers, 1046 E Chestnut St, Louisville, KY 40204

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

00:18:48 Keith Holtz (sp) with Qk4 Engineers, said he did not think there was any carpool or bike parking specifically designated on the site.

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

No one spoke.

**DEVELOPMENT REVIEW COMMITTEE**  
**May 20, 2015**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1043**

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

No one spoke.

00:20:09 On a motion by Commissioner Brown, seconded by Commissioner Peterson, 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; and

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

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

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Revised Detailed District Development Plan, **ON CONDITION** that the applicant provides the required carpool and bike parking spaces, and **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

**DEVELOPMENT REVIEW COMMITTEE**  
**May 20, 2015**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1043**

from the Planning Commission, except for land uses permitted in the established zoning district.

- ~~2. The development shall not exceed 56,245 square feet of gross floor area.~~
- 2. The development shall not exceed 166,695 square feet of gross floor area.**
3. The only permitted freestanding signs shall be located as shown on the sign plan attached to the approved district development plan. The sizes and heights shall not exceed the dimensions shown on the plan.
4. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants or banners shall be permitted on the site.
5. There shall be no outdoor storage on the site.
- ~~6. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
  - ~~a. The development plan must receive full construction approval from Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).~~
  - ~~b. A fence and/or wall at the propane storage site shall not exceed 4 feet in height or a revised minor plat shall be obtained to allow the location of propane storage as shown on the development plan.~~
  - ~~c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.~~~~
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 Louisville Metro Develop Louisville Construction Review and Transportation Planning Review and the Metropolitan Sewer District.**
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.**
7. 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.

**DEVELOPMENT REVIEW COMMITTEE**  
**May 20, 2015**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1043**

8. 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.
9. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project, and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their subcontractors whose duties relate to the binding elements. The property owners/developer shall ensure their compliance with the binding elements.

**10. Outdoor lighting shall be directed down and away from surrounding properties and rights of way. Lighting fixtures shall have a 90 degree cutoff so that no light source is visible off site.**

**11. There shall be no outdoor music (live, piped, radio or amplified), outdoor entertainment, or outdoor PA system permitted on the site.**

The vote was as follows:

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

**NO: No one.**

**NOT PRESENT: Commissioner White.**

**ABSTAINING: No one.**

**DEVELOPMENT REVIEW COMMITTEE**  
**May 20, 2015**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1031**

**\*NOTE: Commissioner Kirchdorfer left the meeting at 2:45 p.m. and did not vote on this or the following cases.**

Request:	Detailed District Development Plan and Waiver
Project Name:	Jefferson Commerce Center 2
Location:	6023 Jefferson Boulevard
Owner:	S & F Hotel, LLC
Applicant:	Global Port United, LLC
Representative:	William Bardenwerper – Bardenwerper Talbott & Roberts PLLC
	Mindel Scott & Associates, Inc.
Jurisdiction:	Louisville Metro
Council District:	2 – Barbara Shanklin

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

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

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

**Agency Testimony:**

00:21:17 Matthew Doyle presented the case (see staff report and recording for detailed presentation.)

00:25:13 Mr. Doyle said he has not received any comments from interested parties regarding this case.

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

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

Kathy Linares/Steve Scott, Mindel Scott & Associates, 5151 Jefferson Boulevard Suite 101, Louisville, KY 40219

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



**DEVELOPMENT REVIEW COMMITTEE**  
**May 20, 2015**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1031**

00:26:06 William Bardenwerper, the applicant's representative, presented the applicant's case and showed a Power Point presentation.

00:33:14 Mr. Bardenwerper read a proposed additional binding element into the record regarding noise mitigation, to read as follows:

Developer shall install a double-sided, solid insulated wood fence along the subject property's north property line to the to the east edge of the loading docks.

00:33:36 Kathy Linares, from Mindel Scott & Associates, showed a Power Point presentation and discussed open space, buffering, and landscaping requirements, and how the applicant will be using open space and landscaping for noise mitigation and protecting the residents.

00:40:43 In response to a question from Commissioner Tomes, Ms. Linares clarified that the distances she was talking about were from the homes to the proposed building, not property line to property line. Tree preservation was also discussed.

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

Bill Shermeier (sp), 6701 Cape Court, Louisville, KY 40219

Jared Dearing, Councilwoman Barbara Shanklin's office, 601 West Jefferson Street, Louisville, KY 40202

Steven Brown (sp), 6712 Bahama Lane, Louisville, KY 40219

Barbara Snead (sp), 6700 Bimini Court, Louisville, KY 40219

Larry Jenkins, 4603 Mile of Sunshine Drive, Louisville, KY 40219

**Summary of testimony of those in opposition:**

00:44:52 Bill Shermeier (sp), a resident of Sunshine Acres, asked about the berm along the north property line, and if Alcapolca Way and Orange Blossom were going to be blocked by the berm. Ms. Linares discussed the berm and the utility easement. Using the aerial photos, he and Ms. Linares discussed which trees are proposed for preservation along the property lines and along Alcapolca Way.

00:49:58 Jared Dearing, representative from Councilwoman Barbara Shanklin's office, said the Councilwoman's office is in opposition, notably due to flooding concerns. He said that, per MSD, recent flooding was likely caused by new elevations of the

**DEVELOPMENT REVIEW COMMITTEE**  
**May 20, 2015**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1031**

recent construction. He also said that noise mitigation proposals are inadequate, and that residents' quality of life would be impacted.

00:55:29 Steven Brown, a Sunshine Acres resident, said that the second building was "a surprise" and said he had no information about it. Building 2 is going to be directly behind his house. He also claims that the construction has already caused flooding in the neighborhood and expressed concerns about devaluation of his property.

01:03:42 In response to a question from Mr. Brown, Mr. Doyle and Joseph Reverman discussed some of the case history and site history.

01:05:21 Barbara Snead (sp) showed photos of the flooding that occurred in her neighborhood.

01:06:07 Pat Barry, representing MSD, discussed drainage and flooding issues on this site and the surrounding area/s. He maintained that that construction on the subject site did not cause flooding in Sunshine Acres.

01:14:22 Larry Jenkins, a Sunshine Acres resident, asked questions about flooding and drainage related to Building 1. Mr. Barry addressed some of Mr. Jenkins' issues in more detail.

01:17:21 Steve Scott, with Mindel Scott & Associates, discussed pipe locations and drainage plans.

01:20:48 Commissioner Tomes asked Mr. Scott about the on-site detention.

01:22:27 Mr. Dearing maintained that there is still a containment issue.

01:25:56 Steven Brown maintained that the 8-foot berm would cause flooding by blocking drainage in an already flood-prone area. He said that this project is causing water to shed into the residents' properties.

**Rebuttal:**

01:28:58 William Bardenwerper resumed the podium for rebuttal (see recording for verbatim presentation.)

01:35:50 Mr. Barry said there is no on-site detention proposed for the Building 2 area.

**01:36:44 Commissioners' deliberation.**

**DEVELOPMENT REVIEW COMMITTEE**  
**May 20, 2015**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1031**

01:40:59 Mr. Brown said there should be a binding element prohibiting a 24-hour business. Mr. Dearing agreed. Mr. Bardenwerper said the applicant could not agree to that.

**\*NOTE: Commissioner Kirchdorfer left the meeting at 2:45 p.m. and did not vote on this or the following cases.**

**Waiver**

01:54:03 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners since the required trees and screening will be preserved and planted in the 50 ft. LBA; and

**WHEREAS**, the Committee further finds that the waiver request will not violate specific guidelines of Cornerstone 2020 as the required trees and screening will be preserved and planted in the 50 ft. LBA; 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 required trees and screening will be preserved and planted in the 50 ft. LBA; 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 since the required trees and screening will be preserved and planted in the 50 ft. LBA; and

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

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver of section 5.5.4.B.1 to waive the 6 ft. berm requirement along the north property line and a portion of the south property line

**The vote was as follows:**

**YES: Commissioners Tomes, Peterson, and Brown.**  
**NO: No one.**

**DEVELOPMENT REVIEW COMMITTEE**  
**May 20, 2015**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1031**

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

**ABSTAINING: No one.**

**Detailed District Development Plan**

01:54:27 On a motion by Commissioner Brown, seconded by Commissioner

**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 the staff report and on the evidence and testimony presented today, that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Detailed District Development Plan, **ON CONDITION** that the developer and consultant work with MSD to mitigate any drainage problems that might become apparent during construction, and after completion of the project, and **SUBJECT** to the following binding elements:

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

**DEVELOPMENT REVIEW COMMITTEE**  
**May 20, 2015**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1031**

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. 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 Construction Review, Transportation Planning Review, and the Metropolitan Sewer District.
  - b. A minor subdivision plat shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Office of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
  - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
3. 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.
4. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
5. The applicant, developer, or property owner shall provide copies of these 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

**DEVELOPMENT REVIEW COMMITTEE**  
**May 20, 2015**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1031**

site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

6. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the May 20, 2015 Development Review Committee meeting.

**The vote was as follows:**

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

**NO: No one.**

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

**ABSTAINING: No one.**

**DEVELOPMENT REVIEW COMMITTEE**  
**May 20, 2015**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1041**

Request:	Revised Detailed District Development Plan
Project Name:	Moss Creek Condominiums
Location:	6110 Goalby Dr. and 6110 & 6800 Dewitt Dr.
Owner:	Moss Creek Enterprises, LLC
Applicant:	Moss Creek Enterprises, LLC
Representative:	Wyatt, Tarrant & Combs LLP and Land Design & Development, Inc.
Jurisdiction:	Louisville Metro
Council District:	12 – Rick Blackwell

**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.)

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

**Agency Testimony:**

01:55:52     Matthew Doyle presented the case (see staff report and recording for detailed presentation.)

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

Ann Richard, Land Design & Development, 503 Washburn Ave, Louisville, KY 40222

Cliff Ashburner, Wyatt Tarrant & Combs, 500 West Jefferson Street Suite 2800,  
Louisville KY 40202

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

01:58:47     Ann Richard, an applicant's representative from Land Design & Development, discussed landscaping and other issues related to the site.

02:01:15     Cliff Ashburner presented the applicant's case (see recording for detailed presentation.)

**DEVELOPMENT REVIEW COMMITTEE**  
**May 20, 2015**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1041**

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

Laurel McGohon, 6202 Goalby Drive, Louisville, KY 40258

**Summary of testimony of those in opposition:**

02:05:03 Laurel McGohon said the proposed buildings appear to be apartments, not condominiums, and they are labeled as "apartments" on an applicant's exhibit.

**Rebuttal**

02:07:28 Mr. Ashburner resumed the podium for rebuttal.

02:10:06 Mr. Ashburner asked about the binding elements - several will remain applicable, but some (#17 & 18) do not seem applicable.

02:13:39 Mr. Ashburner said the new units will not be added to the existing condo regime. Therefore, binding element #10 should reflect that.

02:14:57 Mr. Ashburner said a smaller unit could be located next to the single-family homes.

**Revised Detailed District Development Plan**

02:15:25 On a motion by Commissioner Brown, seconded by Commissioner Peterson, 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



**DEVELOPMENT REVIEW COMMITTEE**  
**May 20, 2015**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1041**

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

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Revised Detailed District Development Plan, with the elimination of Binding Elements #10, #17, and #18 on pages 6 and 7 of the staff report, and the revisions to binding elements #2 and #11; **ON CONDITION** that the applicant will work to get a smaller unit building on the corner of Goalby Drive to replace Unit 59, and **SUBJECT** to the following binding elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. **The density of the development shall not exceed 7.0 dwelling units per acre (195 units on 27.9 acres).**
3. Except for for-sale/development advertisement and signature entrance signs permitted by the Land Development Code, no outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site, except a signature entrance.
4. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
5. Before any permit (including but not limited to building, parking lot, change of use, or site disturbance permit) is requested:

**DEVELOPMENT REVIEW COMMITTEE**  
**May 20, 2015**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1041**

- 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.
6. If a clearing, grading or site construction 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.
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. The applicant shall provide documentation showing that the development complies with all the regulations from Chapter 4, Part 1, Section 3, Lighting, prior to the issuance of a construction permit. These regulations include the following items: Mounting Height Limit, Luminaire Shielding, Canopy Lighting Level, and Light Trespass.
- ~~10. The property shall be developed under a Horizontal Property Regime.~~
- 11. The structures shall appear substantially similar to the renderings submitted at the July 21, 2005 and May 20, 2015 public hearing. All condominium structures shall be principally faced on all four sides with brick but may also feature accent treatments, gable details, cornices and so forth of other possible building materials such as vinyl.**
12. The address number shall be displayed on all structures prior to requesting a certificate of occupancy for that structure. Street signs shall also be installed prior to the issuance of a certificate of occupancy.

**DEVELOPMENT REVIEW COMMITTEE**  
**May 20, 2015**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1041**

13. In addition to the signature entrance sign off Greenwood Road, the developer shall place small "signature" entrances at all other public street connections with this condominium development in order to present to automobiles using these cut-through connections that the development they are passing through is a private residential condominium community.
14. Any connections eliminated or added by the Planning Commission at public hearing shall be submitted via a revised detailed district development plan (RDDDP) which RDDDP may be revised and approved by DPDS staff for compliance herewith.
15. Street trees and screening along the development's perimeter shall be as depicted on the colored site plan and other landscape elevations presented at the July 21, 2005 public hearing.
16. There shall be no construction entrance other than at Greenwood Road.
- ~~17. The applicant shall set aside \$25,000 to install traffic control devices if same are determined to be advisable by the Metro Works Department. The \$25,000 shall remain available for this purpose until bond release on internal condominium community streets. After that point in time, if no traffic control device has been required, or with less spent for this purpose than necessary, the remaining funds shall be released back to the developer with no further obligation in this regard on its part.~~
- ~~18. A revised development plan shall also show elimination of the cul-de-sac at the end of Canna Drive which Metro Works had originally determined would be required to be constructed by this applicant/developer.~~

**The vote was as follows:**

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

**NO: No one.**

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

**ABSTAINING: No one.**

**DEVELOPMENT REVIEW COMMITTEE**  
**May 20, 2015**

**NEW BUSINESS**

**CASE NO. 15WAIVER1009**

Request: Waiver to allow an LED sign to be located closer than 300' to a residential zoning district  
Project Name: Thornton's  
Location: 11700 Dixie Highway  
Owner: Thornton's Inc.  
Applicant: Thornton's Inc.  
Representative: Louisville Sign Co.  
Jurisdiction: Louisville Metro  
Council District: 14 – Cindi Fowler

**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.)

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

**Agency Testimony:**

02:17:20 David Wagner presented the case (see staff report and recording for detailed presentation.)

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

Jode Ballard (applicant's representative), 10101 Linn Station Road Suite 200, Louisville, KY 40223

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

02:22:10 Jode Ballard, representing Thornton's, said he was available to answer questions.

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

No one spoke.

02:23:17 On a motion by Commissioner Peterson, seconded by Commissioner Brown, the following resolution was adopted:

**DEVELOPMENT REVIEW COMMITTEE**  
**May 20, 2015**

**NEW BUSINESS**

**CASE NO. 15WAIVER1009**

**WHEREAS**, the Louisville Metro Development Review Committee finds the waiver will not adversely affect adjacent property because the adjacent residential property is vacant; and

**WHEREAS**, the Committee further finds that the waiver will not violate the Comprehensive Plan because the sign is located along a major arterial level roadway within the Suburban Marketplace Corridor. Commercial advertising is appropriate for the business involved and the location; 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 because the relief being provided would allow the sign to be updated to the standard desired by the business; and

**WHEREAS**, the Committee further finds that strict application of the provisions of the regulation will deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the sign cannot be seen due to its orientation and the residentially zoned property being vacant; and

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

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver to allow an LED sign to be closer than 300' to a residential zoning district (LDC Section 8.2.1.D.6).

**The vote was as follows:**

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

**NO: No one.**

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

**ABSTAINING: No one.**

**DEVELOPMENT REVIEW COMMITTEE**  
**May 20, 2015**

**NEW BUSINESS**

**CASE NO. 15WAIVER1008**

Request:	Waiver from the Land Development Code to not provide the required sidewalk along New High Street
Project Name:	Coit Vehicle & Equipment Building
Location:	2741 & 2743 New High Street
Owner:	Mark Krish – Coit Company
Applicant:	Gary Parrish, Parrish Construction Company
Representative:	Gary Parrish
Jurisdiction:	Louisville Metro
Council District:	15 – Marianne Butler

**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.)

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

**Agency Testimony:**

02:23:41 Sherie Long presented the case and showed a Power Point presentation.

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

Gary Parrish, 8607 Wolf Pen Branch Road, Louisville, KY 40059

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

02:31:13 Gary Parrish - General Contractor who has made this application for the waiver.

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

No one spoke.

**Waiver:**

02:32:24 On a motion by Commissioner Peterson, seconded by Commissioner Brown, the following resolution was adopted:

**DEVELOPMENT REVIEW COMMITTEE**  
**May 20, 2015**

**NEW BUSINESS**

**CASE NO. 15WAIVER1008**

**WHEREAS**, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners since there are no existing sidewalks along New High Street; and

**WHEREAS**, the Committee further finds that the waiver request is justified based on the closure of the street; and

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

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver from Chapter 5 and 6, Section 5.8.1.B and Table 6.2.1, to not provide the required sidewalks along the New High Street frontage.

**The vote was as follows:**

**YES: Commissioners Peterson and Brown.**

**NO: No one.**

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

**ABSTAINING: Commissioner Tomes.**

**DEVELOPMENT REVIEW COMMITTEE**  
**May 20, 2015**

**NEW BUSINESS**

**CASE NO. 15WAIVER1011**

Request: Waiver from the Land Development Code to allow a reduction in the required Vehicle Use Landscape Buffer Area (VUA LBA) from 15-feet to 11 feet along Boxley Ave., and approval of planting 21 trees on an alternative site to meet Tree Canopy requirements.

Project Name: Welder's Supply  
Location: 331 & 329 Boxley Avenue  
Owner: Louis Wright Jr. – Welder's Supply Company of Louisville

Applicant: Mike Del Visco – Summit Construction LLC  
Representative: Amy Cooksey – Mindel Scott & Associates  
Jurisdiction: Louisville Metro  
Council District: 15 – Marianne Butler

**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.)

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

**Agency Testimony:**

02:33:48 Sherie Long presented the case and showed a Power Point presentation. She added that approval for an Alternatives for Compliance has also been requested.

**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:**

02:45:20 Kent Gootee - Mindel Scott & Associates, spoke on behalf of the applicant and showed a brief Power Point presentation explaining the waiver request.

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

No one spoke.



**DEVELOPMENT REVIEW COMMITTEE**  
**May 20, 2015**

**NEW BUSINESS**

**CASE NO. 15WAIVER1011**

**Waiver**

02:55:08 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners since the required tree planting will be provided along with the required screening of the parking lot from the street in the reduced VUA LBA area; and

**WHEREAS**, the Committee further finds that the waiver will not violate guideline 3, Compatibility, of Cornerstone 2020, which calls for the protection of roadway corridors and public areas from visual intrusions, for mitigation of parking areas so as not to negatively impact nearby residents and pedestrians, and for parking areas adjacent to streets to be screened and buffered. The waiver will not violate guideline 13, Landscape Character, which calls for the protection of parkways through standards for buffers, landscape treatment, lighting and signs. The purpose of vehicle use area landscape buffer areas is to improve the appearance of vehicular use areas and property abutting public rights-of way. The waiver request does not violate the comprehensive plan guidelines because the required tree planting and screening is being provided as required by the Land Development Code in the reduced buffer area; and

**WHEREAS**, the Committee further finds that the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant to allow sufficient room for the proposed parking and still provide the required tree planting and screening; and

**WHEREAS**, the Committee further finds that the strict application of the provisions of the regulation would deprive the applicant of the necessary area required to provide the parking for the development which creates an unnecessary hardship on the applicant; and

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

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver from Chapter 10, Section 10.2.10, to allow a reduction in the required Vehicle Use Area Landscape Buffer Area (VUA LBA) from 15' to 11' along Boxley Avenue.

**DEVELOPMENT REVIEW COMMITTEE**  
**May 20, 2015**

**NEW BUSINESS**

**CASE NO. 15WAIVER1011**

The vote was as follows:

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

**NO: No one.**

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

**ABSTAINING: No one.**

**Alternatives for Compliance**

02:56:02 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that the applicant has made an effort to maximum the amount of tree canopy provided on the subject site. However, due to several factors including: fire access requirements; available space between buildings; and access to necessary sunlight the required tree canopy square footage cannot be provided on the site. Therefore, the applicant is requesting an off-site planting on an alternative location or locations. The applicant has contacted Louisville Grows, a non-profit community organization who has completed several community plantings of trees in the past several years. The applicant is proposing to donate the funds necessary to plant and maintain (21) Type "A" trees in a location where they will benefit the community; and

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

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested "Alternatives for Compliance", Section 10.1.3.C, to allow the planting of (21) Type "A" trees on an "Alternative Site" to meet Tree Canopy requirements, per the attached letter from Louisville Grows; with the addition of possible pruning after the third year; and that Louisville Grows will notify the abutting property owners and will obtain all the necessary permits for work within the public right-of-way.

The vote was as follows:

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

**NO: No one.**

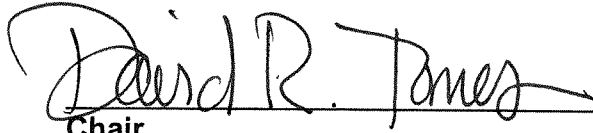
**NOT PRESENT: Commissioners Kirchdorfer and White.**

**ABSTAINING: No one.**


**DEVELOPMENT REVIEW COMMITTEE**  
**May 20, 2015**

**ADJOURNMENT**

The meeting adjourned at approximately 4:05 p.m.

A handwritten signature in cursive script that reads "David R. Jones". The signature is written in black ink and is positioned above a horizontal line.

**Chair**

A handwritten signature in cursive script, which is mostly illegible but appears to start with "D. J.". The signature is written in black ink and is positioned above a horizontal line.

**Planning Director**

