

**MINUTES OF THE MEETING  
OF THE  
DEVELOPMENT REVIEW COMMITTEE  
January 20, 2016**

A meeting of the Development Review Committee was held on, January 20, 2016, 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  
Robert Kirchdorfer, Commissioner

**Committee Members absent were:**

Chip White, Commissioner  
Rob Peterson, Vice Chairman

**Staff Members present were:**

Brian Davis, AICP, Planning Supervisor  
Sherie Long, Landscape Architect  
Laura Mattingly-Humphrey, Planner I  
Joel P. Dock, Planner II  
John Carroll, Legal Counsel  
Tammy Markert, Transportation Planning  
Pat Barry, MSD representative  
Chris Cestaro, Management Assistant

The following matters were considered:

**DEVELOPMENT REVIEW COMMITTEE**  
**January 20, 2016**

**APPROVAL OF MINUTES**

**Approval of the minutes of the January 6, 2016 Development Review Committee meeting**

00:04:01 On a motion by Commissioner Brown, seconded by Commissioner Kirchdorfer, the following resolution was adopted.

**RESOLVED**, that the Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on January 6, 2016.

**The vote was as follows:**

**YES: Commissioners Kirchdorfer, brown, and Tomes.**

**NO: No one.**

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

**ABSTAINING: No one.**

**DEVELOPMENT REVIEW COMMITTEE**  
**January 20, 2016**

**NEW BUSINESS**

**CASE 15PARK1004**

Request:	Parking Waiver
Project Name:	ROC Restaurant
Location:	1327 Bardstown Road
Owner(s):	Rocco Cadolini
Applicant:	Owner
Representative(s):	Lockett & Farley
Jurisdiction:	Louisville Metro
Council District:	8 – Tom Owen

**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:**

00:25:29     Sherie Long presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

00:36:11     Commissioner Brown asked if the existing parking on the property meets the minimum dimensional requirements (width) in order to be included as provided parking. Ms. Long said the standards were being met, per Transportation Planning.

00:36:59     In response to a question from Commissioner Kirchdorfer, Ms. Long said the distance from the public parking lot to the restaurant is under 1,000 feet (maybe 800 feet.) She said the applicant's representative has updated the parking study, which has this information. Ms. Long reviewed some relevant parking requirements.

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

Ashley Brock, Lockett & Farley, 737 S. Third Street, Louisville, KY 40202

W. Craig Kissel, 6715 Elmcross Circle, Louisville, KY 40241

Norman Drexler, 1331 Bardstown Road, Louisville, KY 40204

**DEVELOPMENT REVIEW COMMITTEE**  
**January 20, 2016**

**NEW BUSINESS**

**CASE 15PARK1004**

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

00:37:56 Ashley Brock, the applicant's representative, presented the applicant's request (see recording for detailed presentation.) She said that she has a supplemental parking study, which was handed out to the Commissioners.

00:40:13 In response to Commissioner Brown's question about the dimensions of the existing on-site parking spaces, Ms. Brock explained about changes being made to the lot, including re-striping, being made ADA compliant, and added landscaping.

00:41:51 Hours of operation were discussed (dinner-only, except for special events.)

00:42:42 Craig Kissell spoke in support.

00:47:50 – Norman Drexler, s nearby business owner, spoke in support (spoke after Mr. Robert Peters.)

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

Robert Peters, 1321 Bardstown Road, Louisville, KY 40204

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

00:44:25 Robert Peters, General Manager of the Bristol restaurant next door, discussed parking issues and problems on the Bristol site and nearby sites.

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

No one spoke.

**Deliberation:**

00:49:27 In response to a question from Commissioner Tomes, Ms. Long said the off-site parking is located within the minimum threshold.

00:50:09 In response to a question from Commissioner Brown, Ms. Long said that Transportation Planning did not review the newest parking study (handed out today.) Commissioner Brown noted that the outdoor dining area had not been included in calculations.

**DEVELOPMENT REVIEW COMMITTEE**  
**January 20, 2016**

**NEW BUSINESS**

**CASE 15PARK1004**

00:57:01 On a motion by Commissioner Brown, seconded by Commissioner Kirchdorfer, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **CONTINUE** this case to the **February 3, 2016** Development Review Committee meeting to give Transportation Planning time to review the revised parking study submitted at today's meeting (whether the existing spaces meet the dimensional requirements.)

**The vote was as follows:**

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

**NO: No one.**

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

**ABSTAINING: No one.**

**DEVELOPMENT REVIEW COMMITTEE**  
**January 20, 2016**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1194**

Request:	Revised Detailed District Development Plan
Project Name:	Houston Johnson Expansion
Location:	13201 Complete Court
Owner:	HJI Properties, LLC
Applicant:	Houston Johnson, Inc.
Representative:	Corey Wooten, Qk4 Inc.
Jurisdiction:	Louisville Metro
Council District:	19 – Julie Denton

**Case Manager:** **Laura Mattingly-Humphrey, 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:**

00:53:10 Laura Mattingly-Humphrey presented the case and showed the site plan (see staff report and recording for detailed presentation.)

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

Ashley Bartley, Qk4, 1046 East Chestnut Street, Louisville, KY 40204

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

00:57:47 Ashley Bartley, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

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

No one spoke.

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

No one spoke.

01:02:30 Commissioners' deliberation.

**DEVELOPMENT REVIEW COMMITTEE**  
**January 20, 2016**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1194**

**Waiver**

01:03:13 On a motion by Commissioner Brown, seconded by Commissioner Kirchdorfer, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners as the property directly abutting the site where the waivers would be granted is vacant, non-buildable detention basin; and

**WHEREAS**, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 3, policies 21 and 22 call 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 5, policy 1 states that proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems. The intent of the perimeter landscape buffer 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 the comprehensive plan. The abutting property is a vacant and a conservation easement so there will not be any future development on that site. In addition, the waiver is being requested so that the building will not have to be expanded to the east, where it would encroach into the Woodland Protection Area; 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 all other landscape buffer requirements are being fulfilled as well as the preservation of the existing tree canopy; 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 as the building expansion and truck maneuvering area is what is required in order for the company to function at a level that is needed to grow their business; and

**DEVELOPMENT REVIEW COMMITTEE**  
**January 20, 2016**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1194**

**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 10.2.4.A to allow encroachments into the 10-foot Landscape Buffer Area.

**The vote was as follows:**

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

**NO: No one.**

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

**ABSTAINING: No one.**

**Detailed District Development Plan and proposed binding element revision on page 9 of the staff report**

01:03:39 On a motion by Commissioner Brown, seconded by Commissioner Kirchdorfer, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that the existing Woodland Protection Area is being preserved 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 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 land uses are compatible with the existing and future development of the area. Buildings and parking lots will meet all required setbacks; and



**DEVELOPMENT REVIEW COMMITTEE**  
**January 20, 2016**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1194**

**WHEREAS**, the Committee further finds that the development plan conforms to requirements of the Land Development Code with the exception of the requested land development code waiver to encroachment into the 10' Landscape Buffer Area; 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, **SUBJECT** to the following binding elements:

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

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission, or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Signs shall be in accordance with Chapter 8 and as shown on the plan.  
  
**Lot 1:** Sign 1 = 60 sq. ft. and 6 ft. tall  
**Sign 2** = 80 sq. ft. and 10 ft. tall  
**Lot 2:** 40 sq. ft. and 6 ft. tall
3. Lot 1: The development shall not exceed 8,400 square feet of commercial gross floor area.  
  
Lot 2: The development shall not exceed ~~25,080~~ 43, 421 square feet of warehouse gross floor area.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. There shall be no outdoor storage on the site.

**DEVELOPMENT REVIEW COMMITTEE**  
**January 20, 2016**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1194**

6. 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:
  - a. Mounting Height Limit
  - b. Luminaire Shielding
  - c. Canopy Lighting Level
  - d. Light Trespass
  
7. 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.
  
8. The site shall be developed in accordance with the woodland protection areas delineated on the site plan, tree preservation plan and related notes. Any modification of the woodland protection area requires notification of adjoining property owners and LD&T action.
  
9. The applicant shall provide deeds of restriction ensuring that WPAs will be permanently protected in a manner consistent with these binding elements and the approved plan. The form of the deed restrictions shall be approved by Planning Commission counsel. Deed Restrictions must be recorded prior to tree preservation approval. All plans setting out woodland protection areas must contain the following notes:
  - A. Woodland Protection Areas (WPAs) identified on this plan represent portions of the site on which all existing vegetation and all trees greater than 2" in caliper shall be permanently preserved. All clearing, grading, and fill activity in these areas must be in keeping with restrictions established at the time of development plan approval. No further clearing, grading, construction or other land disturbing activity shall take place within designated WPAs beyond pruning to improve the general health of the tree or to remove dead or declining trees that may pose a public health and safety threat. As trees are lost thru natural causes new trees shall be planted in order to maintain minimum tree canopy as specified in Chapter 10, Part 1 of the LDC and as shown on the approved Tree Canopy/Landscape Plan.

**DEVELOPMENT REVIEW COMMITTEE**  
**January 20, 2016**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1194**

- B. Dimension lines have been used on this plan to establish the general location of WPAs and represent the minimum boundary of the designated WPAs. The final boundary for each WPA shall be established in the field by the applicant, developer, or property owner to include canopy area of all trees at or within the dimension line.
10. 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 Department of Inspections, Permits and Licenses, 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.
  - d. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
11. 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.
12. A soil erosion and sedimentation control plan shall be developed and implemented in accordance with the Metropolitan Sewer District and the USDA Natural Resources Conservation Service recommendations. Documentation of the MSD's approval of the plan shall be submitted to the Planning Commission prior to commencement of any clearing, grading, or construction activities.
13. 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.

**DEVELOPMENT REVIEW COMMITTEE**  
**January 20, 2016**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1194**

14. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the January 8, 2004, LDBT meeting.

**The vote was as follows:**

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

**NO: No one.**

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

**ABSTAINING: No one.**

**DEVELOPMENT REVIEW COMMITTEE**  
**January 20, 2016**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1186**

**NOTE: This case, and Case No. 15DEVPLAN1187, were taken out of order. They were both forwarded to the full Planning Commission, to be heard on February 18, 2016. One vote was taken for both cases and the discussion applies to both.**

Request:	Revised Detailed District Development Plan for proposed 72-unit Assisted Living Facility
Project Name:	Grove Pointe Assisted Living
Location:	240 Masonic Home Drive
Owner:	Masonic Homes of Kentucky, Inc.
Applicant:	Masonic Homes of Kentucky, Inc., - Gary Marsh
Representative:	Ashley Bartley - Qk4
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander

**Case Manager: Joel P. Dock – 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:**

00:16:31 Commissioner Tomes said that the Commissioners present at today's meeting feel that both Masonic Homes cases should be forwarded to the full Planning Commission for a hearing. Commissioner Tomes and Brian Davis, Planning Supervisor with Louisville Metro Planning and Design Services, discussed possible hearing dates.

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

Ashley Bartley, Qk4, 1046 East Chestnut Street, Louisville, KY 40204

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

00:18:31 Ashley Bartley, representing Qk4, asked about the BOZA hearing on February 1, 2016 for a modification and CUP and building height variance for both this case and Case No. 15DEVPLAN1187. She also asked about notification for both cases. Brian Davis said that, as long as the cases are set for a date certain, no further notification should be required. He also explained BOZA procedure.

**DEVELOPMENT REVIEW COMMITTEE**  
**January 20, 2016**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1186**

00:23:29 Mr. Davis confirmed that Case No. 15DEVPLAN1186 and Case No. 15DEVPLAN1187 will both be heard at the February 18, 2016 Planning Commission public hearing.

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

No one spoke.

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

No one spoke.

**The following signed in to speak but did not since these two cases were continued to the February 18, 2016 Planning Commission public hearing:**

Bissell Roberts, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway Suite 200, Louisville, KY 40222

Julie Leake, 3804 Elmwood Avenue, Louisville, KY 40207

Dennis Brennan, 3829 Washington Sq. #4, Louisville, KY 40207

Ralph Haeberlin, 3824 Elmwood Avenue, Louisville, KY 40207 (signed in as "Opposed")

Ben Tanner Lowry, 3700 Napanee Road, Louisville, KY 40207 (signed in as "Opposed")

Jack Ruf, 3940 Grandview Avenue, Louisville, KY 40207 (signed in as "Other")

00:23:43 On a motion by Commissioner Brown, seconded by Commissioner Kirchdorfer, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **CONTINUE** both Case No. 15DEVPLAN1186 **AND** Case No. 15DEVPLAN1187 for hearing at the **February 18, 2016 Planning Commission** public hearing.

**DEVELOPMENT REVIEW COMMITTEE**  
**January 20, 2016**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1186**

**The vote was as follows:**

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

**NO: No one.**

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

**ABSTAINING: No one.**

**DEVELOPMENT REVIEW COMMITTEE**  
**January 20, 2016**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1187**

**NOTE: This case, and Case No. 15DEVPLAN1186, were taken out of order. They were both forwarded to the full Planning Commission, to be heard on February 18, 2016. One vote was taken for both cases and the discussion applies to both.**

Request:	Revised Detailed District Development Plan for proposed 124 Unit Independent Living Facility
Project Name:	The Meadow Independent Living
Location:	200 Masonic Home Drive
Owner:	Masonic Homes of KY, Inc.
Applicant:	Masonic Homes of KY, Inc. – Gary Marsh
Representative:	Qk4 – Ashley Bartley
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander

**Case Manager: Joel P. Dock, 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:**

See testimony for Case No. 15DEVPLAN1186

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

Ashley Bartley, Qk4, 1046 East Chestnut Street, Louisville, KY 40204

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

See testimony for Case No. 15DEVPLAN1186

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

No one spoke.



**DEVELOPMENT REVIEW COMMITTEE**  
**January 20, 2016**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1187**

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

No one spoke.

00:23:43 On a motion by Commissioner Brown, seconded by Commissioner Kirchdorfer, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **CONTINUE** both Case No. 15DEVPLAN1186 **AND** Case No. 15DEVPLAN1187 for hearing at the **February 18, 2016 Planning Commission** public hearing.

**The vote was as follows:**

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

**NO: No one.**

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

**ABSTAINING: No one.**

**DEVELOPMENT REVIEW COMMITTEE**  
**January 20, 2016**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1104**

Request:	Category 3 Plan and Waiver of Section 5.12.1.A.1
Project Name:	Desert Properties LLC
Location:	4301 produce Road
Owner:	SAPA HE Tubing Inc.
Applicant:	Gault Development
Representative:	Mindel Scott & Associates
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill

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

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

01:04:20 Brian Davis presented the case and showed the site plan (see staff report and recording for detailed presentation.)

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

Kathy Linares and Mark Sites, Mindel Scott & Associates, 5151 Jefferson Boulevard Suite 101, Louisville, KY 40219

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

01:07:52 Kathy Linares, the applicant's representative, pointed out Public Works Note #8 on the plan, which states that fee-in-lieu for the sidewalk shall be paid prior to construction plan approval.

01:09:08 Commissioner Brown asked about the proposed removal of the right-turn lane. Mark Sites, with Mindel Scott & Associates, used the site plan to explained the removal of the lane. He said Daniel O'Dea, Engineering Supervisor with Metro Public Works, specifically requested the removal of the lane.

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

No one spoke.

**DEVELOPMENT REVIEW COMMITTEE**  
**January 20, 2016**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1104**

**The following spoke neither for nor against the proposal:**  
No one spoke.

**Waiver**

01:11:22 On a motion by Commissioner Brown, seconded by Commissioner Kirchdorfer, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners since the amenity area will only serve the subject site; and

**WHEREAS**, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020 since amenity areas will be provided on the site to accommodate the office use portions of the property; 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 fee-in-lieu option for this site would be \$105,420 and the amount of space required by the Land Development Code would be approximately 30,000 square feet. The amenity space is 10% of the office square footage; 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 and would create an unnecessary hardship on the applicant because the required 30,000 square feet of amenity area would be difficult to achieve given the nature of the business and proposed layout which is best for this type of operation; 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 of Section 5.12.2.A.1 to reduce the required amount of amenity area from 30,000 square feet to 1,000 square feet.

**The vote was as follows:**

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

**NO: No one.**

**DEVELOPMENT REVIEW COMMITTEE**  
**January 20, 2016**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1104**

**NOT PRESENT: Commissioners White and Peterson.**  
**ABSTAINING: No one.**

**Category 3 Plan**

01:11:53 On a motion by Commissioner Brown, seconded by Commissioner Kirchdorfer, the following resolution was adopted:

**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 Category 3 Plan to construct a new 300,000 square foot facility.

**The vote was as follows:**

**YES: Commissioners Brown, Kirchdorfer, and Tomes.**  
**NO: No one.**  
**NOT PRESENT: Commissioners White and Peterson.**  
**ABSTAINING: No one.**

DEVELOPMENT REVIEW COMMITTEE  
January 20, 2016

**ADJOURNMENT**

The meeting adjourned at approximately 2:08 p.m.

  
Chair

(cc)

  
Planning Director

