

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE MEETING
December 18, 2019**

A meeting of the Louisville Metro Development Review Committee was held on December 18, 2019 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, KY 40202.

Commissioners present:

David Tomes, Chair
Rich Carlson, Vice Chair
Jeff Brown

Commissioners absent:

Jim Mims

Staff members present:

Joe Reverman, Assistant Director, Planning & Design Services
Brian Davis, Planning & Design Manager
Julia Williams, Planning Supervisor
Lacey Gabbard, Planner I
Travis Fiechter, Legal Counsel
Beth Stuber, Transportation
Tony Kelly, MSD
Chris Cestaro, Management Assistant

The following matters were considered

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APPROVAL OF MINUTES

December 4, 2019 DRC Meeting Minutes

00:02:58 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution was adopted:

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on December 4, 2019.

The vote was as follows:

YES: Commissioners Carlson, Brown, and Tomes.

ABSENT: Commissioner Mims.

**DEVELOPMENT REVIEW COMMITTEE MINUTES
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OLD BUSINESS

CASE NUMBER 19-DDP-0056

CONTINUED from the December 4, 2019 DRC meeting.

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

Case Manager: Lacey Gabbard, AICP, Planner I

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

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

Agency Testimony:

00:03:48 Lacey Gabbard presented the case (see staff report and recording for detailed presentation.) She noted that she received the revised plans this morning and has not had time to review the changes.

The following spoke in favor of this request:

Nick Pregliasco, Bardenwerper Talbott & Roberts, 1000 North Hurstbourne Parkway, Louisville, KY 40222

Ivy Clinton, Carman Engineering, 400 East Main Street, Unit 106, Louisville, Kentucky 40202

Summary of testimony of those in favor:

00:05:38 Nick Pregliasco, the applicant's representative, reviewed the proposed changes to the plan and showed a Power Point presentation (see recording for detailed presentation.)

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The following spoke in opposition to this request:

Mary Eade, Adams Law Group, 6004 Brownsboro Park Boulevard Suite A, Louisville, KY 40207

Jason Tasman, 3933 Kennison Court, Louisville, KY 40207

Sue Finley, 3925 Kennison Avenue, Louisville, KY 40207

Carl Page, 3922 Massie Avenue #2, Louisville, KY 40207

Summary of testimony of those in opposition:

00:10:53 Mary Eade, representing an adjoining property owner (Mr. Tasman), said neither she nor her client has not received a copy of the revised plan. She asked that this case be continued until the opposition has had time to review the plan and present any objections to the Committee.

00:11:59 Carl Page spoke in opposition, for himself and his neighbors in Surrey Place. He also objected to the recent design changes, which do not look anything like the original proposal. Increased density, traffic in the neighborhood. He is concerned about the collection of garbage, recycling and yard waste – how will this be handled? Also concerned about drainage.

00:15:09 Sue Finley said she is opposed to the development because it is not compatible with the neighborhood; has inadequate buffers, greenspace, and tree canopy. The increased impervious surface, drainage, and increased traffic remain concerning.

Rebuttal

00:17:58 Nick Pregliasco discussed the original rezoning process with the City of St. Matthews. He said the applicant wanted to show that drainage had been improved. Therefore, the new proposal shows a reduction of impervious surface; also, reducing the structures from two stories to one story should address some concerns from neighbors. He discussed changes requested by the City of St. Matthews and how they had been incorporated into the new elevations and site plan. The footprint of the buildings has been made smaller – there has been a 2,000 square foot reduction in impervious surface. He discussed traffic, and said there is not a traffic issue on Massie Avenue.

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00:22:19 Before Mr. Pregliasco could call Ms. Clinton to discuss drainage, Commissioner Carlson interjected and said that he was not comfortable considering a plan that has not yet been reviewed by staff. He asked if staff needs time to review this before any additional testimony is taken. Ms. Gabbard said she, the applicant's representatives, and staff had discussed some options this morning, and she definitely wants to review it before this is sent to the City of St. Matthews for their consideration. In responds to a question from Travis Fiechter, legal counsel for the Planning Commission, Ms. Gabbard reviewed options she had discussed with the applicant. The Committee decided to continue hearing testimony today.

00:25:56 Ivy Clinton, an applicant's representative (Carman Engineering), addressed trash pickup (one centralized dumpster pickup); reduction in impervious surface; guest parking; and drainage / stormwater capture. She reviewed the current plan in detail (see recording.)

00:28:50 Commissioner Tomes asked the opposition speakers if they had any questions related to any testimony today. Ms. Eades and Mr. Page again said the opposition has not had time to examine the new plan and asked for a continuance. Mr. Page also objected to the presentation of this plan during the holidays, when residents are busy and cannot always attend meetings, and said there would have been much more opposition if the sixteen-unit plan had been presented months ago.

00:31:00 Jason Tasman, an adjacent-property homeowner, discussed drainage and flooding problems that he has already experienced; also, how the new proposed changes could affect his property. Ms. Clinton said the stormwater management plan has not changed since the old plan and described in detail how the water flow will be handled.

00:33:50 Commissioners' deliberation.

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

00:36:42 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted:

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CASE NUMBER 19-DDP-0056

RESOLVED, the Louisville Metro Development Review Committee does hereby **CONTINUE** this case to the January 9, 2020 Planning Commission public hearing.

The vote was as follows:

YES: Commissioners Carlson, Brown, and Tomes.

ABSENT: Commissioner Mims.

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NEW BUSINESS

CASE NUMBER 19-MPLAT-0072

Request:	Record Plat Amendment
Project Name:	Southside Court Minor Plat
Location:	201, 203, 205 Southside Court
Owner:	John and Sherry Longo
Applicant:	John and Sherry Longo
Representative:	Schroll Land Surveying, LLC
Jurisdiction:	Louisville Metro
Council District:	21 – Nicole George

Case Manager: **Lacey Gabbard, AICP, Planner I**

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

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

Agency Testimony:

00:37:08 Lacey Gabbard presented the case (see staff report and recording for detailed presentation.)

The following spoke in favor of this request:

Bill Schroll, Schroll Land Surveying LLC, 5450 Southview Drive, Louisville, KY 40214

Summary of testimony of those in favor:

00:38:28 Bill Schroll, the applicant's representative, said he was available for questions.

The following spoke in opposition to this request:

No one spoke.

00:39:02 Commissioners' deliberation.

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NEW BUSINESS

CASE NUMBER 19-MPLAT-0072

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.

00:39:45 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the staff report, and evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Record Plat Amendment from Plat Book 11, page 65.

The vote was as follows:

YES: Commissioners Carlson, Brown, and Tomes.

ABSENT: Commissioner Mims.

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NEW BUSINESS

CASE NUMBER 19-WAIVER-0084

Request: Waiver to allow a garage addition to be closer to the street than the façade of the house
Project Name: LDC Waiver
Location: 2540 Ransdell Avenue
Owner: Benjamin and Jessica Murr
Applicant: Benjamin and Jessica Murr
Representative: Charlie Williams
Jurisdiction: Louisville Metro
Council District: 8 – Brandon Coan

Case Manager: Lacey Gabbard, AICP, Planner I

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

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

Agency Testimony:

00:40:09 Lacey Gabbard presented the case and showed a brief Power Point presentation (see staff report and recording for detailed presentation.)

00:42:50 Commissioner Brown asked if the applicant was planning to add any additional landscaping. Ms. Gabbard said yes.

The following spoke in favor of this request:

Charlie Williams, 1626 Windsor Place, Louisville, KY 40204

Summary of testimony of those in favor:

00:43:09 Charlie Williams, the applicant, presented the request (see recording for detailed presentation.) He noted that the request does have Landmarks' approval.

The following spoke in opposition to this request:

No one spoke.

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NEW BUSINESS

CASE NUMBER 19-WAIVER-0084

00:44:18 Commissioners' deliberation.

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

00:44:31 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners, as there appear to be several other properties in the vicinity of the subject site which have garages located closer to the street than the façade of the house. Additionally, the rear of the property features a steep slope, making the structures on the property not visible from Cherokee Parkway; and

WHEREAS, the Committee further finds that Land Use & Development Goal 1, Policy 4 states that the proposal ensures new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. There appear to be several other properties in the vicinity of the subject site which have garages located closer to the street than the façade of the house; 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 back portion of the subject site features a steep slope, and the applicant is proposing an addition to the existing garage which is already located closer to the street than the house; 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 proposed location for the garage addition appears to be the most suitable due to geographical restrictions of the site and the location of existing structures; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested **Waiver** of Land Development Code 5.4.1.C.4 to allow the proposed garage addition to be closer to the street than the façade of the house.

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The vote was as follows:

YES: Commissioners Carlson, Brown, and Tomes.

ABSENT: Commissioner Mims.

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NEW BUSINESS

CASE NUMBER 19-WAIVER-0098

Request: Waiver to eliminate a portion of the planting material on the eastern property line
Project Name: LDC Waiver
Location: 13913 Poplar Lane
Owner: Kingdom Center, Inc. / Greg Wellman; The Kingdom Center Church
Applicant: Kingdom Center, Inc. / Greg Wellman; The Kingdom Center Church
Representative: Kelli Jones – Sabak Wilson & Lingo
Jurisdiction: Louisville Metro
Council District: 20 – Stuart Benson

Case Manager: Lacey Gabbard, AICP, Planner I

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

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

Agency Testimony:

00:45:10 Lacey Gabbard presented the case (see staff report and recording for detailed presentation.)

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:

00:46:45 Kelli Jones, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

00:52:26 In response to a question from Commissioner Carlson, Ms. Jones clarified why the applicant does not want to move the trees closer to the proposed building (see recording.) Commissioner Carlson also asked about the possibility of adding a condition of approval – that if the church ever sells the property containing the pond, then trees will be planted to screen the view of the church. Ms. Jones said yes, as long

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as the condition was worded to clarify that the plantings would be done as long as the purchaser wants them there.

00:54:00 In response to a question from Commissioner Brown, Ms. Jones explained that the property containing the pond was not consolidated with the church property a year ago, when this request first went before the Board of Zoning Adjustment (BOZA).

00:54:42 Travis Fiechter, legal counsel for the Planning Commission, referred to an opposition e-mail that referred to a “lagoon” on the property. Ms. Jones said this is a “sanitary lagoon”. Because there is no sanitary sewer service to this site, this is the way sanitary drainage is being treated on this property.

The following spoke in opposition to this request:

No one spoke.

00:55:58 Commissioners’ deliberation.

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

00:58:10 On a motion by Commissioner Carlson, seconded by Commissioner Brown, 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 property perimeter where the waiver request applies is adjacent to a parcel that is also owned by the church; and

WHEREAS, the Committee further finds that Land Use & Development Goal 1, Policy 20 calls for mitigation of adverse visual intrusions when there are impacts to residential areas, roadway corridors, and public spaces. Land Use & Development Goal 1, Policy 10 calls for mitigation of impacts caused when incompatible developments unavoidably occur adjacent to one another. Buffers should be used between uses that are substantially different in intensity or density. The subject site and the abutting property are both zoned R-4 Single Family Residential. The intensity of uses is not substantially different and no known adverse visual intrusions should occur; and

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WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the property perimeter where the waiver request applies is adjacent to a parcel that is also owned by the church. Additionally, the grade of the hill would most likely prevent any plantings located at the property line from blocking the view of the church. However, staff recommends that the Committee discuss with the applicant the feasibility of moving the plantings up the hill, closer to the church; 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 adjacent property is also owned by the church, and due to the grade change it is possible that plantings at the property line would not block the view of the church from the adjoining property. Staff recommends that the Committee discuss with the applicant the feasibility of moving the plantings up the hill, closer to the church; now, therefore be it

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the requested **Waiver** of Land Development Code 10.2 to not provide the planting material in a portion of the property perimeter landscape buffer.

The vote was as follows:

YES: Commissioners Carlson, Brown, and Tomes.

ABSENT: Commissioner Mims.

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NEW BUSINESS

CASE NUMBER 19-DDP-0035

Request: Revised Detailed District Development Plan and a Parking Waiver
Project Name: Autotruck Federal Credit Union
Location: 13210 O'Bannon Station Way
Owner: Autotruck Federal Credit Union
Applicant: Autotruck Federal Credit Union
Representative: BTM Engineering, Inc.
Jurisdiction: Louisville Metro
Council District: 19 – Anthony Piagentini

Case Manager: Jay Lockett, AICP, Planner I

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

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

Agency Testimony:

00:59:35 Julia Williams presented the case on behalf of Jay Lockett (see staff report and recording for detailed presentation.)

01:02:11 In response to a question from Commissioner Carlson regarding binding element #7, Ms. Williams said there are no additions or changes being proposed to the building; only parking is being added.

01:02:44 In response to a question from Commissioner Brown, Ms. Williams said this expansion did not meet the threshold for a new sidewalk requirement.

The following spoke in favor of this request:

Chris Brown, BTM Engineering, 3001 Taylor Springs Drive, Louisville, KY 40220

Mike Christensen, 555 Gest Street, Cincinnati, OH 45203

Summary of testimony of those in favor:

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NEW BUSINESS

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01:04:29 Chris Brown, the applicant's representative, presented the applicant's case (see recording for detailed presentation.) He reviewed the parking study, and also said the Mike Christensen was available to answer questions if needed.

The following spoke in opposition to this request:

No one spoke.

01:09:23 Commissioners' deliberation.

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

Parking Waiver

01:09:37 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, and the parking study that was submitted to staff, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the proposal would allow for an existing use to serve its customers safely and efficiently. The proposed additional parking is in keeping with the development and use patterns of the form district and the surrounding area; and

WHEREAS, the Committee further finds that the applicant has provided as many spaces as possible on the subject site, and made a good faith effort to secure agreements with other sites for joint-use parking; and

WHEREAS, the Committee further finds that the requirements found in Table 9.1.2 do not allow for the provision of the number of parking spaces needed to accommodate the use. The applicant has provided a parking study for the subject site as well as similar uses that demonstrated the need for additional capacity at peak business hours; and

WHEREAS, the Committee further finds that the requested increase is the minimum needed to satisfy the parking needs of the applicant; now, therefore be it

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CASE NUMBER 19-DDP-0035

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the requested **Parking Waiver** to exceed the maximum allowable parking.

The vote was as follows:

YES: Commissioners Carlson, Brown, and Tomes.

ABSENT: Commissioner Mims.

Revised Detailed District Development Plan with revisions to Binding Elements

01:10:18 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

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

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

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

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

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

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

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

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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.

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5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
7. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the February 6, 2008 Development Review Committee meeting.
8. As adjacent properties develop, vehicular connections shall be provided within proposed 30' access easement.

The vote was as follows:

YES: Commissioners Carlson, Brown, and Tomes.

ABSENT: Commissioner Mims.

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NEW BUSINESS

CASE NUMBER 19-DDP-0052

Request: Revised Detailed District Development Plan
Project Name: Mercedes Benz of Louisville
Location: 2520 Terra Crossing Boulevard
Owner: DLP Real Estate
Applicant: DLP Real Estate
Representative: Gresham Smith and Partners
Jurisdiction: Louisville Metro
Council District: 19 – Anthony Piagentini

Case Manager: Jay Lockett, AICP, Planner I

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

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

Agency Testimony:

01:10:53 Julia Williams presented the case on behalf of Jay Lockett (see staff report and recording for detailed presentation.) In response to a request from Commissioner Brown, she handed out copies of the most recent site plan to the Commissioners. She briefly reviewed the history of the site and the changing site plans.

01:15:19 She noted that there are two sets of General Plan binding elements that apply to the site; however, none of the General Plan binding elements on either site need to be changed. They all fit the current proposal.

01:16:07 Travis Fiechter, legal counsel for the Planning Commission, asked about approved / amended binding elements (see recording for detailed discussion.)

The following spoke in favor of this request:

Jake Bellwood, Gresham Smith & Partners, 111 West Main Street, Louisville, KY 40202

Summary of testimony of those in favor:

01:17:41 Jake Bellwood, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

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01:19:56 Commissioner Brown asked if General Plan binding element #15D from Case No. 16ZONE1019 had been met regarding a signalized intersection and left-turn lane at Old Henry Road and Terra Crossing. Mr. Bellwood said that had been discussed with Metro Transportation Planning (Beth Stuber and Mark Dutrow) and also with Diane Zimmerman (applicant's traffic engineer). It was determined that, even with the new construction, the threshold was not yet being met to require those improvements yet. Ms. Williams also discussed development projects that had taken place in the area (see recording for detailed discussion.)

01:23:28 Commissioner Carlson and Mr. Bellwood discussed the new proposed parking area and underground detention for this site and the Residence Inn. Commissioner Carlson and Mr. Bellwood also discussed a previously-proposed two story parking structure (no longer being proposed.)

The following spoke in opposition to this request:

No one spoke.

01:26:37 Commissioners' deliberation.

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

01:26:40 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution, based on Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

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

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

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

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

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

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

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

Existing Binding Elements for Previously Approved Portion of Site to Be Applied to Entire Development Site

All binding elements from the approved General Development Plans (16ZONE1019 and 9-001-07) are applicable their respective portions of this site, in addition to the following:

1. 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 LDC. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or its designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any

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grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.

4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. 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 Division of Planning and Design 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 and/or landscaping as described in LDC Chapter 10, which shall be implemented prior to occupancy of the site and maintained thereafter.
 - e. An approved Tree Preservation Plan in accordance with LDC Chapter 10 is required prior to obtaining approval for site disturbance activities.
 - f. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

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

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

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responsible for compliance with them. At all times during development of the site, the applicant and developer, their heirs and successors as well as assignees, contractors, subcontractors, and other parties engaged in development of the site shall be responsible for compliance with these binding elements.

7. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the October 26, 2017 meeting.

The vote was as follows:

YES: Commissioners Carlson, Brown, and Tomes.

ABSENT: Commissioner Mims.

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ADJOURNMENT

The meeting adjourned at approximately 2:35 p.m.

Chairman

Division Director