

**MINUTES OF THE MEETING  
OF THE  
DEVELOPMENT REVIEW COMMITTEE  
March 2, 2016**

A meeting of the Development Review Committee was held on March 2, 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  
Rob Peterson, Vice Chairman  
Jeff Brown, Commissioner  
Robert Kirchdorfer, Commissioner  
Donnie Blake, Commissioner (arrived at 1:15 p.m.)

**Committee Members absent were:**

Chip White, Commissioner

**Staff Members present were:**

Emily Liu, Director, Planning and Design Services  
Joseph Reverman, AICP, Assistant Director  
Brian Davis, AICP, Planning Supervisor  
Laura Mattingly-Humphrey, Planner I  
Joel P. Dock, Planner II  
Jon Crumbie, Planning & Design Coordinator  
John Carroll, Legal Counsel  
Tammy Markert, Transportation Planning  
Pat Barry, MSD representative  
Chris Cestaro, Management Assistant

The following matters were considered:

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**APPROVAL OF MINUTES**

**Approval of the minutes of the February 17, 2016 Development Review Committee meeting**

00:02:03 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 February 17, 2016.

**The vote was as follows:**

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

**NO: No one.**

**NOT PRESENT: Commissioners White and Blake (Blake arrived after this vote)**

**ABSTAINING: No one.**

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**NEW BUSINESS**

**CASE 15DEVPLAN1188**

**NOTE: Commissioner Blake arrived at 1:15 p.m.)**

Request: Landscape Waivers  
Project Name: 601 East Jefferson Street  
Location: 601 East Jefferson Street  
Owner(s): Lee Wilburn  
Applicant: Bill Weyland - Downtown Edge LLC  
Representative(s): Matt Wolff - Sabak Wilson & Lingo Inc.  
Jurisdiction: Louisville Metro  
Council District: 4 – David Tandy

**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:**

00:06:54 Sherie Long presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

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

Matt Wolff, Sabak Wilson & Lingo Inc., 608 S. Third Street, Louisville, KY 40202

Lee Weyland, 815 W. Market Street Suite 300, Louisville, KY 40202

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

00:15:46 Matt Wolff said he was available to answer questions if needed. He said he had reviewed traffic issues with Commissioner Brown in his capacity with Metro Public Works.

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

No one spoke.

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

No one spoke.

**00:16:45 Commissioners' deliberation.**

00:09:13 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 proposal is to provide street trees to compensate for not plantings on the site due to the contamination. In addition, the applicant is preserving the existing 18 inch brick wall between the site and the sidewalk; and

**WHEREAS**, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. 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. Guideline 13, Landscape Character, calls for the protection of parkways through standards for buffers, landscape treatment, lighting and signs. The purpose of vehicle use area (VUA) landscape buffer areas is to improve the appearance of vehicular use areas and property abutting public rights-of way. Guideline 13, Policy 5 calls for standards to ensure the creation and/or preservation of tree canopy as a valuable community resource. The purpose of interior landscape areas is to break up large impervious areas and allow for a greater distribution of tree canopy coverage. The waiver requests will not violate the comprehension plan guidelines since the applicant is providing street trees to compensate for not planting within the site and also is preserving the existing brick wall, both of which will improve the appearance of the VUA abutting the street. In addition, the applicant is reusing and repurposing an existing historic building and generally improving the overall site appearance; 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 existing contamination of the site does not allow for soil disturbance or plantings to be provided. However, the applicant is providing street trees as an alternative and is maintaining the existing brick wall both of which provide some buffer of the parking; and

**WHEREAS**, the Committee further finds that the applicant has incorporated other design measures to compensate for non-compliance with the requirements to be waived by providing the street tree plantings and preserving the existing brick wall. The strict

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application of the provisions of the regulation would create an unnecessary hardship on the applicant since the site contamination, if disturbed, would require testing and could impact public health; and

**WHEREAS**, the Committee finds that, based the staff report, the applicant's justification, 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 10.2.10 and 10.2.11 to not provide the 5' VUA LBA and plantings along the East Jefferson Street frontage **AND** the requested Waiver of Section 10.2.12 and 10.2.13 to not provide the interior landscape islands or plantings.

**The vote was as follows:**

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

**NO: No one.**

**NOT PRESENT: Commissioner White.**

**ABSTAINING: Commissioner Blake.**

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**NEW BUSINESS**

**CASE NO. 16DEVPLAN1000**

Request: RDDDP for parking expansion and existing sign  
Project Name: Republic National Parking  
Location: 2300 Stanley Gault Parkway  
Owner: A/B Realty Co.  
Applicant: Republic National Distribution Co.  
Representative: Alex Rosenberg - AL Engineering Inc.  
Jurisdiction: Louisville Metro  
Council District: 19 – Julie Denton

**Case Manager: Joel 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:**

00:17:55 Joel Dock presented the case and showed the site plan (see staff report and recording for detailed presentation.)

00:21:04 Commissioner Kirchdorfer asked if the existing sign had a permit when it was installed. Mr. Dock said he did not know if one was issued.

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

Alex Rosenberg, AL Engineering, 4790 Crittenden Drive, Louisville, KY

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

00:21:28 In response to a question from Commissioner Brown, Alex Rosenberg, the applicant's representative, said an adjustment had been made regarding the number of handicapped-accessible spaces that are required.

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

No one spoke.

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

No one spoke.

**00:22:17 Commissioners' deliberation**

00:24:20 On a motion by Commissioner Peterson, seconded by Commissioner Kirchdorfer, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that the proposed development is in a location of existing development and does not appear to have any substantial negative impact on the existing natural resources; and

**WHEREAS**, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within the development and the community is provided through a pedestrian connection to the public sidewalk and an internal sidewalk abutting the expanded parking areas which extends the existing internal sidewalk; and

**WHEREAS**, the Committee further finds that the development site contains a 30' landscape buffer area to create a "parkway-like" setting for the development along the frontage and no additional open space is required for the current request; and

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

**WHEREAS**, the Committee further finds that the overall site design and land uses are compatible with the existing and future development of the area as the development in this portion of the Eastpoint Business Center appears to be built-out with a mixture of office, warehouse, and commercial uses, landscape buffers along the frontages, sufficient parking, and sidewalks for pedestrian mobility; and

**WHEREAS**, the Committee finds that, based the staff report, the applicant's justification, 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 (RDDDP) for proposed parking lot expansion and existing freestanding sign and amendment to binding elements, **SUBJECT** to the following binding elements:

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**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 and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission, except for land uses permitted in the established zoning district.
2. The development shall not exceed 140,000 square feet of gross floor area for the warehouse, 20,000 square feet for the office and 16,200 square feet for the maintenance building (identified as truck garage on the site plan).
- ~~3. The only permitted freestanding signs shall be monument style signs, located as shown on the approved development plan. No portion of the sign near the northeastern entrance, including the leading edge of the sign frame, shall be closer than 25 feet to front property line. The sign shall not exceed 40 square feet in area per side and 8 feet in height. No portion of the sign near the southeastern entrance, including the leading edge of the sign frame, shall be closer than 25 feet to front property line. The sign shall not exceed 40 square feet in area per side and 8 feet in height. No sign shall have more than two sides.~~
3. The only permitted freestanding signs shall be monument style signs, located as shown on the approved development plan. No portion of the sign near the northeastern entrance, including the leading edge of the sign frame, shall be closer than **25 12** feet to front property line. The sign shall not exceed 40 square feet in area per side and 8 feet in height. No portion of the sign near the southeastern entrance, including the leading edge of the sign frame, shall be closer than 25 feet to front property line. The sign shall not exceed 40 square feet in area per side and 8 feet in height. No sign shall have more than two sides. *Revised at the March 2, 2016 DRC meeting*
4. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants balloons, or banners shall be permitted on the site.
5. There shall be no outdoor storage on the site.
6. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff so that no light source is visible off-site. Lighting levels attributable to the fixtures located on the subject site shall not exceed two foot candles at the property line.



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- 7a. Construction fencing shall be erected at the edge of the area of development prior to any grading or construction to protect the existing tree stands and their 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.
- 7b. The applicant shall submit a plan for approval by the Planning Commission staff landscape architect showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Any modification of the tree preservation plan requested by the applicant may be approved by the Planning Commission staff landscape architect if the changes are in keeping with the intent of the approved tree preservation plan.  
The plan shall exhibit the following information:
- a. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
  - b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
  - c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
  - d. Location of construction fencing for each tree/tree mass designated to be preserved.
8. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
- a. The development plan must receive full construction approval from the Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).
  - b. 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.

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9. 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.
10. 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.
11. There shall be no outdoor music (live, piped, radio or amplified), outdoor entertainment, or outdoor PA system permitted on the site.
12. 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 sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.
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.

**The vote was as follows:**

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

**NO: No one.**

**NOT PRESENT: Commissioner White.**

**ABSTAINING: No one.**

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**NEW BUSINESS**

**CASE NO. 16MOD1000**

**NOTE: This case was CONTINUED from the February 3, 2016 DRC meeting.**

Request:	Amendment to Binding Elements
Project Name:	Waffle House
Location:	612 Lyndon Lane
Owner:	Waffle House Inc.
Applicant:	Waffle House Inc.
Representative:	Advanced Civil Solutions, PLLC
Jurisdiction:	City of Lyndon
Council District:	7 – Angela Leet

**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:**

00:25:20 Brian Davis presented the case and showed the site plan (see staff report and recording for detailed presentation.)

00:28:00 In response to a question from Commissioner Brown, Mr. Davis said that a buffer did not seem to be required between the parking spaces on the C-2 lot and the R-4 property. Mr. Davis said that was looked at at the time this case was originally approved, and the Planning Commission determined at that time that a fence would be an adequate buffer between the two.

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

Dennis Muyres (real estate representative for Waffle House Inc.), 5986 Financial Drive, Norcross, GA 30071

Melissa Townsend Barno (engineer), Advanced Civil Solutions, 128 Shelton Road, Radcliff, KY 40160

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

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00:28:56 Dennis Muyres, the applicant's representative, said the applicant was unaware of these binding elements. He said the City of Lyndon is very interested in having this property used for a working business, and he has visited with the pastor of the church next door to discuss the parking lots and the business.

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

No one spoke.

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

No one spoke.

**00:32:04 Commissioners' deliberation.**

00:32:29 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 does not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will continue to 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 continue to be provided; and

**WHEREAS**, the Committee further finds that there are no open space requirements; and

**WHEREAS**, the Committee further finds that the Metropolitan Sewer District will continue to 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; and

**WHEREAS**, the Committee finds that, based the staff report and 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

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**RESOLVED**, the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the City of Lyndon that the requested revisions to binding elements be **APPROVED**, to read as follows:

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.
- ~~2. The development shall not exceed 2,000 square feet of gross floor area.~~
2. The development shall not exceed ~~2,000~~ 2,012 square feet of gross floor area.
3. The only permitted freestanding sign shall be located as shown on the approved development plan/sign plan. No portion of the sign, including the leading edge of the sign frame, shall be closer than 5 feet to front property line. The sign shall not exceed 36 square feet in area per side and 15 feet in height. No sign shall have more than two sides.
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, display, or sales permitted on the site.
6. Outdoor lighting (for parking lot illumination and security) shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90-degree cutoff and height of the light standard shall be set so that no light source is visible off-site. Light levels due to lighting on the subject site shall not exceed 0.5 foot candles measured at the property line. The applicant shall obtain certification by a qualified expert in measurement of lighting levels prior to requesting a certificate of occupancy. Such certification shall be maintained on site at all times thereafter).
7. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
  - a. The development plan must receive full construction approval from the Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).

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- b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12, prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
8. If a certificate of occupancy 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.
9. 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.
10. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
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. 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.
- ~~13. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the August 1, 2002, Planning Commission meeting.~~
13. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the February 3, 2016 Development Review Committee ~~August 1, 2002, Planning Commission~~ meeting.

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- ~~14. A 6' tall wooden fence shall be provided along the R-4 church property to the rear of the lot for screening purposes.~~
- ~~15. Hours of operation shall be limited to 6:00 am - midnight.~~

**The vote was as follows:**

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

**NO: No one.**

**NOT PRESENT: Commissioner White.**

**ABSTAINING: No one.**

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**NEW BUSINESS**

**CASE NO. 16DEVPLAN1003**

Request:	RDDDP for Office Complex
Project Name:	Lyndon Office Centre Phase I
Location:	504-516 Lyndon Lane
Owner:	Syd Wright Company
Applicant:	Pinnacle Properties LLC
Representative:	Mindel Scott & Associates Bardenwerper, Talbott & Roberts PLLC
Jurisdiction:	City of Lyndon
Council District:	18 – Marilyn Parker

**Case Manager:** **Julia Williams, RLA, 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:**

00:33:18 Julia Williams presented the case and showed the site plan (see staff report and recording for detailed presentation.) She said she had received a letter from an adjacent property owner today, which she distributed to the Commissioners.

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

William Bardenwerper, Bardenwerper Talbott & Roberts PLLC, 1000 N Hurstbourne Pkwy, Louisville, KY 40223

David Mindel and Kathy Linares, Mindel Scott & Associates, 5151 Jefferson Boulevard, Louisville, KY 40219

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

00:34:56 Bill Bardenwerper, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)



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00:41:54 In response to a question from Commissioner Blake, Mr. Bardenwerper asked about the future proposed rezonings on the rest of the site to accomplish the office condo plan. Mr. Bardenwerper also answered Commissioner Brown's questions regarding parking agreements.

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

No one spoke.

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

No one spoke.

**00:42:42 Commissioners' deliberation.**

00:43:16 On a motion by Commissioner Brown, seconded by Commissioner Kirchdorfer, 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 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

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**WHEREAS**, the Committee finds that, based the staff report and 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 **RECOMMEND** to the City of Lyndon that the proposed Revised Detailed District Development Plan be **APPROVED**, 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 and to the City of Lyndon for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 12,800 square feet of gross floor area.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
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, site disturbance) is requested:
  - a. The development plan must receive full construction approval from Develop Louisville, 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.

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- c. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owner to the west 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.
  - 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.
- 6. If a building permit is not issued within one year(s) 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 or designee and the City of Lyndon.
  - 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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
  - 9. 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.
  - 10. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 2, 2016 DRC meeting.

**The vote was as follows:**

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

**NO: No one.**

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**NOT PRESENT: Commissioner White.**  
**ABSTAINING: No one.**

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**NEW BUSINESS**

**CASE NO. 15DEVPLAN1204**

Request: Revised Detailed District Development Plan to allow a hospital expansion  
Project Name: Norton Audubon Hospital Expansion  
Location: 1 Audubon Plaza Drive  
Owner: HCP Louisville, Inc.  
Applicant: Norton Hospitals, Inc.  
Representative: Michael F. Tigue  
Jurisdiction: Louisville Metro  
Council District: 10 – Pat Mulvihill

**Case Manager: Jon E. Crumbie, Planning & Design Coordinator**

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:**

00:44:17 Jon Crumbie presented the case and showed the site plan (see staff report and recording for detailed presentation.)

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

Michael Tigue, P.O. Box 729, LaGrange, KY 40031

John Addington, BTM Engineering, 3001 Taylor Springs Drive, Louisville, KY 40220

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

00:47:46 Michael Tigue presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

00:54:00 In response to a question from Commissioner Kirchdorfer, Mr. Tigue confirmed that a waiver request was scheduled to be heard by the Board of Zoning Adjustment (BOZA) on Monday, but was not being considered/voted on by the body today.

**DEVELOPMENT REVIEW COMMITTEE**  
**March 2, 2016**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1204**

00:54:32 In response to a question from Commissioner Brown, Mr. Tigie discussed parking (both regular and construction) and said that, when construction was finished, the applicant would ensure that the provided parking did not exceed the maximum allowed.

00:56:06 Commissioner Blake asked why the waiver request was not present in the staff report. Mr. Crumbie explained that the waiver/variances requests are going to BOZA, when the CUP request is being heard. Commissioner Kirchdorfer said the request is present on the site plan.

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

No one spoke.

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

No one spoke.

**00:57:42 Commissioners' deliberation.**

00:58:10 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 proposed development is in a location of existing development and does not appear to have any substantial negative impact on the existing natural resources. The existing WPA will not be disturbed; and

**WHEREAS**, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within the development is provided through an existing network of drives, walks, and parking lots. Through the entrance on Poplar Level Road a sidewalk will be provided. Existing access point will be improved along Poplar Level road and One Audubon Plaza Drive; and

**WHEREAS**, the Committee further finds that the proposal does not require open space; 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

**DEVELOPMENT REVIEW COMMITTEE**  
**March 2, 2016**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1204**

**WHEREAS**, the Committee further finds that the overall site design and land uses are compatible with the existing and future development of the area. The proposed expansion provides a necessary and improved service to our community's aging population; and

**WHEREAS**, the Committee finds that, based the staff report and 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 **RECOMMEND** to the City of Lyndon that the proposed Revised Detailed District Development Plan be **APPROVED, on condition** that the site does not exceed the maximum allowed parking per Chapter 9 of the Land Development Code, and **on condition** that all waivers and variances and the modified Conditional Use Permit are approved by BOZA, and subject to the following binding elements:

**Proposed Binding Elements**

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.
- 1a. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.
2. Use of the subject site shall be limited to a hospital. There shall be no other use of the property unless prior approval is obtained from the (Planning Commission/LD&T Committee). Notice of a request to amend this binding element shall be given in accordance with the Planning Commission's policies and procedures. The (Planning Commission/LD&T Committee) may require a public hearing on the request to amend this binding element.
3. The development shall not exceed 488,721 square feet of gross floor area for lot 3.

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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

**DEVELOPMENT REVIEW COMMITTEE**  
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**NEW BUSINESS**

**CASE NO. 15DEVPLAN1204**

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, site disturbance, alteration permit or demolition permit) is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
  - d. The appropriate (variances (or conditional use permit) shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
  - e. 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.
  - h. 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.
  - j. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
6. 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.
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. A legal instrument providing for the long-term use of the (off-site parking spaces or joint-use parking spaces), as shown on the approved general district



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development plan and in accordance with (Section 9.1.5 Off-Site Parking or Section 9.1.6 Joint Use Parking), shall be submitted and approved by the Planning Commission legal counsel and recorded in the County Clerk's office. 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.

9. 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.
10. 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.
11. 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; all trees greater than 2" in caliper; selected trees as shown on the plan) 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

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#### CASE NO. 15DEVPLAN1204

- 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.
  - C. Tree protection fencing shall be erected adjacent to all WPAs prior to Site Disturbance Approval (Clearing & Grading) to protect the existing tree stands and their root systems. The fencing shall be located at least three (3) feet from the outside edge of the tree canopy and shall remain in place until all construction is completed.
  - D. No parking, material storage or construction activities are permitted within WPAs
  - E. During all construction activity (includes clearing, grading, building construction, and VUA construction) a copy of the approved Tree Preservation Plan shall be on-site.
  - F. The site shall be developed in accordance with the Woodland Protection Areas delineated on the site plan and related notes. Any modification of Woodland Protection Areas requires notification of adjoining property owners and LD&T action.
  - G. Prior to any site disturbance permit being issued and prior to any clearing, grading, or the 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.
12. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 2, 2016 DRC Planning Commission meeting.
13. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained thereafter. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code. Lighting

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**CASE NO. 15DEVPLAN1204**

shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.

**The vote was as follows:**

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

**NO: No one.**

**NOT PRESENT: Commissioner White.**

**ABSTAINING: No one.**

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**March 2, 2016**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1202**

Request: Revised Detailed District Development Plan to allow a medical office building and a Development Code Landscape Waiver

Project Name: Norton Medical Office Building

Location: 1001 Breckinridge Lane

Owner: National Real Estate Management Corporation

Applicant: Norton Properties, Inc.

Representative: Michael F. Tigue

Jurisdiction: City of St. Matthews

Council District: 26 – Brent Ackerson

**Case Manager: Jon E. Crumbie, Planning & Design Coordinator**

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:**

00:59:30 Jon Crumbie presented the case and showed the site plan (see staff report and recording for detailed presentation.) In response to a question from Commissioner Blake, Mr. Crumbie said there are variances on this case that will be heard by the Board of Zoning Adjustment (BOZA), but only the waiver is being heard before this body today.

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

Michael Tigue, P.O. Box 729, LaGrange, KY 40031

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

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

01:01:11 Michael Tigue, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

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**March 2, 2016**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1202**

01:08:54 Commissioner Brown asked that a "higher level of detail" be provided on the signs and markings (directional signs.) Mr. Tighe discussed signage.

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

No one spoke.

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

No one spoke.

**01:10:07 Commissioners' deliberation.**

01:12:29 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted:

**Revised Detailed District Development Plan and Amendment to Binding Elements**

**WHEREAS**, the Louisville Metro Development Review Committee finds that the proposed development is in a location of existing development and does not appear to have any substantial negative impact on the existing natural resources. The development provides all required LBA's; and

**WHEREAS**, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within the development is provided through an existing network of drives, walks, and parking lots. A sidewalk will be provided along Dutchmans Lane to tie into the existing sidewalk along Breckenridge Lane; and

**WHEREAS**, the Committee further finds that open space is not required for this 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. A new retention basin will be built; 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. All required setbacks and LBA's are being provided. Landscaping will exceed the Development Code requirements; and

**DEVELOPMENT REVIEW COMMITTEE**  
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**NEW BUSINESS**

**CASE NO. 15DEVPLAN1202**

**Waiver for the R--4/C-1 Zoning Line**

**WHEREAS**, the Committee further finds that the waiver will not adversely affect adjacent property owners since the zoning line is located along the main drive lane to the office and parking; and

**WHEREAS**, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants; 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 it is simply a zoning line between the office and parking areas; 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 because the drive isle and main access point would need to be reconfigured if possible; 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 **RECOMMEND** to the City of St. Matthews that the proposed Revised Detailed District Development Plan and a Waiver to eliminate the required landscape buffer area and plantings along the R-4 and C-1 zoning line be **APPROVED**, 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 and the City of St. Matthews for review and approval; any changes/additions/alterations not so referred shall not be valid.

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#### CASE NO. 15DEVPLAN1202

2. Use of the subject site shall be limited to a medical office building. There shall be no other use of the property unless prior approval is obtained from the (Planning Commission/ LD&T Committee). Notice of a request to amend this binding element shall be given in accordance with the Planning Commission's policies and procedures. The (Planning Commission/LD&T Committee) may require a public hearing on the request to amend this binding element.
3. The development shall not exceed 83,880 square feet of gross floor 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 Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
  - d. The appropriate (variances (or conditional use permit) shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
  - e. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
5. If a certificate of occupancy (building permit) is not issued within one (two) year(s) 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.
6. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the

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**NEW BUSINESS**

**CASE NO. 15DEVPLAN1202**

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

8. The materials and design of the proposed structure shall be substantially the same as depicted in the rendering as presented at the March 2, 2016 DRC meeting.
9. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained thereafter. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.

**The vote was as follows:**

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

**NO: No one.**

**NOT PRESENT: Commissioner White.**

**ABSTAINING: No one.**





**DEVELOPMENT REVIEW COMMITTEE**  
**March 2, 2016**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1203**

01:19:33 In response to a question from Commissioner Brown, Ms. Linares discussed long-term bike parking provided. She said the outdoor amenity area will be 1500 square feet. None of the docks will face Fern Valley Road.

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

No one spoke.

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

No one spoke.

**01:22:52 Commissioners' deliberation.**

01:23:42 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 as the amenity area is a requirement that serves only the employees of the development; and

**WHEREAS**, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 4, Policy 3 encourages open space created by new development that helps meet the needs of the community and Guideline 4, Policy 7 calls for the for the continuous maintenance of that open space. These guidelines are not violated as the amenity area is still being provided and will be maintained; just at a smaller scale that the developer feels is more in proportion to the number of employees; 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 proposed development meets or exceeds all other applicable regulations of the Land Development Code; 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 land or create an unnecessary hardship as the distribution center is large in relation to the number of employees on site, therefore providing the amenity area based on the building size would be in excess of what is needed. It would be a hardship to accommodate such a large amenity area when much of the site is needed for the building; and

**DEVELOPMENT REVIEW COMMITTEE**

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**NEW BUSINESS**

**CASE NO. 15DEVPLAN1203**

**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 Development Plan and the Waiver of 5.12.2.A.1 to reduce the amenity area requirement of 10% of total building footprint and to calculate the amenity area based only on the office square footage, **ON CONDITION** that the long-term bike parking is provided to meet the requirements of Chapter 9 of the Land Development Code.

**The vote was as follows:**

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

**NO: No one.**

**NOT PRESENT: Commissioner White.**

**ABSTAINING: No one.**

**DEVELOPMENT REVIEW COMMITTEE**

**March 2, 2016**

**NEW BUSINESS**

**CASE NO. 16WAIVER1000**

Request: Sidewalk Waiver  
Project Name: 7904 Dobson Lane  
Location: 7904 Dobson Lane  
Owner: David Bohn  
Applicant: David Bohn  
Representative: David Bohn  
Jurisdiction: Louisville Metro  
Council District: 22 – Robin Engel

**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:**

01:24:33 Laura Mattingly-Humphrey presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

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

David Bohn, 7904 Dobson Lane, Louisville, KY 40291

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

01:27:31 David Bohn, the applicant, gave a brief background presentation.

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

No one spoke.

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

No one spoke.

**01:28:54 Commissioners' deliberation.**

**DEVELOPMENT REVIEW COMMITTEE**  
**March 2, 2016**

**NEW BUSINESS**

**CASE NO. 16WAIVER1000**

01:29:55 On a motion by Commissioner Peterson, 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 there are no existing sidewalks along Dobson Lane. Dobson Lane is a rural road with low density single family houses and dead ends less than one quarter of a mile south of the proposed home; and

**WHEREAS**, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. These guidelines are not violated with this waiver as the low-intensity impact of the proposed home does not necessitate the need for pedestrian connections and would be inappropriate in this rural 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 aspect of the development are in conformance with the Land Development Code; 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 land or create an unnecessary hardship as the new proposed single family home is a low intensity use that does not warrant the need for sidewalks where none currently exist, or have the potential to exist; 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 5.8.1.B of the Land Development Code (LDC) to not provide a sidewalk along Dobson Lane.

**The vote was as follows:**

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

**NO: No one.**

**NOT PRESENT: Commissioner White.**

**DEVELOPMENT REVIEW COMMITTEE**  
**March 2, 2016**

**NEW BUSINESS**

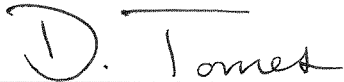
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**ABSTAINING: No one.**

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**ADJOURNMENT**

The meeting adjourned at approximately 2:45 p.m.



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Chair

cc



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Planning Director

