

**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE MEETING  
May 11, 2022**

A meeting of the Louisville Metro Development Review Committee was held on Wednesday, May 11, 2022 at 1:00 p.m. via Cisco Webex Video Teleconferencing.

**Commissioners present:**

Rich Carlson, Chair  
Patti Clare, Vice Chair  
Jeff Brown  
Glenn Price

**Commissioners absent:**

No one.

**Staff members present:**

Joe Reverman, Assistant Director, Planning & Design Services  
Julia Williams, Planning Supervisor  
Joe Haberman, Planning Manager  
Molly Clark, Planner I  
Tara Sorrels, Planner I  
Jay Lockett, Planner II  
Beth Jones, Planner II  
Laura Ferguson, Legal Counsel  
Chris Cestaro, Management Assistant (minutes)

**Other staff present:**

Beth Stuber, Transportation  
Tony Kelly, MSD

The following matters were considered

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**APPROVAL OF MINUTES**

**Minutes of the April 20, 2022 Development Review Committee meeting.**

00:03:15        On motion by Commissioner Brown, seconded by Commissioner Price, the following resolution was adopted:

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on April 20, 2022.

**The vote was as follows:**

**YES:    Commissioners Brown, Price, and Carlson.**

**ABSTAIN:    Commissioner Clare.**

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

**CASE NO. 22-WAIVER-0064**

Request: Waiver to permit a changing image sign larger than permitted in a Neighborhood form district  
Project Name: Changing Image Sign  
Location: 4720 Dover Road  
Owner: Faith Chapel General Baptist Church  
Applicant: Signarama Dixie  
Jurisdiction: Louisville Metro  
Council District: 1 - Angela Bowens  
**Case Manager: Beth Jones, AICP, Planner II**

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:**

00:04:16 Beth Jones presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

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

Katie Mason, Signarama Dixie, 4436 Dixie Highway, Louisville, KY 40216

Bob Jones, representing Faith Chapel, 14202 Pauleys Gap Road, Louisville, KY 40272

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

00:12:17 Katie Mason, the applicant's representative, presented the applicant's case (see recording for detailed presentation.)

00:14:06 In response to a question from Commissioner Clare, Ms. Mason said the sign will be programmed to go off during the required hours.

00:14:36 In response to a question from Commissioner Carlson, Ms. Mason said the sign is equipped with an auto-dimming feature for low light (dusk, cloudy weather, etc.) Commissioner Carlson also asked if all residents (including renters) had been

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notified about this case, not just the property owners. Ms. Mason said yes. It will be a double-faced sign (LED panels on both sides of the sign.)

00:16:10 Bob Jones, one of the Trustees at Faith Chapel, spoke in support. He said that the congregation is aging and it is more difficult for them to reach the sign and make changes to it.

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

No one spoke.

**Deliberation:**

00:18:14 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.**

**WAIVER 1 to permit a changing image sign to be located within 300ft of a residential zone or residential use (LDC 8.2.1.D.6)**

**WAIVER 2 to permit a changing image sign to exceed the maximum percentage of sign area allowed in a Neighborhood form district (LDC 8.2.1.D.4.a.)**

00:19:53 On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

**(Waiver #1) WHEREAS**, the Louisville Metro Development Review Committee finds that the design of the proposed sign will lessen the adverse visual intrusion on the residential areas in the vicinity (Community Form 20) as compared to the existing non-conforming sign; 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 in that the applicant is requesting a total sign area that is less than would be permitted; and

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**WHEREAS**, the Committee further finds that the proposed sign has incorporated other design measures that exceed the minimums of the district and result in a net beneficial effect in that the sign is significantly smaller in area than would otherwise be permitted. It will also replace an existing non-conforming sign; and

**(Waiver #2) WHEREAS**, the Committee further finds that the design of the proposed sign will lessen the adverse visual intrusion on the residential areas in the vicinity (Community Form 20) as compared to the existing non-conforming sign; 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 in that the total area of the proposed sign is smaller in area than would be permitted; and

**WHEREAS**, the Committee further finds that the proposed sign has incorporated other design measures that exceed the minimums of the district and compensate in that the sign is significantly smaller in area than would otherwise be permitted. It will also replace an existing non-conforming sign; now, therefore be it

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver #1 - to permit a changing image sign to be located within 300ft of a residential zone or residential use (LDC 8.2.1.D.6); AND the requested Waiver #2 - to permit a changing image sign to exceed the maximum percentage of sign area allowed in a Neighborhood form district (LDC 8.2.1.D.4.a.), **ON CONDITION** that the sign will remain off between the hours of 9:00 p.m. and 8:00 a.m.

**The vote was as follows:**

**YES: Commissioners Clare, Brown, Price, and Carlson.**

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**NEW BUSINESS**

**CASE NO. 22-AMEND-0004**

Request: Amendment to Binding Elements/Conditions of Approval  
Project Name: Garage Addition  
Location: 3025 Long Creek Way  
Owner: Charles Booth  
Applicant: Land Design and Development, INC  
Jurisdiction: Louisville Metro  
Council District: 19 - Anthony Piagentini  
**Case Manager: Molly Clark, 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:**

00:22:12 Molly Clark presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

00:25:52 In response to a question from Commissioner Carlson, Ms. Clark discussed some of the history/background of Lake Forest and Floyds Fork, and how the 150-foot build limit line came to be (see recording for detailed discussion.) In response to another question from Commissioner Carlson, Ms. Clark said the applicant went to his neighbors and got affidavits regarding this proposal. The entire section of Lake Forest was also notified by mail about this proposal.

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

Kathy Matheny, Cardinal Surveying, 9009 Preston Highway, Louisville, KY 40219

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

00:27:28 Kathy Matheny, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

00:30:54 Commissioner Brown and Ms. Matheny discussed the height and grading of the proposed construction (see recording.)

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**CASE NO. 22-AMEND-0004**

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

No one spoke.

**Deliberation:**

00:32:23 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.**

00:33:26 On a motion by Commissioner Brown, seconded by Commissioner Price, 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 proposed garage is being placed outside of the steep slope easement, the flood plain, and the protected waterway boundary. The garage is also being place on an already cleared area of the lot; 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 pertinent to the current proposal. Future multi- family development proposed on the subject site will be required to meet Land Development Code requirements; and

**WHEREAS**, the Committee further finds that the Metropolitan Sewer District will review the construction plans 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. Buildings and parking lots will meet all required LDC 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 amendment to Binding Element #8, to be read as follows:

8. Lots 5604 **5606** and 5605 shall show a slope easement (no construction) for the portion of those lots within 100 feet of the nearest Floyds Fork bank; and (b) a rear building limit line prohibiting structures and impervious surfaces 150 feet on each lot from the nearest Floyds Fork bank. Any replat of those lots shall reflect the same easement and building limit line. **Any encroachment of these easements or re plat of those lots shall reflect the same easements and build limit lines as described above unless modified by the Planning Commission**

**The vote was as follows:**

**YES: Commissioners Clare, Brown, Price, and Carlson.**



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**NEW BUSINESS**

**Case No. 22-DDP-0002**

Request: Revised Detailed District Development Plan with revisions to binding elements with a waiver  
Project Name: Derby City Motorcycle Museum  
Location: 10203 and 10205 Taylorsville Road  
Owner: DLW Holdings, LLC  
Applicant: Land Design and Development, INC  
Jurisdiction: City of Jeffersontown  
Council District: 11 - Kevin Kramer  
**Case Manager: Molly Clark, 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:**

00:34:40 Molly Clark presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

**The following spoke in support of the proposal:**

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

Mitch Barnes (sp), the applicant (signed in but did not speak)

**Summary of testimony of those in support:**

00:38:14 Ann Richard, the applicant, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

**The following spoke in opposition:**

No one spoke.

**Deliberation:**

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00:43:34 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.**

**Waiver from section 5.9.2.C.4 of the Jeffersontown Land Development Code to allow traffic circulation or parking in front of principal buildings.**

00:44:35 On a motion by Commissioner Brown, seconded by Commissioner Clare, 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 since the applicant is proposing a reuse of the existing buildings and keeping the existing access; and

**WHEREAS**, the Committee further finds that the waiver will not violate Plan 2040; 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 they are proposing to reuse the existing buildings and have limited options on access; and

**WHEREAS**, the Committee further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land because the applicant is proposing to keep and maintain the existing buildings on the site which gives the applicant limited options on access; now therefore be it

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the City of Jeffersontown that the requested Waiver from section 5.9.2.C.4 of the Jeffersontown Land Development Code to allow traffic circulation or parking in front of principal buildings be **APPROVED**.

**The vote was as follows:**

**YES: Commissioners Clare, Brown, Price, and Carlson.**

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**Revised Detailed District Development plan with proposed binding elements**

00:45:21 On a motion by Commissioner Brown, seconded by Commissioner Clare, 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. Future multi- family development proposed on the subject site will be required to meet Land Development Code requirements; 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**, the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the City of Jeffersontown that the requested Revised Detailed District Development plan with proposed binding elements be **APPROVED**, subject to the following binding elements:

**Existing Binding Elements To Be Removed**

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1. ~~The development will be in accordance with the approved district development plan. No further development will occur.~~
2. ~~Before a certificate of occupancy is issued:~~
  - a. ~~The development plan must be reapproved by the Traffic Engineering, Water Management and Fire Safety Sections of the Jefferson County Department of Public Works and Transportation.~~
  - b. ~~Encroachment permits must be received from the Kentucky Department of Transportation Bureau of Highways prior to issuance of any building permit. Reconstruction of the east drive will be according to standard of the Bureau of Highways.~~
3. ~~There will be no advertising signs on the premises.~~
4. ~~A certificate of occupancy must be obtained within one year of the date of approval of the plan or rezoning whichever is later or else the property may not be used in any manner.~~
5. ~~These binding elements may be amended as provided in the zoning regulations.~~

**Proposed Binding Elements**

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes, additions or alterations of any binding element(s) shall be submitted to the Planning Commission and to the city of Jeffersontown for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The size and location of any proposed freestanding sign must be in compliance with the City of Jeffersontown Sign Ordinance.
3. Any area proposed to be used for outdoor sales, display or storage in accordance with Section 4.4.8 shall be accurately delineated on the development plan.
4. Outdoor lighting (for parking lot illumination and security) shall meet the requirements of Section 4.1.3 of the Land Development Code.
5. Construction fencing shall be erected when off -site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.

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6. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
  - a) The development plan must receive full construction approval from the City of Jeffersontown (10416 Watterson Trail) and the Metropolitan Sewer District (700 West Liberty).
  - b) Encroachment permit must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - c) Renderings shall be substantially similar to the renderings presented at the May 11<sup>th</sup>, 2022 Development Review Committee. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
7. Prior to a Certificate of Occupancy being requested the property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
8. If a building permit is not issued within two years 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 and the City of Jeffersontown.
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 and City of Jeffersontown.
10. 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.
11. All off-street parking areas shall be permanently and continually maintained in

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good condition and free from potholes, weeds, dirt, trash and other debris.

**The vote was as follows:**

**YES: Commissioners Clare, Brown, Price, and Carlson.**

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**CASE NUMBER 22-DDP-0025**

Request: Revised Detailed District Development Plan with revisions to binding elements  
Project Name: The Louisville Collegiate School Athletic Facility  
Location: 3451 Newburg Road  
Owner: The Louisville Collegiate School  
Applicant: Mindel Scott  
Jurisdiction: Louisville Metro  
Council District: 10 - Pat Mulvihill  
**Case Manager: Molly Clark, 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:**

00:46:21 Molly Clark presented the case and showed a Power Point presentation. She noted that an error was made on the staff report after agenda publication; the revised staff report was sent to the Commissioners prior to today's meeting (see staff report and recording for detailed presentation.) Ms. Clark reviewed the applicant's justification statement in detail.

**The following spoke in support of the proposal:**

Nathan Wright, Mindel Scott, 5151 Jefferson Boulevard, Louisville, KY 40219

**Summary of testimony of those in support:**

00:51:58 Nathan Wright, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

00:57:57 In response to questions from Commissioner Carlson, Mr. Wright said there will be four squash courts, a virtual sports lab, a golf simulator, locker rooms, and concessions. Parking needs were discussed.

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00:59:40 Commissioner Carlson and Mr. Wright discussed architectural and other features on the side elevation where the waiver is being requested.

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

No one spoke.

**Deliberation:**

01:01:10 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.**

**A waiver to allow a building façade facing a public ROW to not have 50% clear windows and doors.(22-WAIVER-0070)**

01:02:09 On a motion by Commissioner Brown, seconded by Commissioner Price, the following resolution, based on the applicant's justification 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 because the waiver for an entrance and windows would be providing a view into the building from the street. The code says "affording views into the business," whereas this is not a business. There will be glazing facing the street. The only adjacent property owner directly across from this façade is an MSD owned detention area; and

**WHEREAS**, the Committee further finds that the waiver will not violate the Comprehensive Plan because the use is consistent with the comprehensive plan. The only waiver request is to omit a door from a façade facing a street for a use that is not a business; and

**WHEREAS**, the Committee further finds that the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the façade in question is the exterior wall to a virtual sports lab that utilizes projectors and other light-sensitive digital technology. Windows and an entrance would alter the effectiveness of this



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equipment. This is also a school building, thus another entrance is also a security concern for minors; and

**WHEREAS**, the Committee further finds that the client has put glazing on the façade. Denial of this waiver would deprive the applicant of the ability to use the building as intended in the most efficient design possible. The design and use areas of the building have been coordinated over the last several months. Altering the design of the building by adding windows and doors would cause the building to be redesigned in order to move the virtual sports lab which would cause the layout and design of the building to be inefficient in relation to the rest of the property and uses. It is also worth noting, that windows and doors are not feasible for sports labs, locker rooms, restrooms, and other uses that make up the majority of this building; now therefore be it

**RESOLVED** the Louisville Metro Development Review Committee does hereby **APPROVE** the Waiver to allow a building façade facing a public ROW to not have 50% clear windows and doors.(22-WAIVER-0070).

**The vote was as follows:**

**YES: Commissioners Clare, Brown, Price, and Carlson.**

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

01:03:19 On a motion by Commissioner Brown, seconded by Commissioner Clare, 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 are not required for this proposal; 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

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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; 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. The proposal will allow for continued operation of a private school athletic field in an established activity area.

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

**Existing Binding Elements with approved changes:**

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes, additions or 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 4,320 square feet of gross floor area for the building, a 576 square foot equipment storage building, a ~~8,500~~ **13,530** sf concession/restroom/field house building, a 784 sf maintenance building, a 7,500 sf stadium and the athletic fields as shown on the plan.
3. There shall be no freestanding sign permitted on site without prior approval. Monument style signs that meet the size and height limits established in the "Policies for Future Development Along Designated Parkways" may be approved by DPDS staff. Signs that exceed those limits are permitted only if

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approved by LD&T or the Commission. LD&T or the Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations.

4. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.
5. There shall be no outdoor storage, display or sales except as permitted under Section 9.7 of the Jefferson County Development Code and within designated areas on the approved development plan.
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. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
8. 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 Department of 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.
9. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an

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extension is granted by the Planning Commission.

10. 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.
11. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
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 dumpster shall not be emptied between the hours of 10 p.m. and 7 a.m.
14. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the ~~April 28, 2003 Planning Commission~~ **May 11<sup>th</sup>, 2022 Development Review Committee** meeting.
15. The applicant will install an emergency phone at the concession stand.
16. No "restricted use" chemicals (fertilizers) or pesticides will be used on the site and no insecticides will be used on the site.
17. The sidewalk along the east side of Newburg Road between Bashford Manor Lane and Champions Trace Drive shall be constructed within 3 years of the date of approval of the plan presented at the August 19, 2009 DRC meeting. A bond shall be posted with the Kentucky Transportation Cabinet to ensure completion of the construction.
18. The design of the building façade of the proposed stadium shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval for the stadium.

**The vote was as follows:**

**YES: Commissioners Clare, Brown, Price, and Carlson.**

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**NEW BUSINESS**

**CASE NUMBER 22-DDP-0030**

Request: Revised Detailed District Development Plan with revisions to binding elements  
Project Name: Above the Dirt Garden Shop  
Location: 10104 Taylorsville Rd  
Owner: Jeffrey Hammer  
Applicant: Ashley Bartley  
Jurisdiction: City of Jeffersontown  
Council District: 11 - Kevin Kramer  
**Case Manager: Tara Sorrels, 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:**

01:04:02 Tara Sorrels presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) She noted that, on page 6 of the staff report, the existing binding elements listed are not correct. The correct existing binding elements were shown today during staff's video presentation (see recording.)

01:08:13 In response to questions from Commissioner Carlson, existing binding element #7 was discussed (see recording.)

01:09:05 In response to a question from Commissioner Price, Commissioner Clare and Ms. Clark discussed the C-2 zoning classification versus the CTC-2 (see recording.)

**The following spoke in support of the proposal:**

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

**Summary of testimony of those in support:**

01:10:47 Ashley Bartley, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

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01:14:23      Regarding binding element #6, Ms. Bartley said that the applicant will get full approval from the City of Jeffersontown and permits from MSD prior to construction.

01:15:22      In response to a question from Commissioner Brown, Ms. Bartley said the City of Jeffersontown will not require an extension of a wall to screen the outdoor storage (see recording for discussion.)

01:15:55      In response to a question from Commissioner Clare, Ms. Bartley said the applicant will work with the City of Jeffersontown regarding the sidewalk continuation through the curb cut.

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

No one spoke.

**Deliberation:**

01:17:43      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.**

01:18:14      On a motion by Commissioner Brown, seconded by Commissioner Clare, 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 is no increase in impervious surface and no living vegetation will be removed; 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 pertinent to the current proposal; and

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**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; 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**, the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the City of Jeffersontown that the requested Revised Detailed District Development Plan with revisions to Binding Elements be **APPROVED**, subject to the following binding elements:

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes, additions or alterations of any binding element(s) shall be submitted to the Planning Commission and to the city of Jeffersontown for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The size and location of any proposed freestanding sign must be in compliance with the City of Jeffersontown Sign Ordinance.
3. Any area proposed to be used for outdoor sales, display or storage in accordance with Section 4.4.8 shall be accurately delineated on the development plan.
4. Outdoor lighting (for parking lot illumination and security) shall meet the requirements of Section 4.1.3 of the Land Development Code.
5. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.

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6. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
  - a. The development plan must receive full construction approval from the City of Jeffersontown (10416 Watterson Trail) and the Metropolitan Sewer District (700 West Liberty).
  - b. Encroachment permit must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
7. If a building permit is not issued within two years 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 and the City of Jeffersontown.
8. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission and City of Jeffersontown.
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. All off-street parking areas shall be permanently and continually maintained in good condition and free from potholes, weeds, dirt, trash and other debris.
11. There shall be no outdoor music (live, piped, radio or amplified), outdoor entertainment, or outdoor PA system permitted on the site.
12. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants or banners shall be permitted on the site.



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**The vote was as follows:**

**YES: Commissioners Clare, Brown, Price, and Carlson.**

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**NEW BUSINESS**

**CASE NUMBER 22-DDP-0012**

Request: Revised Detailed District Development Plan with revisions to binding elements with a waiver  
Project Name: Bristol Bluffs  
Location: 6203 Gellhaus Lane  
Owner: LDG Development LLC  
Applicant: LDG Development LLC  
Jurisdiction: Louisville Metro  
Council District: 20 - Stuart Benson  
**Case Manager: Jay Lockett, AICP, Planner II**

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:**

01:19:09 Jay Lockett presented the case and showed a Power Point presentation (See staff report and recording for detailed presentation.) He noted that one of the existing binding elements refers to "Street C", which has since been given a name. It is now "Bristol Bluffs Way".

01:24:30 In response to a question from Commissioner Clare, Mr. Lockett said the applicant will be required to plant street trees and other requirements for a single-family development. Overall, the site seems to have a significant treed area (see recording for detailed discussion.)

01:25:42 In response to a question from Commissioner Carlson, Mr. Lockett said the sewer needs to go in the landscape buffer area due to topography.

**The following spoke in support of the proposal:**

Ann Richard, Land Design & Development, 503 Washburn Ave # 101, Louisville, KY 40222

Dave Parks (applicant), 1701 Herr Lane Suite 100, Louisville, KY 40222

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Tamara Thomas, 6014 Bristol Bluffs Circle #101, Louisville, KY

**Summary of testimony of those in support:**

01:26:09 Ann Richard, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

01:29:46 Dave Parks, the applicant, discussed the sewer location/s and why the sewer locations are where they are.

01:41:21 Tamara Thomas spoke in support after Ms. Wooten was finished speaking. She said she supports the project, particularly due to the need to have affordable housing for multiple income levels. She said she has not had negative experiences here. She said management has worked to address trash and other issues; however, some of the issues have to do with personal behavior of individual tenants. See recording for detailed discussion.

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

Sharra Wooten (address not given)

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

01:31:04 Sharra Wooten spoke in opposition. She said her primary concerns are crime in the area; issues with the property management; and trash on the property (see recording for detailed presentation.)

\*NOTE: After Ms. Wooten finished speaking, Tamara Thomas spoke in support (see above)

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

Michael Gross, 1469 South Fourth Street, Louisville, KY 40208

**Summary of testimony of those neither for nor against:**

01:43:49 Michael Gross, representing LDG Development, said that he has passed along a message to their asset manager asking him to look into Ms. Wooten's issues raised today.

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**Deliberation:**

01:45:13 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.**

**Waiver of Land Development Code section 7.3.30.F to waive a required Tree Canopy Credit Area and allow a sewer and drainage easement to overlap a required landscape buffer area by up to 100 percent for lots 14-18.**

00:01:47 On a motion by Commissioner Brown, seconded by Commissioner Price, 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 the adjacent Jefferson County Public School site is heavily forested in the area of the buffers and unlikely to be used for residential development; and

**WHEREAS**, the Committee further finds that the waiver will not violate specific guidelines of Plan 2040 as the adjacent site is unlikely to be developed for residential use and all required tree canopy standards will be met on the subject site; 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 the encroachment is minimized to allow for installation of sewer infrastructure; and

**WHEREAS**, the Committee further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as the topography of the site dictates where sewer infrastructure needs to be installed. The JCPS property is wooded in this area and unlikely to be developed for a residential use; now, therefore be it

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver of Land Development Code section 7.3.30.F to waive a required Tree Canopy Credit Area and allow a sewer and drainage easement to overlap a required landscape buffer area by up to 100 percent for lots 14-18.

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**The vote was as follows:**

**YES: Commissioners Clare, Brown, Price, and Carlson.**

**Revised Detailed District Development Plan/Revised Major Preliminary Subdivision Plan**

01:48:25 On a motion by Commissioner Brown, seconded by Commissioner Price, 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 site has areas of steep slopes, and the applicant will minimize disturbance and develop according to the geotechnical report performed on the site. The development will include the full protected waterway buffer for Chenoweth Run at the rear of lot 10; 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 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

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

1. The development shall be in accordance with the approved district development and preliminary subdivision plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. No further subdivision of the land into a greater number of lots than originally approved will occur without approval of the Planning Commission. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The density of the development shall not exceed 17.10 dwelling units per acre (216 units on 2.63 net acres) on Parcel B. The density of the development on Parcel A shall not exceed 3.42 dwelling units per acre (41 units on 12 net acres).
3. Signs shall be in accordance with Chapter 8.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. A note shall be placed on the preliminary subdivision plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities - preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
6. 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.
7. An original stamped copy of the approved Tree Preservation Plan shall be present on site during all clearing, grading, and construction activity and shall be made available to any DPDS inspector or enforcement officer upon

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request. All plans setting out Tree Canopy Protection Areas (TCPAs) must contain the following notes:

- a) Tree Canopy Protection Areas (TCPAs) identified on this plan represent individual trees and/or portions of the site designated to meet the Tree Canopy requirements of Chapter 10 Part 1 of the Land Development Code and are to be permanently protected. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of plan approval. As trees within TCPAs are lost through natural causes, new trees shall be planted in order to maintain minimum tree canopy as specified on the approved development or preliminary subdivision plan.
- b) Dimension lines have been used on this plan to establish the general location of TCPAs and represent minimum distances. The final boundary for each TCPA shall be established in the field by the applicant/developer, or property owner to include canopy of all trees at or within the dimension line.
- c) Tree protection fencing shall be erected around all TCPAs prior to site disturbance to protect the existing tree stands and their root systems. The fencing shall be located at least 3 feet beyond the edge of the tree canopy and shall remain in place until all construction is completed. When trees must be removed, the fence shall be relocated to protect all remaining trees within that TCPA.
- d) No parking, material storage, or construction activities are permitted within the TCPAs beyond that allowed for preliminary site investigation work.
- e) Clearing necessary to provide access for survey work, rock soundings or other usual and customary site investigations shall be permitted prior to Site Disturbance Approval. Preliminary site investigations shall be carefully planned to minimize the amount of clearing required. Clearing should follow proposed roadway centerlines and should not result in a clear access way of more than twenty (20) feet in width. Cleared access ways beyond proposed roadways to assess individual lots shall not exceed twelve (12) feet in width or encroach into any proposed open space lots. No trees exceeding eight (8) inches in diameter measured at breast height (DBH) shall be removed without prior approval by DPDS.

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8. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
  - a) Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of incorporation of the Homeowners Association.
  - b) A deed of restriction in a form approved by Counsel to the Planning Commission addressing responsibilities for the maintenance of common areas, open space, TCPAs, WPAs.
  - c) Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.
9. Trees will be preserved and/or provided on site as required by Chapter 10, Part 1 of the Land Development Code and as indicated in the Tree Canopy Calculations on the Preliminary Subdivision Plan. The applicant shall submit a landscape plan for approval by Planning Commission staff for any trees to be planted to meet the Tree Canopy requirements of Chapter 10, Part 1 of the LDC and for open spaces shown on the development plan. The landscaping shall be substantially similar to that shown on the development plan and concept landscape submitted for this site. A tree preservation plan shall be submitted for review and approval for any trees to be preserved to meet the Tree Canopy requirements of Chapter 10.
10. At the time the developer turns control of the homeowner's association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowner's association account. The subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement.
11. The applicant shall submit a plan for approval by Planning Commission staff showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Adjustments to the tree preservation plan which are requested by the applicant may be approved by Planning Commission staff if the revisions are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
  1. Proposed site plan (showing buildings, edges of pavement, property lot lines, easements, existing topography, and other significant site



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features (LOJIC topographic information is acceptable).

2. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
  3. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
  4. Location of construction fencing for each trees/tree mass designated to be preserved.
12. 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 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 major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
13. 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.
14. 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.

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15. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the July 28, 2016 Land Development & Transportation meeting.
16. 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.
17. All street signs shall be installed by the Developer, and shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior-to the recording of the subdivision record plat or occupancy of the first residence on the street, and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
18. The applicant shall install signs, approved by the Metro Public Works Dept., which indicate the future extension of the public right of way for ~~Street G~~ **Bristol Bluff Way**. Such signs shall be installed prior to release of bonds for the installation of the street infrastructure.
19. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.
20. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.
21. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Homeowners Association. Accumulations of water in which mosquito larvae breed or have the potential to breed are required to be treated with a mosquito larvacide approved by the Louisville Metro Health Department: Larvacides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.

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22. Developer shall provide a west-bound right-turn lane on Billtown Road to Gellhaus Lane per KTC requirements. KTC permit required prior to construction approval by Metro Public Works.
23. As required by Public Works, the Gellhaus Lane Right-of-way shall be dedicated by deed or minor plat that must be recorded prior to Public Works construction approval or shall be recorded as part of the required record plat.
24. Developer shall be responsible for utility relocations, final surface overlay and striping associated with required road improvements. Gellhaus Lane shall be improved to provide a three-lane section per the approved schematic roadway and improvement striping plan provided (i.e. "Road Improvement Exhibit").
25. Prior to filling the existing pond on site, a geotechnical study shall be performed for review and approval by MSD (and Public Works).
26. No junked or unusable cars shall be stored on the property.
27. Any landscaping between an approved multi-family structure and the right-of-way of Gellhaus Lane shall be irrigated, and any landscaping material shall be removed and replaced within 60 days.

**The vote was as follows:**

**YES: Commissioners Clare, Brown, Price, and Carlson.**

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**ADJOURNMENT**

The meeting adjourned at approximately 2:50 p.m.

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Chairman

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Division Director