

**MINUTES OF THE MEETING
OF THE
DEVELOPMENT REVIEW COMMITTEE
February 28, 2018**

A meeting of the Development Review Committee was held on, February 28, 2018 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 – Arrived at approximately 1:08 p.m.
Rich Carlson, Vice Chair
Jeffrey Brown
Laura Ferguson

Committee Members absent were:

Emma Smith

Staff Members present were:

Brian Davis, AICP, Planning Manager
Steve Hendrix, Planning Supervisor
Laura Mattingly, AICP, Planner II
Joel Dock, Planner II
Dante St. Germain, Planner I
Jay Lockett, Planner I
Chastity White, Associate Planner
John Carroll, Legal Counsel
Beth Stuber, Transportation Supervisor
Pamela M. Brashear, Management Assistant

The following matters were considered:

**DEVELOPMENT REVIEW COMMITTEE
February 28, 2018**

APPROVAL OF MINUTES

FEBRUARY 14, 2018 DRC MEETING MINUTES

On a motion by Commissioner Brown, seconded by Commissioner Ferguson, the following resolution was adopted.

RESOLVED, that the Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on February 14, 2018.

The vote was as follows:

YES: Commissioners Brown, Ferguson and Carlson

NOT PRESENT FOR THIS CASE: Commissioners Smith and Tomes

DEVELOPMENT REVIEW COMMITTEE
February 28, 2018

OLD BUSINESS
17DEVPLAN1237

Request: **This case will be continued to a date uncertain**
Revised Detailed District Development Plan with Sidewalk Waiver

Project Name: Mellwood Art Center
Location: 300 Delmont Avenue
Owner: 1860 Mellwood, LLC
Applicant: Mose Putney, Putney Architecture
Representative: Mose Putney, Putney Architecture
Jurisdiction: Louisville Metro
Council District: 9 – Bill Hollander
Case Manager: Laura Mattingly, 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. 5th Street.)

Agency Testimony:

00:03:41 Ms. Mattingly stated this case has been re-noticed and docketed for the March 15, 2018 Planning Commission meeting due to the addition of a parking waiver over a 30% reduction.

Deliberation

00:00:00 Development Review Committee 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.

On a motion by Commissioner Brown, seconded by Commissioner Ferguson, the following resolution was adopted.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **CONTINUE** this case to the March 15, 2018 Planning Commission meeting.

The vote was as follows:

YES: Commissioners Brown, Ferguson and Carlson
NOT PRESENT AND NOT VOTING: Commissioners Smith and Tomes

DEVELOPMENT REVIEW COMMITTEE
February 28, 2018

NEW BUSINESS
17MINORPLAT1168

Request: A waiver to allow individual direct single-family access on an arterial level road
Project Name: 8801 Brownsboro Road
Location: 8801 Brownsboro Road
Owner: Broecker Family LTD Liability Company
Applicant: Charles Podgursky
Representative: Charles Podgursky
Jurisdiction: Louisville Metro
Council District: 16 – Scott Reed
Case Manager: Dante St. Germain, Planner I

NOTE: CHAIR TOMES ARRIVED AND VOTED ON THIS CASE

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. 5th Street.)

Agency Testimony:

00:05:09 Ms. St. Germain discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Charles Podgursky, CRP Associates, 7321 New La Grange Road, Suite 111, Louisville, Ky. 40222

Summary of testimony of those in favor:

00:08:08 Mr. Podgursky said the person living there is asking to create another parcel for the existing house.

Deliberation

00:09:30 Development Review Committee 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 (LDC) section 7.8.60.B.4 to allow individual single-family driveway access to an arterial level street

DEVELOPMENT REVIEW COMMITTEE
February 28, 2018

NEW BUSINESS
17MINORPLAT1168

On a motion by Commissioner Brown, seconded by Commissioner Ferguson, the following resolution was adopted.

WHEREAS, the waiver will not adversely affect adjacent property owners because there is an existing driveway on the residual tract; and

WHEREAS, Guideline 3, Policy A.6 strives to mitigate adverse impacts of traffic from proposed development on nearby existing communities. The waiver will not violate specific guidelines of Cornerstone 2020 as the proposed subdivision will serve a single-family lot and traffic will be the minimum necessary to serve them. The community abutting this portion of Brownsboro Road is currently a medium-density community. A shared driveway would not be feasible as the protected waterways run close to the existing driveway that serves the single-family home; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the existing property has one single-family residence and will be used for low-density development. The residual tract currently has direct access to Brownsboro Road; and

WHEREAS, the Louisville Metro Development Review Committee further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land as they would be prevented from using a large piece of property in a manner that meets LDC and Cornerstone 2020 guidelines because a shared driveway is not feasible due to the protected waterways. LDC section 7.8.60.B.4 prohibits Planning Commission staff from approving the minor subdivision, unless a waiver is granted.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the waiver of the Land Development Code section 7.8.60.B.4 to allow an individual single-family driveway access to an arterial level road based on the staff report and testimony heard today.

The vote was as follows:

YES: Commissioners Brown, Ferguson, Tomes and Carlson
NOT PRESENT AND NOT VOTING: Commissioner Smith

DEVELOPMENT REVIEW COMMITTEE
February 28, 2018

NEW BUSINESS
17MINORPLAT1171

Request: A minor subdivision to create two substandard lots
Project Name: 629 and 631 South 19th Street
Location: 629 and 631 South 19th Street
Owner: Red Door Investments LLC
Applicant: Charles Podgursky
Representative: Charles Podgursky
Jurisdiction: Louisville Metro
Council District: 4 – Barbara Sexton Smith
Case Manager: Dante St. Germain, 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. 5th Street.)

Agency Testimony:

00:11:22 Ms. St. Germain discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Charles Podgursky, CRP Associates, 7321 New La Grange Road, Suite 111, Louisville, Ky. 40222

Summary of testimony of those in favor:

00:13:21 Mr Podgursky represents the owner and he wants the lots separated back the way they were.

Deliberation

00:14:54 Development Review Committee 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.

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the substandard minor subdivision in a Traditional Neighborhood Form

DEVELOPMENT REVIEW COMMITTEE
February 28, 2018

NEW BUSINESS
17MINORPLAT1171

District for the lots at 629 and 631 S. 19th Street based on the staff report and testimony heard today.

The vote was as follows:

YES: Commissioners Brown, Ferguson, Carlson and Tomes
NOT PRESENT AND NOT VOTING: Commissioner Smith

DEVELOPMENT REVIEW COMMITTEE
February 28, 2018

NEW BUSINESS
18MINORPLAT1006

Request: Sidewalk waiver and waiver to allow direct access to a collector level roadway
Project Name: Kilgore Minorplat
Location: 9801 Cedar Creek Road
Owner: Kenneth McQuiston
Applicant: Richard Matheny
Representative: Cardinal Surveying
Jurisdiction: Highview
Council District: 22- Robin Engel
Case Manager: Jay Luckett, 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. 5th Street.)

Agency Testimony:

00:16:16 Mr. Luckett discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Kathryn Matheny, Cardinal Surveying, 9009 Preston Highway, Louisville, Ky. 40219

Summary of testimony of those in favor:

00:20:58 Ms. Matheny submitted pictures into the record. The property is less than 5 acres because of some right-of-way dedication. Constructing a sidewalk would be too much of a burden.

Deliberation

00:28:53 Development Review Committee 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 (LDC) section 7.8.60.B.4 to allow individual single-family driveway access to a collector level roadway.

DEVELOPMENT REVIEW COMMITTEE
February 28, 2018

NEW BUSINESS
18MINORPLAT1006

WAIVER, the waiver will not adversely affect adjacent property owners as access will serve single-family residences and traffic will be the minimum necessary to serve them; and

WAIVER, Guideline 3, Policy A.6 strives to mitigate adverse impacts of traffic from proposed development on nearby existing communities. The waiver will not violate specific guidelines of Cornerstone 2020 as the proposed subdivision will accommodate single-family residences and traffic will be the minimum necessary to serve them. The communities abutting Cedar Creek Road are currently low-density; and

WAIVER, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the existing property serves single-family residences; and

WAIVER, the Louisville Metro Development Review Committee further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land because Transportation Planning has preliminarily approved the proposed additional single-family access on this primary collector level roadway. The lots resulting from the subdivision conform to the zoning and form district regulations applicable to the property.

Waiver of Land Development Code (LDC) section 5.8.1.B to not provide sidewalks along Cedar Creek Road.

WHEREAS, the waiver will not adversely affect adjacent property owners since there are no existing sidewalks along Cedar Creek Road; and

WHEREAS, the Louisville Metro Development Review Committee finds 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 for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. Not providing a sidewalk adjacent to this site will not alter the character of the area or the existing roadway system; and

WHEREAS, the Louisville Metro Development Review Committee further finds the extent of the regulation is the minimum necessary to afford relief to the applicant.

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted.

DEVELOPMENT REVIEW COMMITTEE
February 28, 2018

NEW BUSINESS
18MINORPLAT1006

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** a waiver of the Land Development Code section 7.8.60.B.4 to allow individual single-family driveway access to a collector level roadway and a waiver of the Land Development Code section 5.8.1.B to not provide sidewalks along the frontages of Cedar Creek Road based on the staff report and testimony heard today.

The vote was as follows:

YES: Commissioners Brown, Ferguson, Carlson and Tomes
NOT PRESENT AND NOT VOTING: Commissioner Smith

DEVELOPMENT REVIEW COMMITTEE
February 28, 2018

NEW BUSINESS
18WAIVER1004

Request: Sidewalk Waiver to allow a single-family residence to be constructed without sidewalks
Project Name: 4620 Glen Rose Road Residence
Location: 4620 Glen Rose Road
Owner: Jeffery Mack and Gloria Canicosa
Applicant: Jeffery Mack
Representative: Jeffery Mack
Jurisdiction: Louisville Metro
Council District: 24 – Madonna Flood
Case Manager: Dante St. Germain, 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. 5th Street.)

Agency Testimony:

00:25:40 Ms. St. Germain discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Jeff Mack, 8512 Boss Lane, Louisville, Ky. 40219

Summary of testimony of those in favor:

00:28:11 Mr. Mack said he's requesting the waiver because no one else in the area had to provide a sidewalk and he would like to conform to the neighborhood.

Deliberation

00:28:49 Development Review Committee 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.

Sidewalk Waiver from Land Development Code section 5.8.1.B to not provide sidewalks in the right-of-way abutting a new development

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted.

DEVELOPMENT REVIEW COMMITTEE
February 28, 2018

NEW BUSINESS
18WAIVER1004

WHEREAS, the waiver will not adversely affect adjacent property owners as no sidewalks currently exist along Glen Rose Road, with the nearest sidewalk being approximately 500 feet away along Preston Highway, along the opposite side of Glen Rose Road; and

WHEREAS, the waiver will not violate specific guidelines of Cornerstone 2020 as Cornerstone 2020 Objective C2.5 Streetscape describes the streetscape of the Neighborhood Form as including street trees, landscaping, signage or feature consistent with the existing pattern of community design which may or may not include sidewalks. This goal is not violated because the existing pattern of community design in this location does not include sidewalks.

Guideline 1: Community Form policy B 3 describes sidewalks as an example design element to encourage human interaction in the Neighborhood Form rather than as a requirement. Guideline 9 policy 1 encourages sidewalks along the streets of all developments where appropriate. This policy is not violated because a sidewalk with no connection to other sidewalks and no foreseeable future connection is not appropriate; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as a partial waiver that required the applicant to build a partial sidewalk would be no more appropriate for this location than a full sidewalk; and

WHEREAS, the Louisville Metro Development Review Committee further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant by requiring the applicant to build sidewalks with no foreseeable future connection to other sidewalks.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the sidewalk waiver from Land Development Code section 5.8.1.B to not provide sidewalks in the right-of-way abutting a new development based on the staff report and testimony heard today.

The vote was as follows:

YES: Commissioners Brown, Ferguson, Carlson and Tomes
NOT PRESENT AND NOT VOTING: Commissioner Smith

DEVELOPMENT REVIEW COMMITTEE
February 28, 2018

NEW BUSINESS
17DEVPLAN1211

Request: Detailed district development plan and landscape waivers
Project Name: Krispy Kreme
Location: 13319 Shelbyville Road
Owner: Krispy Kreme Doughnut Corporation
Applicant: Krispy Kreme Doughnut Corporation
Representative: Commercial Site Design, PLLC
Jurisdiction: City of Middletown
Council District: 19 – Julie Denton
Case Manager: Joel Dock, 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. 5th Street.)

Agency Testimony:

00:30:16 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Wade Pudwill, Commercial Site Design, 8312 Creedmoor Road, Raleigh, North Carolina 27613

Summary of testimony of those in favor:

00:33:37 Mr. Pudwill stated he's here to answer questions.

Deliberation

00:34:30 Development Review Committee 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.

Development Plan and Binding Elements

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted.

DEVELOPMENT REVIEW COMMITTEE
February 28, 2018

NEW BUSINESS
17DEVPLAN1211

WHEREAS, there do not appear to be any natural resources or significant historic features on the site; and

WHEREAS, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community have been provided as vehicular access is internal to the development site and pedestrian access to the public sidewalk is being provided; and

WHEREAS, while there are no open space requirements for the proposal, the plan provides outdoor dining spaces along Shelbyville Road; and

WHEREAS, 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 Louisville Metro Development Review Committee finds the overall site design and land uses are compatible with the existing and future development of the area as adjacent sites have previously been developed in a manner consistent and compatible with the requested development plan and associated landscape waivers; and

WHEREAS, the Louisville Metro Development Review Committee further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code as the proposed retail development is located within an existing activity center, does not adversely impact traffic, promotes the safe and efficient movement of pedestrians and vehicles, and is designed to be compatible with surrounding uses that meet form district design standards.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **RECOMMEND** that the city of Middletown **APPROVE** the Detailed District Development Plan based on the staff report and testimony heard today **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

DEVELOPMENT REVIEW COMMITTEE
February 28, 2018

NEW BUSINESS
17DEVPLAN1211

and to the City of Middletown for review and approval; any changes/additions/alterations not so referred shall not be valid.

2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area. 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 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.
4. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
5. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the 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.

The vote was as follows:

YES: Commissioners Brown, Carlson, Ferguson and Tomes
NOT PRESENT AND NOT VOTING: Commissioner Smith

DEVELOPMENT REVIEW COMMITTEE
February 28, 2018

NEW BUSINESS
17DEVPLAN1211

Landscape Waiver of Land Development Code, section 10.2.9 to reduce required 10' VUA LBA to 5' adjacent to Shelbyville Road

Landscape Waiver of Land Development Code, section 10.2.4 to allow a retaining wall within the required LBA adjacent to Shelbyville Road

Landscape Waiver of Land Development Code, section 10.3.6 to reduce the required 25' scenic corridor LBA to 5' adjacent to Shelbyville Road

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted.

WHEREAS, the waivers will not adversely affect adjacent property owners as adjacent uses and development is consistent and compatible with the improvements proposed on this development site. The edges of pavement for parking areas nearest Shelbyville Road on adjacent uses are located similarly to the requested 5' landscape buffer area. Topography necessitates that a retaining wall be provided to remain consistent with adjacent uses as the parking areas move east; and

WHEREAS, Guideline 3, Policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The waiver will not violate these specific guidelines as the proposed encroachments are in keeping with the established buffer of the adjacent development. No intrusions upon public spaces or streets are created and the proposed encroachment allows the structure to be developed in a compatible manner with existing surrounding uses; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the minimum parking standards demand spaces along the frontage of Shelbyville Road and the location of this parking requires a retaining wall and 5' minimum buffer in order to remain compatible with adjacent uses; and

WHEREAS, the Louisville Metro Development Review Committee further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant as adjacent users are similarly designed and topography demands a retaining wall. Providing a greater buffer meeting the requirements of the Land Development code would create incompatibility with adjacent development.

DEVELOPMENT REVIEW COMMITTEE
February 28, 2018

NEW BUSINESS
17DEVPLAN1211

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the landscape waiver of Land Development Code, section 10.2.9 to reduce required 10 foot vehicular use area landscape buffer are to 5 feet adjacent to Shelbyville Road, a landscape waiver of Land Development Code, section 10.2.4 to allow a retaining wall within the required landscape buffer area adjacent to Shelbyville Road and a landscape waiver of Land Development Code, section 10.3.6 to reduce the required 25 foot scenic corridor landscape buffer area to 5 feet adjacent to Shelbyville Road based on the staff report and testimony heard today.

The vote was as follows:

YES: Commissioners Brown, Carlson, Ferguson and Tomes
NOT PRESENT AND NOT VOTING: Commissioner Smith

DEVELOPMENT REVIEW COMMITTEE
February 28, 2018

NEW BUSINESS
18CELL1000W

Request: Cell tower consisting of a 165 foot monopole with a 5 foot lightning arrester (total height of 170 feet) within an approximate 4,225 square foot compound area

Project Name: St. Peter

Location: 5433 Johnstontown Road

Owner: Roman Catholic Bishop of Louisville

Applicant: T-Mobile USA Tower LLC

Representative: Crown Castle USA INC., Bryan Brawner

Jurisdiction: Louisville Metro

Council District: 14-Cindi Fowler

Case Manager: Steve Hendrix, 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. 5th Street.)

Agency Testimony:

00:36:56 Mr. Hendrix discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Bryan Brawner, Crown Castle USA Inc., 10300 Ormsby Park Place, Suite 501, Louisville, Ky. 40223

Ken Cusick, 11413 Whitney Hill Road, Louisville, Ky. 40299

Summary of testimony of those in favor:

00:43:38 Mr. Brawner submitted handouts in to the record. T-Mobile as well as 3 other companies may co-locate on this tower. There will be additional trees planted for screening.

00:47:51 Mr. Cusick stated that the location suggested by staff would be on the church lot which would be intrusive. A better location would be by the ball fields.

Deliberation

00:53:17 Development Review Committee deliberation.

DEVELOPMENT REVIEW COMMITTEE
February 28, 2018

NEW BUSINESS
18CELL1000W

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.

Waivers to allow a reduction in the landscape buffer, Section 10.2.4

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted.

WHEREAS, the reduction in the width of the landscape buffer area around the compound will not adversely affect adjacent property owners, since the site plan shows the planting of 34 arborvitae and an 8 foot high wooden fence for buffering and screening; and

WHEREAS, the waiver will not violate specific guidelines of Cornerstone 2020, since the amount of trees will provide more than an adequate buffer; and

WHEREAS, the Louisville Metro Development Review Committee finds the waiver is not the minimum necessary to afford relief to the applicant, but allows the applicant to use this location with the added amount of trees; and

WHEREAS, the Louisville Metro Development Review Committee further finds the applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived by planting 34 trees instead of 8.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** a waiver of the required reduction in the landscape buffer width from 35 feet to 5 feet around the compound area based on the staff report and testimony heard today.

The vote was as follows:

YES: Commissioners Brown, Carlson, Ferguson and Tomes
NOT PRESENT AND NOT VOTING: Commissioner Smith

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** an application for a proposed 165 foot monopole tower with a 5 foot lightning arrestor for a total structure height of 170 feet within a 4,225 square foot

DEVELOPMENT REVIEW COMMITTEE
February 28, 2018

NEW BUSINESS
18CELL1000W

compound area and the location being proposed is the most appropriate for this site given the buffer provided and the coverage maps that were displayed at today's meeting based on the staff report and testimony heard today.

The vote was as follows:

YES: Commissioners Brown, Carlson, Ferguson and Tomes
NOT PRESENT AND NOT VOTING: Commissioner Smith

DEVELOPMENT REVIEW COMMITTEE
February 28, 2018

ADJOURNMENT

The meeting adjourned at approximately 1:58 p.m.

Richard Carh

Vice Chair

[Signature]

Planning Director