

**MINUTES OF THE MEETING
OF THE
DEVELOPMENT REVIEW COMMITTEE
August 31, 2016**

A meeting of the Development Review Committee was held on August 31, 2016 at 1:00 p.m. in the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Committee Members present were:

Rob Peterson, Vice Chairman (Acting Chair)
Jeff Brown
Emma Smith

Committee Members absent were:

David Tomes, Chairman
Robert Kirchdorfer

Staff Members present were:

Brian Mabry, Planning & Design Supervisor
Brian Davis, Planning and Design Manager
Joel P. Dock, Planner I
Laura Mattingly, Planner I
Beth Jones, Planner II
John Carroll, Legal Counsel
Chris Cestaro, Management Assistant (minutes)

The following matters were considered:

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APPROVAL OF MINUTES

Approval of the minutes of the August 17, 2016 Development Review Committee meeting

00:02:35 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution was adopted.

RESOLVED, that the Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on August 17, 2016.

The vote was as follows:

YES: Commissioners Brown, Peterson, and Smith.

NO: No one.

NOT PRESENT: Commissioners Kirchdorfer and Tomes.

ABSTAINING: No one.

Correction to the DRC Minutes of August 3, 2016: Case No. 16DEVPLAN1057

00:03:32 Joel Dock explained the needed correction to the case minutes in detail (see recording for detailed presentation.)

00:05:37 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution was adopted.

RESOLVED, that the Development Review Committee does hereby **APPROVE** the requested correction of the minutes of the August 3, 2016 DRC meeting for Case No. 16DEVPLAN1057.

The vote was as follows:

YES: Commissioners Brown, Peterson, and Smith.

NO: No one.

NOT PRESENT: Commissioners Kirchdorfer and Tomes.

ABSTAINING: No one.

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APPROVAL OF MINUTES

Correction to the DRC Minutes of August 3, 2016: Case No. 16DEVPLAN1135

00:06:19 Binding elements were not copied and pasted from the staff report into the minutes.

00:07:01 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution was adopted.

RESOLVED, that the Development Review Committee does hereby **APPROVE** the requested correction of the minutes of the August 3, 2016 DRC meeting for Case No. 16DEVPLAN1135.

The vote was as follows:

YES: Commissioners Brown, Peterson, and Smith.

NO: No one.

NOT PRESENT: Commissioners Kirchdorfer and Tomes.

ABSTAINING: No one.

DEVELOPMENT REVIEW COMMITTEE

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NEW BUSINESS

CASE 16WAIVER1030

Request: Sign Waiver for changing images sign
Project Name: Sign Waiver
Location: 6310 Commerce Park Court
Owner(s): Value Place Louisville New Cut, LLC
Applicant: Tommy Reed - Atlantic Sign Company
Representative: Tommy Reed – Atlantic Sign Company
Jurisdiction: Louisville Metro
Council District: 13 – Vicki Welch

Case Manager: Joel Dock, Planner I

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

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

Agency Testimony:

00:16:50 Joel Dock presented the case and showed photos of the buildings and some of the surrounding areas (see staff report and recording for detailed presentation.)

The following spoke in favor of the request:

No one spoke.

The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against the request:

No one spoke.

00:20:14 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners as the signage is intended for passing vehicular traffic and does not create a nuisance from light trespass to adjacent businesses or nearby communities due to the orientation of the facades towards the

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CASE 16WAIVER1030

interstate and tree masses on the opposite side of this same interstate that serve to buffer residential homes; and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 3, Policy 28 states that signs are to be compatible with the form district pattern and contribute to the visual quality of their surroundings. Promote signs of a size and height adequate for effective communication and conducive to motor vehicle safety. Encourage signs that are integrated with or attached to structures wherever feasible; limit freestanding signs to monument style signs unless such design would unreasonably compromise sign effectiveness. Give careful attention to signs in historic districts, parkways, scenic corridors, design review districts and other areas of special concern. For freestanding signs in multi-lot developments, minimize the number of signs by including signage for each establishment on the same support structure and encourage consistent design (size, style, and materials). The proposal is consistent with this policy as the signs do not negatively impact the visual quality of the surrounding community. The signage provides visibility for the business from each direction of travel along the interstate to attract patrons; 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 regulations restrict directional visibility due to the orientation of the structure in relation to the interstate; 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 signage displaying room rates may vary and is essential to attracting attention and business from each direction on the interstate; and

WHEREAS, the Committee further finds that, based on the staff report, the applicant's justification and on the evidence and testimony presented today, that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver of Land Development Code Section 8.2.1.D.1 to allow two changing-image signs (one on the Northwest façade and the other attached to the Northeast facade.)

The vote was as follows:

YES: Commissioners Brown, Peterson, and Smith.

NO: No one.

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NOT PRESENT: Commissioners Kirchdorfer and Tomes.

ABSTAINING: No one.

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NEW BUSINESS

CASE NO. 16MOD1005

Request:	Amendment to binding element to allow proposed signage
Project Name:	Julie Pogue Properties
Location:	8223 Shelbyville Road
Owner:	Julie Pogue Properties
Applicant:	Julie Pogue Properties
Representative:	Stephen MacFarlane – Derby City Sign
Jurisdiction:	City of Lyndon
Council District:	18 – Marilyn Parker

Case Manager: Joel Dock, Planner I

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

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

Agency Testimony:

00:21:15 Joel Dock presented the case and showed the sign renderings (see staff report and recording for detailed presentation.)

The following spoke in favor of this request:

Spencer Heuke, 642 South 4th Street, Louisville, KY 40202 (did not speak)

Stephen MacFarlane, Derby City Sign & Electric, 1427 Hugh Avenue, Louisville, KY 40213

Summary of testimony of those in favor:

00:26:23 Stephen McFarlane, the applicant's representative, said the existing sign will be replaced by the one shown today.

The following spoke in opposition to this request:

No one spoke.

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CASE NO. 16MOD1005

The following spoke neither for nor against the proposal:

No one spoke.

00:27:11 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that there does not appear to be any environmental constraints or historic resources on the subject site; 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. The proposed sign does not restrict visibility or movement of vehicular or pedestrian traffic; and

WHEREAS, the Committee further finds that provisions for open space are not a requirement of this request; and

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

WHEREAS, the Committee further finds that the design of the sign is compatible with the existing signage of the area which ranges from small freestanding signs to monument and columnar styles of varying sizes and material; and

WHEREAS, the Committee further finds that the proposal complies with the applicable guidelines of the Comprehensive Plan and Land Development Code, specifically Chapter 8 of the Land Development Code as adopted by the City Lyndon; and

WHEREAS, the Committee finds that, based the staff report, the applicant's justification and the evidence and testimony presented today, that the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the City of Lyndon that the requested Amendment to Binding Element #8 of Docket 9-74-93 be **APPROVED**, to read as follows:

The only permitted freestanding sign shall not exceed 38 square feet in area and 7.5 feet in height.

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The vote was as follows:

YES: Commissioners Brown, Peterson, and Smith.

NO: No one.

NOT PRESENT: Commissioners Kirchdorfer and Tomes.

ABSTAINING: No one.

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NEW BUSINESS

CASE NO. 16DEVPLAN1155

Request:	Revised Detailed District Development Plan for patio and employee parking
Project Name:	Martin's BBQ
Location:	3408 Indian Lake Drive
Owner:	Indian Springs Community, LLC
Applicant:	Blomquist Design Group, LLC
Representative:	Marv Blomquist – Blomquist Design Group, LLC
Jurisdiction:	Louisville Metro
Council District:	17 – Glen Stuckel

Case Manager: Joel Dock, Planner I

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

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

Agency Testimony:

00:27:55 Joel Dock presented the case and showed the site plan (see staff report and recording for detailed presentation.) He noted that the staff report should read, "...along the Western *and Southern* property lines" under the "Case Summary" on page one (second paragraph).

The following spoke in favor of this request:

Marv Blomquist, 10529 Timberwood Circle Suite D, Louisville, KY 40223

Summary of testimony of those in favor:

00:31:09 Marv Blomquist, representing the Indian Springs Community Association, presented the applicant's case (see recording for detailed presentation.) He showed a Power Point presentation with photos of the site and some of the surrounding areas.

The following spoke in opposition to this request:

No one spoke.

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CASE NO. 16DEVPLAN1155

The following spoke neither for nor against the proposal:

No one spoke.

00:37:15 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution was adopted:

(RDDDP) 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; 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. Sidewalks and vehicular access have been provided along Indian Lake Drive. Cross connectivity with the site to the north has been previously provided; and

WHEREAS, the Committee further finds that open space is being preserved on the adjacent property (formerly golf course) by Indian Springs Community, LLC. Proposed patio provides dining as an outdoor amenity for the restaurant; and

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

WHEREAS, the Committee further finds that the overall site design and land uses are compatible with the existing and future development of the area. The site design is compatible with existing commercial development in the area. The patio is proposed opposite of the residential development on the backside on the restaurant which will minimize noise; and

(Waiver) WHEREAS, the Committee further finds that the waiver will not adversely affect adjacent property owners as the parcel creating the required buffer is not used residentially and is being maintained by the Indian Springs Community as an open green space; and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. 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 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale

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and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. The waiver will not violate specific guidelines of Cornerstone 2020 as there are no abutting residential uses and significant space is created by the open green space to the nearest residential to the South/Southwest of the restaurant; 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 intent of the buffer is to provide adequate screening from residential zoning districts and uses. The property generating the buffer is not used residentially and is being maintained as a large open space by the Indian Springs Community; 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 required trees would sit 20-25' below the use intended to be screened and the abutting use does not create a need for screening to be provided; and

WHEREAS, the Committee further finds that, based the staff report, the applicant's justification and the evidence and testimony presented today, that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested revised detailed district development plan for proposed 1,000 SF patio and 5 employee parking spaces; and does hereby **APPROVE** the landscape buffer area waiver to omit the required trees and plantings on the Western and Southern property lines, and **SUBJECT** to the following binding elements:

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1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. 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.
3. 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, Transportation Planning Review and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - e. A minor subdivision plat shall be recorded creating the lot lines as shown on the development plan.
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,

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subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

6. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
7. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the August 20, 2015 Planning Commission meeting.

Conditions of Approval for CUP for Outdoor Alcohol Sales and Consumption

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
2. The Conditional Use Permit shall be “exercised” as described in KRS 100.237 within two years of the Board’s vote on this case. If the Conditional Use Permit is not so “exercised”, the site shall not be used for outdoor alcohol sales without further review and approval by the Board.
3. The use of outdoor dining areas for the sale and consumption of alcohol shall cease by 11 P.M.
4. The entertainment activity shall be in compliance with the Metro Noise Ordinance (LMCO Chapter 99)

The vote was as follows:

YES: Commissioners Brown, Peterson, and Smith.

NO: No one.

NOT PRESENT: Commissioners Kirchdorfer and Tomes.

ABSTAINING: No one.

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NEW BUSINESS

CASE NO. 16DEVPLAN1081

Request:	Revised Detailed District Development Plan, Landscape Waiver and LDC Waiver for amenity area
Project Name:	Guess Distribution Center
Location:	10610 Freeport Drive
Owner:	Kevin Browne – Guess Inc.
Applicant:	Kevin Browne – Guess Inc.
Representative:	Ashley Bartley – Qk4
Jurisdiction:	Louisville Metro
Council District:	12 – Rick Blackwell

Case Manager: **Laura Mattingly, 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.)

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

Agency Testimony:

00:37:50 Laura Mattingly presented the case and showed the site plan (see staff report and recording for detailed presentation.) She pointed out that there was an error in the Land Use Table in the staff report, which listed the property's Existing Land Use as "vacant". The property is not vacant; it is being used for an existing warehouse.

The following spoke in favor of this request:

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

Summary of testimony of those in favor:

00:41:55 Ashley Bartley, the applicant's representative, presented the applicant's case and showed photos of the site and the surrounding areas (see recording for detailed presentation.)

00:44:15 Ms. Mattingly added that Binding Element #2 should be changed to reflect the new square footage. The revised binding element shall read as follows:

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2. The development shall not exceed 910,000 **737,496** square feet of gross floor area (62,500 **4,880** square feet of office space and 847,500 **732,616** square feet of warehouse space).

The following spoke in opposition to this request:

No one spoke.

The following spoke neither for nor against the proposal:

No one spoke.

- **Revised Detailed District Development Plan**
- **Waiver #1 - Waiver of Section 5.5.4.B.1 to not provide a 50' Landscape Buffer Area and 6' berm along a property line shared with a residential zone.**
- **Waiver #2 - Waiver of 5.12.2.A.1 to allow amenity area to be less than 10% of total building square footage.**

00:43:42 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution was adopted:

(RDDDP) WHEREAS, the Louisville Metro Development Review Committee finds that this proposal is preserving 68,301 square feet of tree canopy and meeting tree canopy requirements by planting another 117,872 square feet; 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 with 4' sidewalk connections to the existing public sidewalk along Freeport Drive, as well as safe vehicular access onto and throughout the site; and

WHEREAS, the Committee further finds that the applicant has provided the amenity area for employees although it does not meet the code for size; and

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

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WHEREAS, the Committee further finds that the overall land use and building design are compatible with the existing and future development of the area. This area was re-zoned and subdivided in 1996 for a warehouse and commercial area. The addition is behind the existing building and won't be seen from Freeport Drive; and

WHEREAS, the Committee further finds that the development plan is in conformance with the Land Development Code as well as the policies and guidelines of the non-residential intent of the Comprehensive Plan with the exception of the non-residential to residential Landscape Buffer Area and the amenity area waiver; and

(Waiver #1) WHEREAS, the Committee further finds that the waiver will not adversely affect adjacent property owners as the R-1 property to the west is vacant and owned by Louisville Metro Government. It is also in the floodplain and therefore unlikely to be developed as a residential use; and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. 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 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. This proposal does not violate these guidelines of Cornerstone 2020 as the adjacent parcel is not currently developed and is unlikely to be developed due to it being located in a floodplain. It is also heavily wooded which fulfills the guidelines pertaining to the natural benefits of LBAs; 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 plan does fulfill the

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requirements for all other LBAs and is constrained by the needed size of the building, width of drive aisles and the fire lane, which is the only portion of the development that encroaches into the LBA; and

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant as the proposed warehouse would not be able to be built to the needed size while also providing the needed parking, drive aisles and fire lane; and

(Waiver #2) WHEREAS, the Committee further finds that the waiver will not adversely affect adjacent property owners as the amenity area is a requirement that serves only the employees of the development; and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 4, Policy 3 encourages open space created by new development that helps meet the needs of the community and Guideline 4, Policy 7 calls for the for the continuous maintenance of that open space. These guidelines are not violated as the amenity area is still being provided and will be maintained; just at a smaller scale that the developer feels is more in proportion to the number of employees; and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the proposed development meets or exceeds all other applicable regulations of the Land Development Code; and

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of land and create an unnecessary hardship as the distribution center is large in relation to the number of employees on site therefore providing the amenity area based on the building size would be in excess of what is needed. It would be a hardship to accommodate such a large amenity area when much of the site is needed for the building; and

WHEREAS, the Committee further finds that, based the staff report, the applicant's justification and the evidence and testimony presented today, that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Revised Detailed District Development Plan, the Waiver of Section 5.5.4.B.1 to not provide a 50' Landscape Buffer Area and 6' berm along a property line shared with a residential zone, and the Waiver of 5.12.2.A.1 to allow

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amenity area to be less than 10% of total building square footage, **SUBJECT** to the following binding elements:

All binding elements from the approved General Development Plan (9-58-96) 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 Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission, except for land uses permitted in the established zoning district.
2. The development shall not exceed ~~910,000~~ **737,496** square feet of gross floor area (~~62,500~~ **4,880** square feet of office space and ~~847,500~~ **732,616** square feet of warehouse space). *(Revised at the August 31, 2016 DRC meeting.)*
3. There shall be no freestanding sign permitted on site without prior approval by the Planning Commission. 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 (billboards), small free-standing (temporary) signs, pennants balloons, or banners shall be permitted on the site.
5. There shall be no outdoor storage on the site.
6. Outdoor lighting shall be directed down and away from surrounding residential properties.
Lighting fixtures shall have a 90 degree cutoff so that no light source is visible off-site. Lighting levels attributable to the fixtures located on the subject site shall not exceed two foot candles at the property line.
7. a. Construction fencing shall be erected at the edge of the area of development prior to any grading or construction to protect the existing tree stands and their root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
- 7b. The applicant shall submit a plan for approval by the Planning Commission staff landscape architect showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Any modification of the tree preservation plan requested by the applicant may be approved by the Planning Commission staff landscape architect if the changes are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:

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- a. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
 - b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
 - c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
 - d. Location of construction fencing for each tree/tree mass designated to be preserved.
8. Before any permit (including but not limited to building, parking lot, change of use, or alteration permit) is requested:
 - a. The development plan must receive full construction approval from the Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A minor plat of legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of planning and Design Services; Transmittal of the approval plans to the office responsible for permit issuance will occur only after receipt of said instrument. Approval of a clearing and grading plan for the property is not contingent upon the recording of a legal instrument or minor plat.
 9. If a building permit is not issued within one year of the date of approval of the plan, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
 10. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
 11. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
 12. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of the sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.

The vote was as follows:

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NEW BUSINESS

CASE NO. 16DEVPLAN1081

YES: Commissioners Brown, Peterson, and Smith.

NO: No one.

NOT PRESENT: Commissioners Kirchdorfer and Tomes.

ABSTAINING: No one.

DEVELOPMENT REVIEW COMMITTEE

August 31, 2016

NEW BUSINESS

CASE NO. 16DEVPLAN1110

Request:	Revised Detailed District Development Plan and Waiver for amenity area
Project Name:	Algood Manufacturing
Location:	10611 Freeport Drive
Owner:	Cecil C. Barnette Family LLC
Applicant:	Cecil C. Barnette Family LLC
Representative:	Ashley Bartley – Qk4
Jurisdiction:	Louisville Metro
Council District:	12 – Rick Blackwell

Case Manager: **Laura Mattingly, 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.)

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

Agency Testimony:

00:45:03 Laura Mattingly presented the case and showed the site plan (see staff report and recording for detailed presentation.) She noted that there is a request for a Variance for a blue-line stream encroachment, which will be heard separately at BOZA.

The following spoke in favor of this request:

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

Summary of testimony of those in favor:

00:47:48 Ashley Bartley, the applicant's representative, presented the applicant's case and showed photos of the site and the surrounding areas (see recording for detailed presentation.)

The following spoke in opposition to this request:

No one spoke.

The following spoke neither for nor against the proposal:

No one spoke.

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NEW BUSINESS

CASE NO. 16DEVPLAN1110

- **Revised Detailed District Development Plan**
- **Waiver of 5.12.2.A.1 to allow amenity area to be less than 10% of total building square footage.**

00:50:17 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution was adopted:

(RDDDP) WHEREAS, the Louisville Metro Development Review Committee finds that this proposal is preserving 58,743 square feet of tree canopy and meeting tree canopy requirements with a total of 84,666 square feet or 12% of the site. The proposed truck maneuvering area does encroach into the streamside buffer on the east side of the site. The applicant has proposed a bioswale to mitigate the encroachment and is willing to work with staff at the landscape approval stage for additional plantings in the sparse areas of the stream buffer; 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 with 4' sidewalk connections to the proposed 5' public sidewalk along Freeport Drive, as well as safe vehicular access onto and throughout the site; and

WHEREAS, the Committee further finds that the applicant has provided the amenity area for employees although it does not meet the code for size; and

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

WHEREAS, the Committee further finds that the overall land use and building design are compatible with the existing and future development of the area. This area was re-zoned and subdivided in 1996 for a warehouse and commercial area; and

WHEREAS, the Committee further finds that the development plan is in conformance with the Land Development Code as well as the policies and guidelines of the non-residential intent of the Comprehensive Plan with the exception of the amenity area waiver and streamside buffer variance; and

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NEW BUSINESS

CASE NO. 16DEVPLAN1110

(Waiver) WHEREAS, the Committee further finds that the waiver will not adversely affect adjacent property owners as the amenity area is a requirement that serves only the employees of the development; and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 4, Policy 3 encourages open space created by new development that helps meet the needs of the community and Guideline 4, Policy 7 calls for the continuous maintenance of that open space. These guidelines are not violated as the amenity area is still being provided and will be maintained; just at a smaller scale that the developer feels is more in proportion to the number of employees; and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the applicant has stated that the proposed amenity area will meet the intent of the regulation; and

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of land and create an unnecessary hardship as the warehouse is large in relation to the number of employees on site therefore providing the amenity area based on the building size would be in excess of what is needed. It would be a hardship to accommodate such a large amenity area when much of the site is needed for the building; and

WHEREAS, the Committee finds that, based the staff report, the applicant's justification, and on the evidence and testimony presented today, that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Revised Detailed District Development Plan and a Waiver of 5.12.2.A.1 to allow amenity area to be less than 10% of total building square footage, **SUBJECT** to the following binding elements:

All binding elements from the approved General Development Plan (9-58-96) are applicable to this site, in addition to the following:

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission, except for land uses permitted in the established zoning district.

DEVELOPMENT REVIEW COMMITTEE

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NEW BUSINESS

CASE NO. 16DEVPLAN1110

2. The development shall not exceed ~~164,520~~ **210,000** square feet of gross floor area.
3. There shall be no freestanding sign permitted on site without prior approval by the Planning Commission. 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 (billboards), small free-standing (temporary) signs, pennants balloons, or banners shall be permitted on the site.
5. There shall be no outdoor storage on the site.
6. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff so that no light source is visible off-site. Lighting levels attributable to the fixtures located on the subject site shall not exceed two foot candles at the property line.
- 7a. Construction fencing shall be erected at the edge of the area of development prior to any grading or construction to protect the existing tree stands and their root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities are permitted within the protected area.
- 7b. The applicant shall submit a plan for approval by the Planning Commission staff landscape architect showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Any modification of the tree preservation plan requested by the applicant may be approved by the Planning Commission staff landscape architect if the changes are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
 - a. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
 - b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
 - c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
 - d. Location of construction fencing for each tree/tree mass designated to be preserved.
8. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a. The development plan must receive full construction approval from the Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building)

DEVELOPMENT REVIEW COMMITTEE

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NEW BUSINESS

CASE NO. 16DEVPLAN1110

and the Metropolitan Sewer District (700 West Liberty).

- b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument. Approval of a clearing and grading plan for the property is not contingent upon the recording of a minor plat..
9. If a building permit is not issued within ~~one year~~ **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.
 10. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
 11. There shall be no outdoor music (live, piped, radio or amplified), outdoor entertainment, or outdoor PA system permitted on the site.
 12. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project, and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.
 13. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.
 14. The landscaping on the east side of the property shall be planted in accordance with the ~~detailed district development plan~~ **approved landscape plan**.

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NEW BUSINESS

CASE NO. 16DEVPLAN1110

The vote was as follows:

YES: Commissioners Brown, Peterson, and Smith.

NO: No one.

NOT PRESENT: Commissioners Kirchdorfer and Tomes.

ABSTAINING: No one.

DEVELOPMENT REVIEW COMMITTEE

August 31, 2016

NEW BUSINESS

CASE NO. 16MOD1006

NOTE: This case was heard first on the agenda.

Request:	Amendment to Binding Element #14
Project Name:	Summit Gardens Phase 3
Location:	8800 Brownsboro Road
Owner:	Kitty Developer, LLC
Applicant:	Spencer Heuke – Heritage Engineering
Representative:	Spencer Heuke – Heritage Engineering
Jurisdiction:	Louisville Metro
Council District:	17 – Glen Stuckel

Case Manager: **Laura Mattingly, 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.)

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

Agency Testimony:

00:07:22 Laura Mattingly presented the case and showed the most-recently approved development plan (see staff report and recording for detailed presentation.) She said the applicant wishes to amend binding element #14 to remove the portion that requires the developer to build an earthen berm along the boundary adjoining the City of Ten Broeck. She said the City of Ten Broeck is no longer in opposition and has come to an agreement.

The following spoke in favor of this request:

Jim Mims, Elite Homes, 16218 Shelbyville Road, Louisville, KY 40245

Robert Roos, 3704 Ten Broeck Way, Louisville, KY 40241

Summary of testimony of those in favor:

00:09:31 Jim Mims, the applicant's representative, presented the applicant's case (see recording for detailed presentation) and explained why the binding element needed to be modified.

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CASE NO. 16MOD1006

00:10:42 Robert Roos, Mayor of the City of Ten Broeck, stated that Exhibit C (signed copy on file) is the amendment to binding element #14.

00:12:32 In response to a question from Commissioner Peterson, Ms. Mattingly discussed the language in the agreement. After some discussion, Ms. Mattingly agreed to specify "Landscape Plan" instead of just "plan; also clarify exact location.

00:14:46 In response to a question from Commissioner Peterson, Mr. Roos said he and the other three property owners who signed the agreement were the only ones directly affected by the berm.

The following spoke in opposition to this request:

No one spoke.

The following spoke neither for nor against the proposal:

No one spoke.

00:15:31 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution was adopted [**NOTE: The language of the amended binding element was read into the record as part of the motion**]:

WHEREAS, the Louisville Metro Development Review Committee finds that the site has two Tree Canopy Protection Areas and is observing the stream buffers for Little Goose Creek which crosses through the south end of the site. The elimination of this berm would allow the developer to preserve more existing vegetation along the eastern property line; and

WHEREAS, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community will continue to be provided; and

WHEREAS, the Committee further finds that the provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development. The proposal includes five open space lots and three recreational areas and meets the open space requirements; and

WHEREAS, the Committee further finds that the Metropolitan Sewer District will continue to ensure the provisions of adequate drainage facilities on the subject site in

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order to prevent drainage problems from occurring on the subject site or within the community; and

WHEREAS, the Committee further finds that the overall site design and land uses are compatible with the existing and future development of the area, as this area is a mix of medium and low density single family housing. The developer is currently working with abutting property owners to find a compromise for an alternative screening option along the eastern property line that will fulfill the intent of the buffer; and

WHEREAS, the Committee finds that, based the staff report, the applicant's justification, and on the evidence and testimony presented today (including Exhibit C, as presented today, on file), that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Amendment to Binding Element #14, to read as follows:

"The developer shall have secured the agreement of the City of Ten Broeck for the Landscape Plan prior to submittal to staff for approval. Screen will consist of trees and plants that are in the applicant's plan book. In the event that an agreement cannot be reached, the Landscape Plan shall be submitted to the DRC Committee, whose judgment shall be final."

The vote was as follows:

YES: Commissioners Brown, Peterson, and Smith.

NO: No one.

NOT PRESENT: Commissioners Kirchdorfer and Tomes.

ABSTAINING: No one.

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NEW BUSINESS

CASE NO. 16DEVPLAN1148

Request:	Revision of District Development Plan/Preliminary Subdivision Plan and Amendment to Binding Elements
Project Name:	Jefferson Park Subdivision
Location:	3900 and 3901 Jefferson Park Place
Owner:	CDLS Allen Partnership
Applicant:	Robert Buckler
Representative:	Mark Patterson
Jurisdiction:	City of Jeffersontown
Council District:	20 – Stuart Benson

Case Manager: Beth Jones, 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.)

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

Agency Testimony:

00:51:06 Beth Jones presented the case and showed the site plan (see staff report and recording for detailed presentation.)

The following spoke in favor of this request:

Robert Buckler, 10606 Garden Creek Place, Louisville KY

Summary of testimony of those in favor:

00:54:03 Robert Buckler, the applicant, explained that he and his partner want to buy the lot and put it back to the original twelve lots that it was approved for.

00:54:48 Commissioner Brown and Mr. Buckler discussed how the streetscape plan for the City of Jeffersontown would affect the lots. In response to a question from Commissioner Smith, Ms. Jones said the current zoning is R-5 and no zoning change would be required.

00:56:03 In response to a question from Mr. Buckler, tree canopy requirements were discussed.

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NEW BUSINESS

CASE NO. 16DEVPLAN1148

The following spoke in opposition to this request:

No one spoke.

The following spoke neither for nor against the proposal:

No one spoke.

00:57:29 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the proposed development does not appear to adversely impact the environment or existing natural resources. Existing trees are to remain, and all tree canopy and landscaping requirements of the Land Development Code (LDC) are being met; and

WHEREAS, the Committee further finds that sidewalks are being provided along Watterson Trail and along both sides of the existing cul- de-sac, Jefferson Park Place, fronting each of the building lots. Transportation Planning has reviewed and approved the internal circulation plan and its connection to the existing public roadway network; and

WHEREAS, the Committee further finds that all existing trees have been designated as Tree Canopy Protection Area (TCPA) and will be preserved. Development meets or exceeds all tree canopy and landscaping requirements of the Land Development Code (LDC); 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; and

WHEREAS, the Committee further finds that the overall site design and land use is compatible with the existing and future development of the area. This R-4 proposed use is less intense than would be permitted by the existing R-5A zoning; and

WHEREAS, the Committee finds that, based the staff report, the applicant's justification, and on the evidence and testimony presented today, that all of the applicable

DEVELOPMENT REVIEW COMMITTEE

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NEW BUSINESS

CASE NO. 16DEVPLAN1148

Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the City of Jeffersontown that the requested Revised District Development Plan/Preliminary Subdivision Plan to create 11 single family lots on 3.86 acres and Amendment to Binding Elements be **APPROVED**, subject to the following binding elements:

1. The development shall be in accordance with the approved district development plan/preliminary subdivision plan and 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 shall occur without approval of the Planning Commission. Modifications to the binding element(s) shall be submitted to the Planning Commission or its designee for review and approval; any modifications not so referred shall not be valid.
- ~~2. The density of the development shall be limited to:
Lot 1: 14 units on 1.56 acres (net); 8.97 dwelling units per acre
Lot 2: 14 units on 1.43 acres (net); 9.79 dwelling units per acre~~
2. Signs shall be in accordance with Chapter 8 of the LDC.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
5. Prior to issuance of a permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit):
 - a. The development plan must receive full construction approval from Louisville Metro Department of Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from Louisville Metro Public Works.
 - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.

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CASE NO. 16DEVPLAN1148

6. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the 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.
- ~~9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the (Date) Public Hearing.~~
8. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained thereafter. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code. ~~Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.~~
9. 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 and open space, maintenance of noise barriers, maintenance of TCPAs etc.) and other issues required by these conditions of approval.
 - c) Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.
10. At the time the developer turns control of the homeowner's association over

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CASE NO. 16DEVPLAN1148

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. 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 request.
12. A note shall be placed on the preliminary 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."
13. 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.
14. 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.
15. 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.
16. 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.
17. 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

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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.

The vote was as follows:

YES: Commissioners Brown, Peterson, and Smith.

NO: No one.

NOT PRESENT: Commissioners Kirchdorfer and Tomes.

ABSTAINING: No one.

DEVELOPMENT REVIEW COMMITTEE

August 31, 2016

NEW BUSINESS

CASE NO. 16MINORPLAT1100

Request:	Record Plant Amendment and Waiver
Project Name:	Virginia Avenue Minor Plat
Location:	7450 Virginia Avenue
Owner:	Habitat for Humanity
Applicant:	Schroll Land Surveying LLC
Representative:	Bill Schroll
Jurisdiction:	Louisville Metro
Council District:	25 – David Yates

Case Manager: **Beth Jones, 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.)

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

Agency Testimony:

00:58:16 Beth Jones presented the case and showed the site plan (see staff report and recording for detailed presentation.)

The following spoke in favor of this request:

No one spoke.

The following spoke in opposition to this request:

No one spoke.

The following spoke neither for nor against the proposal:

No one spoke.

01:03:51 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution was adopted:

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NEW BUSINESS

CASE NO. 16MINORPLAT1100

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners since the resulting lots will maintain neighborhood character and can be developed in a manner consistent with surrounding single-family residential development; and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. The proposed waiver meets Guideline 1 Community Form/Land Use which is intended “to ensure that new development will be designed to be compatible with the scale, rhythm, form and function of existing development as well as with the pattern of uses” and that “land use decisions...preserve...identified existing and emerging patterns of development”. It also complies with Guideline 1.A.2.a) which requires the evaluation of a proposal in the context of “the compatibility of the proposed use or uses with surrounding uses”; and

WHEREAS, the Committee further finds that **C3.1 Neighborhood districts** are “generally characterized by a range of low to medium density residential uses” which “provide housing choice for people of differing ages and incomes”. The property owner plans to develop the lots with single-family housing that will provide affordable homeownership opportunities; and

WHEREAS, the Committee further finds that **C4.4 Setbacks and lot dimensions** “Establish a range of ...lot dimensions to ensure compatibility with surrounding buildings while allowing for flexibility and creativity. Encourage new infill development to be of similar ...orientation as the existing pattern of development.” The proposed lot width offers flexibility to the property owner while maintaining the street orientation of adjoining properties; and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary since the existing lot is being subdivided equally, keeping both of the two resulting lots as near the minimum width requirement as possible; and

WHEREAS, the Committee further finds that each lot resulting from the proposed subdivision will be 6,534 sq.ft. in size, which exceeds R5 minimum requirements of 6,000 sq.ft. Approval of the waiver request would allow Applicant to develop two currently vacant lots into housing consistent with patterns of development in the neighborhood and provide housing for a variety of income levels; and

WHEREAS, the Committee further finds that, based the staff report, the applicant's justification, and the evidence and testimony presented today, that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

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NEW BUSINESS

CASE NO. 16MINORPLAT1100

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Record Plat Amendment and a Waiver of LDC Table 5.3.1 to allow the creation of two lots measuring 45.03' and 45.02' wide, respectively.

The vote was as follows:

YES: Commissioners Brown, Peterson, and Smith.

NO: No one.

NOT PRESENT: Commissioners Kirchdorfer and Tomes.

ABSTAINING: No one.

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ADJOURNMENT

The meeting adjourned at approximately 2:06 p.m.

Chair

Planning Director