

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE MEETING
June 19, 2019**

A meeting of the Louisville Metro Development Review Committee was held on June 19, 2019 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, KY 40202.

Commissioners present:

David Tomes, Chair
Rich Carlson, Vice Chair
Jeff Brown
Donald Robinson

Commissioners absent:

Emma Smith

Staff members present:

Brian Davis, Planning & Design Manager
Julia Williams, Planning & Design Supervisor
Steve Hendrix, Planning & Design Coordinator
Joel Dock, Planner II
Dante St. Germain, Planner II
Lacey Gabbard, Planner I
John Carroll, Legal Counsel
Beth Stuber, Transportation Supervisor
Rachel Dooley, Management Assistant (Minutes)

The following matters were considered

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APPROVAL OF MINUTES

June 5, 2019 DRC Meeting Minutes

00:02:29 On a motion by Commissioner Brown, seconded by Commissioner Robinson, the following resolution was adopted:

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the amended minutes of its meeting conducted on June 5, 2019.

The vote was as follows:

YES: Commissioners Robinson and Brown
ABSTAIN: Commissioners Tomes and Carlson
ABSENT: Commissioner Smith

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NEW BUSINESS

CASE NUMBER 18DEVPLAN1176

Request: Landscape, site and building design, and circulation waivers
Project Name: Vermont Liquors
Location: 509 Louis Coleman Jr. Drive
Owner/Applicant: RANA 09, LLC
Representative: Prime Design – Deon Wells
Jurisdiction: Louisville Metro
Council District: 5 – Donna Purvis

Case Manager: Joel Dock, AICP, Planner II

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

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

Agency Testimony:

00:03:24 Joel Dock presented the case (see staff report and recording for detailed presentation).

The following spoke in favor of this request:

No one spoke.

The following spoke in neither for nor against to this request:

No one spoke.

Deliberation:

00:06:57 Commissioner Brown stated his concerns from the previous meeting and is in agreement with the changes made by the applicant (see recording for detailed presentation).

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

1. **Waiver of LDC, section 5.5.1.A.1.a to not orient a customer entrance towards W. Muhammad Ali Blvd.**

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2. Waiver of Land Development Code (LDC), section 5.5.1.A.3.a to not provide masonry wall along the right-of-way of parking area and permit the existing parking between the building and W. Muhammad Ali Blvd.
4. Waivers of LDC, section 10.2 to omit the required buffer along the east property line, reduce the size of ILA, and omit the VUA LBA

00:07:48 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Standard of Review and Staff Analysis and testimony heard today, was adopted:

(WAIVER #1) WHEREAS, the Louisville Metro Development Review Committee finds the waiver will not adversely affect adjacent property owners as the current orientation of the existing facility is towards Louis Coleman Jr Drive and the orientation will remain towards Louis Coleman Jr Drive; and

WHEREAS, the Louisville Metro Development Review Committee further finds Plan 2040 calls for new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District; appropriate transition between uses that are substantially different in scale and intensity or density of development; parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts; and provisioning transportation services and facilities to promote and accommodate growth and change in activity centers through improved access management. The waiver will not violate these policies as the exiting entrance is located towards Louis Coleman Jr. Drive and provisioning for an entrance on the site towards W. Muhammad Ali Blvd poses a potential conflict with the traffic pattern proposed resulting in an unsafe scenario for pedestrians; and

WHEREAS, the Louisville Metro Development Review Committee further finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the building addition brings the building closer to W. Muhammad Ali Blvd while recognizing Louis Coleman Jr Drive as the traditional entrance while also not creating an unsafe situation for traffic circulation and pedestrians.; and

WHEREAS, the Louisville Metro Development Review Committee further finds the strict application of the regulation would deprive the applicant of the reasonable use of the land as a proposed drive-through window would be in direct conflict with the entrance if required to be placed facing W. Muhammad Ali Blvd; and

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(WAIVER #2) WHEREAS, the Louisville Metro Development Review Committee further finds the waiver will not adversely affect adjacent property owners as current conditions of the parking lot are absent a masonry wall, the parking facilities currently encroach upon the public right-of-way, and the parking facilities exist and will be improved; and

WHEREAS, the Louisville Metro Development Review Committee further finds Plan 2040 calls for new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District; appropriate transition between uses that are substantially different in scale and intensity or density of development; parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts; and provisioning transportation services and facilities to promote and accommodate growth and change in activity centers through improved access management. The proposed waiver reduces the likelihood of obstructions or reductions in pedestrian's accessibility along the sidewalk while also allowing for appropriate dimensions for circulation within the parking areas and meeting parking needs. The parking facilities are present and will be improved by this proposal with 4 type-A trees; and

WHEREAS, the Louisville Metro Development Review Committee further finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as parking would need to be removed or license agreement secured for construction of the masonry wall and the building would be required to be separated in two. The conditions of the parking lot will be improved as a result of the proposal; and

WHEREAS, the Louisville Metro Development Review Committee further finds the strict application of the regulation would deprive the applicant of the reasonable use of the land as provisioning for the masonry wall would result in the removal of parking or potential obstruction of pedestrians within the right-of-way. The parking exists and will be improved; and

(WAIVER #4) WHEREAS, the Louisville Metro Development Review Committee further finds the waiver will not adversely affect adjacent property owners as current conditions do not allow for the provision of landscape requirements in their entirety and there is a single resident abutting the site that is currently subject to the exiting conditions which will be improved; and

WHEREAS, the Louisville Metro Development Review Committee further finds Plan 2040 calls for new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District; appropriate transition between uses that are substantially different in scale and intensity or density of development; parking, loading and delivery

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areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts; and provisioning transportation services and facilities to promote and accommodate growth and change in activity centers through improved access management. Parking facilities will be improved for the overall benefit of the community as the site currently has no tree canopy coverage and the applicant will be providing 4 type-A trees on site and 1 type-B tree within the right-of-way of Louis Coleman Jr. Drive; and

WHEREAS, the Louisville Metro Development Review Committee further finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as current conditions are in conflict with the landscape requirements and the parking facilities will be improved to benefit the community. 4 type-A trees will be placed on site and 1 type-B tree will be placed within the right-of-way of Louis Coleman Jr. Drive; and

WHEREAS, the Louisville Metro Development Review Committee further finds the strict application of the regulation would deprive the applicant of the reasonable use of the land as the site is being improved proportionally to the expansion and with consideration of existing conditions, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the Waiver of LDC, section 5.5.1.A.1.a to not orient a customer entrance towards W. Muhammad Ali Blvd. AND Waiver of Land Development Code (LDC), section 5.5.1.A.3.a to not provide masonry wall along the right-of-way of parking area and permit the existing parking between the building and W. Muhammad Ali Blvd. AND Waivers of LDC, section 10.2 to omit the required buffer along the east property line, reduce the size of ILA, and omit the VUA LBA

The vote was as follows:

YES: Commissioners Brown, Robinson, and Carlson
ABSTAIN: Commissioner Tomes
ABSENT: Commissioner Smith

3. Waiver of LDC, section 5.9.2.C.4 to allow traffic circulation between the building and W. Muhammad Ali Blvd.

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00:09:01 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Standard of Review and Staff Analysis and testimony heard today, was adopted:

(WAIVER #3) WHEREAS, the Louisville Metro Development Review Committee finds the waiver will not adversely affect adjacent property owners as the relocation improves safety within a public right-of-way and allows for adequate queuing to be LDC complaint; and

WHEREAS, the Louisville Metro Development Review Committee further finds Plan 2040 calls for new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District; appropriate transition between uses that are substantially different in scale and intensity or density of development; parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts; and provisioning transportation services and facilities to promote and accommodate growth and change in activity centers through improved access management. The proposal will not violate these policies as the relocation improves safety within a public right-of-way and allows for adequate queuing to be LDC complaint; and

WHEREAS, the Louisville Metro Development Review Committee further finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as safety and congestion within public rights-of-way are being improved; and

WHEREAS, the Louisville Metro Development Review Committee further finds the strict application of the regulation would deprive the applicant of the reasonable use of the land as safety and congestion within public rights-of-way are being improved, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver of LDC, section 5.9.2.C.4 to allow traffic circulation between the building and W. Muhammad Ali Blvd. **ON THE CONDITION** that an updated plan is prepared and submitted for review by all the agencies

The vote was as follows:

YES: Commissioners Brown, Robinson, Carlson

ABSTAIN: Commissioner Tomes

ABSENT: Commissioner Smith

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NEW BUSINESS

CASE NUMBER 19CUP1036

Request: Floyds Fork Overlay Review
Project Name: The Stables at Floyds Fork
Location: 10503 ½ Bardstown Bluff Road
Owner: Stephanie L. Perri
Applicants Stephanie L. Perri & Carin Veech
Representative: Nicholas R. Pregliasco
Jurisdiction: Louisville Metro
Council District: 20 – Stuart Benson

Case Manager: Steve Hendrix, Planning & Design Coordinator

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

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

Agency Testimony:

00:10:18 Steve Hendrix presented the case. Mr. Hendrix noted the replacement of the gravel parking lot with asphalt parking area (see staff report and recording for detailed presentation).

00:13:34 Commissioner Brown and Mr. Hendrix discussed threshold requirement for sidewalks due to the proposed asphalt parking lot on the site.

00:14:43 Commissioner Carlson asked for clarification in regard to the proposed outdoor chapel. Mr. Hendrix replied the applicant will be able to explain the portable chapel.

The following spoke in favor of this request:

Nick Pregliasco, 1000 N. Hurstbourne Parkway, Louisville, Kentucky, 40223

David Mindel, 5151 Jefferson Blvd, Louisville, Kentucky, 40219

Summary of testimony of those in favor:

00:16:50 Nick Pregliasco presented a revised Power Point slide show (see recording for detailed presentation). Mr. Pregliasco detailed the revised asphalt parking lot plan, extended landscape buffers, and area surrounding site via aerial photos and plans. He also presented traffic counts for Bardstown Bluff Road and grade elevations of the site via photos and site plan.

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00:33:10 Commissioner Carlson, Nick Pregliasco, and David Mindel discussed the proposed outdoor chapel area's seating, temporary structures, and access (see recording for detailed presentation). They also discussed off site parking, noise levels, trespassing concerns, hours of operations, and building codes for existing structures (see recording for detailed presentation).

The following spoke in opposition to this request:

Billy Seabolt, 10503 Bardstown Bluff Road, Louisville, Kentucky, 40291

Grace Bryan, 10505 Bardstown Bluff Road, Louisville, Kentucky, 40291

Emily Bryan, 10505 Bardstown Bluff Road, Louisville, Kentucky, 40291

Summary of testimony of those in opposition:

00:50:39 Billy Seabolt, adjacent property owner, detailed the levels of traffic along Bardstown Bluff Road and Bardstown Road. Mr. Seabolt stated his concerns with noise levels, alcohol consumption, the types of events on the proposed development, and the decreased property value (see recording for detailed presentation).

00:55:50 Grace Bryan, adjacent property owner, presented photos and spreadsheet of her concerns with the Commissioners. Ms. Bryan stated her concerns with increased traffic, noise levels, lighting, dumpster location, bathroom facilities, odors and the proposed parking lot landscaping (see recording for detailed presentation).

01:00:15 Emily Bryan stated her concerns with asphalt parking drainage, use of bug repellants, and guests causing erosion by approaching the Floyds Fork portion of the property. Ms. Bryan noted there are other venues in the area to accommodate wedding ceremonies (see recording for detailed presentation).

01:11:30 Commissioner Tomes noted issues discussed today will be handled in the application and hearing related to the Conditional Use Permit for this site.

Rebuttal:

01:13:06 Nick Pregliasco stated this site is in compliance with the Floyds Fork overlay to improve and reuse existing structures; with the only addition being the asphalt parking lot. Mr. Pregliasco noted the traffic studies done by Diane Zimmerman on Bardstown Bluff Road. He addressed the bathroom facilities to be on sewer or septic to be approved in accordance with the Health Department and MDS guidelines (see recording for detailed presentation).

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01:17:28 Commissioner Brown inquired for waivers associated with this case. Mr. Pregliasco stated there is a sidewalk waiver along Bardstown Bluff Road, a second sidewalk waiver from the connection of Bardstown Bluff Road to the entrance of the site, and a waiver associated with the location of the asphalt parking lot that will be addressed by the Board of Zoning Adjustments when it conducts a hearing on the conditional use permit request (see recording for detailed presentation).

Deliberation:

01:18:33 Commissioner Brown detailed the Floyds Fork guidelines for the site and stated his concerns with the parking location and screening. Commissioner Robinson stated his concerns with shared drive and parking lot location. Commissioner Carlson noted concerns in regard to noise levels, the protection of natural resources, parking lot area, and amount of people attending events. Commissioners, John Carroll, and Brian Davis discussed moving the case to a future Planning Commission meeting and the Floyds Fork Development code (see recording for detailed presentation).

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

01:29:53 On a motion by Commissioner Brown, seconded by Commissioner Robinson, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

RESOLVED, that the Louisville Metro Development Review Committee does hereby **CONTINUE** the requested Floyd's Fork Overlay Review to the August 1, 2019 Planning Commission meeting.

The vote was as follows:

YES: Commissioners Robinson, Brown, and Carlson

ABSTAIN: Commissioner Tomes

ABSENT: Commissioner Smith

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NEW BUSINESS

CASE NUMBER 19DEVPLAN1088

Request: Amenity Area Approval
Project Name: Sports and Learning Complex
Location: 3029 W. Muhammad Ali Boulevard
Owner: Louisville Metro Government
Applicant: Louisville Urban League
Jurisdiction: Louisville Metro
Council District: 5 – Donna Purvis

Case Manager: Julia Williams, AICP, Planning Supervisor

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

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

Agency Testimony:

01:30:56 Julia Williams presented the case (see staff report and recording for detailed presentation).

The following spoke in favor of this request:

Andy Knight, 607 West Main Street, Louisville, Kentucky, 40202

Summary of testimony of those in favor:

01:32:10 Andy Knight, the applicant representing Louisville Urban Legacy, presented a Power Point slide show (see recording for detailed presentation). Mr. Knight noted the phases of development, amenities, parking availability, and the indoor and outdoor tracks.

The following spoke in opposition of this request:

No one spoke.

Deliberation:

01:38:28 Commissioner's Deliberation (see recording for detailed presentation).

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

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NEW BUSINESS

CASE NUMBER 19DEVPLAN1088

01:39:42 On a motion by Commissioner Carlson, seconded by Commissioner Robinson, the following resolution, based on the Standard of Review and Staff Analysis and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Amenity area approval

The vote was as follows:

YES: Commissioners Robinson, Brown, Carlson, Tomes

ABSENT: Commissioner Smith

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NEW BUSINESS

CASE NUMBER 19DEVPLAN1060

Request: Revised District Development Plan with associated Waiver
Project Name: R+R Limo
Location: 4719 Poplar Level Rd
Owner/Applicant: Carey Fieldhouse, Fieldhouse Properties LLC
Representative: Carey Fieldhouse, Fieldhouse Properties LLC
Jurisdiction: Watterson Park
Council District: 10 – Pat Mulvihill

Case Manager: Lacey Gabbard, AICP, Planner I

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

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

Agency Testimony:

01:40:40 Lacey Gabbard presented the case (see staff report and recording for detailed presentation).

The following spoke in favor of this request:

Jeff Peck, 239 N Broadway, Lexington, Kentucky, 40507

Summary of testimony of those in favor:

01:42:17 Jeff Peck, applicant representing R+R, detailed the area of the development via site plan. Mr. Peck noted there will be an improvement to landscaping due to the demolition of over 10% of the existing pavement.

The following spoke in opposition to this request:

No one spoke.

Deliberation:

01:44:42 Commissioners' deliberation (see recording for detailed presentation).

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

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NEW BUSINESS

CASE NUMBER 19DEVPLAN1060

Waiver of Land Development Code section 10.2 to reduce the landscape buffer from 15 feet to 9.5 feet on the north property line

01:44:53 On a motion by Commissioner Carlson, seconded by Commissioner Robinson, the following resolution, based on the Standard of Review and Staff Analysis and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds the waiver will not adversely affect adjacent property owners since the abutting property along the north property line is owned by Louisville & Jefferson County MSD, and there appear to be existing plantings and trees on the MSD-owned side of the shared property line that will provide a visual buffer in addition to the 9.5 foot LBA the applicant is proposing; and

WHEREAS, the Louisville Metro Development Review Committee further finds Land Use & Development Goal 1, Policy 9 ensures an appropriate transition between uses that are substantially different in scale and intensity or density of development. Land Use & Development Goal 1, Policy 10 calls for mitigation of the impacts caused when incompatible developments unavoidably occur adjacent to one another. Buffers should be used between uses that are substantially different in intensity or density. Buffers should be variable in design and may include landscaping, vegetative berms and/or walls and should 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.

The waiver will not violate specific guidelines of Plan 2040. The applicant is proposing to reduce rather than eliminate the LBA along the north property line. Additionally, there appear to be plantings in place on the property to the north that provide a visual buffer. The property to the north, the Buecel Basin, is a wet weather storage facility owned by MSD and is unlikely to be redeveloped; and

WHEREAS, the Louisville Metro Development Review Committee further finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the existing parking lot/impervious area on the northern property line will only allow a 9.5 foot LBA to be installed; 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 since the existing parking lot/impervious area on the northern property line will only allow a 9.5 foot LBA to be installed, therefore be it

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RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver of Land Development Code section 10.2 to reduce the landscape buffer from 15 feet to 9.5 feet on the north property line

The vote was as follows:

YES: Commissioners Robinson, Brown, Carlson, Tomes

ABSENT: Commissioner Smith

01:45:25 On a motion by Commissioner Carlson, seconded by Commissioner Robinson, the following resolution, based on the Standard of Review and Staff Analysis and testimony heard today, was adopted:

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

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

WHEREAS, the Louisville Metro Development Review Committee further finds there are no open space requirements pertinent to the current proposal. Any future multi-family development proposed on the subject site will be required to meet Land Development Code requirements; and

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

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

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WHEREAS, the Louisville Metro Development Review Committee further finds the development plan conforms to applicable guidelines and policies of Plan 2040 and to requirements of the Land Development Code, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Revised District Development Plan with Binding Element Amendments

Existing Binding Elements 9-75-87

- ~~1. The development shall be in accordance with the approved district development plan, land use 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.~~
- ~~2. The development shall not exceed 6,365 square feet of gross building area.~~
- ~~3. Before a building or alteration permit and/or a certificate of occupancy is requested:
 - ~~a. The development plan must be re-approved by the Jefferson County Department of Public Works and Transportation 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 Article 12. Such plan shall be implemented prior to requesting a certificate of occupancy and maintained thereafter.~~~~
- ~~4. The existing sign shown on the district development plan shall be located as shown on the approved district development plan and shall not exceed 32 square feet in area.~~
- ~~5. If a certificate of occupancy (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.~~

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6. ~~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.~~

9-29-85

1. ~~The development will be in accordance with the approved district development plan. No further development will occur.~~
2. ~~The development shall not exceed 1,900 square feet of gross floor area within the structure on the site.~~
3. ~~Before certificates of occupancy are issued:~~
- a. ~~The development plan must be reapproved by the Transportation Engineering, Water Management and Fire Safety Sections of the Jefferson County Public Works and Transportation Cabinet.~~
 - b. ~~Encroachment permits must be obtained from the Kentucky Department of Transportation Bureau of Highways.~~
 - c. ~~The developer shall obtain approval of a landscaping plan for this site. The plan shall be implemented prior to occupancy and maintained thereafter.~~
4. ~~The only permitted sign shall be located as shown on the approved district development plan and shall not exceed 32 square feet in area and 20 feet in height.~~
5. ~~If a certificate of occupancy is not issued within one year of the date of approval of the plan or rezoning whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.~~
6. ~~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 and all binding elements must be implemented prior to requesting issuance of the certificate of occupancy.~~

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7. ~~The above binding elements may be amended as provided for in the Zoning District Regulations.~~

9-59-83

1. ~~The development will be in accordance with the approved district development plan. No further development will occur.~~
2. ~~The development shall not exceed 4,865 square feet of gross building area.~~
3. ~~Before a certificate of occupancy is issued:~~
 - a. ~~The development must be reapproved by the Transportation Engineering, Water Management and Fire Safety Sections of the Jefferson County Department of Public Works and Transportation.~~
 - b. ~~All signs must be removed from the property except the sign shown on the approved district development plan. The sign to remain shall be located as shown on the approved district development plan and shall not exceed 36 square feet in area.~~
 - c. ~~The appropriate variance must be obtained from the Board of Zoning Adjustment to allow parking in the required side yard.~~
4. ~~No certificate of occupancy shall be issued more than one year from the date of approval of the plan or rezoning whichever is later or the property shall not be used in any manner.~~
5. ~~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.~~
6. ~~The above binding elements may be amended as provided for in the Zoning District Regulations.~~

Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee

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for review and approval; any changes/additions/alterations not so referred shall not be valid.

2. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
 - 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 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 Design Services; a copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - e. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.

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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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
8. 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 Robinson, Brown, Carlson, and Tomes

ABSENT: Commissioner Smith

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NEW BUSINESS

CASE NUMBER 19DEVPLAN1064

Request: General Development Plan and Detailed District
Development Plan with Binding Elements
Project Name: Paccar Inc.
Location: 13641 Dixie Highway
Owner: Louisville & Jefferson County Riverport
Applicant: Paccar Inc.
Representative: Land Design & Development
Jurisdiction: Louisville Metro
Council District: 14 – Cindi Fowler

Case Manager: **Dante St. Germain, AICP, Planner II**

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

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

Agency Testimony:

01:46:26 Dante St. Germain presented the case (see staff report and recording for detailed presentation).

The following spoke in favor of this request:

Derek Triplett, 503 Washburn Ave, Louisville, Kentucky, 40222

David Reed, 1046 East Chestnut, Louisville, Kentucky, 40204

Summary of testimony of those in favor:

01:50:00 Derek Triplett, the applicant representing PACCAR Inc and Louisville Metro Riverport Authority, presented a Power Point slide show (see recording for detailed presentation). Mr. Triplett noted comments from previous development plan.

01:54:42 Commissioner Brown and David Redd discussed the setbacks in the public right of way along Lewis Lane and nearby connecting roads (see recording for detailed presentation).

01:56:10 Commissioner Brown asked for the hours of operations of the development. Derek Triplett replied the development will be 24 hour operation schedule.

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01:56:25 Commissioner Carlson, Brown, Derek Triplett, David Reed, and Dante St. Germain discussed the new policies regarding lighting and idling times for trucks on the development (see recording for detailed presentation). They concluded hours of idling operations be

02:02:54 Commissioner Carlson inquired about the hours of operation for testing emergency generators for the development. Mr. Triplett replied there is no information as of right now for generators.

The following spoke in neither for nor against this request:

Bob Shultz, 6396 Pendelton Road, Louisville, Kentucky, 40272

Dale Reader, 13801 Old Distillery Road, Valley Station, Kentucky, 40272

Summary of testimony of those in neither for nor against:

02:04:04 Bob Shultz stated he is unclear of the location of Dixie Highway in regards to the site. Mr. Shultz stated he is concerned with drainage on and from the site. David Reed replied the first phase of this development will help correct drainage issues on and around the site.

02:09:15 Dale Reader, adjacent property owner, stated his concerns with drainage from the site, noise levels, the possibility of using Old Distillery Road as an emergency exit from the site, and a graveyard located near the site. David Reed reiterated the drainage plan for phase one spoken to Bob Shultz. Mr. Reed stated there will be a 30 foot buffer around the cemetery with an access easement per regulations.

Deliberation:

02:12:06 Commissioners discussed additional binding elements. (see recording for detailed presentation.)

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

General Development Plan/Preliminary Subdivision Plan with Binding Elements

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02:15:28 On a motion by Commissioner Carlson, seconded by Commissioner Robinson, the following resolution, based on the Standard of Review and Staff Analysis and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds there do not appear to be any historic resources on the subject site. Wetlands disturbance is regulated by the Army Corps of Engineers. An intermittent stream is present on the site. MSD has approved the general development plan. The tree canopy which previously existed on the site has been removed; and

WHEREAS, the Louisville Metro Development Review Committee further finds Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided. Louisville Metro Public Works has provided preliminary approval of the plan; and

WHEREAS, the Louisville Metro Development Review Committee further finds there are no open space requirements pertinent to the current proposal.; and

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

WHEREAS, the Louisville Metro Development Review Committee further finds the overall site design and land uses are compatible with the existing and future development of the area. The subject site is located in an area with both developed and undeveloped parcels. The site was previously approved for warehouses; and

WHEREAS, the Louisville Metro Development Review Committee further finds the general development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the General Development Plan/Preliminary Subdivision Plan with Binding Elements with additions to the General binding elements idling a truck shall not occur between the hours of 10 p.m. and 6 a.m. and one additional binding element stating any emergency or standby generator testing shall be done in accordance with applicable

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code standards and manufacture recommendations between the hours of 8 a.m. and 5 p.m.

Existing DDDP Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s), or development plan revisions and all landscape plans shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. ~~The development shall not exceed 2,555,000 square feet of gross floor area.~~
3. ~~Signs shall be in accordance with Chapter 8 of the Land Development Code.~~
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. ~~Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.~~
6. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit (NOTE: ~~to be used for sites within an historic preservation district~~) is requested:
 - a) ~~The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.~~
 - b) ~~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 minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be~~

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~~submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.~~

- e) ~~A road closure approval for the required portions of Lewis Lane shall be approved prior to requesting a building permit.~~

- 7. ~~A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.~~
- 8. 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 façade elevations shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.~~
- 10. No idling of trucks shall take place within 200 feet of single-family residences.
- 11. ~~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.~~
- 12. Uses to be prohibited on this subject site:

Pawn shop

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Automobile rental agencies
Automobile repair garages
Automobile sales agencies
Billiard parlors, game rooms and similar entertainment uses
Bingo halls and parlors
Dance halls
Skating rinks (ice or roller)
Tattoo, body art, and piercing parlors
Used car sales areas
Transitional Housing
Homeless Shelter
Outdoor Paintball Ranges
River terminals
Animal pound
Firearms
Animal packing or slaughtering
Adult entertainment
Race tracks for motor-powered vehicles

Proposed General Plan/Preliminary Subdivision Plan Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s), or development plan revisions and all landscape plans 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. Prior to development (including clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.
3. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

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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) A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
 - b) A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
7. No idling of trucks shall take place within 200 feet of residential uses. No overnight idling of trucks shall be permitted on the site.
8. A note shall be placed on the construction plan and the record plat that states: "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."
9. All street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
10. 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

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is visible off-site. Outdoor lighting shall at all times comply with the Land Development Code Chapter 4.

11. Uses to be prohibited on this subject site:

Pawn shop
Automobile rental agencies
Automobile repair garages
Automobile sales agencies
Billiard parlors, game rooms and similar entertainment uses
Bingo halls and parlors
Dance halls
Skating rinks (ice or roller)
Tattoo, body art, and piercing parlors
Used car sales areas
Transitional Housing
Homeless Shelter
Outdoor Paintball Ranges
River terminals
Animal pound
Firearms
Animal packing or slaughtering
Adult entertainment
Race tracks for motor-powered vehicles

The vote was as follows:

YES: Commissioners Robinson, Brown, Carlson, and Tomes

ABSENT: Commissioner Smith

Revised Detailed District Development Plan with Binding Elements

02:16:38 On a motion by Commissioner Carlson, seconded by Commissioner Robinson, the following resolution, based on the Standard of Review and Staff Analysis and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds there do not appear to be any historic resources on the subject site. Wetlands disturbance is

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regulated by the Army Corps of Engineers. An intermittent stream is present on the site. MSD has approved the detailed district development plan. The tree canopy which previously existed on the site has been removed; and

WHEREAS, the Louisville Metro Development Review Committee further finds Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided. Louisville Metro Public Works has provided preliminary approval of the plan; and

WHEREAS, the Louisville Metro Development Review Committee further finds there are no open space requirements pertinent to the current proposal. A required amenity area is being provided; and

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

WHEREAS, the Louisville Metro Development Review Committee further finds The overall site design and land uses are compatible with the existing and future development of the area. The subject site is located in an area with both developed and undeveloped parcels. The new plan orients the parking and loading areas away from adjacent existing development; 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, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the Revised Detailed District Development Plan with Binding Elements

Proposed RDDDP 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

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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 Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b) Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
 - 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) Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
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

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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:

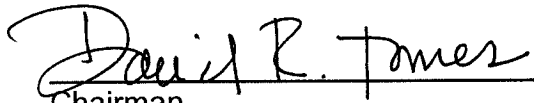
YES: Commissioners Robinson, Brown, Carlson, and Tomes

ABSENT: Commissioner Smith

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Adjournment

The meeting adjourned at approximately 3:33 p.m.


Chairman


Division Director