

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE MEETING
May 22, 2019**

A meeting of the Louisville Metro Development Review Committee was held on April 17, 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 Manager
Joel Dock, Planner II
Lacey Gabbard, Planner I
Jay Lockett, Planner I
Paul Whitty, Legal Counsel
Beth Stuber, Transportation Supervisor
Tony Kelly, MSD
Rachel Dooley, Management Assistant (Minutes)

The following matters were considered

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APPROVAL OF MINUTES

May 8, 2019 DRC Meeting Minutes

00:02:43 On a motion by Commissioner Carlson, seconded by Commissioner Jarb, the following resolution was adopted:

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on May 8, 2019.

The vote was as follows:

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

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NEW BUSINESS

CASE NUMBER 19DEVPLAN1065

Request: Revised detailed & category 3 development plan with waivers
Project Name: Hurstbourne Town Center
Location: 101 Whittington Parkway
Owner: Viking Partners Hurstbourne
Applicant: Viking Partners Hurstbourne
Jurisdiction: Louisville Metro
Council District: 18 – Marilyn Parker

Case Manager: **Joel P. 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:

00:03:37 Joel Dock presented the case (see staff report and recording for detailed presentation.) Mr. Dock noted the revised district development plans and binding elements is the recommendation going to the City of Hurstbourne.

The following spoke in favor of this request:

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

Summary of testimony of those in favor:

00:08:12 Nick Pregliasco presented power point slide show (see recording for detailed presentation.) Mr. Pregliasco detailed the proposed revised district development plan for the site and uses for various buildings. He stated Kevin Young is present for questions.

The following spoke in opposition to this request:

No one spoke.

Deliberation:

00:16:56 Commissioner's Deliberation (see recording for detailed presentation.)

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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.

- 1a. Waiver of Land Development Code (LDC), section 5.5.1.A.1.a to not orient the principal building entrance towards the primary street (Whittington Parkway) or to a focal point
- 2a. Waiver of LDC, section 5.5.1.A.1.a to not orient the principal building or secondary entrance towards the primary street (Hurstbourne Parkway) or to a focal point
- 2b. Waiver of LDC, section 5.5.1.A.3.a to locate parking between the building and street and to omit the masonry wall along the street.
- 2c. Waiver of LDC, section 10.3.5.A.1 & 10.2.10 to allow parking to encroach upon the 30' parkway and 15' landscape buffer area.
- 3a. Waiver of Land Development Code (LDC), section 5.5.1.A.1.a to not orient the principal building or secondary entrance towards the primary streets (Shelbyville Road and Hurstbourne Parkway) or to a focal point
- 3b. Waiver of LDC, section 10.3.5.A.1 & 10.2.10 to allow parking to encroach upon the 30' parkway buffer and setback.

00:18:47 On a motion by Commissioner Carlson, seconded by Commissioner Robinson, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

(1a. Waiver) WHEREAS, the Louisville Metro Development Review Committee finds the waiver will not adversely affect adjacent property owners as the orientation of the structure is not anticipated to reduce interaction with adjacent owners or detract from the character of the center; and

WHEREAS, the Louisville Metro Development Review Committee further finds the Town Center Form District is defined by buildings that are generally close to and oriented toward the street. These characteristics strengthen the role of the Town Center as a community focal point. The Town Center should have a high level of pedestrian, roadway, transit and bicycle access, a connected street pattern, shared parking and pedestrian amenities. Town Centers are easily disrupted by new forms of development. Therefore the harmony and compatibility of infill and redevelopment in town centers

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should receive special attention. The establishment of new town centers requires a high level of planning and design. The center has been previously disrupted and the character no longer conforms to these principles, nor is it anticipated that the center will be developed in a fashion consistent with the Town Center Form; thus, deviation from these principles is in keeping with the previously approved and proposed pattern of development for the center; 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 applicant has appropriately requested the waiver and the relief is consistent with the overall approved and proposed plans for the center; 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 prior approvals have omitted many of the standards of the Town Center form district and further application of these standards without strict compliance for the remainder of the center would be unnecessary; and

(2a. Waiver) WHEREAS, the Louisville Metro Development Review Committee further finds the waiver will not adversely affect adjacent property owners as the orientation of the structure is not anticipated to reduce interaction with adjacent owners or detract from the character of the center; and

WHEREAS, the Louisville Metro Development Review Committee further finds the Town Center Form District is defined by buildings that are generally close to and oriented toward the street. These characteristics strengthen the role of the Town Center as a community focal point. The Town Center should have a high level of pedestrian, roadway, transit and bicycle access, a connected street pattern, shared parking and pedestrian amenities. Town Centers are easily disrupted by new forms of development. Therefore the harmony and compatibility of infill and redevelopment in town centers should receive special attention. The establishment of new town centers requires a high level of planning and design. The center has been previously disrupted and the character no longer conforms to these principles, nor is it anticipated that the center will be developed in a fashion consistent with the Town Center Form; thus, deviation from these principles is in keeping with the previously approved and proposed pattern of development for the center; 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 applicant has appropriately requested the waiver and the relief is consistent with the overall approved and proposed plans for the center; and

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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 prior approvals have omitted many of the standards of the Town Center form district and further application of these standards without strict compliance for the remainder of the center would be unnecessary; and

(2b. Waiver) WHEREAS, the Louisville Metro Development Review Committee further finds the waiver will not adversely affect adjacent property owners as the location of parking is not anticipated to reduce interaction with adjacent owners or detract from the character of the center; and

WHEREAS, the Louisville Metro Development Review Committee further finds the Town Center Form District is defined by buildings that are generally close to and oriented toward the street. These characteristics strengthen the role of the Town Center as a community focal point. The Town Center should have a high level of pedestrian, roadway, transit and bicycle access, a connected street pattern, shared parking and pedestrian amenities. Town Centers are easily disrupted by new forms of development. Therefore the harmony and compatibility of infill and redevelopment in town centers should receive special attention. The establishment of new town centers requires a high level of planning and design. The center has been previously disrupted and the character no longer conforms to these principles, nor is it anticipated that the center will be developed in a fashion consistent with the Town Center Form; thus, deviation from these principles is in keeping with the previously approved and proposed pattern of development for the center; 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 applicant has appropriately requested the waiver and the relief is consistent with the overall approved and proposed plans for the center; 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 prior approvals have omitted many of the standards of the Town Center form district and further application of these standards without strict compliance for the remainder of the center would be unnecessary; and

(2c. Waiver) WHEREAS, the Louisville Metro Development Review Committee further finds the waiver will not adversely affect adjacent property owners as the relief requested is not anticipated to reduce interaction with adjacent owners or detract from the character of the center; and

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WHEREAS, the Louisville Metro Development Review Committee further finds The Town Center Form District is defined by buildings that are generally close to and oriented toward the street. These characteristics strengthen the role of the Town Center as a community focal point. The Town Center should have a high level of pedestrian, roadway, transit and bicycle access, a connected street pattern, shared parking and pedestrian amenities. Town Centers are easily disrupted by new forms of development. Therefore the harmony and compatibility of infill and redevelopment in town centers should receive special attention. The establishment of new town centers requires a high level of planning and design. The center has been previously disrupted and the character no longer conforms to these principles, nor is it anticipated that the center will be developed in a fashion consistent with the Town Center Form; thus, deviation from these principles is in keeping with the previously approved and proposed pattern of development for the center; 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 applicant has appropriately requested the waiver and the relief is consistent with the overall approved and proposed plans for the center; 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 prior approvals have omitted many of the standards of the Town Center form district and further application of these standards without strict compliance for the remainder of the center would be unnecessary; and

(3a. Waiver) WHEREAS, the Louisville Metro Development Review Committee further finds the waiver will not adversely affect adjacent property owners as the orientation of the structure is not anticipated to reduce interaction with adjacent owners or detract from the character of the center; and

WHEREAS, the Louisville Metro Development Review Committee further finds The Town Center Form District is defined by buildings that are generally close to and oriented toward the street. These characteristics strengthen the role of the Town Center as a community focal point. The Town Center should have a high level of pedestrian, roadway, transit and bicycle access, a connected street pattern, shared parking and pedestrian amenities. Town Centers are easily disrupted by new forms of development. Therefore the harmony and compatibility of infill and redevelopment in town centers should receive special attention. The establishment of new town centers requires a high level of planning and design. The center has been previously disrupted and the character no longer conforms to these principles, nor is it anticipated that the center will be developed in a fashion consistent with the Town Center Form; thus, deviation from

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these principles is in keeping with the previously approved and proposed pattern of development for the center; 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 applicant has appropriately requested the waiver and the relief is consistent with the overall approved and proposed plans for the center; 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 prior approvals have omitted many of the standards of the Town Center form district and further application of these standards without strict compliance for the remainder of the center would be unnecessary; and

(3b. Waiver) WHEREAS, the Louisville Metro Development Review Committee further finds the waiver will not adversely affect adjacent property owners as the orientation of the structure is not anticipated to reduce interaction with adjacent owners or detract from the character of the center; and

WHEREAS, the Louisville Metro Development Review Committee further finds the Town Center Form District is defined by buildings that are generally close to and oriented toward the street. These characteristics strengthen the role of the Town Center as a community focal point. The Town Center should have a high level of pedestrian, roadway, transit and bicycle access, a connected street pattern, shared parking and pedestrian amenities. Town Centers are easily disrupted by new forms of development. Therefore the harmony and compatibility of infill and redevelopment in town centers should receive special attention. The establishment of new town centers requires a high level of planning and design. The center has been previously disrupted and the character no longer conforms to these principles, nor is it anticipated that the center will be developed in a fashion consistent with the Town Center Form; thus, deviation from these principles is in keeping with the previously approved and proposed pattern of development for the center; 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 applicant has appropriately requested the waiver and the relief is consistent with the overall approved and proposed plans for the center; 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 prior approvals have omitted many of the standards of the Town Center form

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district and further application of these standards without strict compliance for the remainder of the center would be unnecessary, therefore be it

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the requested waiver of Land Development Code (LDC), section 5.5.1.A.1.a to not orient the principal building entrance towards the primary street (Whittington Parkway) or to a focal point, **AND** waiver of LDC, section 5.5.1.A.1.a to not orient the principal building or secondary entrance towards the primary street (Hurstbourne Parkway) or to a focal point, **AND** waiver of LDC, section 5.5.1.A.3.a to locate parking between the building and street and to omit the masonry wall along the street, **AND** waiver of LDC, section 10.3.5.A.1 & 10.2.10 to allow parking to encroach upon the 30' parkway and 15' landscape buffer area, **AND** waiver of Land Development Code (LDC), section 5.5.1.A.1.a to not orient the principal building or secondary entrance towards the primary streets (Shelbyville Road and Hurstbourne Parkway) or to a focal point, **AND** waiver of LDC, section 10.3.5.A.1 & 10.2.10 to allow parking to encroach upon the 30' parkway buffer and setback.

The vote was as follows:

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

Revised Detailed District Development Plan

00:21:08 On a motion by Commissioner Carlson, seconded by Commissioner Robinson, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds the proposed development does not appear to impact natural resources as the existing conditions of the subject site consist primarily of impervious surfaces; and

WHEREAS, the Louisville Metro Development Review Committee further finds provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community has been provided; and

WHEREAS, the Louisville Metro Development Review Committee further finds provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development has been provided; and

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

WHEREAS, the Louisville Metro Development Review Committee further finds the overall site design and land uses are compatible with prior approvals and future development; and

WHEREAS, the Louisville Metro Development Review Committee further finds the development plan conforms to the comprehensive plan as the redevelopment is occurring on a previously developed site, therefore be it

RESOLVED, that the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the City of Hurstbourne that the requested Revised District Development Plan and Binding Elements be **APPROVED, SUBJECT** to the following binding elements:

Binding Elements (C-1 development site only/North)

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee and the City of Hurstbourne for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. There shall be no direct vehicular access to Hurstbourne Parkway or Shelbyville Road.
3. There shall be no street parking marked, constructed, or allowed, on Whittington Parkway and the plan shall be revised to remove street parking that it shows on Whittington Parkway
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested for each tract:

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- a. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10
 - b. A subdivision plat creating the tracts as shown on the approved district development plan shall be recorded.
 - c. Renderings of each building shall be provided to Planning and Design Services staff and to the City of Hurstbourne for review and incorporation into the case file, excluding the renderings for the apartment project on Tract 1, which shall be substantially similar to those presented to the Planning Commission and the City of Hurstbourne in connection herewith.
 - d. A cross access and shared parking agreement shall be recorded for all tracts as shown on the approved detailed district development plan. A blanket cross parking and access easement shall satisfy this requirement.
 - e. The applicant shall receive the approval of MSD that its construction plans comply with current drainage requirements.
5. Except as otherwise permitted by the City of Hurstbourne sign ordinance, no outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted. All signs must be in compliance with City of Hurstbourne ordinances and applicant must obtain City of Hurstbourne sign permits for any signage.
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 address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
8. The applicant shall provide documentation to Planning and Design Services staff for incorporation into the case file showing that the development complies with all the regulations from Chapter 4, Part 1, Section 3, Lighting, prior to the issuance of a construction permit. These regulations include the following items:
- a. Mounting Height Limit

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- b. Luminaire Shielding
 - c. Canopy Lighting Level
 - d. Light Trespass
9. The applicant, its successors and assigns, shall maintain the apartments and site in a high state of repair, including, but not limited to:
- a. Maintenance of exterior finishes, no peeling paint, broken or non-functioning light fixtures, holes in the exterior, windows, and stairways in good condition.
 - b. Maintenance of grounds, including regular mowing, landscape upkeep and replacement of any plant material which might die, sidewalks repaired, exterior light kept functioning, common areas picked up and kept clean.
 - c. Maintenance of parking and all interior access roads, no significant pavement degradation allowed, no abandoned cars allowed to remain in parking area, snow removal, keeping any signage painted and well kept.
10. The applicant, its successors and assigns, shall develop a set of rules and regulations for the residents of the apartments, to help insure that the structures and grounds remain in a high state of repair and provide those rules to the City of Hurstbourne.
11. The applicant, its successors and assigns, agree that during the construction phase, the site shall be kept mowed and picked up, to the greatest extent possible, given the necessities of the construction operations. Construction vehicles shall not cut through Hurstbourne local access streets and shall be directed to access the site through Whittington Parkway.
12. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

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The vote was as follows:

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

Category 3 Development Plan

00:21:48 On a motion by Commissioner Carlson, 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 **APPROVE** the requested Category 3 Development Plan **ON CONDITION**, that a landscape and tree preservation plan is approved prior the issuance of any permit on any tract subject to this approval a subdivision plat creating the tracts as shown on the approved Category 3 Development Plan, is recorded renderings of all structures are provided to the Planning and Design Services staff review, corporation into the case file prior to requesting any permit and a cross access. and shared parking agreement is recorded for all tracts as shown on the Category 3 Development Plan

The vote was as follows:

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

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NEW BUSINESS

CASE NUMBER 19DEVPLAN1071

Request: Modified conditional use permit
Project Name: Norton Cancer Institute
Location: 4955 Norton Healthcare Blvd
Owner: Norton Hospitals, Inc.; McMahan Holdings, LLC
Applicant: Norton Hospitals, Inc.
Jurisdiction: Louisville Metro
Council District: 16 – Scott Reed

Case Manager: **Joel P. 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:

00:23:02 Joel Dock presented the case (see staff report and recording for detailed presentation.)

The following spoke in favor of this request:

Tanner Nichols, 400 West Market Street 3200, Louisville, Kentucky, 40202

Summary of testimony of those in favor:

00:24:22 Tanner Nichols presented Power Point slide show (see recording for detailed presentation.) Mr. Nichols stated he and Chris Brown are available for questions.

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

No one spoke.

Deliberation:

00:24:59 Commissioner's Deliberation (see recording for detailed presentation.)

00:25:02 Commissioner Carlson and Commissioner Brown discussed the crosswalks at the proposed four way stop intersection.

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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.

00:25:23 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 proposed revisions have no impact on the conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites; and

WHEREAS, the Louisville Metro Development Review Committee further finds the proposed revisions enhance pedestrian mobility by providing additional crosswalks to encourage safe pedestrian mobility; and

WHEREAS, the Louisville Metro Development Review Committee further finds open space is not required for the proposed revisions. Open space areas have previously been provided; and

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

WHEREAS, the Louisville Metro Development Review Committee further finds the proposed revisions do not impact the compatibility of the overall site design.; and

WHEREAS, the Louisville Metro Development Review Committee further finds the development plan conforms to requirements of the Comprehensive Plan as the revisions encourage safe pedestrian mobility, therefore be it

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

Existing Binding Elements

GENERAL

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1. The Development approved as a General District Development Plan shall be developed in accordance with such Plan and binding elements contained herein unless amended pursuant to the Zoning District Regulations. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid. Each applicant seeking approval of a detailed district development plan for each parcel in the Development shall be responsible for updating the General District Development Plan as to those matters where the applicant's approved plan deviates from the General District Development Plan.
2. The commercial, non-medical office and retail development shall not exceed 494,234 square feet of gross floor area and 7,600 square feet of gross floor area for the preservation of the historic residence. The hospital and medical office buildings shall not exceed a total of 645,245 square feet of gross floor area. Outlet structures shall be generally oriented toward the internal roadways as shown on the General District Development Plan.
3. Prior to development **(includes clearing and grading)** of each parcel in the development, the applicant, developer, or property owner of each such parcel shall obtain approval of a detailed district development plan from the Architectural Review Committee and thereafter obtain approval from LD&T. Each plan shall be in adequate detail and subject to additional binding elements. The additional binding elements may relate, but not be limited, to the following items:
 - a. screening, buffering, landscaping, tree preservation
 - b. density, floor area, size and height of buildings; provided that the development is not more restricted than set forth within the binding elements.
 - c. points of access and site layout with respect to on-site circulation
 - d. land uses
 - e. signage
 - f. loading berths
 - g. parking
 - h. sidewalks
 - i. site design elements relating to alternative transportation modes
 - j. outdoor lighting
 - k. minor subdivision plat approval
 - l. air pollution
 - m. the timing of construction to coincide with the availability of flood protection measures, municipal sewer and water service, and adequate fire protection
 - n. dumpsters
4. The following uses shall not be permitted in the C-2 Commercial District: adult entertainment, auction sales, automobile repair garages, bingo halls, car washes and flea markets.

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5. Each applicant for development of a parcel shall be required to provide the information needed to notify first tier property owners to the perimeter of the entire Development, plus those who spoke in opposition to the Development at the public hearing, at least seven (7) days prior to the Land Development and Transportation Committee meeting review of any detailed district development plan for each parcel in the Development. This list of names and addresses shall be submitted by the applicant at the time of filing for any Land Development and Transportation Committee meeting review. Staff of the Planning Commission shall be responsible for ensuring that these notices are mailed in accordance with this binding element.
6. 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, Articles of Organization or other appropriate origination documents filed with appropriate governmental authorities for the entity responsible for common areas maintenance, repair and upkeep, which includes maintenance of WPAs..
 - 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 and maintenance of WPAs** and other issues required by these binding elements / conditions of approval.

DESIGN

7. A Streetscape Master Plan shall be submitted to Planning Commission staff for review and approval prior to filing of any Detailed District Development Plan. The Streetscape Master Plan shall include, but not be limited to street tree planting locations/sidewalk and multi-purpose trail typical cross section design/location of street lights, public benches, TARC stop, and trash receptacles. A transit stop has been shown for conceptual purposes only. The decision and location of a transit stop shall be made by TARC prior to construction plan approval for the public roadway.
8. The only permitted freestanding signs shall be as shown on the approved General District Development Plan or sign plans. Prior to the erection of any sign, a unified sign plan for the entire Development shall be submitted, detailing the materials, sizes and appearance of all freestanding signs proposed for the Development. Freestanding signs shall be monument style. Information relating to attached building signage shall be submitted as part of the detailed plan review for each parcel. Attached signage affixed to the office buildings, hotel, and the medical diagnostic clinic shall be back lit and not internally illuminated. No outdoor advertising signs, small free-standing signs, pennant, balloons, or banners shall be permitted on any parcel in the Development.
9. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90-degree cutoff. Light levels due to lighting

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on the Development shall not exceed one-foot candle measured at the property line. Light levels due to lighting on Lot O shall not exceed 0.5-foot candle measured at the property line of the Development. Each applicant for such parcel in the Development shall obtain certification by a qualified expert in measurement of lighting levels prior to requesting a certificate of occupancy. Such certification shall be maintained on site at all times thereafter. Light standards in the commercial, office and hotel components shall not exceed 30-feet in height. The Development shall meet all Article 12 requirements for screening and buffering.

10. The materials and design of proposed structures shall be substantially the same as depicted in renderings presented at the time of detailed district development plan approval for each parcel. The building materials for the retail component and hotel shall be drivit, tile, brick, masonry and stone except nationally or regionally recognized chain operations may utilize wood exteriors where such exterior appearance is part of an established and generally used trade dress. The building materials for the office component shall be brick or stone or a combination of brick and stone. All structures adjacent to KY 22 shall have a consistent architectural style and exterior color scheme. An Architectural Review Committee shall be established by the Developer and reflected within the Deed Restrictions recorded prior to the submittal of the first detail district development plan.
11. The general location of focal points and amenity parcels shall conform to the General Plan Exhibit submitted at the October 5, 2016 public hearing, and shall be considered with each detail district development plan review.
12. The number and general location of curb cuts for all parcels shall conform to the General Plan Exhibit submitted at the October 5, 2016 public hearing. Crossover access easements shall be granted for shared access between parcels where shown on the General District Development Plan. Pedestrian and bicycle parking facilities shall be provided in accordance with the Planning Commission Policies and the Land Development Code in effect at the time of detailed district development plan submittal. Parking shall be designed to provide safe pedestrian access to all structures. Applicants submitting a detailed district development plan shall consider opportunities for shared parking, the use of alternative materials to reduce impervious surface and the transport of water born pollutants. Low Impact Development (LID) stormwater management strategies such as bioretention, vegetated swales/buffer strips, permeable pavers, and shared parking shall be incorporated where appropriate as determined by the Architectural Review Committee or LD&T into each activity center to reduce impervious surface area and negative water quality impacts from the transport of water born pollutants. Where appropriate, as provided above, the applicant shall demonstrate provisions for Low Impact Development (LID) strategies at the time of detailed district development plan submittal.

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13. A sidewalk collector system, providing pedestrian access to the Development in connecting the activity centers, shall be provided as shown on the General District Development Plan. Sidewalks, connecting individual parcels to the connector system, shall be provided and their location reviewed with each detailed district development plan request. A 10-foot wide multipurpose trail shall be provided as shown on the General District Development Plan. Extension of the multi-purpose trail into an activity center, as shown on the General District Development Plan shall be provided prior to a Certificate of Occupancy request for the structure(s) on the parcel in which the extension is proposed.
14. Buildings longer than 100 feet in length shall contain recesses or other design features to break up the facade. No interrupted length of the facade shall be greater than 100 feet. In addition, each applicant with respect to Lots 'J' and 'K' shall address the rear elevations of buildings so as to make buildings compatible and complimentary to the front elevation.
15. The maximum height of the medical diagnostic clinic, office buildings and hotel shall be 71 feet from the ground floor elevation to the roof eaves.
16. The site shall be developed in accordance with the woodland protection areas delineated on the site plan, tree preservation plan and related notes. Any modification of the woodland protection area requires notification of adjoining property owners and LD&T action.
17. The applicant shall provide deeds of restriction ensuring that WPAs will be permanently protected in a manner consistent with these binding elements and the approved plan. The form of the deed restrictions shall be approved by Planning Commission counsel. Deed Restrictions must be recorded prior to tree preservation approval. All plans setting out woodland protection areas must contain the following notes:
 - A. Woodland Protection Areas (WPAs) identified on this plan represent portions of the site that shall permanently preserve **all existing vegetation**. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of development plan approval. No further clearing, grading, construction or other land disturbing activity other than as required by MSD for sewer and drainage maintenance/installation and construction of multi-purpose trail shown on general district development plan shall take place within designated WPAs beyond pruning to improve the general health of the tree or to remove dead or declining trees that may pose a public health and safety threat.
 - B. Dimension lines have been used on this plan to establish the general location of WPAs and represent the minimum boundary of the designated WPAs. The

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final boundary for each WPA shall be established in the field by the applicant, developer, or property owner to include canopy area of all trees at or within the dimension line.

- C. Tree protection fencing shall be erected around all WPAs prior to Site Disturbance Approval to protect the existing tree stands and their root systems. The fencing shall be located at least 3 feet beyond the edge of the tree canopy and shall remain in place until all construction is completed.
 - D. No parking, material storage or construction activities are permitted within the WPAs.
18. 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.
 19. The applicant shall provide a minimum 50-foot setback adjacent to the Gene Snyder Freeway for Lots G, H, J, K and L. No impervious surfaces, excluding the multi-purpose trail as shown on the General District Development Plan are allowed within this setback area. Screening from the Gene Snyder Freeway shall be consistent with the concept Home Improvement Buffer concept plan as shown at the March 25, 2002 public hearing.
 20. The applicant shall expand the 30-foot Woodland Protection Areas (WPAs) beyond 30 feet where more space is available and where space is needed to meet the preservation requirements as listed within binding element 16A-D. The applicant shall work with Planning Commission staff to provide supplemental tree plantings where gaps exist within the WPAs.
 21. The applicant shall provide screening and buffering in excess of the landscape code requirements along KY 22 and Chamberlain Lane. The proposed landscaping design shall be consistent with the KY 22 and Chamberlain Lane buffer concept plans as shown at the March 25, 2002 public hearing.
 22. The historic Von Allmen Dairy Farm Residence shall be preserved and there shall be no alterations to the exterior of the historic residence unless approved by the Planning Commission and the Jefferson County Office of Historic Preservation and Archives.
 23. A landscaping plan that includes preservation of existing trees shall be established for the Von Allmen House. The plan shall be approved by the Office of Historic Preservation and Archives and Planning Commission staff and shall apply only to the area delineated for preservation by the Office of Historic Preservation. The preservation area shall contain 0.6 acres and shall be located as shown on the preservation area drawing received on April 11, 2002. The

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landscape/tree preservation plan for the house shall be submitted and approved prior to requesting a building permit for Lot O or a change of use/certificate of occupancy for the historic house (for non-residential uses).

24. All loading areas shall be screened from adjacent public streets and residential properties. At time of detailed plan approval the applicant shall demonstrate to LD&T compliance with the above stated restriction and details related to screening materials.
25. Off-street parking for each development site shall not exceed the greater of (1) the parking spaces proposed in the table shown on the General District Development Plan or (2) the minimum parking requirements as set forth within the Louisville and Jefferson County Development Code.

CONSTRUCTION

26. Prior to the issuance of permits for any buildings, the developer shall contract with an archaeologist approved by the Office of Historic Preservation and Archives to perform an archaeological survey. If determined to be necessary by the archaeologist, a archaeological excavation shall be conducted.
27. The applicant for each parcel shall identify and submit for approval by designated DPDS staff, a plan showing the location of Tree Preservation Areas on each parcel where there are existing trees in the Development (exclusive of areas dedicated as public right-of-way) prior to beginning any construction procedure (i.e., clearing, grading, demolition). All construction shall be conducted in accordance with the approved Tree Preservation Plan. A partial plan may be submitted to delineate clearing necessary for preliminary site investigation. All Tree Preservation Plans must be prepared in accordance with the standards set forth by DPDS.
28. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a. The detailed development plan for such parcel in the Development 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 and in conformance with the Parkway Policy prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the parcel and shall be maintained thereafter.

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- c. A major subdivision plat creating the parcels and roadways as shown on the approved preliminary subdivision plan shall be recorded prior to issuance of any building permits.
 - d. The Developer shall dedicate fifty feet (50') of right-of-way from the centerline of Chamberlain Lane and shall construct or pay the cost of construction adjacent to the Development in accordance with plans approved by Jefferson County Department of Public Works.
 - e. The Developer shall contribute one million five hundred thousand dollars (\$1,500,000.00) to be used with respect to the cost of construction of a six-lane section of Kentucky Highway 22 as directed by the Kentucky Department of Highways with a grass median for that portion of Kentucky Highway 22 between the Gene Snyder Freeway and Chamberlain Lane, the cost of construction of Chamberlain Lane adjacent to the Development, and the cost of the improvements approved by the appropriate governmental units to the access ramps to and from the Gene Snyder Freeway.
 - f. The Developer shall comply with the three (3) conditions stated in the Federal Highway Administration waiver granting the Developer the right to locate the primary entrance to the Development directly across from the Highway 22 off ramp from the north lane of the Snyder Freeway. The text of each condition are set forth in the letter from the Kentucky Transportation Cabinet dated January 22, 2002.
29. If a building permit is not issued within two years of the date of approval of the General District Development 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.
30. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of each structure on each parcel for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of a certificate of occupancy, unless specifically waived by the Planning Commission.
31. If work is required within the easements causing removal or damage of landscape materials, the property owner of the affected parcel shall be responsible for replacement of materials according to the approved landscape plan.
32. Except for roadway and utility construction, construction activity shall be limited to Monday through Saturday, 7 AM to 6 PM. Roadway and utility construction shall be permitted seven days per week and shall be limited to 6 AM through 11 PM. No other construction activity (except on the interior of a building) shall be permitted on Sundays

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or national holidays. Except for roadway and utility construction, heavy equipment operation shall be prohibited on Saturdays and Sundays. Public roads shall be kept clear of construction debris and mud.

33. The applicant shall not request a certificate of occupancy for any structure until all roadway improvements adjacent to the overall development site and ramp improvements as required by Jefferson County Public Works and Kentucky Transportation Cabinet have been completed. The applicant shall not request a certificate of occupancy for a use other than residential for the historic house until after January 1, 2005. The applicant shall not request a certificate of occupancy for the proposed office buildings on Lot O until KY 22 between I-265 and HWY 1694 has been widened in accordance with the Kentucky Transportation Cabinet plans.

OPERATIONS

34. Cleaning of parking lots and dumpster pick-up shall be limited to the hours of 7 AM to 10 PM, Monday through Saturday. Waste receptacles shall be concealed from view.
35. The applicant, developer, or property owner of each parcel shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of parcels in the Development and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of each parcel and occupants of the parcels shall at all times be responsible for compliance with these binding elements. At all times during development of the parcels in the Development, the applicant and developer, their heirs, successors, and assignees, contractors, subcontractors, and other parties engaged in development of the parcels, shall be responsible for compliance with these binding elements.
36. The development shall be in accordance with the approved Preliminary Subdivision Plan. Further subdivision may take place using the minor subdivision plat process. At time of minor plat approval a minor plat index for the development shall be submitted to Planning Commission staff. The minor plat index shall show the proposed lot and all other lots created by minor plat as well as the appropriate minor plat docket numbers.

The vote was as follows:

YES: Commissioners Brown, Jarboe, and Carlson

ABSENT: Commissioner Smith, Robinson, and Tomes

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Request: Revised Detailed District Development Plan with Binding Element Amendments and Waivers
Project Name: Kentuckiana Pain Specialists
Location: 3710 Chamberlain Ln
Owner/Applicant: Atreya Holdings, LLC.
Representative: LJB, Inc.
Jurisdiction: Louisville Metro
Council District: 17 – Markus Winkler

Case Manager: Jay Lockett, 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:

00:26:25 Jay Lockett presented the case (see staff report and recording for detailed presentation.)

The following spoke in favor of this request:

Karl Lentz, 4010 Dupont Circle Suite 478, Louisville, Kentucky, 40207

Summary of testimony of those in favor:

00:30:31 Karl Lentz, applicant, presented Power Point slide show (see recording for detailed presentation.) Mr. Lentz noted the removal of parking for a building addition. He detailed the waivers presented in the Revised Detailed District Development Plan.

00:33:57 Commissioner Carlson asked what materials the dumpster enclosure will be made of. Mr. Lentz replied per development standards the enclosure will be screen by brick or wood fence. Commissioner Carlson asked if additional landscaping can be placed on the backside of the building near the dumpster enclosure. Mr. Lentz replied they are currently working on the landscaping plan and will be able to put additional landscaping around the area.

The following spoke in opposition to this request:

No one spoke

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Deliberation:

0:35:39 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.

1. **Waiver from 10.2.10 to allow the parking lot to encroach into the 15 foot Vehicle Use Area Landscape Buffer Area along Chamberlain Ln and Hampton Lake Way as shown on the development plan.**
2. **Waiver from 10.3.7 to allow the parking lot and dumpster enclosure to encroach into the Gene Snyder Freeway Buffer and to allow VUA ILA trees to be within the buffer as shown on the development plan.**

00:35:47 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:

(#1 Waiver) WHEREAS, the Louisville Metro Development Review Committee finds the waiver will not adversely affect adjacent property owners, as the encroachment is an existing conditions and additional landscaping will be provided to meet planting requirements; and

WHEREAS, the Louisville Metro Development Review Committee further finds Community Form goal 1 policy 16 states that we should consider impacts on human health, quality of life and the environment including prevailing meteorological conditions and the potential to transport noxious odors, particulates and emissions when reviewing new developments and redevelopments. Special attention should be paid to air and water quality when residences, schools, parks or vulnerable populations will be impacted. Mitigate impacts to areas that are disproportionately affected. Community Form goal 2 policy 9 states that we should encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses. The waiver will not violate the comprehensive plan, as most of the encroachment is existing pavement, and all required plantings will be provided on the subject site. The waiver will facilitate the expansion and continued use of a previously developed site within an existing activity center; and

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WHEREAS, the Louisville Metro Development Review Committee further finds; 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 no additional encroachment is proposed and all required plantings will be provided on the subject site; 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 no additional encroachment is proposed and all required plantings will be provided on the subject site; and

WHEREAS, the Louisville Metro Development Review Committee further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land as it would require the removal of significant existing pavement and parking areas, and make it difficult to provide required parking on the subject site; and

(#2 Waiver) WHEREAS, the Louisville Metro Development Review Committee further finds the waiver will not adversely affect adjacent property owners, as the encroachment is an existing conditions and additional landscaping will be provided to meet planting requirements; and

WHEREAS, the Louisville Metro Development Review Committee further finds Community Form goal 1 policy 16 states that we should consider impacts on human health, quality of life and the environment including prevailing meteorological conditions and the potential to transport noxious odors, particulates and emissions when reviewing new developments and redevelopments. Special attention should be paid to air and water quality when residences, schools, parks or vulnerable populations will be impacted. Mitigate impacts to areas that are disproportionately affected. Community Form goal 2 policy 9 states that we should encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses. The waiver will not violate the comprehensive plan, as most of the encroachment is existing pavement, and all required plantings will be provided on the subject site. The waiver will facilitate the expansion and continued use of a previously developed site within an existing activity center; 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 no additional encroachment is proposed and all required plantings will be provided on the subject site; and

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WHEREAS, the Louisville Metro Development Review Committee further finds; and

WHEREAS, the Louisville Metro Development Review Committee further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land as it would require the removal of significant existing pavement and parking areas, and make it difficult to provide required parking on the subject site, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested waiver from 10.2.10 to allow the parking lot to encroach into the 15 foot Vehicle Use Area Landscape Buffer Area along Chamberlain Ln and Hampton Lake Way as shown on the development plan AND waiver from 10.3.7 to allow the parking lot and dumpster enclosure to encroach into the Gene Snyder Freeway Buffer and to allow VUA ILA trees to be within the buffer as shown on the development plan.

The vote was as follows:

YES: Commissioners Brown, Jarboe, Carlson, and Tomes
ABSENT: Commissioner Smith

00:37:45 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 has 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; 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

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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

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 requested •Revised Detailed District Development plan

Existing General Plan Binding Elements

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.
 - a. Prior to the development of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan from the Planning Commission. Each plan shall be in adequate detail and subject to additional binding elements. The additional binding elements may relate, but not be limited, to the following items:
 - a. screening, buffering, landscaping, tree preservation
 - b. density, floor area, size, and height of buildings
 - c. points of access and site layout with respect to on-site circulation
 - d. land uses
 - e. signage
 - f. loading berths
 - g. parking
 - h. sidewalks
 - i. site design elements relating to alternative transportation modes
 - j. outdoor lighting
 - k. minor subdivision plat approval

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- l. air pollution
 - m. the timing of construction to coincide with the availability of flood protection measures, municipal sewer and water service, and adequate fire protection
 - n. dumpsters
2. A detailed construction plan showing existing and proposed construction in Chamberlain Lane and Westport Road, and including a 20 scale drawing of their intersection, will be submitted to and approved by the Jefferson County Department of Public Works and the Kentucky Department of Transportation prior to the commencement of any construction. These improvements will be in conformance with the approved General District Development Plan, Preliminary Subdivision Plan Docket No. 10-48-88, and Traffic Impact Analysis study, and will be completed prior to the issuance of any certificate of occupancy.
3. Direct access is prohibited to any lot from Westport Road with the exception of the entrance 400 feet east of Chamberlain Lane center line to center line. The access shall be right-in right-out only, as approved by the Jefferson County Department of Public Works and Transportation.
4. There shall be no direct access to Chamberlain Lane for the out parcels except out lot #2 and service roads as shown on the approved development plan.
5. The development excluding out lots shall not exceed the following:
 - a. R-7 Residential Multi-family district – 200 dwelling units (18.18 du / acre on 11.0 acres) OR-3 Office/Residential District – 139,200 square feet
 - b. C-1 Commercial District – 394,000 square feet
 - c. C-2 Commercial District – 15,000 square feet
6. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a. The development plan must receive full construction approval from the 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 major subdivision plat creating the lots and roadway as shown on the

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- approved general district development plan and preliminary subdivision plan shall be recorded prior to issuance of any building permits.
- d. An access or crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be secured from the adjoining property owner and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - e. All necessary recording fees shall be paid.
7. All primary development identification signs shall be monument signs. Each sign shall not exceed 64 square feet in area and 9 feet in height.
 8. All lots located below the 100 year flood elevation shall conform to the Floodplain Regulations.
 9. No outdoor advertising signs, small freestanding signs, pennants, balloons or banners shall be permitted on the site.
 10. Tenants of all automobile service facilities shall submit written documentation to the Planning Commission concerning tire disposal.
 11. The motel located east of Chamberlain Lane, as depicted on the General District Development Plan, shall not exceed two stories or 25 feet in height.
 12. A six-foot high solid brick wall of style and design to be approved by the Shaker Farms Condominium Association, which approval shall not be unreasonably withheld, shall be constructed for a length of approximately 950 feet along the edge of the motel and office parking areas which are situated east of Chamberlain Lane along the north property line of the Maple Brook development; location of the wall is shown on the site plan entitled Maple Brook Wall Exhibit dated July 25, 1996. Along that north property line is an approximate 15-foot landscape buffer area which shall separate the motel and office buildings from the Shaker Farms Condominium development. The wall shall be situated along the south side of that landscape buffer area. In order to soften the impact of the wall, the developer or its successor in interest shall be responsible for planting trees or shrubbery along the north side of the wall in accordance with Article 12 of the Jefferson County Development Code (the County landscape regulation). This landscape buffer area may be fully utilized by Shaker Farms Condominium owners as if this area were an extension of their yard; however, unless the parties agree otherwise, this landscape buffer area shall continue to be owned by the developers of their successors in interest. The wall shall be maintained on

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both the north and south sides by the developers or their successors in interest.

- a. The wall shall be constructed prior to commencement of building construction on Lots 1 or 2 as shown on the approved General District Development Plan and Preliminary Subdivision Plan. Site grading for the proposed construction and the wall may occur concurrently, however, no building construction may occur until such time as the wall is completed.

13. Free-standing signs shall be restricted as follows:

For the lot depicted on the general district development plan as mote #1, 20 feet in height and 80 square feet in area.

For the lot and building depicted on the general district development plan as motel #2, 30 feet in height and 144 square feet in area.

For the lot and building depicted on the general district development plan as restaurant #1, 20 feet in height and 80 square feet in area.

For the lot and building depicted on the general district development plan restaurant #2, 30 feet in height and 96 square feet in area.

For the lot and building depicted on the general district development plan as out parcel #4, 20 feet in height and 96 square feet in area.

14. Outdoor lighting (for parking lot illumination and security) shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90-degree cutoff and height of the light standard shall be set so that no light source is visible off-site.
15. The following uses, although permitted generally in the C-2 Commercial District, are prohibited uses within the C-2 areas of Maple Brook, adult entertainment, book binding facilities, dance halls, kennels, monuments sales, sign painting, skating rinks, used car sales unless in connection with a new car sales dealership, and advertising signs (billboards).
16. If a building permit is not issued within two years 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.
17. A certificate of occupancy must be received from the appropriate code

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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.

18. 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.
19. 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.
20. The above binding elements may be amended as provided for in the Zoning District Regulations.
21. The Chamberlain Lane frontage of Lots 4, 5, 6, 7, 8 and 13 as depicted on the major record plat of Maple Brook Section #1, shall have landscape buffer areas as follows:

<u>Lot #</u>	<u>LBA on Property</u>	<u>LBA in R.O.W.</u>
4	0	10
5	0	10
6	0	10
7	3	6
8	3	6
13	5	5

Existing Detailed Plan Binding Elements with Proposed Changes

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.

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2. ~~The development shall not exceed 10,600 square feet of gross floor area.~~
3. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants or banners shall be permitted on the site.
4. There shall be no outdoor storage on the site.
5. The only permitted freestanding sign shall be nine feet in height and 64 square feet in size.
6. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a. The development plan must receive full construction approval from the ~~Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building)~~ **Develop Louisville** and the Metropolitan Sewer District ~~(700 W. Liberty Street)~~.
 - 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~~ **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. ~~An access and crossover easement agreement in a form acceptable to the~~
Planning
~~Commission legal counsel shall be secured from the adjoining property owner and~~
~~recorded.~~

~~A copy of the recorded instrument shall be submitted to the Division of~~
~~Planning and Development Services; transmittal of approved plans to the~~
~~office responsible for permit issuance will occur only after receipt of said~~
~~instrument.~~
7. ~~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.~~
8. 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

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requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.

9. There shall be no outdoor music (live, piped, radio or amplified), outdoor entertainment, or outdoor PA system permitted on the site.
10. 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.

Proposed Detailed Plan Binding Elements

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission, except for land uses permitted in the established zoning district.
2. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants or banners shall be permitted on the site.
3. There shall be no outdoor storage on the site.
4. The only permitted freestanding sign shall be nine feet in height and 64 square feet in size.
5. 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 Develop Louisville 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.

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CASE NUMBER 19DEVPLAN1046

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.
7. There shall be no outdoor music (live, piped, radio or amplified), outdoor entertainment, or outdoor PA system permitted on the site.
8. 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.

The vote was as follows:

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

DEVELOPMENT REVIEW COMMITTEE MINUTES
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NEW BUSINESS

CASE NUMBER 19DEVPLAN1087

Request: Revised District Development Plan with Binding Element Amendments
Project Name: American Auto Sales
Location: 7425 St Andrews Church Rd
Owner/Applicant: Muayad al Hashimi
Representative:
Jurisdiction: Louisville Metro
Council District: 25 – David Yates

Case Manager: Jay Lockett, 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:

00:39:02 Jay Lockett presented the case (see staff report and recording for detailed presentation.)

00:44:05 Commissioner Brown and Jay Lockett discussed binding elements number 3 and 12, the removal of two access points, and the reconstruction of the sidewalk along both frontages (see recording for detailed presentation.)

00:45:43 Paul Whitty, legal counsel, and Jay Lockett discussed binding element 5 for regulations of free standing signs and balloons on site (see recording for detailed presentation.)

The following spoke in favor of this request:

Muaya AlHashimi, 7425 St. Andrews Church Road, Louisville, Kentucky, 40214

Norbert Pike, 7284 Corydon Junction Road, New Salisbury, Indiana, 47161

Tareg Yass, 6406 Montego Bay, Louisville, Kentucky, 40228

Summary of testimony of those in favor:

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00:46:39 Muaya AlHashimi, applicant, detailed history of site, the maintenance of the site, and the notification of development changes to adjacent property owners and neighboring homes (see recording for detailed presentation.)

00:48:44 Commissioner Brown inquired about the hours of operation for the business and lighting. Mr. AlHashimi replied the hours will be 8 a.m. to 8 p.m. and closed on Sundays and he will update lighting.

00:50:48 Norbert Pike stated the site will be used for car sales and is willing to make improvements on the site. Mr. Pike noted the neighbors were notified and will be notified of any changes made.

01:07:10 Tareg Yass is in favor of the site and spoke about the improvements made in the last three months which included fencing.

The following spoke in opposition to this request:

Larry Lambert, 7402 Colt Drive, Louisville, Kentucky, 40214

Sara Rita Rudolph, 7511 Jamacia Drive, Louisville, Kentucky, 40214

Robin Wileher, 7312 Supremus Drive, Louisville, Kentucky, 40214

Amy Lannan, 7400 Ridan Way, Louisville, Kentucky, 40214

Summary of testimony of those in opposition:

00:52:06 Larry Lambert stated the metal fence installed was unseemly and the cold patch asphalt is not going to last on the site. Mr. Lambert noted he would prefer improvements made to the site and better maintenance. He is against the automobile sales for the site as is.

00:55:42 Sara Rudolph stated she is against automotive sales lot. Ms. Rudolph noted the metal fence was offensive and she has concerns with traffic to and from the site.

00:57:16 Robin Wileher stated she moved to the area for the quiet park setting of the neighborhood and the lot then was an eye sore. Ms. Wileher spoke of the abundance of car lot sale sites in the area. She detailed the poor condition of the site and the lack of improvement to the lot. Ms. Wileher stated she was not notified of any changes to the lot.

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NEW BUSINESS

CASE NUMBER 19DEVPLAN1087

01:01:23 Amy Lannon, president of Forest Hill Subdivision, stated she was never notified of any approval for changes on the site. Ms. Lannon detailed traffic surrounding the site and is concerned with traffic congestion. Amy noted there are no improvements made on the site only repairs. She would like to see a business other than a car lot on this site.

Rebuttal:

01:08:50 Muayad AlHashimi stated he changed the fence material and color for the site and cleaned up the site after he purchased it. Mr. AlHashimi noted the fence is to protect his property and is attached to the garage only and is available for questions.

01:11:30 Commissioner Brown and Amy Lannan discussed restrictions associated with the Forest Hill Subdivision. Ms. Lannan replied the lot is different zoning which half is on a flood zone and residential.

01:13:17 Muayad AlHashimi stated he is open to address issues with the neighborhood.

00:14:12 Commissioner Carlson asked Jay Lockett to define the zoning for this lot. Mr. Lockett stated the entire lot is C2. Commissioner Carlson and Mr. Lockett discussed the fencing for the site (see recording for detailed presentation.)

01:16:11 Paul Whitty and Jay Lockett discussed requirements for fence approval (see recording for detailed presentation.)

Deliberation:

01:18:33 Commissioners Brown, Robinson, Carlson, and Tomes discussed different motions for the outcome of the site and do not approve of the plan unless other improvements are made on the development. (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.

01:25:45 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:

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NEW BUSINESS

CASE NUMBER 19DEVPLAN1087

RESOLVED, that the Louisville Metro Development Review Committee does hereby **CONTINUE** the Revised District Development Plan with amendments to binding elements to the June 20, 2019 Planning Commission meeting

The vote was as follows:

YES: Commissioners Brown, Jarboe, Carlson, and Tomes

ABSENT: Commissioner Smith

**DEVELOPMENT REVIEW COMMITTEE MINUTES
May 22, 2019**

NEW BUSINESS

CASE NUMBER 19DEVPLAN1092

Request: Floyds Fork Overlay Review
Project Name: Molnar Family Home
Location: 1611 N Beckley Station Rd
Owner/Applicant: Gabriel Molnar
Representative:
Jurisdiction: Louisville Metro
Council District: 19 – Anthony Piagentini

Case Manager: Jay Lockett, 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.)

NOTE: Commissioner Tomes left the meeting at approx. 2:27 p.m.

Agency Testimony:

01:28:40 Jay Lockett 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 opposition to this request:

No one spoke.

Deliberation:

01:30:06 Commissioner deliberation

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 19DEVPLAN1092

01:31:50 On a motion by Commissioner Brown, seconded by Commissioner Robinson, the following resolution, based on the Standard of Review and Staff Analysis and testimony heard today, was adopted:

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Floyd's Fork Development Review Overlay Review

The vote was as follows:

YES: Commissioners Brown, Robinson, and Carlson

ABSENT: Commissioners Smith and Tomes

DEVELOPMENT REVIEW COMMITTEE MINUTES
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NEW BUSINESS

CASE NUMBER 19WAIVER1014

Request: Sidewalk Waiver
Project Name: Sidewalk Waiver
Location: 6904 Old Fegenbush Lane
Owner/Applicant: Don Hamilton, Prescott Homes LLC
Representative: Don Hamilton, Prescott Homes LLC
Jurisdiction: Louisville Metro
Council District: 24 – Madonna Flood

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:

01:33:30 Lacey Gabbard presented the case (see staff report and recording for detailed presentation.)

01:34:46 Commissioners, Ms. Gabbard, and Brian Davis discussed sidewalks and right of ways along the site (see recording for detailed presentation.)

The following spoke in favor of this request:

Don Hamilton, Prescott Homes LLC, 12535 Valley Pine Dr., Louisville, Kentucky, 40299

William Broyles, 6908 Old Fegenbush Lane, Louisville, Kentucky, 40228

Ken Dawson, 6904 Old Fegenbush Lane, Louisville, Kentucky, 40228

The following spoke in favor to this request:

01:36:32 Don Hamilton, applicant, detailed the history of the site, presented photos, and noted the proposed sidewalks will affect large established trees along the site.

01:42:38 William Broyles, representing Tommy Broyles stated he is in favor of the waiver. Mr. Broyles is concerned with traffic and pedestrian safety connections to other sidewalks.

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01:47:20 Commissioner Brown inquired as to where the property line is for the waiver. Mr. Hamilton presented photos and detailed the areas in which the waiver will affect.

01:49:04 Ken Dawson, adjacent property owner, stated if the sidewalks were to be built the trees next to them will be greatly affect.

Summary of testimony of those in opposition:

Deliberation:

01:49:44 Commissioners discussed the value of the sidewalks and the condition of the trees (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.

Waiver of Land Development Code section 5.8.1.B to not provide the sidewalk for two new single family homes along Old Fegenbush Lane

01:52:15 On a motion by Commissioner Brown, 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 adversely affect adjacent property owners, as there are sidewalks on the east side of Old Fegenbush Lane adjacent to the subject properties. Additionally, this area of Fegenbush Lane is experiencing rapid growth which will be supported by sidewalks; and

WHEREAS, the Louisville Metro Development Review Committee further finds Land Use & Development Goal 1, Policy 1.3 promotes sidewalks along the streets of all developments. Land Use & Development Goal 1, Policy 1 states that in order for promote healthy lifestyles and reduce congestion, new development and redevelopment should provide for the movement of pedestrians, bicyclists and transit users, where appropriate. Land Use & Development Goal 3, Policy 5 states that developments should

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be evaluated for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality.

The subject sites are located in an area where new development is taking place, including the two new single family homes proposed on the subject sites. There are sidewalks present on Old Fegenbush Lane on the opposite side of the street, so there appears to be opportunity for future connectivity; and

WHEREAS, the Louisville Metro Development Review Committee further finds The extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant, as this area is experiencing new development in addition to the new single family homes proposed on the subject sites; and

WHEREAS, the Louisville Metro Development Review Committee further finds The strict application of the provisions of the regulation would not create an unnecessary hardship on the applicant, as sidewalks are required on new single family development sites. Other design measures have not been incorporated by the applicant., therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **DENY** the requested Waiver of Land Development Code section 5.8.1.B to not provide the sidewalk for two new single family homes along Old Fegenbush Lane

The vote was as follows:

YES: Commissioners Brown, Robinson, and Carlson

ABSENT: Commissioners Smith, and Tomes

**DEVELOPMENT REVIEW COMMITTEE MINUTES
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NEW BUSINESS

CASE NUMBER 19WAIVER1019

Request: Sidewalk Waiver
Project Name: Sidewalk Waiver
Location: 701 Homestead Blvd
Owner/Applicant: Gary Goldblatt
Representative: Robert L. Eberenz, Jr., Builder, LLC
Jurisdiction: Louisville Metro
Council District: 9 – Bill Hollander

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:

01:53:24 Lacey Gabbard presented the case (see staff report and recording for detailed presentation.)

The following spoke in favor of this request:

Robert Eberenz, 1800 Evergreen Road, Louisville, Kentucky, 40223

Gary Goldblatt, 701 Homestead Blvd, Louisville, Kentucky, 40207

Joanie Brenzel, 702 Homestead Blvd, Louisville, Kentucky, 40207

Summary of testimony of those in favor:

01:56:30 Robert Eberenz, representing the builder of the home, stated there were no sidewalks around the home before it burned. Mr. Eberenz there is no city sidewalks in the area per the original street design of the area and will preserve the historic environmental form of this homestead community (see recording for detailed presentation.)

02:01:58: Commissioner Carlson asked for the classification of the street. Beth Stuber replied it is local.

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NEW BUSINESS

CASE NUMBER 19WAIVER1019

02:02:56 Gary Goldblatt, property owner, detailed history of the site and surrounding area. He stated the sidewalk would be a nuisance and unattractive to the area since the neighboring properties don't have sidewalks.

02:04:20 Joanie Brenzel, adjacent property owner, agrees with previous statements and is in favor of the waiver.

The following spoke in opposition to this request:

No one spoke.

Deliberation:

02:04:55 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.

Waiver of Land Development Code section 5.8.1.B to not provide the sidewalk for a new single family home along Homestead Boulevard

02:05:28 On a motion by Commissioner Brown, 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, as there are currently no existing sidewalks along Homestead Boulevard or any of the streets in the vicinity; and

WHEREAS, the Louisville Metro Development Review Committee further finds Land Use & Development Goal 1, Policy 1.3 promotes sidewalks along the streets of all developments. Land Use & Development Goal 1, Policy 1 states that in order for promote healthy lifestyles and reduce congestion, new development and redevelopment should provide for the movement of pedestrians, bicyclists and transit users, where appropriate. Land Use & Development Goal 3, Policy 5 states that developments should be evaluated for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality.

The subject site appears to be the only currently vacant lot on Homestead Boulevard, and the current vacant state is due to a fire which destroyed the previously existing structure. There are no sidewalks on either side of Homestead Boulevard or on any of

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NEW BUSINESS

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the streets in the general vicinity of the subject site. A sidewalk on this property does not seem appropriate since there does not appear to be the opportunity for future connectivity; 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 all other provisions of the Land Development Code will be met on the subject site.; and

WHEREAS, the Louisville Metro Development Review Committee further finds the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as they would be forced to construct an impractical sidewalk that would likely never connect to any useable pedestrian network., therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver of Land Development Code section 5.8.1.B to not provide the sidewalk for a new single family home along Homestead Boulevard

The vote was as follows:

YES: Commissioners Brown, Robinson, and Carlson

ABSENT: Commissioners Smith and Tomes

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NEW BUSINESS

CASE NUMBER 19WAIVER1020

Request: Parking Waiver
Project Name: Parking Waiver
Location: 1016 E Washington St
Owner/Applicant: Andrew Blieden
Representative: Kelli Jones, Sabak, Wilson & Lingo, Inc.
Jurisdiction: Louisville Metro
Council District: 4 – Barbara Sexton Smith

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:

02:06:56 Lacey Gabbard presented the case (see staff report and recording for detailed presentation)

The following spoke in favor of this request:

Kelli Jones, 608 S. 300 Street, Louisville, Kentucky, 40202

Andy Blieden, 1201 Story Ave, Louisville, Kentucky 40204

Summary of testimony of those in favor:

02:09:03 Kelli Jones, representing the applicant, presented a Power Point slide show (see recording for detailed presentation.) Ms. Jones detailed the waiver requests, the removal of part of the curb cuts and redesigning the front of the building.

02:15:15 Commissioner Brown asked about truck maneuvering into the site and the hours of operations for truck and on the site. Kelli Jones replied there was a truck maneuvering exhibit presented to a reviewer and while there is parking onsite in addition to a parking easement, adjacent to the Butchertown Market, there will be room for trucks to back in and out of the development. Ms. Jones stated Andy Blieden will be able to answer the hours of operations question.

02:17:13 Andy Blieden stated there will be delivery box trucks and vans on site frequently and large semis infrequently.

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CASE NUMBER 19WAIVER1020

02:18:01 Commissioner Carlson inquired about the times the trucks would arrive and business hours of operation. Mr. Blieden replied the business will be open 10 am. to 10 p.m. or 11a.m. to 11p.m. and trucks are expected to be on site during the morning hours. Kelli Jones, Beth Stuber, Commissioners Carlson and Brown discuss set of conditions for truck operation hours (see recording for detailed presentation.)

The following spoke in opposition to this request:

No one spoke.

Deliberation:

02:21:53 Lacey Gabbard, Brian Davis, Commissioners Brown and Carlson discuss the overlay action need to be taken for the certification of appropriateness in the Butchertown approval (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 Land Development Code section 5.5.1.A.3.a to allow parking in front of the building

02:22:57 On a motion by Commissioner Brown, 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 impervious surface is already existing. Additionally, the applicant is proposing to improve the street front with plantings and landscaping between the parking area and right-of-way; and

WHEREAS, the Louisville Metro Development Review Committee further finds Land Use & Development Goal 1, Policy 12 states to design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or

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buffered. Use landscaping, trees, walls, colonnades, or other design features to fill gaps along the street and sidewalk created by surface parking lots. Encourage the placement of parking lots and garage doors behind or beside the building rather than facing the street. The use of alleys for access to parking lots is encouraged, especially in Downtown Louisville, Urban Center Neighborhoods, Traditional Neighborhoods and Traditional Marketplace Corridors. Encourage elimination or reduction of parking minimums in areas readily accessible to transit routes. Land Use & Development Goal 3, Policy 3 encourages preservation and/or adaptive reuse of historic sites listed on or eligible for the National Register of Historic Places and/or recognized by the Louisville Metro Landmarks Commission or other national, state or local government historic preservation agencies.

The applicant is not proposing to create new impervious areas, but rather utilize the existing impervious area for parking. Additionally, the applicant is proposing a landscaping and planting area between the proposed parking area that will serve to mitigate adverse impacts on the residential properties across the street; and

WHEREAS, the Louisville Metro Development Review Committee further finds the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since the area proposed for parking is already in existence; and

WHEREAS, the Louisville Metro Development Review Committee further finds the strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant since the proposed development is utilizing an existing impervious area. Additionally, the applicant is proposing a landscaping and planting area between the proposed parking area that will serve to mitigate adverse impacts on the residential properties across the street, therefore it be

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested waiver of Land Development Code section 5.5.1.A.3.a to allow parking in front of the building

The vote was as follows:

YES: Commissioners Brown, Robinson, and Carlson

ABSENT: Commissioners Smith and Tomes

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NEW BUSINESS

CASE NUMBER 19WAIVER1020

2. Waiver of Land Development Code section 5.5.1.A.4 to allow a loading area on the front façade

02:23:43 On a motion by Commissioner Brown, 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 further finds the waiver will not adversely affect adjacent property owners since the impervious surface is already existing. Additionally, the applicant is proposing to improve the street front with plantings and landscaping between the loading area and right-of-way.; and

WHEREAS, the Louisville Metro Development Review Committee further finds Land Use & Development Goal 1, Policy 12 states to design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades, or other design features to fill gaps along the street and sidewalk created by surface parking lots. Encourage the placement of parking lots and garage doors behind or beside the building rather than facing the street. The use of alleys for access to parking lots is encouraged, especially in Downtown Louisville, Urban Center Neighborhoods, Traditional Neighborhoods and Traditional Marketplace Corridors. Encourage elimination or reduction of parking minimums in areas readily accessible to transit routes. Land Use & Development Goal 3, Policy 3 encourages preservation and/or adaptive reuse of historic sites listed on or eligible for the National Register of Historic Places and/or recognized by the Louisville Metro Landmarks Commission or other national, state or local government historic preservation agencies.

The applicant is not proposing to create new impervious areas, but rather utilize the existing impervious area for loading. Additionally, the applicant is proposing a landscaping and planting area between the proposed loading area that will serve to mitigate adverse impacts on the residential properties across the street; and

WHEREAS, the Louisville Metro Development Review Committee further finds the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since the area proposed for loading is already in existence;. and

WHEREAS, the Louisville Metro Development Review Committee further finds the strict application of the provisions of the regulation would not deprive the applicant of the

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reasonable use of the land or create an unnecessary hardship on the applicant since the proposed development is utilizing an existing impervious area. Additionally, the applicant is proposing a landscaping and planting area between the proposed loading area that will serve to mitigate adverse impacts on the residential properties across the street, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested waiver of Land Development Code section 5.5.1.A.4 to allow a loading area on the front façade **ON THE CONDITION** there are no backing in the public right of way between the hours of 7 a.m. to 9 a.m. and the hours of 4 p.m. and 6 p.m. and **ON THE CONDITON** they receive a certificate of appropriateness from the Butchertown Historic Preservation District

The vote was as follows:

YES: Commissioners Brown, Robinson, and Carlson

ABSENT: Commissioners Smith and Tomes

**DEVELOPMENT REVIEW COMMITTEE MINUTES
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NEW BUSINESS

CASE NUMBER 19WAIVER1024

Request: Sign Waiver
Project Name: Inwave Restaurant
Location: 10310 Shelbyville Rd
Owner/Applicant: Dave Kamlesn
Representative: Karla Hill, Smart LED Signs
Jurisdiction: Blue Ridge Manor
Council District: 19 – Anthony Piagentini

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.)

NOTE: This case was heard with 19MOD1003

Agency Testimony:

02:25:50 Lacey Gabbard presented the case (see staff report and recording for detailed presentation)

The following spoke in favor of this request:

Karla Hill, 11441 Blankenbaker Access Drive, Louisville, Kentucky, 40299

Summary of testimony of those in favor:

02:28:46 Karla Hill detailed sign for Inwave Restaurant and discussed the differences between the existing sign and proposed signage for the business (see recording for detailed presentation.)

02:34:16 Commissioners Brown and Carlson ask about the hours of operation for the led sign because of proximity to residential homes. Ms. Hill replied the hours of the business are until 9p.m. and the owner would like to extend the signage hours past business operation hours.

The following spoke in opposition to this request:

No one spoke.

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CASE NUMBER 19WAIVER1024

Deliberation:

02:36:30 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.

Waiver of Land Development Code section 8.2.1.D.6 to allow a changing image LED sign to be closer than 300 feet to a residentially zoned property that is being used residentially

02:37:37 On a motion by Commissioner Brown, 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 **Waiver** of Land Development Code section 8.2.1.D.6 to allow a changing image LED sign to be closer than 300 feet to a residentially zoned property that is being used residentially **ON THE CONDITION** the hours of operation for the sign be between 8 a.m. to 9 p.m.

The vote was as follows:

YES: Commissioners Brown, Robinson, and Carlson

ABSENT: Commissioners Smith and Tomes

**DEVELOPMENT REVIEW COMMITTEE MINUTES
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NEW BUSINESS

CASE NUMBER 19MOD1003

Request: Binding Element Modification
Project Name: Inwave Restaurant
Location: 10310 Shelbyville Rd
Owner/Applicant: Dave Kamlesn
Representative: Karla Hill, Smart LED Signs
Jurisdiction: Blue Ridge Manor
Council District: 19 – Anthony Piagentini

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.)

NOTE: This case was heard with 19WAIVER1024

Agency Testimony:

02:25:50 Lacey Gabbard presented the case (see staff report and 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.

Binding Element Modification

02:39:26 On a motion by Commissioner Brown, 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 binding element amendment will not affect the conservation of natural resources on the subject site; and

WHEREAS, the Louisville Metro Development Review Committee further finds; and

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WHEREAS, the Louisville Metro Development Review Committee further finds there are no changes to existing vehicular or pedestrian circulation in and around the subject site associated with this request; 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 there are no changes to existing drainage facilities in and around the subject site associated with this request; and

WHEREAS, the Louisville Metro Development Review Committee further finds there are no changes to the site proposed associated with this binding element modification request; and

WHEREAS, the Louisville Metro Development Review Committee further finds the requested modification of binding elements 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 requested Binding Element Modification The only permitted freestanding sign shall be located as shown on the approved district development plan. The sign shall not exceed 63 square feet in area and 10 feet in height.

The vote was as follows:

YES: Commissioners Brown, Robinson, and Carlson

ABSENT: Commissioners Smith and Tomes

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NEW BUSINESS

CASE NUMBER 19DEVPLAN1019

Request: Revised Detailed District Development Plan with Binding Element Amendments and Waiver
Project Name: AutoZone
Location: 3801 Ruckriegel Pky
Owner/Applicant: Family Video Movie Club, Inc.
Representative: Cassandra Peeler, AutoZone, Inc.
Jurisdiction: Jeffersontown
Council District: 20 – Stuart Benson

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:

02:41:50 Lacey Gabbard presented the case (see staff report and recording for detailed presentation.) Ms. Gabbard noted there was a change in site plan binding element number 9 as it was redundant.

The following spoke in favor of this request:

Jason Hall, 2309 Watterson Trail, Suite 200, Louisville, Kentucky, 40299

Summary of testimony of those in favor:

02:44:30 Jason Hall presented Power Point slide show (see recording for detailed presentation.)

The following spoke in opposition to this request:

No one spoke.

Deliberation:

02:46:52 Commissioners' deliberation.(see recording for detailed presentation.)

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NEW BUSINESS

CASE NUMBER 19DEVPLAN1019

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.

Waiver of Land Development Code section 5.5.2.A to not provide an entrance and display windows affording views into the business along the Pinoak View Drive building elevation

02:47:04 On a motion by Commissioner Brown, 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 Planning Commission finds the requested waiver will not adversely affect adjacent property owners since the façade faces Pinoak View Drive and does not create a known safety concern. Additionally, the existing building façade (which is the location of the proposed addition) does not meet the façade requirements. The applicant is proposing to install tinted faux windows along the façade; and

WHEREAS, the Louisville Metro Planning Commission further finds land Use & Development Goal 1, Policy 4 indicates the proposal ensures 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. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. Land Use & Development Goal 1, Policy 20 calls to mitigate adverse visual intrusions when there are impacts to residential areas, roadway corridors, and public spaces; and

WHEREAS, the Louisville Metro Planning Commission further finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since, according to the applicant's justification, they cannot provide transparent glazing on this elevation due to internal shelving and fixtures; and

WHEREAS, the Louisville Metro Planning Commission 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 because the main entrance to the proposed building faces Ruckriegel Parkway, to the north, and meets design requirements. Additionally, the applicant would have to reconfigure the interior of the building to accommodate transparent glazing on the façade, therefore be it

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CASE NUMBER 19DEVPLAN1019

RESOLVED, the Louisville Metro Development Review Committee does hereby **RECOMMEND APPROVAL** to the City of Middletown the requested Waiver of Land Development Code section 5.5.2.A to not provide an entrance and display windows affording views into the business along the Pinoak View Drive building elevation

The vote was as follows:

YES: Commissioners Brown, Robinson, and Carlson

ABSENT: Commissioners Smith and Tomes

Revised Detailed District Development Plan with General Plan Binding Element Amendment

02:47:38 On a motion by Commissioner Brown, seconded by Commissioner Jarboe, the following resolution, based on the Standard of Review and Staff Analysis and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds there do not appear to be any environmental constraints on the subject site; and

WHEREAS, the Louisville Metro Planning Commission 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 Planning Commission further finds there are no open space requirements pertinent to the current proposal; and

WHEREAS, the Louisville Metro Planning Commission further finds the Metropolitan Sewer District and Health Department have 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 Planning Commission 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 Planning Commission further finds the development plan conforms to applicable guidelines and policies of the Plan 2040 and to requirements of the Land Development Code, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **RECOMMEND APPROVAL** to the City of Jeffersontown the requested Revised Detailed District Development Plan with General Plan Binding Element Amendments on page 3 of the staff report and Proposed Site Binding Elements on pages 9 and 10 of the staff report, and **SUBJECT** to the following binding elements:

Existing General Plan Binding Elements

1. No building permits shall be allowed on any commercial or office site until a detailed district development plan has been submitted to and approved by the Planning Commission in accordance with the Plan Certain Section of the Zoning District Regulations. The detailed district development plan must be in adequate detail for the Planning Commission to evaluate the effect the proposed development will have on the community and to determine what provisions of such plan shall be made binding with respect to the use of the property. Binding elements of any such detailed district development plan may relate to any of the following:
 - a) location of buildings,
 - b) site layout with respect to circulation on the site,
 - c) access points to public streets,
 - d) landscaping, fencing and open space desirable for screening, buffering or other protective purposes,
 - e) a surface water drainage plan,
 - f) the location, size and height of signs,
 - g) each detailed district development plan must be approved by the Water Management, Transportation Engineering and Fire Safety Sections of the Jefferson County Department of Public Works and Transportation, and
 - h) the square footage of gross leasable area.

2. ~~The gross leasable area of the commercial space shall not exceed 234,478 square feet. The gross leasable area of office space shall not exceed 10,636 square feet.~~

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3. The density of the R-5A Residential-Apartment District shall not exceed an average of 8.9 dwelling units per acre (429 units on 48.2 acres).
4. Before a certificate of occupancy or building permits are issued:
 - a) the development plan must be reapproved by the Transportation Engineering, Water Management and Fire Safety Sections of the Jefferson County Department of Public Works and Transportation.
 - b) the size and location of any proposed business identification or advertising signs must be approved by the City of Jeffersontown.
 - c) Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - d) The record plat of Vantage Point Subdivision shall be recorded in sections or as a whole prior to occupancy of any structure within the development.
5. The developer agrees to plant across the front of the property line a screening hedge of hemlock, northern spruce or equivalent type plants acceptable to the owner, to be maintained by the owner at 10511 Taylorsville Road. The planting is to be done at commencement of construction of the new road.
6. No building permits shall be issued more than two years from the date of approval of the plan or rezoning whichever is later or the property shall not be used in any manner.
7. A certificate of occupancy must be received from the appropriate code enforcement officer prior to occupancy of the structure or land for the proposed use.
8. These binding elements may be amended as provided for in the Zoning District Regulations.

Existing Site 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 and to the city of Jeffersontown for review and approval; any changes/additions/alterations not so referred shall not be valid.

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2. Lot 15A: The development shall contain a parking lot.

Lot 15B: The development shall not exceed 6,000 square feet of gross floor area for video rental or retail use.

3. Signs shall be in accordance with Chapter 8.

4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:

a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.

b. A minor subdivision plat shall be recorded creating the lot lines as shown on the development plan. 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.

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 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. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.

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

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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 materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the January 12, 2006 LD&T meeting.~~
10. 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 there after. 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.

Proposed Site 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 and to the city of Jeffersontown for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Lot 15A: The development shall contain a parking lot. Lot 15B: The development shall not exceed 6,000 square feet of gross floor area for video rental or retail use.

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3. Signs shall be in accordance with Chapter 8.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. A minor subdivision plat shall be recorded creating the lot lines as shown on the development plan. 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.
 - 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 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.
 - 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.
6. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
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

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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. 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 there after. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code

The vote was as follows:

YES: Commissioners Brown, Robinson, and Carlson

ABSENT: Commissioners Smith and Tomes

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NEW BUSINESS

CASE NUMBER 19DEVPLAN1083

Request: Revised Detailed District Development Plan with Binding Element Amendments
Project Name: Stock Yards Bank
Location: 10421 Taylorsville Road
Owner/Applicant: James King, King Southern Bank/Chris Steele, Stock Yards Bank and Trust Co.
Representative: Kathy M. Linares, Mindel Scott
Jurisdiction: Jeffersontown
Council District: 20 – Stuart Benson

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:

02:48:50 Lacey Gabbard presented the case (see staff report and recording for detailed presentation.)

The following spoke in favor of this request:

Kent Gootee, 5151 Jefferson Blvd, Louisville, Kentucky, 40219

Summary of testimony of those in favor:

02:49:45 Kent Gootee detailed the change of the site and the addition of parking spaces. Mr. Gootee stated the need to change the binding elements and the change of parking spaces (see recording for detailed presentation.)

The following spoke in opposition to this request:

No one spoke.

Deliberation:

02:51:20 Commissioners' deliberation.

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NEW BUSINESS

CASE NUMBER 19DEVPLAN1083

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.

Revised Detailed District Development Plan and Binding Element

02:51:28 On a motion by Commissioner Brown, seconded by Commissioner Jarboe, the following resolution, based on the Standard of Review and Staff Analysis and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission 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 are provided on the subject site; and

WHEREAS, the Louisville Metro Planning Commission 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 has approved the preliminary development plan. KYTC has provided preliminary approval with standard conditions; and

WHEREAS, the Louisville Metro Planning Commission further finds there are no open space requirements pertinent to the current proposal; and

WHEREAS, the Louisville Metro Planning Commission 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 Planning Commission 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

WHEREAS, the Louisville Metro Planning Commission 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 **RECOMMEND APPROVAL** to the City of Jeffersontown the requested Revised

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Detailed District Development Plan and Binding Element Modification, and **SUBJECT** to the following binding elements:

Existing Binding Elements

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes, additions or alterations of any binding element(s) shall be submitted to the Planning Commission and to the City of Jeffersontown for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. ~~Use of the subject site shall be limited to drive thru banking branch facility only. There shall be no other use of the property unless prior approval is obtained from the Planning Commission and the City of Jeffersontown. Notice of a request to amend this binding element shall be given in accordance with the Planning Commission's policies and procedures. The Planning Commission/LD&T Committee may require a public hearing on the request to amend this binding element.~~
3. ~~The development shall not exceed 1,000 square feet of gross floor area of a drive-thru bank.~~
4. There shall be no direct vehicular access to Fairview Avenue. Access to the site shall be made from the new curb-cut as shown on the development plan.
5. The only permitted freestanding sign shall be a monument style sign, located as shown on the approved development plan/sign plan. No portion of the sign, including the leading edge of the sign frame, shall extend over the front property line. The sign shall not exceed 48 square feet in area per side and 6 feet in height. No sign shall have more than two sides.
6. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
7. There shall be no outdoor storage, display or sales permitted on the site.
8. Outdoor lighting (for parking lot illumination and security) shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90-degree cutoff and height of the light standard shall be set so that no light source is

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visible off-site. Light levels due to lighting on the subject site shall not exceed 0.5 foot candles measured at the property line. The applicant shall obtain certification by a qualified expert in measurement of lighting levels prior to requesting a certificate of occupancy. Such certification shall be maintained on site at all times thereafter. Freestanding light fixtures shall be bollard style fixtures only, not to exceed four feet in height.

9. 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.
10. A Tree Preservation Plan (TPP) shall be approved by Planning Commission staff prior to transmittal to the office responsible for permit issuance. No clearing and/or grading activities may take place until a Tree Preservation Plan has been approved. The owner/developer shall identify and submit for approval by designated DPDS staff, a plan showing the location of the Tree Preservation Areas on site (exclusive of areas dedicated as public right-of-way) prior to beginning any construction procedure (i.e. clearing, grading, demolition). All construction shall be conducted in accordance with the approved Tree Preservation Plan. A partial plan may be submitted to delineate clearing necessary for preliminary site investigation. All Tree Preservation Plans must be prepared in accordance with the standards set for by DPDS.
11. 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 Louisville Metro Department Public Works and the Metropolitan Sewer District (700 West Liberty).
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. A minor subdivision plat or legal instrument shall be recorded dedicating additional right-ofway to Taylorsville Road and Fairview Avenue to provide a total of 65/30 feet from the centerline. 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.

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- d. 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.
 - e. 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; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
12. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
 13. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
 14. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
 15. 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.
 16. 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.
 17. The dumpster shall not be emptied between the hours of 10 p.m. and 7 a.m.

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18. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the October 2, 2003 Planning Commission meeting.
19. 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.

Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes, additions or alterations of any binding element(s) shall be submitted to the Planning Commission and to the City of Jeffersontown for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. There shall be no direct vehicular access to Fairview Avenue. Access to the site shall be made from the new curb-cut as shown on the development plan.
3. The only permitted freestanding sign shall be a monument style sign, located as shown on the approved development plan/sign plan. No portion of the sign, including the leading edge of the sign frame, shall extend over the front property line. The sign shall not exceed 48 square feet in area per side and 6 feet in height. No sign shall have more than two sides.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. There shall be no outdoor storage, display or sales permitted on the site.
6. Outdoor lighting (for parking lot illumination and security) shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90-degree cutoff and height of the light standard shall be set so that no light source is visible off-site. Light levels due to lighting on the subject site shall not exceed 0.5 foot candles measured at the property line. The applicant shall obtain certification by a qualified expert in measurement of lighting levels prior to requesting a certificate of occupancy. Such certification shall be maintained on site at all times thereafter. Freestanding light fixtures shall be bollard style fixtures only, not to exceed four feet in height.

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7. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
8. A Tree Preservation Plan (TPP) shall be approved by Planning Commission staff prior to transmittal to the office responsible for permit issuance. No clearing and/or grading activities may take place until a Tree Preservation Plan has been approved. The owner/developer shall identify and submit for approval by designated DPDS staff, a plan showing the location of the Tree Preservation Areas on site (exclusive of areas dedicated as public right-of-way) prior to beginning any construction procedure (i.e. clearing, grading, demolition). All construction shall be conducted in accordance with the approved Tree Preservation Plan. A partial plan may be submitted to delineate clearing necessary for preliminary site investigation. All Tree Preservation Plans must be prepared in accordance with the standards set for by DPDS.
9. 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 Louisville Metro Department Public Works and the Metropolitan Sewer District (700 West Liberty).
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. A minor subdivision plat or legal instrument shall be recorded dedicating additional right-ofway to Taylorsville Road and Fairview Avenue to provide a total of 65/30 feet from the centerline. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - d. 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.
 - e. 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

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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.

10. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
11. 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.
12. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
13. 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.
14. 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.
15. The dumpster shall not be emptied between the hours of 10 p.m. and 7 a.m.
16. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the October 2, 2003 Planning Commission meeting.

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 22, 2019

NEW BUSINESS

CASE NUMBER 19DEVPLAN1083

17. 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.

The vote was as follows:

YES: Commissioners Brown, Robinson, and Carlson

ABSENT: Commissioners Smith and Tomes

**DEVELOPMENT REVIEW COMMITTEE MINUTES
May 22, 2019**

Adjournment

The meeting adjourned at approximately 4:03 p.m.

Chairman

Division Director