MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE MEETING
JULY 18, 2018

A meeting of the Louisville Metro Development Review Committee was held on July 18, 2018 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
Emma Smith
Jeff Brown
Donald Robinson

Commissioners absent:
No one

Staff members present:
Joseph Reverman, Assistant Director, Planning & Design Services
Jay Luckett, Planner I
Ross Allen, Planner I
Dante St. Germain, Planner I
Christopher French, Planning & Design Supervisor
Paul Whitty, Legal Counsel
Beth Stuber, Transportation
Chris Cestaro, Management Assistant

The following matters were considered

APPROVAL OF MINUTES

June 20, 2018 Meeting Minutes

00:03:24 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution was adopted:

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on June 20, 2018.

The vote was as follows:

YES: Commissioners Brown, Robinson, and Carlson.
ABSTAINING: Commissioners Smith and Tomes.

DEVELOPMENT REVIEW COMMITTEE MINUTES
July 18, 2018

NEW BUSINESS

CASE NUMBER 18WAIVER1020

Request:	Waiver to allow a changing image sign to be less than 300 feet from residential properties.
Project Name:	Preston Urgent Care Signage
Location:	4822 Preston Highway
Owner(s):	Brick & Mortar LLC
Applicant:	Abdul Haq
Representative:	Abdul Haq
Jurisdiction:	Louisville Metro
Council District:	21 – Vitalis Lanshima
Case Manager:	Dante St. Germain, 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:

00:04:19 Dante St. Germain discussed the case summary, standard of review and staff analysis from the staff report. She also showed exhibits of the site, the proposed signage, and an aerial photo showing the 300 foot buffer around the proposed location of the sign.

In response to a question from Commissioner Brown, Ms. St. Germain said the sign is outside of the ROW and is on private property.

00:07:53 IN response to a question from Commissioner Brown, Ms. St. Germain said the sign is required by the Land Development Code to have an auto-dimming feature.

The following spoke in favor of this request:
Abdul Haq, 4822 Preston Highway, Louisville, KY 40213

00:08:50 *NOTE: This case was tabled for later in the meeting to allow the applicant time to get to the meeting.

Summary of testimony of those in favor:
00:23:05 The applicant, Abdul Haq, presented his case and showed a Power Point presentation (see recording for detailed presentation.) Mr. Haq said the LED portion of the sign would be one -sided only, facing the southbound traffic, and would only be turned on during working hours (9:00 a.m. through 7:00 p.m. Monday through Friday, and weekends 10:00 a.m. through 7:00 p.m.)

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CASE NUMBER 18WAIVER1020

He said he has signatures from abut five residents across the street that they would have no objection to the sign operation.

The following spoke in opposition to this request:
No one spoke.

Deliberation:

00:28:02 Commissioner Carlson said he proposed a Condition of Approval to read as follows:

The LED sign will only be illuminated between the hours of 8:00 a.m. and 8:00 p.m.

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.

00:29:06 On a motion by Commissioner Carlson, seconded by Commissioner Smith, 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 that the waiver will not adversely affect adjacent property owners as the sign will not be visible to the majority of the residential properties due to the angle of the sign and existing structures. The sign will be screened to the remaining residential properties by trees which are planted between Preston Highway and Preston Lane; and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020 as Guideline 3 Policy 28 describes signs as compatible with the form district pattern and contributing to the visual quality of their surroundings. Promote signs of a size and height adequate for effective communication and conducive to motor vehicle safety. Encourage signs that are integrated with or attached to structures wherever feasible; limit freestanding signs to monument style signs unless such design would unreasonably compromise sign effectiveness. Give careful attention to signs in historic districts, parkways, scenic corridors, design review districts and other areas of special concern. These guidelines are not violated because the proposed sign will be screened to the residential properties within 300 feet of the sign; and

WHEREAS, the Commission further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as there is no location on the property where a changing image sign could be located which is not within 300 feet of a residential property; and

WHEREAS, the Committee further finds that the applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the

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CASE NUMBER 18WAIVER1020

requirement to be waived because the applicant has opted to have a relatively small changing image panel which is smaller than the size allowed by the form district maximums; now, therefore be it

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver from Land Development Code section 8.2.1.D.6 to allow a changing image sign to be closer than 300 feet to residentially zoned properties which are being used residentially **ON CONDITION** that the LED sign will only be illuminated between the hours of 8:00 a.m. and 8:00 p.m.

The vote was as follows:

YES: Commissioners Smith, Brown, Robinson, Carlson, and Tomes.
NO: No one.

NEW BUSINESS

CASE NUMBER 17DEVPLAN1230

Request:	Review of a Category 2B Development Plan with a landscape waiver
Project Name:	Retail Center
Location:	3901, 3905, and 3911 Taylorsville Road and 2949Breckinridge Lane
Owner(s):	Triple M Investments, Inc.
Applicant:	Triple M Investments, Inc.
Representative:	Christopher Brown – BTM Engineering Inc.
Jurisdiction:	Louisville Metro
Council District:	26 – Brent Ackerson
Case Manager:	Ross Allen, 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:

00:09:27 Ross Allen said the applicant has requested a continuance to the **August 1, 2018** Development Review Committee meeting.

The following spoke in favor of this request:
Christopher Brown, 3001 Taylor Springs Drive, Louisville, KY 40220

Summary of testimony of those in favor:
00:10:06 Christopher Brown, the applicant's representative, said he was available for questions.

The following spoke in opposition to this request:
No one spoke.

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.

00:10:37 On a motion by Commissioner Carlson, seconded by Commissioner Smith, the following resolution was adopted:

RESOLVED, that the Louisville Metro Development Review Committee does hereby **CONTINUE** this case to the August 1, 2018 Development Review Committee meeting.

NEW BUSINESS

CASE NUMBER 17DEVPLAN1230

The vote was as follows:

YES: Commissioners Smith, Brown, Robinson, Carlson, and Tomes.
NO: No one.

DEVELOPMENT REVIEW COMMITTEE MINUTES
July 18, 2018

NEW BUSINESS

CASE NUMBER 18DEVPLAN1092

Request:	Sidewalk Waiver – Turkey Run Park
Project Name:	8636 Turkey Run Parkway
Location:	8636 Turkey Run Parkway
Owner:	Steve Henry – The Future Fund Inc.
Applicant:	Kevin Beck – 21st Century Parks
Representative:	Ashley Bartley – Qk4
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson
Case Manager:	Ross Allen, 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:

00:11:29 Ross Allen discussed the case summary and background from the staff report.

The following spoke in favor of this request:
Ashley Bartley, Qk4, 1046 East Chestnut Street, Louisville, KY 40204

Summary of testimony of those in favor:
00:13:22 Ashley Bartley, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.) In response to a question from Commissioner Smith, Ms. Bartley said bikes are also permitted on the trails.

The following spoke in opposition to this request:
No one spoke.

Deliberation:
00:19:31 The Commissioners concurred that the proposal is justified.

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.

<u>Floyds Fork Review Overlay</u>

NEW BUSINESS

CASE NUMBER 18DEVPLAN1092

00:20:55 On a motion by Commissioner Carlson, seconded by Commissioner Brown, 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 requested review of the proposal as located within the Floyds Fork Overlay per guidelines of LDC Chapter 3 Part 1 (Floyds Fork Special District).

The vote was as follows:

YES: Commissioners Smith, Brown, Robinson, Carlson, and Tomes.
NO: No one.

Sidewalk Waiver

00:21:43 On a motion by Commissioner Carlson, seconded by Commissioner Smith, 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 that the applicant states, "This site is part of the Parklands of Floyds Fork. Across the street from proposed parking lot is the Silo Center which serves as a trailhead and event space. The intent of the parking lot is to provide overflow parking to the trailhead facility and provides a safe pedestrian connection to the site from the parking lot."; and

WHEREAS, the Commission further finds that Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. The applicant states, "The parking lot is to provide overflow parking to the Parklands trailhead. Visitors are coming specifically to access trails or event space at Silo Center and likely not traveling along Turkey Run Parkway on foot to access the site. There is an extensive trail network east of Turkey Run Parkway for pedestrian access to various sites within the Parklands."; and

WHEREAS, the Commission further finds that the applicant states, "Only two single family residential properties are adjacent to this parcel that would be able to directly access required sidewalk, so very minimal impact will occur by not providing sidewalks along Turkey Run Parkway."; and

WHEREAS, the Commission further finds that the applicant states, "If sidewalks were to be installed, approximately 4,200 linear feet would be needed. The cost could be nearly $85,000 and parts may be nearly un-constructible due to grades and ditches along the roadway."; now, therefore be it

NEW BUSINESS

CASE NUMBER 18DEVPLAN1092

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested sidewalk waiver from the LDC 5.8.1.B to not provide a sidewalk along the western parcel frontage of Turkey Run Road for an estimated 3,981 ft.

The vote was as follows:

YES: Commissioners Smith, Brown, Robinson, Carlson, and Tomes.
NO: No one.

NEW BUSINESS

CASE NUMBER 18DEVPLAN1081

Request:	Revised District Development Plan with a Waiver
Project Name:	Northwestern Mutual
Location:	140 Whittington Parkway
Owner:	140 Whittington Parkway, LLC
Applicant:	Booker Design Collaborative, LLC
Representative:	Booker Design Collaborative, LLC
Jurisdiction:	Hurstbourne
Council District:	18 – Marilyn Parker
Case Manager:	Jay Luckett, 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:

00:30:14 Jay Luckett discussed the case summary and background from the staff report.

00:32:17 In response to a question from Commissioner Brown, Mr. Luckett said the footprint of the building is not being changed, and he did not see anything in the binding elements that needed to be changed.

The following spoke in favor of this request:
Kristen Booker, Booker Design Collaborative, 815 West Market Street, Louisville, KY 40202

Summary of testimony of those in favor:
00:32:51 Kristen Booker, the applicant's representative, presented the applicant's case (see recording for detailed presentation.)

00:34:10 Commissioner Carlson asked if there were any other properties along Marksfield Road that had a 3-foot masonry wall. Ms. Booker said not to her knowledge.

The following spoke in opposition to this request:
No one spoke.

Deliberation:

00:35:14 The Commissioners concur that the proposal is justified.

NEW BUSINESS

CASE NUMBER 18DEVPLAN1081

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 District Development Plan AND Waiver
□

00:35:52 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution, based on the Staff Report and testimony heard today, was adopted:

(Revised District Development Plan) WHEREAS, the Louisville metro Development Review Committee finds that there do not appear to be any environmental constraints or historic resources on the subject site; and

WHEREAS, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works will approve the preliminary development plan; and

WHEREAS, the Committee further finds that there are no open space requirements pertinent to the current proposal; and

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

WHEREAS, the Committee further finds that the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways; and

WHEREAS, the Committee further finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code, with the exception of the request waiver; and

(Waiver) WHEREAS, the Committee further finds that the waiver will not adversely affect adjacent property owners since the parking will be screened from view by proposed landscaping; and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 2, Policy 12 encourages large developments in activity centers to be compact, multi-purpose centers designed around a central feature such as a public square or plaza or landscaped element. Guideline 3, Policy 1 requires new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. The proposal will be compatible with existing development in the area; and

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WHEREAS, the Committee further finds that the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since all other code requirements triggered by the proposed changes will be met on site; and

WHEREAS, the Committee further finds that the applicant has incorporated additional landscaping and screening that exceed the planting requirements for a VUA ILA required by the proposed change. The proposed plantings will effectively screen the proposed parking from which relief is requested; now, 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 Waiver of Land Development Code (City of Hurstbourne) section 5.5.1.A.3.a to allow parking in front of the building and to not provide a 3 foot masonry wall along Marksfield Road be **APPROVED**, **SUBJECT** to the following 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 Hurstbourne for review and approval; and changes/alterations/additions not so referred shall not be valid.

2. Use of the subject site shall be limited to bank and office. There shall be no other use of the property unless prior approval is obtained from the Planning Commission/LD&T Committee. 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 16,150 square feet of gross floor area.

4. There shall be no direct vehicular access to Whittington Parkway. The existing access to the site shall remain as shown on the plan.

5. Signage ·shall be allowed as permitted by the City of Hurstbourne or other applicable sign regulations. There shall be no other freestanding signage than the sign that exists.

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

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

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completed. No parking, material storage or construction activities are permitted within the protected area.

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

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

   b. The property owner/developer must obtain approval of a detailed plan for screening {buffering/landscaping} as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter. Existing screening and landscaping shall be maintained, making replacements as necessary to maintain a level of landscaping no less than the present landscaping.

   c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.

9. If a building permit, if applicable, 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.

10. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.

11. 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.

12. The applicant shall provide documentation showing that the development compli.es with all the regulations from Chapter 4, Part 1, Section 3, Lighting, prior to the issuance of a construction permit. These regulations include Mounting Height Limit, Luminaire Shielding, Canopy Lighting Level and Trespass.

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CASE NUMBER 18DEVPLAN1081

13. The above binding elements may be amended and provided for in the Zoning District Regulations, upon approval of the City Commission.

The vote was as follows:

YES: Commissioners Smith, Brown, Robinson, Carlson, and Tomes.
NO: No one.

NEW BUSINESS

CASE NUMBER 18MINORPLAT1072

Request:	Record Plat Amendment
Project Name:	Oliva Minor Plat
Location:	6901 Sky Blue Avenue
Owner:	Oliva Properties, LLC
Applicant:	Milestone Design Group
Representative:	Milestone Design Group
Jurisdiction:	Louisville Metro
Council District:	12 – Rick Blackwell
Case Manager:	Jay Luckett, 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:

00:37:01 Jay Luckett presented the case summary and background from the staff report.

The following spoke in favor of this request:
Rick Williamson, Milestone Design Group, 108 Daventry Lane, Louisville, KY 40223

Summary of testimony of those in favor:
00:38:42 Rick Williamson, the surveyor, said he was available to answer any questions.

The following spoke in opposition to this request:
No one spoke.

Deliberation:

00:39:12 The Commissioners concur that the proposal is justified.

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.

00:39:22 On a motion by Commissioner Carlson, seconded by Commissioner Smith, the following resolution, based on the Standard of Review and Staff Analysis and evidence heard today, was adopted:

NEW BUSINESS

CASE NUMBER 18MINORPLAT1072

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Record Plat Amendment to create a shared access easement in compliance with Land Development Code section 7.8.60.B.4, as Sky Blue Ave is classified as a Minor Collector level roadway.

The vote was as follows:

YES: Commissioners Smith, Brown, Robinson, Carlson, and Tomes.
NO: No one.

NEW BUSINESS

CASE NUMBER 18DEVPLAN1088

Request:	Revised District Development Plan with Waivers
Project Name:	Harbor Freight
Location:	Standiford Plaza Drive
Owner:	Martha Harding
Applicant:	Thomas English Real Estate
Representative:	Sabak, Wilson & Lingo
Jurisdiction:	Louisville Metro
Council District:	13 – Vicki Aubrey Welch
Case Manager:	Jay Luckett, 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:

00:39:59 Jay Luckett discussed the case summary and background from the staff report.

00:43:52 Joseph Reverman, Assistant Director of Planning & Design Services, asked Mr. Luckett for details about the proposed façade. Mr. Luckett said the applicant will address that.

The following spoke in favor of this request:
Kelli Jones, Sabak Wilson & Lingo, 608 South Third Street, Louisville, KY 40202

Summary of testimony of those in favor:
00:44:39 Kelli Jones, the applicant's representative, presented the applicant's case and showed a brief Power Point presentation (see recording for detailed presentation.) She said the applicant is meeting all of the animating features requirements of the LDC except for the windows.

00:50:57 Ms. Jones discussed the sidewalk waiver request in more detail. She also noted that a Category 3 Plan is not required.

00:53:12 In response to some questions from Joseph Reverman, Assistant Director of Planning & Design Services, Ms. Jones said this site has good pedestrian connectivity – there are existing sidewalks on Standiford Plaza Drive, which will be connected along the front of the applicant's property.

00:54:28 In response to a question from Paul Whitty, legal counsel for the Planning Commission, Ms. Jones discussed why artificial glass was not proposed on the building.

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00:55:39 In response to a question from Commissioner Carlson, Ms. Jones discussed trees along Preston Highway that are in the State ROW and will not be touched. Some of the "understory" vegetative growth may be cleared. There is only one tree in this area that is on the applicant's site, and that tree will be removed to build a detention basin.

The following spoke in opposition to this request:
No one spoke.

Deliberation:

00:57:04 The Commissioners concur that the proposal is justified.

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 5.6.1 to not provide windows along the facades at street level.**
- **Waiver of Land Development Code section 5.8.1.B to not provide sidewalks in the Preston Highway right-of-way.**

00:50:14 On a motion by Commissioner Carlson, seconded by Commissioner Smith, the following resolution, based on the Standard of Review and Staff Analysis and testimony heard today, was adopted:

(Waiver #1 - windows) WHEREAS, the Louisville Metro Development Review Committee finds that the requested waiver will not adversely affect adjacent property owners since the proposed building design is in keeping with the general character of the area; and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 3, Policies 1 and 2 call for the compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. The type of building materials may be considered as a mitigation measure and may also be considered in circumstances specified in the Land Development Code. The building design is similar to other suburban-style retail properties in the area; and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since all other building design standards will be met; and

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WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land, as the internal layout of the store requires all available space to accommodate racks and merchandise facing customers inside the store; and

(Waiver #2 – Sidewalk Waiver) WHEREAS, the Commission further finds that the waiver will not adversely affect adjacent property owners because the Preston Highway right-of-way functions like a divided highway at this point, and is not a safe area for pedestrian use. In addition, there is difficult topography and a stream in the right-of-way that would make construction of the sidewalk difficult to construct; and

WHEREAS, the Commission further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. Sidewalks will be provided within the Standiford Plaza Dr right-of-way, allowing for adequate pedestrian network to serve the site; and

WHEREAS, the Committee further finds that strict application would cause an unnecessary hardship on the applicant, as there would be a great expense involved in building a sidewalk across difficult topography, which would not realistically serve pedestrian traffic; now, therefore be it

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver of Land Development Code section 5.6.1 to not provide windows along the facades at street level; AND the requested Waiver of Land Development Code section 5.8.1.B to not provide sidewalks in the Preston Highway right-of-way.

The vote was as follows:

YES: Commissioners Smith, Brown, Robinson, Carlson, and Tomes.
NO: No one.

<u>Revised District Development Plan</u>

01:00:06 On a motion by Commissioner Carlson, seconded by Commissioner Smith, 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 that there do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

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WHEREAS, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works and the Kentucky Transportation Cabinet will approve the preliminary development plan; and

WHEREAS, the Committee further finds that there are no open space requirements pertinent to the current proposal; and

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

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

WHEREAS, the Committee further finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code, with the exception of the requested waivers; now, therefore be it

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

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes, additions or alterations of any binding element(s) shall be submitted to the Planning Commission (and to the city of Jeffersontown) for review and approval; any changes, additions or alterations not so referred shall not be valid.

2. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.

3. There shall be no outdoor storage, display or sales except as permitted under Section 4.4.8 of the Louisville Metro Land Development Code and within designated areas on the approved development plan.

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

    a. The development plan must receive full construction approval from Develop Louisville and the Metropolitan Sewer District.

    b. A minor subdivision plat shall be recorded to create the lot as shown on the

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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.

5. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. There 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.

6. 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

The vote was as follows:

YES: Commissioners Smith, Brown, Robinson, Carlson, and Tomes.
NO: No one.

ADJOURNMENT

The meeting adjourned at approximately 2:05 p.m.

_____
Chairman

_____
Division Director