

**MINUTES OF THE MEETING
OF THE
DEVELOPMENT REVIEW COMMITTEE
December 6, 2017**

A meeting of the Development Review Committee was held on December 6, 2017 at 1:00 p.m. in the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Committee Members present were:

David Tomes, Chairman
Rich Carlson, Vice Chair
Laura Ferguson
Jeffrey Brown
Emma Smith

Committee Members absent were:

No one

Staff Members present were:

Julia Williams, RLA, AICP, Planning Supervisor
Jay Lockett, Planner I
Ross Allen, Planner I
Joel Dock, Planner II
Paul Whitty, Legal Counsel
Travis Fiechter, Legal Counsel
Tammy Markert, Transportation Planning
Tony Kelly, MSD
Chris Cestaro, Management Assistant (minutes)

The following matters were considered:

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APPROVAL OF MINUTES

Approval of the minutes of the November 15, 2017 Development Review Committee meeting

00:05:16 On a motion by Commissioner Carlson, seconded by Commissioner Smith, the following resolution was adopted.

RESOLVED, that the Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on November 15, 2017.

The vote was as follows:

YES: Commissioners Smith, Ferguson, Carlson, Brown, and Tomes.

NOT PRESENT: No one.

ABSTAINING: No one.

DEVELOPMENT REVIEW COMMITTEE
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NEW BUSINESS

CASE 17WAIVER1037

Request: *CONTINUED from the 11/15/17 DRC meeting – A Waiver to not construct a sidewalk along Norfolk Drive
Project Name: Collins Ford Sidewalk Waiver
Location: 4220 Bardstown Road
Owner: Collins Development, LLC
Applicant: Collins Development, LLC
Representative: Sarah Beth Sammons - Land Design & Development
Jurisdiction: Louisville Metro
Council District: 2 – Barbara Shanklin

Case Manager: Jay Lockett, Planner I

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

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

Agency Testimony:

00:06:14 Jay Lockett presented the case and showed the site plan (see staff report and recording for detailed presentation.)

The following spoke in favor of the request:

Sarah Beth Sammons, Land Design & Development, 503 Washburn Ave # 101, Louisville, KY 40222

Dean Schmitt, 6008 Brownsboro Park Blvd., Suite A, Louisville, KY 40207

Summary of testimony of those in support:

00:08:08 Sarah Beth Sammons, the applicant's representative, reviewed the applicant's request and showed a Power Point presentation (see recording for detailed presentation.) She said the applicant is requesting to pay the fee-in-lieu.

00:11:11 Dean Schmitt, representing Campisano Partners (general contractors on the Collins property), discussed the linear feet of the affected site. He also asked if it would be possible to do a fee-in-lieu for the 182 linear feet.

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CASE 17WAIVER1037

00:12:42 Commissioner Brown, representing Metro Public Works, said the fee-in-lieu was not an option and explained why (see recording for detailed presentation.)

The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against the request:

No one spoke.

Discussion:

00:13:33 Commissioners' deliberation.

Waiver of LDC Section 5.8.1.B to not provide sidewalks along Norfolk Dr.

00:15:12 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution based on the applicant's findings or justification, evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners since there are currently no existing sidewalks along Norfolk Dr, and the expansion represents a relatively minor expansion of the existing use; and

WHEREAS, the Committee 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. Granting this waiver would not violate the comprehensive plan, as the mitigation offered serves to adequately offset any negative impact on the surrounding area caused by not providing the required sidewalks along Norfolk Drive; and

WHEREAS, the Committee further finds that the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since they are willing to install sidewalks offsite to mitigate the negative impacts to the surrounding neighborhood; and

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CASE 17WAIVER1037

WHEREAS, the Committee further finds that the proposed waiver conforms to the Comprehensive Plan and the intent of the Land Development Code in that it waives the construction of a public sidewalk in a location that would not be used by the general public and would not be connecting to an existing network of neighborhood sidewalks. The location of the required sidewalk is in an existing drainage swale and along a line of utility poles and there is no adjacent sidewalk to connect to on either end; and

WHEREAS, the Committee further finds that compliance with the regulations is not appropriate, and granting of the waiver will result in a development more in keeping with the Comprehensive Plan and the overall intent of the Land Development Code, because the proposed location of the required sidewalk is adjacent to the rear of a commercial automobile dealership, autobody shop, and existing vehicle storage lot which is separated from the adjacent Norfolk Drive by an eight foot tall chain link fence topped with razor wire for security. The proposed sidewalk is also across the road from existing residential developments and does not provide connectivity to an existing sidewalk network or the existing automobile dealership; and

WHEREAS, the Committee further finds that the granting of this waiver will not have an impact on adjacent property owners because there are currently no sidewalks in the adjacent neighborhood and the proposed sidewalk, due to its location and lack of adjacent connecting sidewalks, would not be used by the surrounding community. The required sidewalk would not be utilized and would add impervious area to an area that is currently vegetated and pervious. In today's climate, the reduction of impervious surfaces and an increase of vegetated areas help by aiding in the absorption of storm water run-off; now, 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 sidewalks along Norfolk Dr.

The vote was as follows:

YES: Commissioners Smith, Brown, Ferguson, Carlson, and Tomes.

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NEW BUSINESS

CASE 17LSCAPE1181

Request: Landscape Plan Approval
Project Name: Taylor Cove
Location: 4208 Taylorsville Road
Owner: John W. Waits, Jr.
Applicant: Teulu Homes LLC
Representative: Sarah Beth Sammons – Land Design & Development Inc.
Jurisdiction: Louisville Metro
Council District: 11 – Kevin Kramer

Case Manager: Julia Williams, RLA, AICP, Planning Supervisor

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

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

Agency Testimony:

00:17:23 Julia Williams presented the case and showed the site plan (see staff report and recording for detailed presentation.) She explained that, at the time a rezoning on this property was approved in 2016, a binding element was added that requires the landscape plan to be approved by a committee of the Planning Commission (Binding Element #10).

00:23:08 In response to a question from Commissioner Smith, Ms. Williams said that the trees buffering the existing house are American Elm trees.

00:23:45 In response to a questions from Commissioner Carlson, the type/style of wooden fencing was discussed.

The following spoke in favor of the request:

Sarah Beth Sammons, Land Design & Development, 503 Washburn Ave # 101,
Louisville, KY 40222

Pat Brierly, Land Design & Development, 503 Washburn Avenue Suite 101, Louisville,
KY 40222

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CASE 17LSCAPE1181

Summary of testimony of those in support:

00:25:10 Sarah Beth Sammons, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

00:28:47 Commissioner Carlson said the purpose of the fence (between two buildings on the left side) is to block lights from vehicles from reaching the adjacent homes. He asked for fencing that could completely block car headlights (prevent light trespass.)

The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against the request:

John Singler, attorney for City of Houston Acres, 209 Old Harrods Creek Road, Louisville, KY 40223

Scott Harrington, Legislative Assistant to Councilman Kevin Kramer, 601 West Jefferson Street, Louisville, KY 40202

Summary of testimony of those neither for nor against:

00:30:26 John Singler, attorney for the City of Houston Acres, discussed "substantially changing" drainage issues (see recording for detailed presentation.)

00:31:53 Pat Brierly, an applicant's representative, spoke regarding piping of water / drainage (see recording for detailed presentation.)

00:33:57 Scott Harrington, Legislative Assistant to Councilman Kevin Kramer, said MSD is still reviewing drainage options and the Councilman wanted a continuance of this case to allow for the results of that review. He wanted final construction plans from MSD before approving a landscape plan.

00:35:12 Tony Kelly, representing MSD, discussed the drainage easement (see recording for detailed presentation.) In response to a question from Commissioner Tomes, Mr. Kelly discussed routing drainage through the basin and the downstream improvements. He said that, at the DRC level, the plans being discussed here are concept plans.

00:37:41 Commissioners' deliberation

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CASE 17LSCAPE1181

Ms. Williams and the Commissioners discussed the issues.

00:40:13 Commissioner Ferguson asked about moving the five trees. Ms. Sammons discussed the existing MSD drainage easement that affects those trees. She explained how the proposed building would be better screened by moving those trees north. The fence design was discussed.

Landscape Plan

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the staff report and the evidence and testimony presented today, was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Landscape Plan as presented today.

The vote was as follows:

YES: Commissioners Smith, Brown, Ferguson, Carlson, and Tomes.

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NEW BUSINESS

CASE 17DEVPLAN1209

Request: Revised Detailed District Development Plan
Project Name: King Louie's Place
Location: 598 & 600 North English Station Road
Owner: Blind Squirrel, LLC
Applicant: Blind Squirrel, LLC
Representative: Sarah Beth Sammons – Land Design & Development, Inc.
Jurisdiction: City of Middletown
Council District: 19 – Julie Denton

Case Manager: Joel Dock, Planner II

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

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

Agency Testimony:

00:47:23 Joel Dock presented the case and showed the plan (see staff report and recording for detailed presentation.)

00:51:17 In response to a question from Commissioner Brown, Mr. Dock discussed the municipal order from the City of Middletown and how those affected uses and conditions.

The following spoke in favor of the request:

Sarah Beth Sammons, Land Design & Development, 503 Washburn Ave # 101, Louisville, KY 40222

Matt Rumble, 15405 Crystal Springs Way, Louisville, KY 40245 (signed in but did not speak)

Summary of testimony of those in support:

00:53:54 Sarah Beth Sammons, the applicant's representative, presented the applicant's case (see recording for detailed presentation.)

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CASE 17DEVPLAN1209

The following spoke in opposition to the request:

No one spoke.

00:55:40 Commissioners' deliberation

00:55:51 In response to questions from Commissioners Smith and Carlson, Ms. Sammons described the composition of the semi-permanent structure.

00:57:19 Mr. Dock explained that any approval should be on condition that plans be submitted correctly showing the road alignment (entrance alignment with the new Aiken Road.)

Revised Detailed District Development Plan

00:58:00 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the staff report and the evidence and testimony presented today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the proposed development plan preserves an existing intermittent stream and surrounding vegetation, and there does not appear to be any other significant natural resources on-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 will be provided as the site provides an internal network of walks and drives connecting all facilities within the complex. Further, the developer will work with all applicable agencies to ensure that the Northern entrance is appropriately located with respect to Aiken Road and the signalized intersection. Until such time when this intersection is finalized, proposed binding elements aid in ensuring the safe movement of pedestrians and vehicles to/from the subject site; and

WHEREAS, the Committee further finds that the proposed development provides space for active and passive recreation in multiple locations on-site; and

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

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CASE 17DEVPLAN1209

WHEREAS, the Committee further finds that the proposal integrates into the mixture of commercial, office and industrial uses along this portion of N. English Station Rd. The overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening are provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks with the exception of the previously approved relief along North English Station Road; and

WHEREAS, the Committee further finds that the proposal conforms to the Comprehensive Plan and Land Development Code. The proposal integrates into the mixture of commercial, office and industrial uses along this portion of N. English Station Rd. The proposal is located adjacent to existing industrially zoned and used properties to take advantage of special infrastructure needs. The site has access from N. English Station Rd with existing commercial, office and industrial uses, and the proposed transportation facilities are compatible with and support access to surrounding lands; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the City of Middletown that the proposed Revised Detailed District Development Plan be **APPROVED** on condition that the plan is updated to clearly reflect the proposed improvements by KYTC at the Aiken Road and English Station Road intersection, and **SUBJECT** to the following binding elements:

1. The development shall be in accordance with the approved district development plan, and the landscape plan, which shall be that certain Revised Detailed Development Plan and that certain Landscape Plan, which were approved by the City of Middletown on the 18th of June, 2017 and that Revised Detailed Development approved at the City of Middletown Commission meeting of the 18th of June, 2017 all applicable sections of the Land Development Code (LDC) and agreed upon binding elements, unless amended pursuant to the LDC. Any changes/additions/alterations of any binding element(s), or development plan revisions and all landscape plans shall be submitted to the Planning Commission or the Planning Commission's designee, and to the City of Middletown for review and approval; any changes/additions/alterations not so referred and so approved shall not be valid. The Developer understands and agrees that once North English Station Road is improved, Developer's entrance must be relocated and aligned with the new Aiken Road location at the Developer's sole cost if it is required by Metro Louisville Public Works or Kentucky Transportation Cabinet. This requirement is shown as a plan note on every approved Revised Development Plan.

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2. Before any permit (including but not limited to building, parking lot, change of use, sit disturbance, alteration or demolition) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Development Louisville Divisions of Construction Review and Transportation Planning, Metropolitan Sewer District and City of Middletown. The drainage construction plan must also be approved by the City of Middletown.
 - b. All uses shown on the Revised Detailed Development Plan must have access to public sanitary sewers.
 - c. A minor subdivision plat or legal instrument shall be recorded creating any 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.
 - d. The property owner/developer must obtain approval by the Planning Commission and the City of Middletown of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be consistent with the concept landscape plan shown at the May 9, 2013 Middletown City Commission meeting, shall be implemented prior to occupancy of the site and shall be maintained thereafter. There shall be no removal of the required landscaping without City Commission approval. In the event any tree or other landscaping is removed without written consent of the City, the City may require the owner/applicant to replace with a tree of similar size and age (when cut), or as approved by the City Commission. Any replacement tree or trees shall be such as are deemed adequate by the City to mitigate the impact. If work is required within a utility easement causing removal or damage of required landscape materials, the property owner will be responsible for replacement of materials according to the approved landscape plan.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC and the City of Middletown shall be reviewed and approved before issuance of a building permit.
 - f. The name, address and telephone number of the construction manager for the project must be disclosed to the City of Middletown.

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5. All access drives and parking areas must be constructed to the standards of the Land Development Code and in accordance the approved Revised District Development Plan. All cars must be parked in marked spaces and the access drives shall be kept free from parked cars. Curbing shall be installed along each edge of the access drive leading to the rear portion of the site to prevent vehicles from parking in the grass, and "No Parking in Fire Lane" signs shall be installed, the number and placement of which shall be approved by the City of Middletown and the Middletown Fire Protection District (in accordance with the attached fire lane regulations), as part of the final signage package, or construction plans as may be appropriate. In addition, the edges either side of said access drive shall be striped as fire lanes (cf. binding element no. 3). The Owner/Developer will maintain the transit stop on an as- needed basis.
6. The capacity of the amphitheater shall not exceed 800 people. In order to avoid conflicts with peak hour traffic, no live music event, play, or other live entertainment at the amphitheater shall be scheduled to end between 5:00p.m. and 7:00p.m. on Monday through Friday.
7. Prior to installation of the traffic signal at Aiken Road, the property owner agrees to utilize traffic control personnel for events in the indoor athletic facility upon receipt of a written request by the City of Middletown. At the time the northern entrance, opposite Aiken Road, is completed, a traffic study shall be submitted to Metro Public Works or Transportation Plan Review and Planning and Design and the City of Middletown to determine if the southern entrance may remain. Such improvements shall begin within one year of submittal of the traffic study.
8. The developer shall contribute up to 12% of the cost of the signal installation at Aiken Road and N. English Station Road, not to exceed \$7,000, if the light and widening project is done by Metro Public Works or the Kentucky Transportation Cabinet. This shall be paid within 30 days of the request by the Director of Metro Public Works. The request shall be made to the developer when Metro Public Works obtains the balance of the cost of installation, no sooner than construction plan approval. The Developer has the option to get approval through Metro Public Works and KYTC to design and install the Aiken Road light as Developer's own project, upon such terms as the Developer can negotiate, in which event, the Developer shall not be required to make any monetary contribution to Metro Public Works Of KYTC.
9. For purposes of KRS 100.237, the conditional use permit for the amphitheater shall be exercised within two years after the completion of the widening of N. English Station Road to three lanes or a traffic signal at English Station and Aiken Road (temporary or permanent) is installed and operational.

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10. Upon the development or redevelopment of properties on and around the N. English Station Road and Aiken Road corridors that are projected to generate additional traffic impacts on N. English Station Road and/or Aiken Road, the City of Middletown may require a monetary contribution from the owners/developers of said properties toward the cost of the traffic signal at Aiken Road and N. English Station Road and associated road widening in rough proportionality to the projected impacts of the proposed development or redevelopment.
11. Prior to requesting a certificate of occupancy for the amphitheater stage and overhead structures, the applicant shall submit to the City of Middletown a statement by an acoustic consultant certifying that the maximum noise levels produced by the sound system for the amphitheater do not exceed the average and peak ambient noise levels set forth in the Ambient Noise Level Exhibit attached hereto as Exhibit B, at the locations designated therein. A certificate of occupancy shall not be issued for the amphitheater stage and overhead structures until such statement is submitted. The City of Middletown may request periodic monitoring of noise levels to ensure compliance with this binding element. If, at any time, noise levels produced by the sound system for the amphitheater exceed the average and peak ambient noise levels set forth in Exhibit B at the locations designated therein, no events with amplified sound shall be permitted in the amphitheater until additional noise abatement measures have been implemented/installed and a statement is submitted by an acoustic consultant certifying that maximum noise levels from the amphitheater do not exceed the noise levels set forth in Exhibit B. From time to time, the City of Middletown may amend Exhibit B to update the average and peak ambient noise levels at the designated locations. This binding element shall not apply to the ice rink/volleyball courts and seating area around the ice rink/volleyball courts, which may be constructed and used without submitting a statement by an acoustic consultant. No part of the proposed development, including the amphitheater, shall be exempt from the Louisville Metro Noise Ordinance.
12. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency and the City of Middletown, from an engineer or other qualified professional stating that the lighting of the proposed development is in compliance with the Land Development Code and shall be maintained thereafter. No building permits shall be issued unless such certification statement is submitted. A minimum of fifty percent (50%) of the parking lot lighting adjacent to the soccer field and indoor athletic building shall be turned off after 11:00 p.m.
13. No freestanding sign shall exceed 100 square feet in area per side and 10

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feet in height. All illumination shall be internal. No sign shall have more than two sides. There shall be no new off- premises signs. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site, other than the existing outdoor advertising sign and the proposed and permitted freestanding/attached signage all of which must be compliant with the Middletown Sign Ordinance. The City of Middletown must approve the final signage package for the entire site prior to construction, which signage package must show the placement, size, scale and type of materials of the signs.

14. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site. The dumpsters shown on the approved plan are the only dumpsters allowed on the site and they shall be screened from view, kept secured and picked up.
15. At such time as the adjoining property to the north or the south of the subject property is redeveloped and cross access is required as part of said redevelopment, a reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel and the City of Middletown granting access in the location shown on the approved development plan to the adjoining property being redeveloped shall be created and recorded; a copy of the recorded instrument shall be submitted to the Division of Planning and Design Services at the request of the Director of Planning and Design Services.
16. The approved construction plan for drainage and the drainage/detention structures must also be presented and approved by the City of Middletown, prior to and as a condition of any building permit application and/or for any Occupancy Permit and/or bond release. Additionally, the improvements shown on said construction plans must be fully complete prior to the application for Occupancy Permit and/or bond release. All occupancy permits must receive the prior approval of the City of Middletown. The Property Owner(s), and their heirs, successors and assigns, are liable to construct and keep maintained all the detention and drainage facilities on the development plan and construction plans, and keep them permanently maintained in a high state of functioning.
17. A certificate of occupancy must be received from the appropriate code enforcement department and the City of Middletown 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 a certificate of occupancy unless specifically waived by the Planning Commission and the City of Middletown.

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18. Construction fencing shall be erected at the edge of the area of development in accordance with the tree preservation plan prior to any grading or construction to protect existing tree stands and their root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities are permitted within the protected area.
19. If a building permit for any portion of the development is not issued for any portion of the development within two years from the date of the City of Middletown's approval of this Revised Detailed Development Plan herein, the property shall not be used in any manner unless a revised district development plan is approved by the City of Middletown or an extension is granted by the Planning Commission and the City of Middletown.
20. 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.
21. The Applicant, its successors and assigns, hereby consents and agrees that the City of Middletown has full right and authority to take any and all appropriate direct legal action against Applicant, its successors and assigns, to enforce these binding elements and inspect the premises to determine compliance with the binding elements.

The vote was as follows:

YES: Commissioners Smith, Brown, Ferguson, Carlson, and Tomes.

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NEW BUSINESS

CASE 17DEVPLAN1138

Request: Review of a Category 3 Development Plan for a proposed mixed-use 5 level structure in the Downtown form district.
Project Name: Hughes Lofts / Garage
Location: 209 and 217 East Main Street
Owner: David A. Steinbrecher – Fetzer Lofts dba Hughes Lofts, LLC
Applicant: Marv Blomquist – Blomquist Design Group LLC
Representative: Marv Blomquist – Blomquist Design Group LLC
Jurisdiction: Louisville Metro
Council District: 4 – Barbara Sexton Smith

Case Manager: Ross Allen, Planner I

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

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

Agency Testimony:

00:58:52 Ross Allen presented the case and showed the site plan (see staff report and recording for detailed presentation.)

The following spoke in favor of the request:

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

Carlton Bruce Rogers Jr., 1428 Goddard Avenue, Louisville, KY 40204

Summary of testimony of those in support:

01:00:52 Marv Blomquist, the applicant's representative, presented the applicant's case (see recording for detailed presentation.) In response to a question from Commissioner Brown, Mr. Blomquist said the garage access will be a gated access.

01:03:11 Bruce Rogers, the project architect, showed some renderings of the project (see recording to view photos) including the garage entrances.

The following spoke in opposition to the request:

No one spoke.

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CASE 17DEVPLAN1138

01:05:19 Commissioners' deliberation

01:05:23 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the staff report and the evidence and testimony presented today, was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Approval of a Category 3 development plan for a mixed-use building containing 44 parking spaces, office, retail, Restaurant/Bar, Banquet Rooms, Roof Garden, and 21 apartments on a C-3 zoned parcel within the Downtown Form District and within the Waterfront Review Overlay.

The vote was as follows:

YES: Commissioners Smith, Brown, Ferguson, Carlson, and Tomes.

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NEW BUSINESS

CASE 17DEVPLAN1181

Request: Sidewalk waiver, Landscape waiver and general waiver as associated with a Category 2B Development Plan for a 17,625 square foot UPS Flight Simulator Building

Project Name: UPS Flight Simulator Facility

Location: 819 Lotus Avenue & 4556 Orange Drive

Owner: Michael Campbell – United Parcel Service

Applicant: Michael Campbell – United Parcel Service

Representative: Robert Candler – Citizen Engineering

Jurisdiction: Louisville Metro

Council District: 21 – Dan Johnson

Case Manager: Ross Allen, Planner I

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

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

Agency Testimony:

01:06:00 Ross Allen presented the case and showed the site plan (see recording for detailed presentation.)

The following spoke in favor of the request:

Rob Candler (sp), Citizen Engineering, 415 East Market Street, Louisville, KY 40202

Darrell Watson, 700 Administration Drive, Louisville, KY 40209

Summary of testimony of those in support:

01:11:08 Rob Candler (sp), an applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

The following spoke in opposition to the request:

No one spoke.

01:06:09 Commissioners' deliberation

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CASE 17DEVPLAN1181

Waiver #1 - waiver from LDC Section 5.8.1.B/5.9.2.A.b.i to not provide a sidewalk along the western side of Lotus Ave.

01:27:42 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution based on the staff report and the evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the requested waiver complies with the Cornerstone 2020 Comprehensive Plan because the proposed development of the subject property will be consistent and compatible with the industrial character of the area. The subject property is appropriately located in the Suburban Workplace, adequate transportation infrastructure exists to accommodate the proposed use. The proposal will encourage redevelopment, rehabilitation and reinvestment opportunities in an older industrial area consistent with the Suburban Workplace pattern of development; and

WHEREAS, the Committee further finds that the requested waiver complies with the Cornerstone 2020 Comprehensive Plan because the proposed development of the subject property will be consistent and compatible with the industrial character of the area. The subject property is appropriately located in the Suburban Workplace, adequate transportation infrastructure exists to accommodate the proposed use, and sidewalks will be constructed from the proposed parking area to the proposed building to facilitate pedestrian connectivity. The proposal will encourage redevelopment, rehabilitation and reinvestment opportunities in an older industrial area consistent with the Suburban Workplace pattern of development; and

WHEREAS, the Committee further finds that the requested waiver will not adversely affect adjacent property owners because the Applicant also owns 6 of the 7 adjacent properties. In accordance with the industrial character of the area and the Suburban Workplace neighborhood, there are no other existing sidewalks in the area in which to connect. Therefore, to provide a sidewalk for the portions of the area adjacent to this project would create an unsafe condition for pedestrians; and

WHEREAS, the Committee further finds that the requested waiver is the minimum necessary to afford relief to the applicant because there are no existing sidewalks in which to connect within this industrial area. Therefore, the strict application of the regulations would deprive the applicant of the reasonable use of the land and create an unnecessary hardship; now, therefore be it

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RESOLVED, the Louisville Metro Development Review Committee does hereby APPROVE the requested **WAIVER #1**: A waiver from LDC Section 5.8.1.B/5.9.2.A.b.i to not provide a sidewalk along the western side of Lotus Ave. for an approximate length of 994 feet and intersecting along the southern side of Orange Drive for an approximate length of 822 feet East for a total 1,816 feet AND to not provide a clearly defined, safe pedestrian access from the adjacent public right of way along Lotus Ave. to the proposed Flight Simulator building.

The vote was as follows:

YES: Commissioners Smith, Brown, Ferguson, Carlson, and Tomes.

Waiver #2: A general waiver from LDC Section 5.9.2.A.1.b.v to not provide pedestrian walkways traversing a parking lot with more than 100 spaces found directly north of the proposed flight simulator building and having 116 spaces.

01:29:27 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution based on the corrected version of the staff report findings as discussed at today's meeting and the evidence and testimony heard today, was adopted:

WHEREAS, the Committee further finds that the requested waiver will not adversely affect adjacent property owners because the applicant also owns 6 of the 7 adjacent properties. In accordance with the industrial character of the area and the Suburban Workplace Form District the applicant is not willing to provide pedestrian walkways across the 116 space parking lot found south of existing parking where clearly defined pedestrian walkways that either goes towards the existing 90,000 sf. 2 story office building or dead end in the parking lot to the north abutting the proposed parking lot. The applicant is providing a stripped pedestrian access from the southern portion of the proposed parking lot to the proposed Edgewood Flight Simulator Building, pedestrian walkways within the parking lot are not provided; and

WHEREAS, the Committee further finds that the requested waiver complies with the Cornerstone 2020 Comprehensive Plan because the proposed development of the subject property will be consistent and compatible with the industrial character of the area. The subject property is appropriately located in the Suburban Workplace, adequate transportation infrastructure exists to accommodate the proposed use. The proposal will encourage redevelopment, rehabilitation and reinvestment opportunities in an older industrial area consistent with the Suburban Workplace pattern of development; and

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WHEREAS, the Committee further finds that this waiver is to waive the requirement for internal pedestrian connection to sidewalks on the right of way that are also being requested to be waived by another waiver application. As such, the extent of this waiver is the minimum necessary to afford relief to the applicant; and

WHEREAS, the Committee further finds that the requested waiver is the minimum necessary to afford relief to the applicant because there are no existing sidewalks in which to connect within this industrial area. Therefore, the strict application of the regulations would deprive the applicant of the reasonable use of the land and create an unnecessary hardship; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested **Waiver#2**: A general waiver from LDC Section 5.9.2.A.1.b.v to not provide pedestrian walkways traversing a parking lot with more than 100 spaces found directly north of the proposed flight simulator building and having 116 spaces.

The vote was as follows:

YES: Commissioners Smith, Brown, Ferguson, Carlson, and Tomes.

WAIVER #3: A waiver from LDC Section 10.2.10, Table 10.2.6 to not provide the required 15 foot VUA LBA with a three foot continuous screen and along Lotus Ave.

01:30:51 On a motion by Commissioner Carlson, seconded by Commissioner Smith, the following resolution based on the corrected version of the staff report findings as discussed at today's meeting and the evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver from LDC Section 10.2.4 requirement to provide the 15 foot Vehicular Use Area (VUA) Landscape Buffer Area (LBA) will not adversely affect adjacent property owners because the applicant owns both properties adjacent to the subject properties, thereby making the area subject of the waiver request internal to the applicant's overall industrial campus. Therefore, the applicant's request this waiver from LDC 10.2.10, table 10.2.6 so that it will not have to buffer its own parking and maneuvering areas from its own existing development; and

WHEREAS, the Committee further finds that the requested landscape waiver complies with Cornerstone 2020 Comprehensive Plan because the proposed use is consistent with the Suburban Workplace Form District. The waiver will create no adverse visual impacts to the surrounding areas, as they are all industrial uses and parking lots. For all of the foregoing reasons, the VUA LBA waiver request, as applied to the area between the proposed parking lot and Lotus Ave. and the existing driveway south of the parking lot will not violate Cornerstone 2020 Comprehensive Plan; and

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WHEREAS, the Committee further finds that the extent of the requested VUA LBA waiver is the minimum necessary to afford relief to the applicant because, LDC Section 10.2.10 as related to the category 2B development plan since the landscaping is to reduce the visual impact of the VUA and the roadway, Lotus Ave. thus screening the applicant's own parking areas rather than residentially zoned uses; and

WHEREAS, the Committee further finds that the proposed flight simulator building, parking area, and maneuvering area are in an industrial area with adjacent developments owned by the applicant, negating the need for the visual buffer. The strict application of the LDC requirements create an unnecessary hardship on the applicant because it essentially requires the applicant to expend money to establish and maintain buffering which will decrease the available parking area from the remaining portions of existing parking areas east of Lotus Ave; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested **WAIVER #3**: A waiver from LDC Section 10.2.10, Table 10.2.6 to not provide the required 15 foot VUA LBA with a three foot continuous screen and along Lotus Ave. beginning at the western side of Lotus Ave. at the northern point of the proposed VUA at Latitude 38° 9' 49.09" North and Longitude -85° 43' 2.79" West and continuing due south for approximately 391 feet to Latitude 38° 9' 45.22" and Longitude -85° 43' 2.84" West and required plantings of 1 Type A tree per 50 linear feet of property frontage along Lotus Ave.

The vote was as follows:

YES: Commissioners Smith, Brown, Ferguson, Carlson, and Tomes.

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ADJOURNMENT

The meeting adjourned at approximately 2:34 p.m.

Chair

Planning Director