

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE MEETING
September 2, 2020**

A meeting of the Development Review Committee was held on Wednesday, September 2, 2020 at 1:00 p.m. via Cisco Webex Video Teleconferencing.

Commissioners present:

Rich Carlson, Chair
Jim Mims, Vice Chair
Jeff Brown
Marilyn Lewis
Pat Seitz

Commissioners absent:

No one.

Staff members present:

Emily Liu, Director, Planning & Design Services
Joe Reverman, Assistant Director, Planning & Design Services
Brian Davis, Planning & Design Manager
Julia Williams, Planning & Design Supervisor
Dante St. Germain, Planner II
Laura Ferguson, Legal Counsel
Beth Stuber, Transportation
Chris Cestaro, Management Assistant (minutes)

The following matters were considered

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APPROVAL OF MINUTES

Minutes of the August 19, 2020 Development Review Committee meeting

00:04:06 On a motion by Commissioner Brown, seconded by Commissioner Lewis, the following resolution was adopted:

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on August 19, 2020.

The vote was as follows:

YES: Commissioners Mims, Brown, Lewis, and Carlson.

NOT VOTING: Commissioner Seitz (technical difficulties.)

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NEW BUSINESS

CASE NUMBER 20-DDP-0030

Request: Revised Detailed District Development Plan with Landscaping Waivers and amendment to General Plan Binding Elements
Project Name: Stone Creek Parkway Apartments
Location: 700 Stone Creek Parkway
Owner: NTS Realty Holdings Limited Partners
Applicant: NTS Realty Holdings Limited Partners
Representative: Bardenwerper Talbott & Roberts
Jurisdiction: City of Jeffersontown
Council District: 18 - Marilyn Parker
Case Manager: **Dante St. Germain, AICP, Planner II**

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

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

Agency Testimony:

00:05:35 Dante St. Germain presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) This case was continued from the August 19, 2020 DRC meeting.

00:17:04 In response to a question from Commissioner Carlson, Ms. St. Germain said that Mr. Mason's building (adjacent to the site) is a non-residential office condo.

00:17:24 In response to a question from Commissioner Seitz, Ms. St. Germain said that Building 300 is proposed to be 48 feet 6 inches high. In response to a question from Commissioner Lewis, Ms. St. Germain said that building is measured to the base of the parapet wall; that is how the City of Jeffersontown Land Development Code measures heights. She and Commissioner Lewis discussed the variance that had already been approved by the City of Jeffersontown Board of Zoning Adjustment for exceeding height limits (see recording.)

The following spoke in favor of this request:

Nick Pregliasco, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway, Louisville, KY 40223

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John Carman and Travis Edelen, CARMAN Landscape Architecture, 400 East Main Street, Unit 106, Louisville, Kentucky 40202

Chad Cutter and Matt Ricketts (sp), NTS Development, 500 North Hurstbourne Parkway, Louisville, KY 40222

Summary of testimony of those in support of the proposal:

00:19:47 Nick Pregliasco, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

00:41:25 Commissioner Mims stated for the record that he was a member of the CARMAN firm in the past but presently has no interest in the firm or this project.

00:41:54 In response to a question from Commissioner Mims, Mr. Pregliasco discussed how far the transition line extended into the property (see recording for discussion.) Mr. Pregliasco said the maximum allowable height in the OR-3 zone is 60 feet.

The following spoke in opposition to this request:

Phil Mason, 800 Stone Creek Parkway Suite 5, Louisville, KY

Chris McCarty, 804 Stone Creek Parkway, Louisville, KY

Randall Strauss (sp), Tony Fernandez, and Sid Anderson [property manager], 804 Stone Creek Parkway, Louisville, KY

Summary of testimony of those in opposition:

00:44:52 Phil Mason said he does not oppose the project, but **does** oppose having a 49-foot building built less than 20 feet away from the condo association's building. He said he sent the case manager an impact statement yesterday (on file). He discussed some issues about property lines. He said he has reached out to NTS several times to present the concerns of the condo owners. Since June 10th, the proposed site plan, binding elements, and some parts of the development plan have changed several times. He explained in detail why granting the waivers will negatively impact the condo building. He noted that the proposed Building 300 will not impact any neighbors if it is placed in the back of the property along Willow Ridge Drive, instead of in its current proposed location. See recording for his detailed presentation.

00:59:39 Mr. Mason narrated a brief video of the site (see recording.)

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01:03:42 Chris McCarty occupies an office condo located at 804 Stone Creek Parkway. He agreed that the development is fine, but the proximity of proposed Building 300 is a problem. He noted that NTS has to install a landscape buffer on Mr. Mason's property because they do not have room on theirs.

01:05:04 Randall Strauss (sp), an attorney who has four suites in the office condominium complex, said he shares the concerns of the condo associations' members. He said he sent a letter to Mr Pregliasco / NTS outlining their concerns. He received a response to his letter from Mr. Pregliasco this morning. He reiterated that the condominium members do not object to the project or having apartments here; he said that "apartments are an excellent use of that property." The disagreement occurs with the height and proximity of proposed Building 300. He also suggested switching the locations of the carriage house and the proposed Building 300. See recording for his detailed presentation.

01:10:47 In response to a question from Commissioner Brown, Ms. St. Germain discussed the variance that the City of Jeffersonstown Board of Adjustments has already approved (see recording for detailed response.)

01:12:34 In response to a question from Commissioner Lewis, Chad Cutter (sp) with NTS Development, said the location of the Waiver #1 request is located on the southwest corner just north of the trash dumpster.

01:14:22 In response to a question from Commissioner Mims, Ms. St. Germain and Mr. Pregliasco discussed and clarified building height. Commissioner Mims said there appeared to be a "discrepancy" between what Mr. Pregliasco presented and what Mr. Mason presented (see recording for detailed discussion.)

01:17:56 Commissioner Mims also asked about Mr. Mason's assertion that proposed Building 300 would be encroaching into a detention basin. He asked if staff or the applicant had heard anything from MSD about that. Ms. St. Germain said MSD has provided preliminary approval of the plan. Commissioner Brown said that the City of Jeffersonstown maintains their own drainage. Ms. St. Germain pointed out the location of an underground detention structure on the subject site. Matt Ricketts (sp), with NTS Development, discussed drainage, retaining walls, grading and construction issues between Mr. Mason's property and their site that relate to this topic (see recording.) He said that, directly t the north of the proposed Building 300, there is proposed underground storage for drainage.

01:20:55 In response to a question from Commissioner Mims, Ms. St. Germain discussed the setback requirements that have been met.

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01:21:27 In response to a question from Commissioner Carlson, Ms. St. Germain said the three-story limitation on the General Plan binding elements had been initially placed there in 1994.

Rebuttal:

01:22:30 Mr. Pregliasco said the property had already been zoned before the three-story height limitation was added. He said there had been an in-person hearing on this case before the Jeffersonstown Board of Adjustments, at which Mr. Mason was present, and at which the variance was approved. He said that, due to the shape and topography of the site, it is not possible to move buildings around. He discussed detention, drainage, and plantings between the buildings.

01:29:00 Mr. Cutter (?) added that the changes Mr. Mason said he did not have time to review were minor – addressing comments from MSD, etc. All plans are accessible online. He said that at no time has NTS stated or planned to place a landscape buffer on Mr. Mason's property. See recording for detailed rebuttal.

01:32:19 Commissioner Seitz asked the applicant to guarantee that the building would be at least 10 feet away from the property line. Mr. Cutter (?) and Mr. Pregliasco both agreed that that is what is required by the Land Development Code and also that is what is noted on the development plan.

01:32:58 Mr. Mason asked if NTS would guarantee that the wall of Building 300 would not be any closer than 20 feet from his wall. Mr. Ricketts said he cannot commit to what Mr. Mason has built on his property. He said the wall of Building 300 will be 10 feet from their property line. See recording for detailed discussion.

01:34:16 Commissioners' Discussion.

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.

Waiver #1: from 10.2.4.B to allow a utility easement to overlap a required property perimeter Landscape Buffer Area (LBA) by more than 50% (20-WAIVER-0043)

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01:38:17 On a motion by Commissioner Brown, seconded by Commissioner Mims, 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 that the waiver will not adversely affect adjacent property owners as the planting requirements will still be met; and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Plan 2040 as Plan 2040 encourages appropriate transitions between adjacent residential areas in different density categories. The appropriate transition will be provided as the required plantings are not proposed to be waived; and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as neither the LBA nor the easement can be easily moved; and

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the lot is irregular in shape and constrained by the grade changes which would make relocating the easement or expanding the LBA problematic; now therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the City of Jeffersontown that the requested **Waiver #1**: from 10.2.4.B to allow a utility easement to overlap a required property perimeter Landscape Buffer Area (LBA) by more than 50% (20-WAIVER-0043) be **APPROVED**.

The vote was as follows:

YES: Commissioners Lewis, Seitz, Mims, Brown, and Carlson.

Waiver #2: from 10.2.11 to omit required Interior Landscape Areas (ILAs) on the upper deck of the parking structure (20-WAIVER-0064)

01:39:13 On a motion by Commissioner Brown, seconded by Commissioner Mims, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

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WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners as adjacent property owners are unlikely to notice the lack of required ILAs; and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Plan 2040 as Plan 2040 encourages design elements that address the urban heat island effect and energy efficiency, such as the planting and preservation of trees, cool roofs and green infrastructure, for new development. This guideline is not violated as the pavement around the missing ILAs is proposed to be concrete and a light color, and the site is using cool roofs; and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as providing the required ILAs on the second level of the parking structure would require the installation of landscaping wells which would increase the engineering challenges of the parking structure and increase cost such that the project would no longer be feasible; and

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the installation of landscaping wells would increase the cost of the development such that it would make the project infeasible; now therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the City of Jeffersontown that the requested **Waiver #2**: from 10.2.11 to omit required Interior Landscape Areas (ILAs) on the upper deck of the parking structure (20-WAIVER-0064) be **APPROVED**.

The vote was as follows:

YES: Commissioners Lewis, Seitz, Mims, Brown, and Carlson.

Waiver #3: from 10.2.11 to not provide required total ILA area on the site (20-WAIVER-0082)

01:40:11 On a motion by Commissioner Brown, seconded by Commissioner Mims, 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 that the waiver will not adversely affect adjacent property owners as the tree requirements for the LBA

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adjacent to where the ILA would have been placed shall be increased to 150% of LDC requirements, mitigating the heat island effect created by the missing ILA; and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Plan 2040 as Plan 2040 encourages design elements that address the urban heat island effect and energy efficiency, such as the planting and preservation of trees, cool roofs and green infrastructure, for new development. This guideline is not violated because the shading effects of the extra tree plantings in the VUA LBA will mitigate the lack of the ILA and compensate for it; and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the site is constrained in shape and topography, and the omission of the required ILA will allow the applicant to provide additional parking to the residents; 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 requirements to be waived, as the applicant has agreed to increase the planting density in the VUA LBA to 150% in order to compensate for the lack of the ILA; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the City of Jeffersontown that the requested **Waiver #3**: from 10.2.11 to not provide required total ILA area on the site (20-WAIVER-0082) be **APPROVED**.

The vote was as follows:

YES: Commissioners Lewis, Seitz, Mims, Brown, and Carlson.

Amendment of General Plan Binding Elements

01:41:05 On a motion by Commissioner Brown, seconded by Commissioner Mims, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the City of Jeffersontown that the requested amendment of General Plan binding elements as shown in the staff report be **APPROVED, to read as follows:**

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Existing General Plan Binding Elements 09-65-82 (to be amended)

- ~~1. The development shall not exceed 297,000 square feet in area. Building on all tracts except Tract 1A shall not exceed 3 stories in height. On Tract 1A the building height of the apartment hotel as measured from the first floor elevation to the roof line shall not exceed 46.5 feet, and building parapet walls may not extend more than 4.5 feet above the roof line. Gables and other architectural features may not extend above the top of the parapet wall in excess of 15% of the building perimeter and may not exceed 8.5 feet in height, as measured from the peak of the gable or feature, to the top of the parapet wall.~~
- ~~2. The development shall not contain medical offices. Any commercial uses proposed for this development shall be approved by the Planning Commission and the Jeffersontown City Council to assure that the use is customarily incidental to the primary use and for the convenience of the occupants.~~
3. The development shall not contain medical offices or apartment hotels. Any commercial uses proposed for this development shall be approved by the Planning Commission and the Jeffersontown City Council to assure that the use is customarily incidental to the primary use and for the convenience of the occupants.
4. Before 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. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways;
 - c. The record plat shall be recorded for creation of the streets and to create a cul-de-sac at the terminus of Pennyroyal Way;
 - d. The developer must obtain approval from the Planning Commission of a plan for screening (buffering/landscaping) of the property. Such plan shall reflect the planting strips along Hurstbourne Lane, Timberwood Circle and Street A as well as other general landscaping and buffering shown on the approved district development plan;
 - e. The size and location of all building and development identification signs must be approved by the City of Jeffersontown, Kentucky.
5. The screening plan shall be implemented and maintained by the property owner.
6. No building permits may be issued more than two years from the date of approval of the plan or rezoning whichever is late or the property shall not be used in any manner.
7. 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.

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- 8. These binding elements may be amended as provided for in the Zoning District Regulations.

Existing Detailed Plan Binding Elements 9042 (to be removed)

~~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; and changes/additions/alterations not so referred shall not be valid.~~

~~9. The development shall not exceed 40,172 square feet of gross floor area.~~

~~10. Signs shall be in accordance with the Jeffersontown Sign Ordinance in effect at this time and as shown on the development plan.~~

~~11. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.~~

~~12. 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.~~

~~13. 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 Public Works, the Metropolitan Sewer District, and the City of Jeffersontown~~
- ~~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.~~
- ~~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.~~

~~14. 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 detailed district development plan is approved or an extension is granted by the Planning Commission and the City of Jeffersontown.~~

~~15. A certificate of occupancy must be received from the appropriate code enforcement~~

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~~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 and the City of Jeffersontown.~~

- ~~16. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system.~~
- ~~17. 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.~~
- ~~1. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as submitted to the City of Jeffersontown on January 16, 2008.~~
- ~~2. 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.~~
- ~~3. The landscaping shall minimally be provided as shown on the site rendering dated October 24, 2007.~~
- ~~4. Additional landscaping shall be provided on the site to prevent patrons of Hurstbourne Office Plaza who may park in Plainview Office Park (phases I and II) from walking through the Plainview Office Park property to get to the Hurstbourne Office Plaza.~~
- ~~5. A landscape plan shall be submitted to the Jeffersontown City Council for approval prior to issuance of a certificate of occupancy.~~

The vote was as follows:

YES: Commissioners Lewis, Seitz, Mims, Brown, and Carlson.

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Revised Detailed District Development Plan with replacement of existing Detailed Plan Binding Elements

01:41:55 On a motion by Commissioner Brown, seconded by Commissioner Mims, 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 that there do not appear to be any environmental constraints or historic resources on the subject site. The site is undeveloped, and no natural resources appear to exist on the site; and

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

WHEREAS, the Committee further finds that required open space and recreational open space are being provided; and

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

WHEREAS, the Committee further finds that the overall site design and land uses are compatible with the existing and future development of the area. The scale of the proposed structure is similar to the scale of adjacent development. A variance for building height has already been approved by the City of Jeffersontown Board of Adjustments; 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 a requested waivers.; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the City of Jeffersontown that the requested **Revised Detailed District Development Plan, subject to the following** Binding Elements **to read as follows:**

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2. Proposed Detailed Plan Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) 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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Signs shall be in accordance with the City of Jeffersontown Sign Ordinance. Permits for signage shall be requested and obtained from the City of Jeffersontown.
4. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
5. Before any permit (including but not limited to building, parking lot, change of use is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works, the Metropolitan Sewer District and the City of Jeffersontown.
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.
 - b. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the August 19, 2020 Development Review Committee meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
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

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Planning Commission and the City of Jeffersontown.

7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
8. 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 and the City of Jeffersontown.
9. The roofs of all buildings shall be white or light in color, and in compliance with the requirements of the Cool Roof Rebate Program administered by the Louisville Metro Office of Advanced Planning and Sustainability, regardless of whether the rebate is claimed or awarded.
10. The upper deck of the parking structure shall be constructed of concrete as shown on the development plan. No asphalt shall be applied on top of the concrete, except for small amounts as required for maintenance and repairs. Under no circumstances shall the concrete be completely or substantially covered in asphalt.
11. The tree planting density for the portion of the southern 10' VUA LBA which is adjacent to the asphalt portion of the parking lot shall be 150% of Land Development Code requirements.

The vote was as follows:

YES: Commissioners Lewis, Seitz, Mims, Brown, and Carlson.

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ADJOURNMENT

The meeting adjourned at approximately 2:43 p.m.

Chairman

Division Director