

**MINUTES OF THE MEETING
OF THE
DEVELOPMENT REVIEW COMMITTEE
June 3, 2015**

A meeting of the Development Review Committee was held on June 3, 2015, 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
Jeff Brown, Commissioner
Rob Peterson, Commissioner
Robert Kirchdorfer, Commissioner

Committee Members absent were:

Chip White, Vice Chairman

Staff Members present were:

John Carroll, Legal Counsel
Joseph Reverman, AICP, Planning Coordinator
Brian Davis, AICP, Planning Supervisor
Joel Dock, Associate Planner
Matt Doyle, Planner I
Julia Williams, AICP, Planner II
Tammy Markert, Transportation Planning
Pat Barry, MSD representative
Chris Cestaro, Management Assistant

The following matters were considered:

DEVELOPMENT REVIEW COMMITTEE
June 3, 2015

APPROVAL OF MINUTES

Approval of the minutes of the May 20, 2015 Development Review Committee meeting

00:04:32 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted.

RESOLVED, that the Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on May 20, 2015, with one correction: On page 12 of the minutes, for Case No. 15DEVPLAN1031, the seconder of the motion to approve was omitted (Commissioner Peterson.) This has been corrected.

The vote was as follows:

YES: Commissioners Tomes, Brown, and Peterson.

NO: No one.

NOT PRESENT: Commissioner White.

ABSTAINING: Commissioner Kirchdorfer.

DEVELOPMENT REVIEW COMMITTEE

June 3, 2015

NEW BUSINESS

CASE NO. 15MOD1006

***NOTE: This case was Continued from the May 20, 2015 DRC Committee meeting.**

| | |
|--------------------|-------------------------------|
| Request: | Amendment to Binding Elements |
| Project Name: | 9913 Shelbyville Road |
| Location: | 9913 Shelbyville Road |
| Owner(s): | Working Capital LLC |
| Applicant: | Working Capital LLC |
| Representative(s): | Stites & Harbison PLLC |
| Jurisdiction: | Louisville Metro |
| Council District: | 18 – Marilyn Parker |

Case Manager: **Julia Williams, AICP, 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:

00:05:04 Julia Williams presented the case. The applicant is requesting an amendment to binding element #15, which has to do with the measurements for a vinyl fence. She showed photos of the fence, and said a letter has been submitted from an adjacent property owner which supports the request.

The following spoke in favor of this request:

Greg Ehrhard, Stites & Harbison, 400 West Market Street Suite 1800, Louisville, KY 40202

Kevin A. McKim, 9913 Shelbyville Road, Louisville, KY 40223 (signed in but did not speak)

Summary of testimony of those in favor:

00:09:33 Greg Ehrhard, the applicant's representative, presented the applicant's case.

The following spoke in opposition to this request:

No one spoke.

DEVELOPMENT REVIEW COMMITTEE

June 3, 2015

NEW BUSINESS

CASE NO. 15MOD1006

The following spoke neither for nor against the proposal:

No one spoke.

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

WHEREAS, the Louisville Metro Development Review Committee finds that the proposed amendment would not have any effect on natural resources at the property. The fence has already been constructed and the amendment merely refers to the fence as constructed; and

WHEREAS, the Committee further finds that the amendment would not have an impact on current pedestrian and vehicular transportation patterns. The amendments clarify the height of the required fence, not changes to access points; and

WHEREAS, the Committee further finds that the approved development plan's requirements for open space are not being modified in connection with this application; and

WHEREAS, the Commission further finds that adequate drainage facilities serve the site, and the amendment would not create an increased burden on those facilities; and

WHEREAS, the Committee further finds that the site design remains in conformity with the approved plan and is not altered by the proposed amendment. The proposed amendment merely clarifies that the fence as constructed is the type of fence that must be maintained; and

WHEREAS, the Committee further finds that the proposal is in conformance with the Comprehensive Plan and the Land Development Code because it allows the fence as constructed, which fence provides the requisite screening between adjoining properties in accordance with the original development plan; and

WHEREAS, the Committee further finds that, based the staff report and on the evidence and testimony presented today, that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Amendment to Binding Element #15, shown on page 7 of the staff report, to read as follows:

DEVELOPMENT REVIEW COMMITTEE

June 3, 2015

NEW BUSINESS

CASE NO. 15MOD1006

~~15. An 8-ft tall vinyl privacy fence, to be maintained by the applicant, its successors and assigns, shall be installed where the applicant and adjoining property owners agree, or if no agreement is reached then where DPDS determines, in order to meet the LDC screening requirements. Said fence shall run from the building east to the east property line and then south along the east property line to the US 60 setback line, except where the present access exists to the residential condominium property. At accessible points for each of the adjoining property owners along the Roehrig and Jones property lines, the fence shall include 10-ft wide access gates constructed of the same material as the privacy fence for occasional property maintenance access to and from the Jones and Roehrig properties. The style and design of this privacy fence shall be substantially the same (except for the top part decoration) as the fence that already exists at points along this line owned by the adjoining residential condominium community. It shall be of earth tone in color with wood grain, if reasonably achievable, along the Roehrig and Jones property lines and white in color along the condominium property line. The fencing and gates shall be installed prior to occupancy of the subject property.~~

15.A variable height vinyl privacy fence, to be maintained by the applicant, its successors and assigns, shall be maintained in the locations indicated on the approved landscape plan (L-18481-12). At accessible points for each of the adjoining property owners along the Roehrig and Jones property lines, the fence shall include 10-ft wide access gates constructed of the same material as the privacy fence for occasional property maintenance access to and from the Jones and Roehrig properties. The style and design of this privacy fence shall be substantially the same as the fence presented to the Development Review Committee on June 3, 2015 (Case No. 15MOD1006). It shall be of earth tone in color with wood grain, if reasonably achievable, along the Roehrig and Jones property lines and white in color along the condominium property line. The fencing and gates shall be installed prior to occupancy of the subject property. Any changes to the fence design or material shall be approved by the Planning Commission or its designee.

The vote was as follows:

YES: Commissioners Tomes, Peterson, Brown, and Kirchdorfer.

NO: No one.

NOT PRESENT: Commissioner White.

ABSTAINING: No one.

DEVELOPMENT REVIEW COMMITTEE

June 3, 2015

NEW BUSINESS

CASE NO. 15MINORPLAT1046 & 15MOD1009

Request: Minor Plat Waiver and Amendment to Conditions of Approval
Project Name: Altawood Place
Location: 13415 Altawood Place
Owner: Altawood Development, LLC
Applicant: JAS Companies
Representative: Jason Sams
Jurisdiction: Louisville Metro
Council District: 17 – Glen Stuckel

Case Manager: Brian Davis, 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:

00:11:16 Before presenting the case, Brian Davis handed out copies of comments received from adjoining property owners. See staff report and recording for detailed presentation.

00:14:48 Mr. Davis summarized residents' concerns. He added that there would be no through traffic connecting Rollington Road to Altawood Court.

00:16:38 In response to a question from Commissioner Brown, Mr. Davis discussed comments from Transportation Planning regarding single driveways.

The following spoke in favor of this request:

Jason Sams, 1807 Turpin Drive, Clarksville, IN 47129

Summary of testimony of those in favor:

00:18:48 Jason Sams, the applicant's representative, presented the applicant's case and showed a Power Point presentation. He also addressed binding element modification and construction traffic. He pointed out that the same type of vehicle/truck

DEVELOPMENT REVIEW COMMITTEE

June 3, 2015

NEW BUSINESS

CASE NO. 15MINORPLAT1046 & 15MOD1009

traffic would occur if any current residents in Altawood wanted to make alterations/additions to their homes.

00:22:23 In response to a question from Commissioner Tomes, Mr. Sams said these are public/Metro roads. Mr. Sams and Commissioner Brown discussed bonds/damage bonds for public roadways. There was further discussion between Mr. Sams and the Commissioners regarding accesses.

The following spoke in opposition to this request:

No one spoke.

The following spoke neither for nor against the proposal:

No one spoke.

00:26:17 Commissioners' deliberation. Commissioner Brown said he would like to get input from Transportation Planning regarding either a conceptual driveway layout or what conditions need to be met for direct driveway access. The Commissioners agreed that a damage bond would be a good idea.

00:29:26 Mr. Sams said the applicant would work with Transportation Planning on developing an acceptable location of the driveways for each individual lot, and meeting sight distance guidelines.

On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby **CONTINUE** this case to the June 17, 2015 DRC Committee meeting to give the applicant time to resolve the direct driveway access to Lots 3 and 4 with Transportation Planning.

The vote was as follows:

YES: Commissioners Tomes, Peterson, Brown, and Kirchdorfer.

NO: No one.

NOT PRESENT: Commissioner White.

ABSTAINING: No one.

DEVELOPMENT REVIEW COMMITTEE

June 3, 2015

NEW BUSINESS

CASE NO. 15DEVPLAN1058

Request: Revised Detailed District Development Plan and
Landscape Waiver
Project Name: PNC Bank / Panera
Location: 6900 Dixie Highway
Owner: PNC Bank
Applicant: Dixie Highway Development LLC
Representative: BTM Engineering
Jurisdiction: Louisville Metro
Council District: 12 – Rick Blackwell

Case Manager: Christopher Brown, 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:

00:31:06 Christopher Brown presented the case (see recording and staff report for detailed presentation.)

The following spoke in favor of this request:

William Bardenwerper, Bardenwerper Talbott & Roberts PLLC, 1000 N Hurstbourne Pkwy, Louisville, KY 40223

John Addington, BTM Engineering, 3001 Taylor Springs Drive, Louisville, KY 40220

Summary of testimony of those in favor:

00:34:14 William Bardenwerper presented the applicant's case and showed a Power Point presentation.

00:38:06 John Addington, BTM Engineering, discussed the landscaping and site design.

DEVELOPMENT REVIEW COMMITTEE

June 3, 2015

NEW BUSINESS

CASE NO. 15DEVPLAN1058

The following spoke in opposition to this request:

No one spoke.

The following spoke neither for nor against the proposal:

No one spoke.

Discussion:

00:40:54 In response to a question from John Carroll, Legal Counsel for the Planning Commission, Mr. Brown discussed updates to the binding elements as noted in the staff report.

00:41:52 In response to a question from Joseph Reverman, Metro Planning Supervisor, Mr. Brown discussed the sidewalk along Dixie Highway.

00:43:03 Commissioners' deliberation.

Commissioner Brown expressed concerns about parking without pedestrian connectivity.

Landscape Waiver

00:43:31 On a motion by Commissioner Brown, seconded by Commissioner Kirchdorfer, the following resolution was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners since appropriate buffering and screening materials will still be able to be provided along the street frontage; and

WHEREAS, the Committee further finds that the waiver will not violate guideline 3, Compatibility, of Cornerstone 2020, which calls for the protection of roadway corridors and public areas from visual intrusions, for mitigation of parking areas so as not to negatively impact nearby residents and pedestrians, and for parking areas adjacent to streets to be screened and buffered. The waiver will not violate guideline 13, Landscape Character, which calls for the protection of parkways through standards for buffers, landscape treatment, lighting and signs. The purpose of vehicle use area landscape buffer areas is to improve the appearance of vehicular use areas and property abutting public rights-of way. By providing the extent of the buffer area as much as possible and the required planting materials, the intent of the comprehensive guidelines has been followed on the proposal; and

DEVELOPMENT REVIEW COMMITTEE

June 3, 2015

NEW BUSINESS

CASE NO. 15DEVPLAN1058

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant to provide buffering as well as meet the minimum parking requirements on the site; 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 by requiring an entire shift of the access and parking areas that would reduce the number of spaces able to be provided as well as the area needed for queuing; and

WHEREAS, the Committee further finds that, based the staff report and on the evidence and testimony presented today, that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Landscape Waiver from Chapter 10.2.10 of the Land Development Code to allow proposed parking to encroach into the required 10' VUA LBA along Dixie Highway.

The vote was as follows:

YES: Commissioners Tomes, Peterson, Kirchdorfer, and Brown.

NO: No one.

NOT PRESENT: Commissioner White.

ABSTAINING: No one.

Revised Detailed District Development Plan

00:44:13 On a motion by Commissioner Brown, seconded by Commissioner Kirchdorfer, the following resolution 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

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 have approved the preliminary development plan; and

DEVELOPMENT REVIEW COMMITTEE

June 3, 2015

NEW BUSINESS

CASE NO. 15DEVPLAN1058

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

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

WHEREAS, the 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, based the staff report and on the evidence and testimony presented today, that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Revised Detailed District Development Plan and amendment to binding elements, **SUBJECT** to the following binding elements (changes shown):

- ~~1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission, except for land uses permitted in the established zoning district.~~ 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 for review and approval; any changes/additions/alterations not so referred shall not be valid.
- ~~2. All future development/redevelopment on the parcel known as Tax Block 1032, Lot 257 shall occur only after review and approval by the Planning Commission, in accordance with Section 8.1 of the Zoning District Regulations. Binding elements may be established as part of that review process.~~
3. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants or banners shall be permitted on the site.

DEVELOPMENT REVIEW COMMITTEE

June 3, 2015

NEW BUSINESS

CASE NO. 15DEVPLAN1058

4. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff so that no light source is visible off-site. Lighting levels attributable to the fixtures located on the subject site shall not exceed two foot candles at the property line.

5. Construction fencing shall be erected at the edge of the area of development prior to any grading or construction to protect the 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.

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

a. ~~The development plan must receive full construction approval from the Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).~~ **The development plan must receive full construction approval from Louisville Metro Department of Develop Louisville Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.**

b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in ~~Article 12~~ **Chapter 10** prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

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. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.

8. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project, and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.

DEVELOPMENT REVIEW COMMITTEE
June 3, 2015

NEW BUSINESS

CASE NO. 15DEVPLAN1058

The vote was as follows:

YES: Commissioners Tomes, Peterson, Kirchdorfer, and Brown.

NO: No one.

NOT PRESENT: Commissioner White.

ABSTAINING: No one.

DEVELOPMENT REVIEW COMMITTEE

June 3, 2015

NEW BUSINESS

CASE NO. 15DEVPLAN1061

Request: Revised Detailed District Development Plan with Land Development Code Waivers
Project Name:: Thornton's
Location: 4500, 4506 & 4508 S. 3rd Street
Owner: Thornton's Inc.
Applicant: Thornton's Inc.
Representative: Glenn Price Wyatt, Tarrant & Combs LLP and
Jurisdiction: Louisville Metro
Council District: 21 – Dan Johnson

Case Manager: Christopher Brown, 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:

00:45:38 Christopher Brown presented the case (see staff report and recording for detailed presentation.) A new building is being proposed for the site, instead of an addition. Mr. Brown noted that BOZA will determine the setback variance.

The following spoke in favor of this request:

Glenn Price, Frost Brown Todd, 400 W. Market Street Suite 3200, Louisville, KY 40202

Jode Ballard, 10100 Linn Station Rd #200, Louisville, KY 40223 (signed in but did not speak)

Ann Richard, Land Design & Development, 503 Washburn Ave., Louisville, KY 40222

Summary of testimony of those in favor:

00:49:54 Glenn Price, the applicant's representative, presented the applicant's case and showed a Power Point presentation.

00:53:43 Ann Richard discussed landscaping issues. She said the landscaping can be provided along Southern Heights and a waiver is no longer being requested for that.

DEVELOPMENT REVIEW COMMITTEE

June 3, 2015

NEW BUSINESS

CASE NO. 15DEVPLAN1061

The following spoke in opposition to this request:

No one spoke.

Rebuttal

There was no rebuttal, since there was no opposition.

All Waiver Requests

On a motion by Commissioner Peterson, seconded by Commissioner Kirchdorfer, the following resolution was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver requests for **Parking, Alley and Canopy Location will not** adversely affect adjacent property owners since safe pedestrian and vehicular access is provided from the public rights-of-way to the parking areas and building entrance; and

WHEREAS, the Committee further finds that the waiver requests will not violate specific guidelines of Cornerstone 2020. Guideline 2, policy 15 states to encourage the design, quantity and location of parking in activity centers to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations. Guideline 3, policy 1 states to ensure 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. Guideline 3, policy 23 states that setbacks, lot dimensions and building heights should be compatible with those of nearby developments that meet form district guidelines. Guideline 7, policy 3 states to evaluate developments for their ability to promote mass transit and pedestrian use. Encourage higher density mixed use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation choices. Guideline 9, policy 1 states that new development and redevelopment should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with location of retail and office uses, especially in the Traditional Neighborhood, Village, Marketplace Corridor, Traditional Workplace Form Districts close to the roadway to minimize the distance pedestrians and transit users have to travel. The purpose of the requirement is to promote mass transit and pedestrian use and reduce vehicle trips in and around the site, and to reduce the distance pedestrians and transit users have to travel. The waivers are compatible with the pattern of development in the surrounding area within the form district and follow the existing layout of the site for the reconstruction of the building; and

DEVELOPMENT REVIEW COMMITTEE

June 3, 2015

NEW BUSINESS

CASE NO. 15DEVPLAN1061

WHEREAS, the Committee further finds that the extent of the waivers of the regulations is the minimum necessary to afford relief to the applicant to maintain the existing layout on the site while accommodating the needed building area, canopy and parking; and

WHEREAS, the Committee further finds that the strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant by negatively affecting access and circulation on the site with the relocation of the building pattern; and

WHEREAS, the Committee further finds that the waiver requests for **Entrance & Windows** will not adversely affect adjacent property owners since the animating features will be provided to create pedestrian level interest along both facades; and

WHEREAS, the Committee further finds that the waiver requests will not violate specific guidelines of Cornerstone 2020. Guideline 3, policy 1 and 2 calls 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. When assessing compatibility, it is appropriate to consider the choice of building materials in the following circumstances: (1) projects involving residential infill (2) projects involving non-residential uses; and (3) when specified in the Land Development Code. The proposal is for a non-residential use. The Land Development Code provides building design standards for non-residential and mixed use buildings. The purpose of the regulation is to provide visual interest and a human scale that are representative of the form district through the use of windows, columns, pilasters, piers, variation of material, entrances, storefront windows, and other animating features. Animating features will be provided to create the intended pedestrian level interest and a large main entrance will serve the building; and

WHEREAS, the Committee further finds that the extent of the waivers of the regulations are the minimum necessary to afford relief to the applicant to allow the layout of the existing structure to be followed while incorporating the proposed addition with animating features being provided along Southern Heights Avenue; and

WHEREAS, the Committee further finds that the strict application of the provision of the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant by not allowing the needed spacing for layout within the existing structure; and

DEVELOPMENT REVIEW COMMITTEE

June 3, 2015

NEW BUSINESS

CASE NO. 15DEVPLAN1061

WHEREAS, the Committee further finds that the waiver request for **VUA LBA** will not adversely affect adjacent property owners since screening and buffering of the vehicular traffic along both roadways will be provided along the majority of the ROW; and

WHEREAS, the Committee further finds that the waiver request will not violate specific guidelines of Cornerstone 2020. The waiver will not violate guideline 3, Compatibility, of Cornerstone 2020, which calls for the protection of roadway corridors and public areas from visual intrusions, for mitigation of parking areas so as not to negatively impact nearby residents and pedestrians, and for parking areas adjacent to streets to be screened and buffered. The waiver will not violate guideline 13, Landscape Character, which calls for the protection of roadways through standards for buffers, landscape treatment, lighting and signs. The purpose of vehicle use area landscape buffer areas is to improve the appearance of vehicular use areas and property abutting public rights-of-way. The majority of the street frontages will contain screening and buffering. The reduction of the buffer areas and its associated plantings will not violate Cornerstone 2020 since the intent will be met with the proposal; 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 pavement exists in a portion of the buffer where the overall ROW has been previously expanded; and

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant since the buffering would affect the vehicular maneuvering on the site near the ROW intersection; and

WHEREAS, the Committee finds that, based on the staff report, the applicant's justification statement, and on the evidence and testimony presented today, that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** all of the waiver requests for Case No. 15DEVPLAN1061, as follows:

- Waiver #1: Waiver from Chapter 5.9.2.C.4 & 5.5.1.A.3.a of the Land Development Code to allow parking to be located in front of the principal structure between the building and the street
- Waiver #2: Waiver from Chapter 5.5.1.A.3.b of the Land Development Code to allow no vehicular access from the alley
- Waiver #3: Waiver from Chapter 5.5.1A.5 of the Land Development Code to allow the gas canopy to be located between the principal structure and the public ROW

DEVELOPMENT REVIEW COMMITTEE

June 3, 2015

NEW BUSINESS

CASE NO. 15DEVPLAN1061

- Waiver #4: Waiver from Chapter 5.5.1.A.1.b of the Land Development Code to allow no customer entrance facing Southern Heights
- Waiver #5: Waiver from Chapter 5.6.1.C.1 of the Land Development Code to provide less than the required 50% clear windows and doors on the Southern Heights building façade
- Waiver #6: Waiver from Chapter 10.2.10 of the Land Development Code to waive a portion of the required 5' VUA LBA and associated plantings along South Third Street

The vote was as follows:

YES: Commissioners Tomes, Peterson, and Brown.

NO: No one.

NOT PRESENT: Commissioners Kirchdorfer and White.

ABSTAINING: No one.

Revised Detailed District Development Plan and Amendment to Binding Elements

On a motion by Commissioner Peterson, seconded by Commissioner Kirchdorfer, the following resolution 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

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 have approved the preliminary development plan; and

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

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

DEVELOPMENT REVIEW COMMITTEE

June 3, 2015

NEW BUSINESS

CASE NO. 15DEVPLAN1061

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 has been provided to screen adjacent properties and roadways; and

WHEREAS, the Committee finds that, based the staff report, the applicant's justification statement, and on the evidence and testimony presented today, that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met with the exception of the requested waivers and variance; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Revised Detailed District Development Plan and amendments to binding elements, **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. No further development shall occur without prior approval from the Planning Commission except for land uses permitted in the established zoning district.
2. The development shall not exceed ~~4,129~~ **4,400** square feet of gross floor area.
3. The only permitted freestanding signs shall be located as shown on the approved development plan.
4. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants or banners shall be permitted on the site.
5. There shall be no outdoor storage on the site.
6. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90-degree cutoff so that no light source is visible off-site.
7. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.

DEVELOPMENT REVIEW COMMITTEE

June 3, 2015

NEW BUSINESS

CASE NO. 15DEVPLAN1061

- c. A minor plat or deed of consolidation shall be submitted to Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - d. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 of the LDC prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - e. The appropriate variance and conditional use permit shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
8. A certificate of occupancy must be received from the appropriate code enforcement officer prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
 9. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project, and shall inform them of the content of these binding elements. Further-the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.
 10. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system (audible beyond the property line or permitted on the site).
 11. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the ~~October 1st, 2014~~ **June 3rd, 2015** Development Review Committee meeting.

The vote was as follows:

YES: Commissioners Tomes, Peterson, and Brown.

NO: No one.

NOT PRESENT: Commissioners Kirchdorfer and White.

ABSTAINING: No one.

DEVELOPMENT REVIEW COMMITTEE

June 3, 2015

NEW BUSINESS

CASE NO. 15DEVPLAN1062

Request: Revised Detailed District Development Plan
Project Name: Woodlawn Center
Location: 295 & 297 Hubbards Lane
Owner: Oakland, LLC
Applicant: James Boland
Representative: Sabak, Wilson & Lingo
Jurisdiction: City of St. Matthews
Council District: 7 – Angela Leet

Case Manager: Christopher Brown, 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:

00:56:45 Christopher Brown presented the case.

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:

00:59:24 Kelli Jones presented the applicant's case and showed a Power Point presentation. Ms. Jones noted that the plan/s submitted to Christopher Brown have some parking calculation errors on them. She said that the parking calculations in her presentation today are correct, and that she will submit corrected plans to Mr. Brown.

01:01:50 Ms. Jones explained the applicant's request for the removal of binding element #3 regarding signage.

The following spoke in opposition to this request:

No one spoke.

DEVELOPMENT REVIEW COMMITTEE
June 3, 2015

NEW BUSINESS

CASE NO. 15DEVPLAN1062

Revised Detailed District Development Plan

01:04:17 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted:

WHEREAS, The Louisville Metro Development Review Committee finds that this is a previous approved development that has been partially constructed and there are no natural resources on the property that will be affected; and

WHEREAS, the Committee further finds that this is a minor revision to a previously approved development plan. Vehicular maneuvering is not being changed; and

WHEREAS, the Committee further finds that this is an office development and open space is not required; and

WHEREAS, the Committee further finds that provisions are met for adequate drainage facilities provided on the subject site in order to prevent drainage problems from occurring on the subject site or within the community. This is a previously approved development plan and no exterior changes are anticipated; and

WHEREAS, the Committee further finds that the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses are compatible with the existing and projected future development of the area, because this is a previously approved development plan and no change in use is proposed; and

WHEREAS, the Committee finds that, based the staff report, the applicant's justification statement, and on the evidence and testimony presented today, that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met with the exception of the requested waivers and variance; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **RECOMMEND** approval to the City of St. Matthews with the amendments to binding elements as shown on page 6 of the staff report; the deletion of binding element #3 regarding signage; and the updated parking calculations that were discussed at today's hearing; and **SUBJECT** to the proposed binding elements:

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations and approved by the City of St. Matthews. Any changes, additions or alterations of any binding element(s) shall be submitted to the Planning Commission and to the City of St. Matthews for review and approval;

DEVELOPMENT REVIEW COMMITTEE

June 3, 2015

NEW BUSINESS

CASE NO. 15DEVPLAN1062

any changes/additions/alterations not so referred and approved shall not be valid.

- ~~2. The development shall not exceed:
Lot 2A: 45,000 square feet of gross floor area for medical office use
Lot 2B: 60,000 square feet of gross floor area for general office use~~
2. The development shall not exceed:
Lot 2A: 45,000 **60,000** square feet of gross floor area for medical office use
Lot 2B: 60,000 square feet of gross floor area for general office use
- ~~3. The only permitted freestanding signs shall be monument style, located as shown on the approved development plan/sign plan. No portion of the signs, including the leading edge of the sign frame, shall be closer than 20 feet to front property line. Each sign shall not exceed 30 square feet in area per side and 6 feet in height. No sign shall have more than two sides.~~
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. There shall be no outdoor storage, display or sales permitted on the site.
6. Outdoor lighting (for parking lot illumination and security) shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90-degree cutoff and height of the light standard shall be set so that no light source is visible off-site. (Light levels due to lighting on the subject site shall not exceed 0.5 foot candles measured at the property line. The applicant shall obtain certification by a qualified expert in measurement of lighting levels prior to requesting a certificate of occupancy. Such certification shall be maintained on site at all times thereafter).
7. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
8. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:

DEVELOPMENT REVIEW COMMITTEE

June 3, 2015

NEW BUSINESS

CASE NO. 15DEVPLAN1062

- 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 Article 12 (and in conformance with the Parkway Policy) prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A minor subdivision plat shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services and to the City of St. Matthews; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - d. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services and to the City of St. Matthews; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - e. A legal instrument providing for the long-term use of at least 44 offsite/shared parking spaces in the parking lot of the adjacent shopping center zoned C-2, as shown on the approved general district development plan and in accordance with Section 9.1.5 Off- Site Parking shall be submitted and approved by the City of St. Matthews legal counsel and recorded in the County Clerk's office. A copy of the recorded instrument shall be submitted to the City of St. Matthews and 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.
9. If a building permit is not issued within one year of the date of approval of the plan, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission and by the City of St. Matthews.
 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 and the City of St. Matthews.

DEVELOPMENT REVIEW COMMITTEE

June 3, 2015

NEW BUSINESS

CASE NO. 15DEVPLAN1062

11. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
12. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site shall be responsible for compliance with these binding elements.
13. 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.
14. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the June 23, 2005, LD&T meeting.
15. All binding elements contained in Ordinance 89-06 and Municipal Order 05-08 shall continue to apply except as modified herein.
16. The above binding elements may be amended as provided for in the Zoning District Regulations, upon approval of the City Council.

The vote was as follows:

YES: Commissioners Tomes, Peterson, Kirchdorfer, and Brown.

NO: No one.

NOT PRESENT: Commissioner White.

ABSTAINING: No one.

DEVELOPMENT REVIEW COMMITTEE
June 3, 2015

ADJOURNMENT

The meeting adjourned at approximately 2:07 p.m.

Chair

Planning Director