

**MINUTES OF THE MEETING  
OF THE  
DEVELOPMENT REVIEW COMMITTEE  
April 1, 2015**

A meeting of the Development Review Committee was held on, Wednesday, April 1, 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  
Chip White, Vice Chairman  
Rob Peterson, Commissioner (arrived at 1:15 p.m.)  
Jeff Brown, Commissioner  
Donnie Blake, Commissioner (left at 5:30 p.m.)

**Committee Members absent were:**

Robert Kirchdorfer, Commissioner

**Staff Members present were:**

Joseph Reverman, Planning Manager  
Brian Davis, Planning Supervisor  
Joel Dock, Associate Planner  
Matthew Doyle, Planner I  
Jonathan Baker, Legal Counsel  
Pat Barry, MSD  
Chris Cestaro, Management Assistant

The following matters were considered:

## **DEVELOPMENT REVIEW COMMITTEE**

**April 1, 2015**

### **APPROVAL OF MINUTES**

#### **Approval of the minutes of the March 18, 2015 Development Review Committee meeting**

00:10:46 On a motion by Commissioner Brown, seconded by Commissioner Blake, the following resolution was adopted.

**RESOLVED**, that the Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on March 18, 2015.

#### **The vote was as follows:**

**YES: Commissioners Tomes and Brown.**

**NO: No one.**

**NOT PRESENT: Commissioners Kirchdorfer and Peterson.**

**ABSTAINING: Commissioners White and Blake.**

**DEVELOPMENT REVIEW COMMITTEE**

**April 1, 2015**

**NEW BUSINESS**

**CASE NO. 15MOD1002**

**\*NOTE: Commissioner Peterson arrived at 1:15 p.m. and was present for this and the following cases.**

Request:	Amendment to Binding Element
Project Name:	Notting Hill Subdivision
Location:	Multiple properties in Notting Hills
Owner(s):	Notting Hill Development, LLC
Applicant:	Notting Hill Development, LLC
Representative(s):	Bardenwerper, Talbott & Roberts, PLLC
Jurisdiction:	Louisville Metro
Council District:	19 – Julie Denton

**Case Manager: Matthew Doyle, 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. 5<sup>th</sup> 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:**

00:16:02 Matthew Doyle presented the case and used an aerial photo to illustrate the location of the subdivision. He also discussed citizen comments he had received. He added that this was not an ADI subdivision.

**The following spoke in favor of this request:**

William Bardenwerper, Bardenwerper Talbott & Roberts PLLC, 10000 North Hurstbourne Parkway, Louisville, KY 40222

**Summary of testimony of those in favor:**

00:19:24 William Bardenwerper, the applicant's representative, presented the applicant's case and showed a Power Point presentation.

**The following spoke in opposition to this request:**

No one spoke.

## DEVELOPMENT REVIEW COMMITTEE

April 1, 2015

### NEW BUSINESS

#### CASE NO. 15MOD1002

#### The following spoke neither for nor against the request:

No one spoke.

00:26:20 On a motion by Commissioner Blake, seconded by Commissioner White, the following resolution was adopted.

**WHEREAS**, the Louisville Metro Development Review Committee finds that there does not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will continue to 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 will continue to be provided; and

**WHEREAS**, the Committee further finds that provisions of sufficient open space will continue to be provided; and

**WHEREAS**, the Committee further finds that the Metropolitan Sewer District will continue to 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 continue to be provided to screen adjacent properties and roadways; and

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

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the request to **DELETE** binding element #26, which read as follows:

~~26. Ten percent of all units shall be reserved for construction of dwellings to be sold to initial occupants at a price no greater than 2.75 times the low-moderate income level for a family of four persons as defined by U.S. Department of Housing and Urban Development for Jefferson County, at the time of sale of the dwelling. The developer/owner shall provide documentation acceptable to the Director of Housing that~~

**DEVELOPMENT REVIEW COMMITTEE**

**April 1, 2015**

**NEW BUSINESS**

**CASE NO. 15MOD1002**

~~the initial purchaser of the affordable dwelling intends to reside in the dwelling for a period of at least three years and has income within the low-moderate level.~~

**The vote was as follows:**

**YES: Commissioners White, Tomes, Brown, Peterson, and Blake.**

**NO: No one.**

**NOT PRESENT: Commissioner Kirchdorfer.**

**ABSTAINING: No one.**

## DEVELOPMENT REVIEW COMMITTEE

April 1, 2015

### NEW BUSINESS

CASE NO. 14DEVPLAN1182

**\*NOTE: Commissioner Peterson recused himself from this case.**

Request:	Revised Detailed District Development Plan with Amendments to Binding Elements
Project Name:	157 Thierman Lane
Location:	157 Thierman Lane
Owner:	JAG Services, LLC
Applicant:	Joe Gottbrath
Representative:	Joe Gottbrath
Jurisdiction:	City of St. Matthews
Council District:	9 – Bill Hollander

**Case Manager:** Matthew Doyle, 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. 5<sup>th</sup> 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:**

00:27:06 Matthew Doyle presented the case and showed the details of the plan being proposed (see recording and staff report for detailed presentation.) He explained about the proposed deletion of current binding elements #1 and #2, and modification of binding element #3, due to the changes in the plan and proposed signage.

00:30:22 Mr. Doyle discussed comments from a citizen in opposition to the removal of BE #3.

00:31:06 Commissioner White asked for clarification on a binding element.

#### **The following spoke in favor of this request:**

Joe Gottbrath, 157 Thierman Lane, Louisville, KY

#### **Summary of testimony of those in favor:**

00:31:54 Joe Gottbrath, the applicant, discussed his request.

## DEVELOPMENT REVIEW COMMITTEE

April 1, 2015

### NEW BUSINESS

#### CASE NO. 14DEVPLAN1182

#### The following spoke in opposition to this request:

No one spoke.

00:32:44 On a motion by Commissioner White, seconded by Commissioner Brown, 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 continue to 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 will continue to be provided; and

**WHEREAS**, the Committee further finds that provisions of sufficient open space will continue to be provided; and

**WHEREAS**, the Committee further finds that the Metropolitan Sewer District will continue to 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 continue to be provided to screen adjacent properties and roadways; and

**WHEREAS**, the Committee further finds that, based on the evidence and testimony presented, the staff report, and staff's findings of fact 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 **RECOMMEND** to the City of St. Matthews that the requested Revised Detailed District Development Plan (RDDDP) with amendments to binding elements be **APPROVED**, subject to the following binding elements:

- ~~1. Fifteen feet of additional right-of-way will be dedicated to Thierman Lane to provide a total of 35 feet from the centerline of the existing roadway. The right-of-way dedication will be by minor subdivision plat.~~

## DEVELOPMENT REVIEW COMMITTEE

April 1, 2015

### NEW BUSINESS

#### CASE NO. 14DEVPLAN1182

2. ~~Appropriate variances will be obtained from the Board of Zoning Adjustment to allow the proposed business sign to encroach into a required front yard. If such variances are not obtained the property may not be used for any new use until a revised district development plan has been submitted to and approved by the Planning Commission.~~
3. The proposed advertising sign shall be located as shown on the approved district development plan if ~~the appropriate variances are obtained and~~ St. Matthews sign permit is obtained. The sign shall not exceed 20 square feet in area ~~(double faced sign 10 square feet on each side)~~ and 6 feet, 4 inches above grade.
4. The plan must be reapproved by the Water Management, Transportation Engineering and Fire Safety Sections of the Jefferson County Department of Public Works and Transportation prior to occupancy of the building for the proposed use.
5. Unless use in accordance with the approved plan and binding elements have been substantially established within one year from the date of approval of the plan or rezoning whichever is later, the property may not be used in any manner until such time as a district development plan has been approved by the Planning Commission.

#### The vote was as follows:

**YES: Commissioners White, Tomes, Brown, Blake.**

**NO: No one.**

**NOT PRESENT: Commissioner Kirchdorfer.**

**ABSTAINING: Commissioner Peterson.**



## DEVELOPMENT REVIEW COMMITTEE

April 1, 2015

### NEW BUSINESS

#### CASE NO. 15MINORPLAT1007

Request:	Minor Plat Waiver of 5.4.2.C.2 to create a lot that is less than 80% of the established lot pattern.
Project Name:	River City Housing
Location:	3106 Bridwell Drive
Owner:	River City Housing, Inc.
Applicant:	River City Housing, Inc.
Representative:	Cardinal Surveying
Jurisdiction:	Louisville Metro
Council District:	1 – Jessica Green

**Case Manager:** Matthew Doyle, 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. 5<sup>th</sup> 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:**

00:33:47 Matthew Doyle presented the case and used the site plan to illustrate the case (see recording and staff report for detailed presentation.)

#### **The following spoke in favor of this request:**

Kathy Matheny, Cardinal Surveying, 9009 Preston Highway, 40219

#### **Summary of testimony of those in favor:**

00:36:09 Kathy Matheny, the applicant's representative, presented the applicant's case.

#### **The following spoke in opposition to this request:**

No one spoke.

00:37:13 On a motion by Commissioner White, seconded by Commissioner Peterson, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners as Lot 1 is an existing single family residence with access to Mary Rose Drive and proposed Lot 2 will be for single family

## DEVELOPMENT REVIEW COMMITTEE

April 1, 2015

### NEW BUSINESS

#### CASE NO. 15MINORPLAT1007

residential use with new access from Mary Rose Drive, thus, having little impact on nearby residences and communities; and

**WHEREAS**, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 3, policy 1 strives to have 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 waiver will not violate specific guidelines of Cornerstone 2020 as the new lots are for single family residential use with access to Mary Rose Drive, orientation and dimensions are compatible with adjacent and nearby lots having frontage along Mary Rose Drive, and meet all other form district standards pertaining to this minor subdivision request; 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 a depth of 152.8' would be the minimum depth permitted under section 5.4.2.C.2 for Lot 1; subsequently, Lot 2 would be a substandard lot; 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 as the new single family residential lots are in a medium-density portion of Louisville Metro and the lots are more consistent with the development having frontage along Mary Rose Drive, therefore, having little impact on nearby residences and communities; and

**WHEREAS**, the Committee further finds that, based on the evidence and testimony presented, the staff report, and staff's findings of fact 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 Waiver **of Chapter 5.4.2.C.2 to allow the creation of a lot that is less than 80% of the established lot pattern (lot width and depth).**

**The vote was as follows:**

**YES: Commissioners White, Tomes, Brown, Peterson, and Blake.**

**NO: No one.**

**NOT PRESENT: Commissioner Kirchdorfer.**

**ABSTAINING: No one.**

**DEVELOPMENT REVIEW COMMITTEE**

**April 1, 2015**

**NEW BUSINESS**

**CASE NO. 15MINORPLAT1022**

**NOTE: This case was heard out of order. It was heard at the beginning of New Business, before Item #1.**

Request:	To shift property line and build limit line
Project Name:	Minor Plat for Mann
Location:	10302 Long Home Road
Owner:	William Mann Jr. and Kate Mann
Applicant:	William Mann Jr. and Kate Mann
Representative:	Cardinal Surveying
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel

**Case Manager:** **Matthew Doyle, 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. 5<sup>th</sup> 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:**

00:12:08 Jonathan Baker, Legal Counsel for the Louisville Metro Planning Commission, explained why this case would not be able to go forward at today's meeting (due to an issue that is currently in litigation.) Kathy Matheny, the applicant's representative, discussed the issue with Mr. Baker.

**The following spoke in favor of this request:**

Kathy Matheny, Cardinal Surveying, 9009 Preston Hwy, Louisville, KY 40219

**The following spoke in opposition to this request:**

No one spoke.

00:15:04 On a motion by Commissioner White, seconded by Commissioner Brown, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **CONTINUE** this case to a date uncertain.

**DEVELOPMENT REVIEW COMMITTEE**  
**April 1, 2015**

**NEW BUSINESS**

**CASE NO. 15MINORPLAT1022**

**The vote was as follows:**

**YES: Commissioners White, Tomes, and Brown.**

**NO: No one.**

**NOT PRESENT: Commissioners Kirchdorfer and Peterson.**

**ABSTAINING: Commissioner Blake.**

## **DEVELOPMENT REVIEW COMMITTEE**

**April 1, 2015**

### **NEW BUSINESS**

#### **CASE NO. 14DEVPLAN1155**

Request:	Revised General District Development Plan with amendments to binding elements; and a Detailed District Development Plan
Project Name:	Jefferson Commerce Center
Location:	6023 Jefferson Boulevard
Owner:	S & F Hotel, LLC
Applicant:	Global Port United, LLC
Representative:	Bardenwerper, Talbott & Roberts PLLC Mindel, Scott & Associates
Jurisdiction:	Louisville Metro
Council District:	2 – Barbara Shanklin

**Case Manager:** **Matthew Doyle, 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. 5<sup>th</sup> 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:**

00:38:16 Matthew Doyle presented the case (see recording and staff report for detailed presentation.)

00:42:17 Mr. Doyle discussed the Texas Gas easement, part of which is on the subject site, and binding elements.

00:44:31 Mr. Doyle discussed interested party comments, including those from the Councilwoman Shanklin's office.

#### **The following spoke in favor of this request:**

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

Kathy Linares and Steve Scott, Mindel Scott & Associates, 5151 Jefferson Boulevard, Louisville, KY 40219

Jeff Robinson, 4852 Crittenden Drive, Louisville, KY 40209

**DEVELOPMENT REVIEW COMMITTEE**

**April 1, 2015**

**NEW BUSINESS**

**CASE NO. 14DEVPLAN1155**

**Summary of testimony of those in favor:**

00:45:45 William Bardenwerper, the applicant's representative, presented the applicant's case and showed a Power Point presentation.

00:50:31 Kathy Linares, an applicant's representative, discussed the site plan, specifically how putting the loading and parking in front would address noise issues for the nearby residential neighborhood.

00:53:01 Ms. Linares discussed drainage.

00:56:03 In response to a question from Commissioner Blake, Ms. Linares discussed plantings on the berm next to the subdivision.

00:59:00 In response to a question from Commissioner Brown, Ms. Linares discussed binding element #20 (about the sidewalk/connection.)

01:01:01 Steve Scott, Mindel Scott & Associates, discussed the sound barrier/wall.

**The following spoke in opposition to this request:**

James Sneed, 6700 Bimini Court, Louisville, KY

Paul Watcher (sp), 6706 Bahama Lane, Louisville KY

Dan Phillips, 4602 Sunday Drive, Louisville, KY

Larry Jenkins, 4603 Mile of Sunshine Drive, Louisville, KY

Chance Maguire, 5408 Watterson Trail, Louisville, KY 40291 (signed in but did not speak)

**Summary of testimony of those in opposition:**

01:01:59 James Sneed (sp), a Sunshine Acres resident, expressed concerns about drainage and decreasing property values. In response to Mr. Sneed's concerns, Commissioner Tomes asked Pat Barry, MSD representative, to discuss standing water and drainage issues.

01:06:28 Paul Watcher (sp), a Sunshine Acres resident, expressed concerns about how the berm could affect access to Alcapolca Way.

## DEVELOPMENT REVIEW COMMITTEE

April 1, 2015

### NEW BUSINESS

#### CASE NO. 14DEVPLAN1155

01:11:19 Dan Phillips commented about the standing water and noise issues.

01:13:43 Larry Jenkins submitted pictures, taken from his backyard, and had additional questions about the development. He was particularly concerned about a stand of trees that had been cut down. Kathy Linares said there is a sanitary sewer line that would be connected in that area.

01:17:20 Mr. Bardenwerper discussed clearing and grading on the site; and drainage issues.

01:21:21 A Sunshine Acres resident expressed concerns about drainage, noise, and decreasing property value.

#### **Rebuttal:**

01:25:34 Mr. Bardenwerper resumed the podium for rebuttal.

01:28:16 The berm will be irrigated.

**01:32:12 Commissioners' deliberation.**

#### **Revised General District Development Plan with Amendments to Binding Elements**

01:37:50 On a motion by Commissioner Blake, seconded by Commissioner Brown, 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 will be provided; and

**WHEREAS**, the Committee further finds that provisions of sufficient open space will be provided; and

## DEVELOPMENT REVIEW COMMITTEE

April 1, 2015

### NEW BUSINESS

#### CASE NO. 14DEVPLAN1155

**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

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

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

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Revised General District Development Plan (RGDDP) with amendments to binding elements, with amendments as follows:

**1. Existing General Plan Binding Elements**

1. The development shall be in accordance with the approved district development plan/preliminary subdivision 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.
  - 1a. Further subdivision of lots 1 and 2 shall occur by minor plat after recording of the record plat creating lots 1 and 2 and the public roads for the development, and minor plats associated with this project shall not be limited to the rule that allows only one minor plat associated with an original tract per 12-month period. Simultaneously with the approval of each minor plat, a key map shall be submitted for the 9-03-02 case file identifying and updating the location and minor plat docket no. of each newly created lot with the general development plan/preliminary subdivision plan.
  - 1b. Prior to development of each phase or minor-platted lot of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.
2. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.



## **DEVELOPMENT REVIEW COMMITTEE**

**April 1, 2015**

### **NEW BUSINESS**

#### **CASE NO. 14DEVPLAN1155**

3. There shall be no outdoor storage, display or sales except as permitted under Section 4.4.8 of the Louisville Metro Land Development Code and within designated areas on detailed district development plans.
4. Signs shall be in accordance with Chapter 8 of the LDC.
5. The applicant shall provide documentation showing that the development complies with all the regulations from Chapter 4, Part 1, Section 3, Lighting, prior to the issuance of a certificate of occupancy for each development. These regulations include the following items:
  - a. Mounting Height Limit
  - b. Luminaire Shielding
  - c. Canopy Lighting Level
  - d. Light Trespass
6. 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.
7. Before any permit for each individual minor platted lot (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 Metro Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/ landscaping) as described in Chapter 10 prior to requesting a building permit and prior to recording the record plat. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - d. A major subdivision plat creating the lots 1 and 2 and roadways as shown on the approved preliminary subdivision plan shall be recorded prior to issuance of any building permits.
  - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.

## **DEVELOPMENT REVIEW COMMITTEE**

**April 1, 2015**

### **NEW BUSINESS**

#### **CASE NO. 14DEVPLAN1155**

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.
9. 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.
10. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line
11. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
12. 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.
13. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
  - a) Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Business Association.
  - b) A deed of restriction in a form approved by Counsel to the Planning Commission addressing responsibilities for the maintenance of common areas and open space, maintenance of noise barriers, maintenance of TCPAs, etc. and other issues required by these binding elements/ conditions of approval. These restrictions shall include language addressing the Business Owner's Association shall be responsible for maintenance of not only the open space lots within the development but also the Offsite Wetland Mitigation Area (lot 259A) and adjacent off-site

## DEVELOPMENT REVIEW COMMITTEE

April 1, 2015

### NEW BUSINESS

#### CASE NO. 14DEVPLAN1155

open space lots numbered 693, 692, 691, and 622 on the preliminary plan.

- c) Bylaws of the Business Owner's Association in a form approved by the Counsel for the Planning Commission.

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.
15. The entire development site including areas designated as wetland mitigation and woodland protection shall be subject to Section 11.4.7 Plan Certain Development of the Louisville and Jefferson County Land Development Code.
16. No manufacturing, processing or treatment shall be permitted in any building within 200 feet of a residential building.
17. The following M-2 and M-3 general and conditional uses shall not be permitted.

Flea Market  
River terminals

Animal and poultry raising  
Animal Pound  
Firearms

Food processing, including chewing gum, chocolate, cocoa, and cocoa products; condensed and evaporated milk, processing and canning; flour, feed and grain (packaging, blending, and storage only); food products except slaughtering of meat or preparation of fish for packing; fruit and vegetable processing (including canning, preserving, drying, and freezing); gelatin products; glucose and dextrine; malt products; meat products, packing and processing (no slaughtering); yeast

Grain blending and packaging, but not milling

Insecticides, fungicides, disinfectants, and related industrial and household chemical compounds (blending only)

Paint and coating, except manufacturing gun cotton nito-cellulose lacquers and reactive resin cooking

Solid waste transfer station

Waterfront shipping

Aromatic flavoring materials (essential oils)

Cider and vinegar

Concrete, central mixing, and proportioning plant

Electric power and steam generating plants

**DEVELOPMENT REVIEW COMMITTEE**

**April 1, 2015**

**NEW BUSINESS**

**CASE NO. 14DEVPLAN1155**

Flour, feed, grain except grain elevators  
Foundries, ferrous or non-ferrous, brass, bronze  
Insecticides, fungicides, disinfectants, or related industrial or household  
chemical compounds  
Lead oxide  
Molasses  
Oils, shortenings, and fats (edible)  
Paint, lacquer, shellac, and varnish, including calcimine, casein, colors and  
pigments, thinners and removers  
Pickles vegetable relish, sauces  
Race tracks for motor-powered vehicles  
Railroad yard, roundhouse, repair and overhaul shops, railroad equipment  
including locomotive and railroad car building and repair  
Rice cleaning and polishing  
Rubber (natural or synthetic), including felt (including asphalt and composition)  
Salt-tanning materials and allied products  
Sauerkraut  
Soaps and soap products or detergents, including fat rendering, oils,  
vegetable and animal

Airport, heliports  
Aviaries and zoos  
Camping areas, public and private  
Cemeteries, mausoleums and crematories  
Commercial kennels  
Excavation, filling and refuse disposal operations  
Excavation, minor  
Lakes, commercial  
Marinas  
Oil, gas and hydrocarbon extraction  
Sewage plants

Adult Entertainment

18. The following C-2 general and conditional uses shall not be permitted:

Flea Market  
Plasma, blood collection centers, for profit

Amusement parks  
Circus and carnival grounds  
Drive-in theaters  
Mobile Home Parks

## DEVELOPMENT REVIEW COMMITTEE

April 1, 2015

### NEW BUSINESS

#### CASE NO. 14DEVPLAN1155

Mobile Home Sales, display or storage  
Race tracks  
Rifle range

19. Prior to approval of the first detailed district development plan, a detailed plan for screening, buffering and landscaping for the overall site shall be submitted to the Planning Commission for approval.
20. A pathway shall be constructed from the point of termination of the existing sidewalk on Mile of Sunshine to the proposed greenway and also to the sidewalks along Jefferson Boulevard.
21. The stormwater drainage and run-off from the development shall be directed away from the wetland mitigation and WPA areas shown on the approved general district development plan.
22. Landscaping for the site shall utilize only native species trees and shrubs.
23. All street signs shall be installed by the Developer, and shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street, and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
24. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.
25. Trees will be preserved and/or provided on site and maintained thereafter as required by Chapter 10, Part 1 of the Land Development Code and as indicated in the Tree Canopy Calculations on the Preliminary Subdivision Plan. The applicant shall submit a landscape plan for approval by Planning Commission staff for any trees to be planted to meet the Tree Canopy requirements of Chapter 10, Part 1 of the Land Development Code. A tree preservation plan shall be submitted for review and approval for any trees to be preserved to meet the Tree Canopy requirements of Chapter 10.
26. Tree Canopy Protection Areas (TCPAs) identified on this plan represent individual trees and/or portions of the site designated to meet the Tree Canopy requirements of Chapter 10 Part 1 of the Land Development Code and are to be permanently protected. All clearing, grading and fill activity in these areas must

## DEVELOPMENT REVIEW COMMITTEE

April 1, 2015

### NEW BUSINESS

#### CASE NO. 14DEVPLAN1155

be in keeping with restrictions established at the time of plan approval. As trees within TCPAs are lost through natural causes, new trees shall be planted in order to maintain minimum tree canopy as specified on the approved development or preliminary subdivision plan.

27. The applicant shall install signs, approved by the Metro Public Works Dept., which indicate the future extension of the public right of way for Street A. Such signs shall be installed prior to release of bonds for the installation of the street infrastructure.

#### **4. Proposed Changes to General Plan Binding Elements**

1. The development shall be in accordance with the approved district development plan/~~preliminary subdivision 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.

- ~~1a. Further subdivision of lots 1 and 2 shall occur by minor plat after recording of the record plat creating lots 1 and 2 and the public roads for the development, and minor plats associated with this project shall not be limited to the rule that allows only one minor plat associated with an original tract per 12-month period. Simultaneously with the approval of each minor plat, a key map shall be submitted for the 9-03-02 case file identifying and updating the location and minor plat docket no. of each newly created lot with the general development plan/~~preliminary subdivision plan~~.~~

7. Before any permit for each individual minor platted lot (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 Metro Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/ landscaping) as described in Chapter 10 prior to requesting a building permit and prior to recording the record plat. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

## DEVELOPMENT REVIEW COMMITTEE

April 1, 2015

### NEW BUSINESS

#### CASE NO. 14DEVPLAN1155

- ~~d. A major subdivision plat creating the lots 1 and 2 and roadways as shown on the approved preliminary subdivision plan shall be recorded prior to issuance of any building permits.~~
  - ~~e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.~~
- ~~13. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.~~
  - ~~a) Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Business Association.~~
  - ~~b) A deed of restriction in a form approved by Counsel to the Planning Commission addressing responsibilities for the maintenance of common areas and open space, maintenance of noise barriers, maintenance of TCPAs, etc. and other issues required by these binding elements/ conditions of approval. These restrictions shall include language addressing the Business Owner's Association shall be responsible for maintenance of not only the open space lots within the development but also the Offsite Wetland Mitigation Area (lot 259A) and adjacent off-site open space lots numbered 693, 692, 691, and 622 on the preliminary plan.~~
  - ~~c) Bylaws of the Business Owner's Association in a form approved by the Counsel for the Planning Commission.~~
- ~~19. Prior to approval of the first detailed district development plan, a detailed plan for screening, buffering and landscaping for the overall site shall be submitted to the Planning Commission for approval.~~
- ~~20. A pathway shall be constructed from the point of termination of the existing sidewalk on Mile of Sunshine to the proposed greenway and also to the sidewalks along Jefferson Boulevard.~~
- ~~23. All street signs shall be installed by the Developer, and shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street, and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.~~
- ~~24. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.~~

## DEVELOPMENT REVIEW COMMITTEE

April 1, 2015

### NEW BUSINESS

#### CASE NO. 14DEVPLAN1155

- ~~25. Trees will be preserved and/or provided on site and maintained thereafter as required by Chapter 10, Part 1 of the Land Development Code and as indicated in the Tree Canopy Calculations on the Preliminary Subdivision Plan. The applicant shall submit a landscape plan for approval by Planning Commission staff for any trees to be planted to meet the Tree Canopy requirements of Chapter 10, Part 1 of the Land Development Code. A tree preservation plan shall be submitted for review and approval for any trees to be preserved to meet the Tree Canopy requirements of Chapter 10.~~
- ~~26. Tree Canopy Protection Areas (TCPAs) identified on this plan represent individual trees and/or portions of the site designated to meet the Tree Canopy requirements of Chapter 10 Part 1 of the Land Development Code and are to be permanently protected. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of plan approval. As trees within TCPAs are lost through natural causes, new trees shall be planted in order to maintain minimum tree canopy as specified on the approved development or preliminary subdivision plan.~~
- ~~27. The applicant shall install signs, approved by the Metro Public Works Dept., which indicate the future extension of the public right of way for Street A. Such signs shall be installed prior to release of bonds for the installation of the street infrastructure.~~

The vote was as follows:

**YES: Commissioners White, Tomes, Brown, Peterson, and Blake.**

**NO: No one.**

**NOT PRESENT: Commissioner Kirchdorfer.**

**ABSTAINING: No one.**

#### **Detailed District Development Plan (DDDP)**

01:38:34 On a motion by Commissioner Blake, seconded by Commissioner White, 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



## **DEVELOPMENT REVIEW COMMITTEE**

**April 1, 2015**

### **NEW BUSINESS**

#### **CASE NO. 14DEVPLAN1155**

**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; and

**WHEREAS**, the Committee further finds that provisions of sufficient open space will be provided; 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

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

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

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Revised General District Development Plan (RGDDP) with amendments to binding elements, with amendments as follows:

#### **Proposed Detailed Plan Binding Elements**

**All binding elements from the approved General Development Plan are applicable to this site, in addition to the following:**

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 for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. 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 Construction Review, Transportation Planning Review, and the Metropolitan Sewer District.

## **DEVELOPMENT REVIEW COMMITTEE**

**April 1, 2015**

### **NEW BUSINESS**

#### **CASE NO. 14DEVPLAN1155**

b. A minor subdivision plat shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Office of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

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

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

3. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.

4. 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.

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

6. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the April 1, 2015 Development Review Committee meeting.

**The vote was as follows:**

**YES: Commissioners White, Tomes, Brown, Peterson, and Blake.**

**NO: No one.**

**NOT PRESENT: Commissioner Kirchdorfer.**

**ABSTAINING: No one.**

## DEVELOPMENT REVIEW COMMITTEE

April 1, 2015

### NEW BUSINESS

#### CASE NO. 13DEVPLAN1035

Request: Revised Detailed District Development Plan; Binding Element Amendments, and a waiver  
Project Name: Wildwood Green  
Location: 6005 Fegenbush Lane and 7101 Fern Ridge Road  
Owner: Wildwood Green, LLC  
Applicant: Wildwood Green, LLC  
Representative: Keal & Associates, Inc.  
Jurisdiction: Louisville Metro  
Council District: 2 – Barbara Shanklin and 24 – Madonna Flood

**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. 5<sup>th</sup> 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:**

01:40:26 Julia Williams presented the case and showed a Power Point presentation.

#### **The following spoke in favor of this request:**

William Bardenwerper, Bardenwerper Talbott & Roberts PLLC, 10000 North Hurstbourne Parkway, Louisville, KY 40223

Mike Keal, Keal & Associates Inc, 410 W Chestnut St # 524, Louisville, KY 40202

#### **Summary of testimony of those in favor:**

01:42:37 William Bardenwerper, the applicant's representative, presented the applicant's case and showed a Power Point presentation.

01:45:12 Mike Keal, Keal & Associates (applicant's representative).

#### **The following spoke in opposition to this request:**

Chance Maguire, 5408 Watterson Trail, Louisville, KY 40291

## **DEVELOPMENT REVIEW COMMITTEE**

**April 1, 2015**

### **NEW BUSINESS**

#### **CASE NO. 13DEVPLAN1035**

Michael Johnson, President of Mercy Academy, 5801 Fegenbush Ln, Louisville, KY 40228

Jared Dearing, 601 West Jefferson Street, Louisville, KY 40202

#### **Summary of testimony of those in opposition:**

01:54:02 Chance Maguire, representing the country club, spoke in opposition.

01:57:39 Michael Johnson, President of Mercy Academy.

02:01:47 Jared Dearing expressed concerns about traffic/safety issues, access issues, and density.

#### **Rebuttal:**

02:07:19 Mr. Bardenwerper resumed the podium for rebuttal.

02:08:43 The applicant agreed to a binding element regarding development of the road with appropriate traffic-calming measures.

02:10:42 The applicant agreed to an 8-foot fence along golf course side plus investigate other measures to protect against stray golf balls .

02:12:43 Mr. Keal discussed landscaping/screening & buffering along the Mercy Academy property line.

#### **02:21:01 Commissioners' deliberation**

02:42:36 Jonathan Baker, Legal Counsel for the Planning Commission, read a binding element into the record regarding fencing of the access road, as follows:

“Wildwood Green LLC, or its successor Hurstbourne Corporate Group, and Mercy Academy shall negotiate a resolution regarding fencing along the north side of the access road easement from the subject property to Fegenbush Road. If the resolution regarding the fencing cannot be reached between the parties, the applicant shall present alternative screening measures to the Commission or its Committee thereof.”

02:43:24 Ms. Williams read another binding element into the record; as follows:

## DEVELOPMENT REVIEW COMMITTEE

April 1, 2015

### NEW BUSINESS

#### CASE NO. 13DEVPLAN1035

"An eight-foot, solid wood fence will be provided along the north property line, beginning at the intersection of the property line and the Texas Gas easement adjacent to Building 18, and continue along the property line ending at the southern point close to Building 29."

02:45:25 Commissioner Brown read another binding element into the record (re access road) and number of units. As follows:

"Fegenbush access road shall be removed upon re-development of abutting properties after adequate infrastructure has been constructed to serve the subject site. A unified circulation system shall be constructed to serve the properties and limit number of direct access points to Fegenbush and Hurstbourne upon development of abutting lots."

**(NOTE: At the time of the motion made to approve the Revised Detailed Development Plan, this binding element had been discussed and was NOT adopted. See motion made at 02:52:22.)**

Also:

"Secondary access point shall be constructed prior to issuance of building permits for more than 199 units.

02:48:28 Ms. Williams and the Commissioners discussed the access road.

#### **Waiver from Chapter 10.2.4.B to permit an access and utility easement to encroach over 50% into a 15' LBA.**

02:51:58 On a motion by Commissioner Brown, seconded by Commissioner White, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that the waiver will not affect adjacent property as the buffer requirements will still be met on the site within the access easement; and

**WHEREAS**, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 3, Policy 9 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments

## DEVELOPMENT REVIEW COMMITTEE

April 1, 2015

### NEW BUSINESS

#### CASE NO. 13DEVPLAN1035

occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. The planting requirements will still be met on the site; and

**WHEREAS**, the Committee further finds that the waiver is the minimum necessary to provide relief because the buffer is outside the limits of the roadway pavement leaving enough room for the plantings; and

**WHEREAS**, the Committee further finds that providing the buffer outside the easement would be an unnecessary hardship because it would force the roadway and subsequent uses closer to the stream. Some of the roadway has also been constructed; and

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

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver from Chapter 10.2.4.B to permit an access and utility easement to encroach over 50% into a 15' LBA.

**The vote was as follows:**

**YES: Commissioners White, Tomes, Brown, Peterson, and Blake.**

**NO: No one.**

**NOT PRESENT: Commissioner Kirchdorfer.**

**ABSTAINING: No one.**

**Revised District Development plan and binding elements**

## DEVELOPMENT REVIEW COMMITTEE

April 1, 2015

### NEW BUSINESS

#### CASE NO. 13DEVPLAN1035

02:52:22 On a motion by Commissioner Brown, seconded by Commissioner White, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that the site is preserving 12% of the sites tree canopy and is not encroaching into the required stream buffer. Some steep slopes outside the stream buffer will be impacted; and

**WHEREAS**, the Committee further finds that the proposal indicates vehicle and pedestrian connectivity from Hurstbourne Parkway and along the access road along Fegenbush. Sidewalks are found throughout the site; and

**WHEREAS**, the Committee further finds that the proposal meets the open space requirement for the site; and

**WHEREAS**, the Committee further finds that MSD has preliminarily approved the proposal; and

**WHEREAS**, the Committee further finds that an existing access road will connect the site to the adjacent undeveloped R-4 lot to the south west. All required landscape buffers are being provided; and

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

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

1. The development shall be in accordance with the approved District Development Plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. No further subdivision of the land into a greater number of lots than originally approved will occur without approval of the Planning Commission. 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. The applicant shall submit a plan for approval by Planning Commission staff showing trees/tree masses to be preserved prior to beginning any construction

## DEVELOPMENT REVIEW COMMITTEE

April 1, 2015

### NEW BUSINESS

#### CASE NO. 13DEVPLAN1035

procedure (i.e. clearing, grading, demolition). Adjustments to the tree preservation plan which are requested by the applicant may be approved by Planning Commission staff if the revisions are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:

1. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
  2. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
  3. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
  4. Location of construction fencing for each tree/tree mass designated to be preserved.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance permit) is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Department of Construction and the Metropolitan Sewer District.
  - b. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
  - c. **A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.**
  - d. 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.
  - e. **Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.**
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. An original stamped copy of the approved Tree Preservation Plan shall be present on site during all clearing, grading, and construction activity and shall be made available to any DPDS inspector or enforcement officer upon request.



## DEVELOPMENT REVIEW COMMITTEE

April 1, 2015

### NEW BUSINESS

#### CASE NO. 13DEVPLAN1035

6. 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.
7. All street signs shall be installed by the Developer, and shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street, and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the ~~September 20, 2007 Planning Commission~~ April 1, 2015 Development Review Committee meeting.
9. 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.
10. Wildwood Green LLC, or its successor Hurstbourne Corporate Group, and Mercy Academy shall negotiate a resolution regarding fencing along the north side of the access road easement from the subject property to Fegenbush Road. If the resolution regarding the fencing cannot be reached between the parties, the applicant shall present alternative screening measures to the Commission or its Committee thereof.
11. An eight-foot, solid wood fence will be provided along the north property line, beginning at the intersection of the property line and the Texas Gas easement adjacent to Building 18, and continue along the property line ending at the southern point close to Building 29.

**DEVELOPMENT REVIEW COMMITTEE**

**April 1, 2015**

**NEW BUSINESS**

**CASE NO. 13DEVPLAN1035**

12. Secondary access point shall be constructed prior to issuance of building permits for more than 199 units.

**The vote was as follows:**

**YES: Commissioners White, Tomes, Brown, Peterson, and Blake.**

**NO: No one.**

**NOT PRESENT: Commissioner Kirchdorfer.**

**ABSTAINING: No one.**

## DEVELOPMENT REVIEW COMMITTEE

April 1, 2015

### NEW BUSINESS

#### CASE NO. 15DEVPLAN1013

Request:	Revised Detailed District Development Plan and Binding Element Amendments
Project Name:	Retail Center – 6650 Dixie Highway
Location:	6650 Dixie Highway
Owner:	Tyler Center LLC and Longboat Properties LLC
Applicant:	Nicklies Development, LLC
Representative:	Heritage Engineering LLC
Jurisdiction:	Louisville Metro
Council District:	12 – Rick Blackwell

**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. 5<sup>th</sup> 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:**

00:54:00 Brian Davis presented the case and showed a Power Point presentation.

#### **The following spoke in favor of this request:**

Jim Calvery, Nicklies Development LLC, 6060 Dutchmans Ln # 110, Louisville, KY 40205

Branka Damjanovic, Assistant to Metro Councilman Rick Blackwell, 601 W. Jefferson Street, Louisville, KY 40202

#### **Summary of testimony of those in favor:**

02:59:54 Jim Calvery presented the applicant's case and showed a Power Point presentation.

03:04:28 Branka Damjanovic, Assistant to Metro Councilman Blackwell, said the Councilman's office is in support of the proposal. They support the binding element that would require the building renderings to be submitted to make sure the project falls within the Dixie Highway Corridor Improvement Project guidelines.

## DEVELOPMENT REVIEW COMMITTEE

April 1, 2015

### NEW BUSINESS

#### CASE NO. 15DEVPLAN1013

**The following spoke in opposition to this request:**

No one spoke.

#### **Revised Detailed District Development Plan**

03:05:46 On a motion by Commissioner White, seconded by Commissioner Peterson, 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; 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

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

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Revised District Development Plan, with the corrections made to the tract.

**The vote was as follows:**

## DEVELOPMENT REVIEW COMMITTEE

April 1, 2015

### NEW BUSINESS

#### CASE NO. 15DEVPLAN1013

**YES:** Commissioners White, Tomes, Brown, Peterson, and Blake.

**NO:** No one.

**NOT PRESENT:** Commissioner Kirchdorfer.

**ABSTAINING:** No one.

#### Binding Element Amendments

03:07:10 On a motion by Commissioner White, seconded by Commissioner Blake, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the Amendments to Binding Elements as shown on pages 7 and 8 of the staff report, as follows:

#### Proposed Binding Elements

- ~~1. The development will be in accordance with the approved district development plan. No further development will occur.~~
- ~~2. There shall be only one point of access to Dixie Highway, located as shown on the approved District Development Plan. The access shall allow only right-in and right-out movements, unless a revised district development plan is submitted and approved by the Planning Commission and Kentucky Department of Transportation, Bureau of Highways.~~
- ~~3. Prior to occupancy of any portion of Phase II of the development the developer shall improve Lower Hunters Trace to provide three traffic lanes along the frontage of this property. The design and standards shall be approved by the Jefferson County Public Works and Transportation Cabinet. A minor subdivision plat or other legal instrument will be recorded dedicating additional right-of-way to Lower Hunters Trace to provide a total of 40 feet from the center line. The deed book and page number of the recorded instrument shall be submitted to the Planning Commission.~~
- ~~4. The development of Phase I shall not exceed 45,883 square feet of gross floor area. The overall development shall not exceed 140,000 square feet of gross floor area.~~
- ~~5. In lieu of the previously required detention basin, the developer will pipe the drainage from the Kerrick Lane area, through the subject property to the major drainage channel, north of Lower Hunters Trace. The pipe and drainage system will be as required by Water Management.~~

## DEVELOPMENT REVIEW COMMITTEE

April 1, 2015

### NEW BUSINESS

#### CASE NO. 15DEVPLAN1013

- ~~6. Before building permits are issued the development plan must be reapproved by the Transportation Engineering, Water Management and Fire Safety Sections of the Jefferson County Public Works and Transportation Cabinet.~~
- ~~7. Before a certificate of occupancy is issued;~~
  - ~~a. The size and location of any proposed signs must be approved by the Planning Commission. The Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations.~~
  - ~~b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.~~
- ~~8. The screening (buffering/landscaping) plan shown on the approved district development plan shall be implemented prior to occupancy and maintained thereafter.~~
1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agree 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. The development on Tract 1 shall not exceed 34,150 square feet of gross floor area.
3. The development on Tract 2 shall not exceed 6,950 square feet of gross floor area.
4. 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 Develop Louisville Construction Review and Transportation Planning Review and the Metropolitan Sewer District.
  - b. Applicant agrees to submit detailed building elevations for the proposed structure on Tract 2 to staff for approval.
  - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

## **DEVELOPMENT REVIEW COMMITTEE**

**April 1, 2015**

### **NEW BUSINESS**

#### **CASE NO. 15DEVPLAN1013**

5. If a building permit is not issued within two years 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.
6. 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.

**The vote was as follows:**

**YES: Commissioners White, Tomes, Brown, Peterson, and Blake.**

**NO: No one.**

**NOT PRESENT: Commissioner Kirchdorfer.**

**ABSTAINING: No one.**

## DEVELOPMENT REVIEW COMMITTEE

April 1, 2015

### NEW BUSINESS

#### CASE NO. 14DEVPLAN1040

Request:	Community Facility Review
Project Name:	Hardesty Parking Lot
Location:	190 S. Dorsey Way
Owner:	City of Blue Ridge Manor
Applicant:	Same
Representative:	Stan Chauvin – Attorney for City of Blue Ridge Manor
Jurisdiction:	Louisville Metro
Council District:	18 – Marilyn Parker and 19 – Julie Denton

**Case Manager:** Latondra Yates, 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. 5<sup>th</sup> 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:

03:07:38 Latondra Yates presented the case and showed a Power Point presentation.

03:13:54 Ms. Yates reviewed interested party comments, particularly those in opposition.

03:22:26 The "private road" issue was discussed.

#### The following spoke in favor of this request:

Stan Chauvin, attorney for the City of Blue Ridge Manor

#### Summary of testimony of those in favor:

03:24:16 Stan Chauvin, the attorney for Blue Ridge Manor, presented the applicant's case and answered questions from the Commissioners.

#### The following spoke in opposition to this request:

Greg Joyner, Naber Joyner & Associates, Meidinger Tower, 462 S 4th St, Louisville, KY 40202



## DEVELOPMENT REVIEW COMMITTEE

April 1, 2015

### NEW BUSINESS

#### CASE NO. 14DEVPLAN1040

Frank Rissiga, 207 Clydesdale Trace, Louisville, KY 40223

Annie Duncan-Ponvert, 122 Blue Ridge Road, Louisville, KY 40223

#### **Summary of testimony of those in opposition:**

03:33:18 Greg Joyner, attorney, spoke on behalf of Mr. Metcalf. He also explained the lawsuit that is currently ongoing regarding the disputed roadway.

03:37:43 Frank Rissiga spoke in opposition.

03:45:44 Darryl Metcalf discussed access and safety.

03:54:20 Annie Duncan-Ponvert, a Blue Ridge Manor resident, explained why police told her they will not patrol that park.

#### **Rebuttal**

04:00:20 Mr. Chauvin resumed the podium for rebuttal.

04:02:37 Mr. Rissiga resumed the podium.

#### **04:04:20 Commissioners' deliberation.**

04:19:50 On a motion by Commissioner White, seconded by Commissioner Blake, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the City of Blue Ridge Manor that that City take more appropriate actions on A 4, 5, 6, and 7; that the City of Blue Ridge Manor take more appropriate actions on A 6 and A 24 in the staff report as far as a noise-impacting and buffering residents, pedestrians, and traffic flows; and work with the community to mitigate the residents' concerns about drainage, noise, and other issues.

#### **The vote was as follows:**

**YES: Commissioners White, Tomes, Brown, Peterson, and Blake.**

**NO: No one.**

**NOT PRESENT: Commissioner Kirchdorfer.**

**ABSTAINING: No one.**

## **DEVELOPMENT REVIEW COMMITTEE**

**April 1, 2015**

### **NEW BUSINESS**

#### **CASE NO. 14STREETS1021**

**Note: Commissioner Blake left the meeting at 5:30 p.m. and did not hear the last two cases.**

Request:	Street and Alley Closure
Project Name:	St. Francis DeSales
Location:	Laughlin Avenue
Owner:	Roman Catholic Bishop of Louisville
Applicant:	St. Francis DeSales High School
Representative:	Michael Keal, Keal & Associates, Inc.
Jurisdiction:	Louisville Metro
Council District:	21 – Dan Johnson

**Case Manager:** **Latondra Yates, 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. 5<sup>th</sup> 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:**

04:21:36 Latondra Yates presented the case and showed a Power Point presentation.

#### **The following spoke in favor of this request:**

Mike Keal, Keal & Associates, Inc., 410 W Chestnut St # 524, Louisville, KY 40202

#### **Summary of testimony of those in favor:**

04:24:43 Mike Keal, the applicant's representative, presented the applicant's case.

#### **The following spoke in opposition to this request:**

No one spoke.

04:26:44 On a motion by Commissioner Peterson, seconded by Commissioner White, the following resolution was adopted:

**DEVELOPMENT REVIEW COMMITTEE**

**April 1, 2015**

**NEW BUSINESS**

**CASE NO. 14STREETS1021**

**RESOLVED**, the Louisville Metro Development Review Committee does hereby place Case No. 14STREEST1021 on the Consent Agenda for the April 2, 2015 Planning Commission public hearing.

**The vote was as follows:**

**YES: Commissioners White, Tomes, Brown, and Peterson.**

**NO: No one.**

**NOT PRESENT: Commissioners Kirchdorfer and Blake.**

**ABSTAINING: No one.**

## DEVELOPMENT REVIEW COMMITTEE

April 1, 2015

### NEW BUSINESS

#### CASE NO. 15DEVPLAN1003

Request:	Category 3 Plan
Project Name:	Holiday Inn Express & Suites
Location:	800 West Market Street
Owner:	Louisville Glassworks Hotel Partners
Applicant:	Morley & Associates
Representative:	Butler Rosenbury & Partners
Jurisdiction:	Louisville Metro
Council District:	4 – David Tandy

**Case Manager:** Latondra Yates, 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. 5<sup>th</sup> 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:**

04:27:49 Latondra Yates presented the case and showed a Power Point presentation.

#### **The following spoke in favor of this request:**

Jacob Pendleton, Louisville Glassworks Hotel Partners, 800 West Market Street, Louisville, KY 40202

#### **Summary of testimony of those in favor:**

04:29:08 Jacob Pendleton, the applicant's representative, presented the applicant's case.

#### **The following spoke in opposition to this request:**

No one spoke.

04:31:03 On a motion by Commissioner White, seconded by Commissioner Peterson, the following resolution was adopted:

**DEVELOPMENT REVIEW COMMITTEE**

**April 1, 2015**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1003**

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

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Category 3 Plan for construction of a hotel.

**The vote was as follows:**

**YES: Commissioners White, Tomes, Brown, and Peterson.**

**NO: No one.**

**NOT PRESENT: Commissioners Kirchdorfer and Blake.**

**ABSTAINING: No one.**

**DEVELOPMENT REVIEW COMMITTEE**  
**April 1, 2015**

**ADJOURNMENT**

The meeting adjourned at approximately 6:30 p.m.

---

**Chair**

---

**Planning Director**