

**MINUTES OF THE MEETING
OF THE
DEVELOPMENT REVIEW COMMITTEE
February 3, 2016**

A meeting of the Development Review Committee was held on, February 3, 2016, at 1:00 p.m. in the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Committee Members present were:

Chip White, Acting Chair
Rob Peterson, Commissioner
Jeff Brown, Commissioner (left at 4:00 p.m.)
Robert Kirchdorfer, Commissioner (left at 3:15 p.m.)
Donnie Blake, Commissioner

Committee Members absent were:

David Tomes, Chairman

Staff Members present were:

Emily Liu, Director, Planning and Design Services
Joseph Reverman, AICP, Planning Coordinator
Brian Davis, AICP, Planning Supervisor
Sherie Long, Landscape Architect
Laura Mattingly-Humphrey, Planner I
Joel P. Dock, Planner II
John Carroll, Legal Counsel
Tammy Markert, Transportation Planning
Pat Barry, MSD representative
Chris Cestaro, Management Assistant

The following matters were considered:

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APPROVAL OF MINUTES

Approval of the minutes of the January 20, 2016 Development Review Committee meeting

00:09:45 On a motion by Commissioner Kirchdorfer, seconded by Commissioner Brown, the following resolution was adopted.

RESOLVED, that the Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on January 20, 2016.

The vote was as follows:

YES: Commissioners Brown and Kirchdorfer.

NO: No one.

NOT PRESENT: Commissioner Tomes.

ABSTAINING: Peterson, White, Blake.

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NEW BUSINESS

CASE 16MOD1000

Request: Amendment to Binding Elements – THIS CASE WILL BE
CONTINUED TO THE MARCH 2, 2016 DRC MEETING

Project Name: Waffle House

Location: 612 Lyndon Lane

Owner(s): Waffle House Inc.

Applicant: Waffle House Inc.

Representative(s): Advanced Civil Solutions, PLLC

Jurisdiction: City of Lyndon

Council District: 7 – Angela Leet

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:

00:10:33 Brian Davis said the applicant notified staff that they would not be able to be present today. Therefore, the applicant has requested that this case be continued to the March 2, 2016 Development Review Committee meeting.

The following spoke in favor of the request:

No one spoke.

The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against the request:

No one spoke.

00:11:01 On a motion by Commissioner Blake, seconded by Commissioner Peterson, the following resolution was adopted:

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NEW BUSINESS

CASE 16MOD1000

RESOLVED, the Louisville Metro Development Review Committee does hereby
CONTINUE this case to the March 2, 2016 Development Review Committee meeting.

The vote was as follows:

YES: Commissioners Brown, Kirchdorfer, Peterson, White, and Blake.

NO: No one.

NOT PRESENT: Commissioner Tomes.

ABSTAINING: No one.

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NEW BUSINESS

CASE NO. 15PARK1004

Request:	Parking Waiver – THIS CASE IS CONTINUED FROM THE JANUARY 20, 2016 DRC MEETING
Project Name:	ROC Restaurant
Location:	1327 Bardstown Road
Owner:	Rocco Cadolini
Applicant:	Rocco Cadolini
Representative:	Luckett & Farley
Jurisdiction:	Louisville Metro
Council District:	8 – Tom Owen

Case Manager: **Sherie Long, Landscape Architect**

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:

00:11:41 Sherie Long presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) She said the applicant has made some revisions and changes to the plan, based on the conversation from the January 20, 2016 DRC meeting.

00:13:08 Several of the Commissioners were not present at the January 20, 2016 DRC meeting. Those Commissioners requested that the entire case be re-presented to them so they could make an informed vote on it today.

The following spoke in favor of this request:

Ashley Brock, Luckett & Farley, 737 South 3rd Street, Louisville, KY 40202

Summary of testimony of those in favor:

00:24:01 Ashley Brock, the applicant's representative, said that the phone conversation that Ms. Long mentioned was between her and Mr. Drexler. Mr. Drexler spoke at the previous meeting, in support of the proposal.

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CASE NO. 15PARK1004

The following spoke in opposition to this request:

No one spoke.

The following spoke neither for nor against the proposal:

No one spoke.

00:25:07 Commissioners' deliberation.

00:26:12 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 Parking Waiver is in compliance with the Comprehensive Plan. Guideline 7 Policy 10 states that parking requirements should take into account the density and relative proximity of residences to businesses in the market area, the availability and use of alternative modes of transportation, and the character and pattern of the form district. Additional considerations including hours of operation and opportunities for shared parking may be factored on a site by site basis. On-site parking standards should reflect the availability of on-street and public parking. Parking standards should include the minimum and maximum number of spaces required based on the land use and pattern of development in the area. The subject site is located in an urban neighborhood that has good availability of alternative modes of transportation including transit use, pedestrian accessibility and existing bicycling routes on nearby road corridors. The availability of parking on street throughout the surrounding area and in the public parking lot north of the site will accommodate the expansion of the business; and

WHEREAS, the Committee further finds that the applicant has provided on street parking along the property frontage and parking at the rear of the property. The property owner does not own any other nearby properties. However, the applicant has approached adjacent property owners, a number of times, in an effort to negotiate joint use agreement but have had no success. Therefore, the applicant has made a good faith effort to provide as many parking spaces as possible on and off the site; and

WHEREAS, the Committee further finds that this request is the smallest possible reduction of parking spaces that would accommodate the proposed use; and

WHEREAS, the Committee further finds that adjacent or nearby properties will not be adversely affected. Due to the nature of the corridor, the general public is accustomed to parking and walking to various locations along the corridor. There are parking

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CASE NO. 15PARK1004

spaces on site and on street within the area; there is a public parking lot with 800 feet of the property; there is public transit available; and bike parking is being provided; and

WHEREAS, the Committee further finds that the requirements found in Table 9.1.2 do not accurately depict the parking needs of the proposed use and the requested reduction will accommodate the parking demand to be generated by the proposed use. Because there are sufficient parking spaces on the streets along the property frontages available and in the area along surrounding streets as well as the public parking lot the requested reduction will accommodate the parking demand to be generated by the proposed use. The parking space demand created by the proposed use on the subject site, the requirements found in table 9.1.2 of the Land Development Code, which mandate the number of parking spaces required to be provided off-street, do not accurately depict the parking needs of the proposed use due to the availability of alternative methods of transportation; and

WHEREAS, the Committee further finds that there are sufficient parking spaces within the area available at peak times for the expanded use to accommodate the parking space demand; 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 Parking Waiver to reduce the minimum number of parking spaces required from 10 to 5.

The vote was as follows:

YES: Commissioners Brown, Kirchdorfer, Peterson, White, and Blake.

NO: No one.

NOT PRESENT: Commissioner Tomes.

ABSTAINING: No one.

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NEW BUSINESS

CASE NO. 15DEVPLAN1195 / 15SUBDIV1023

Request:	RDDDP and Revised Major Preliminary Subdivision for residential units, clubhouse, and public streets with Amendments to Binding Elements
Project Name:	Notting Hills, Section 4
Location:	226 Notting Hill Boulevard
Owner:	Notting Hill Development, LLC
Applicant:	Scott Welch – Welch Developers, LLC
Representative:	William Bardenwerper – Bardenwerper, Talbott & Roberts PLLC
Jurisdiction:	Louisville Metro
Council District:	19 – Julie Denton

Case Manager: **Joel P. Dock, Planner I**

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

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

Agency Testimony:

00:27:02 Joel Dock presented the case and showed the site plan (see staff report and recording for detailed presentation.)

00:34:36 Mr. Dock said he received several e-mails from residents (two from yesterday, two from today) which he distributed to the Commissioners.

00:37:54 John Carroll, legal counsel for the Planning Commission, asked Mr. Dock to explain what the controversy is over the clubhouse. Mr. Dock said there were some concerns that the clubhouse was a historic structure (later disproved by Metro Historic Preservation); and previous proposals to keep the old clubhouse. Commissioner White said the e-mails he had read expressed concerns about lowering property values because the proposed clubhouse will not be as big as originally intended.

00:39:30 Mr. Dock resumed his presentation (see recording.)

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The following spoke in favor of this request:

William Bardenwerper, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway, Louisville, KY 40222

Kelli Jones, Sabak Wilson & Lingo, 608 South 3rd Street, Louisville, KY 40202

Scott Welch, 851 Todd Drive, Louisville, KY 40067

Mark Welch, 1508 Bella Arbor, Louisville, KY 40245

Summary of testimony of those in favor:

00:42:10 William Bardenwerper, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for verbatim presentation.)

00:51:59 John Carroll, legal counsel for the Planning Commission, asked Mr. Bardenwerper if the clubhouse being proposed conforms with the earlier settlement agreement. Mr. Bardenwerper said it does. Mr. Carroll asked if the structure, design, and location of the clubhouse were issues raised by the neighbors. Mr. Bardenwerper discussed the claims made, but said those were resolved during the lawsuit. He further discussed changes to the General Plan and binding elements.

00:59:56 In response to a question from Commissioner Brown, Kelli Jones said the setback/front yard reduction and the length of the driveway between the garage and sidewalk would not be an issue on this site. She said the subdivision was specifically designed with this regulation in mind.

01:00:36 Ms. Jones said there was no intent to remove trees from the original clubhouse site. She said that the original subdivision was approved for 350+ units, but the current proposal is for 250 units. With the 100-unit decrease, the development cannot support a pool. She added that there are no waivers or variances on the site.

The following spoke in opposition to this request:

Andrew Nelson, 504 Standwick Way, Louisville, KY 40245

Cindy Hays, 115 Ladbroke Grove Road, Louisville, KY

Nicole Luddington, 18308 Standwick Drive, Louisville, KY 40216

Linda Adkisson, 18704 Westbourne Grove Drive, Louisville, KY 40245

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Mary Antrobus (sp), 18426 Standwick, Louisville, KY 40245

Cathy Stich, 107 Ladbroke Grove Road, Louisville, KY 40245

Summary of testimony of those in opposition:

01:03:10 Mary Antrobus was called but declined to speak.

01:03:30 Cathy Stich said the applicant is guilty of “bait and switch” or false advertising, because residents were promised the clubhouse and pool as originally planned before they bought their homes. She displayed a pamphlet given to residents by the Welches when she bought her home in 2006, detailing the promised amenities [pamphlet was incorporated into the case file.] She said the loss of the amenities has already resulted in lower selling values for homes in the development – she said her own home has lost \$40,000 in value. She discussed lost tax revenue as a result of these property diminutions.

01:13:08 Ms. Stich discussed the lawsuit; lost tax revenue; the developer did not comply with the existing plan; too much flexibility in the design of the duplex; the 2015 lawsuit agreement was violated; the application contains a falsehood (the old clubhouse had already been torn down); and the Development Review Committee does not reflect community diversity as required by law.

01:17:26 Linda Adkisson said the pamphlet given to her when she bought her house in Notting Hill stated that homeowners would be assessed a yearly fee until the clubhouse/pool was completed. She said homeowners are paying twice what was stated in the pamphlet, and have still not received the amenities they are paying for.

The following spoke neither for nor against the request (“Other”):

Walt Zolla, 203 Chadwick Glen Place, Louisville, KY 40245

Summary of testimony of those neither for nor against:

01:18:44 Walt Zola said that the developer was the one who let the old clubhouse go into disrepair. He discussed some options to the size of the clubhouse, and said a 1200 square foot building is inadequate.

01:21:59 In response to a question from Commissioner Kirchdorfer, Ms. Stich described what services/etc. were included with the HOA dues.

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Rebuttal:

01:22:43 Mr. Bardenwerper said most of the neighbors' issues were worked out during the trial, particularly regarding the diminution of property values, and a settlement agreement was reached. He said the developer is ready to begin building the clubhouse, and the pool was discussed. He reiterated that the subdivision has shrunk by approximately 100 units and the cost to each homeowner to build the pool would be very high.

01:26:06 Cindy Hays said her family recently purchased a Ball Homes house at the entrance to Notting Hill. She said she was told by the realtor that there would be a clubhouse and a pool. She said she was assessed a \$15,000 lot premium in addition to the purchase cost of the house. She said a 1500-square foot clubhouse is too small.

01:31:50 Nicole Luddington said the pool was advertised to her when she bought her home; also, that she paid an extra \$18,000 for her lot because it backs up into a treed area. She said her unfinished basement is 2200 square feet; the proposed clubhouse is too small to be useful.

01:33:09 Andrew Nelson reiterated what other residents said.

01:35:16 Mr. Bardenwerper said the statements heard today are not relevant to the requested Development Plan. He discussed the dispute over the pool, and building options.

01:40:46 Commissioner Kirchdorfer advised Mr. Bardenwerper and Mr. Welch to clean up any debris left from the demolition of the old clubhouse.

01:41:50 Commissioners' deliberation.

01:41:55 – 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 conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites, has been met. Four sinkholes have been located and their approximate location has been designated on the development plan. Their locations do not appear to have a substantial impact on the proposed development. There do not appear to be any historic resources on site. Tree Canopy

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Protection Areas for this project have been provided elsewhere within the subdivision as noted and shown on the landscape plans for sections 2 & 3 under cases L-239-05 & 15LSCAPE1042; 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. Sidewalks are proposed on each side of the proposed cul-de-sacs connecting to the existing network within the subdivision; and

WHEREAS, the Committee further finds that open space areas are not specifically designated or required on this plan. There are large amounts of non-designated open space on Lots 116 and 127 of the plan, however. Additionally, there are designated open spaces shown throughout the subdivision on General/Subdivision Plans for Notting Hills; 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; 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** proposal for 48 Duplex Villa/multi-family units, clubhouse with parking, and 2 cul-de-sacs; the **Revised Major Preliminary Subdivision Plan** for the creation of 2 public rights-of-way (cul-de-sac) serving the residential development from Chadwick Glen Circle; the **Amendment to Binding Elements** to eliminate binding element #23 and revisions to #17 & #35 from Plan Certain docket 9-10-00/10-03-00 and associated Revised Detailed District Development Plan of case 13985 (Pages 10 and 11 of the staff report); **ON CONDITION** that a note be included on the Revised Detailed District Development Plan that states a minimum of 25 feet shall be required between the face of the garage and the back of the sidewalk, and **SUBJECT** to the following binding elements:

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1. The development shall be in accordance with the approved Preliminary Subdivision Plan, detailed 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. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
2. The density for the entire development shall not exceed 3.57 dwelling units per gross acre (358 units on 100.4 acres). The density of the R-5 single family development shall not exceed 2.69 dwelling units per gross acre (121 units on 44.9 acres). The density of the R-5A multi-family manor homes development (Lot 168) shall not exceed 10.3 dwelling units per gross acre (128 units on 12.4 acres). The density of the R-5A multi-family patio homes development (Lot 167) shall not exceed 5.12 dwelling units per gross acre (64 units on 12.5 acres). The density of the R-4 single family development shall not exceed 1.59 dwelling units per gross acre (45 units on 28.3 acres).
3. There shall be no direct vehicular access from any single family or multi-family lot to US 60 (Shelbyville Road).
4. Construction fencing shall be erected when off-site trees or tree canopy exists within 3 feet 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. The applicant shall identify and submit for approval by designated PDS staff, a plan showing the location of the Tree Preservation Areas on site (exclusive of areas dedicated as public right-of-way) prior to beginning any construction procedure (i.e. clearing, grading, demolition). All construction shall be conducted in accordance with the approved Tree Preservation Plan. A partial plan may be submitted to delineate clearing necessary for preliminary site investigation. All Tree Preservation Plans must be prepared in accordance with the standards set forth by PDS.
6. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:

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- 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. 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. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
7. 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.
8. 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.
9. 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.
10. A soil erosion and sedimentation control plan shall be developed and implemented in accordance with the Metropolitan Sewer District and the USDA Natural Resources Conservation Service recommendations. Documentation of the MSD's approval of the plan shall be submitted to the Planning Commission prior to commencement of any clearing, grading, or construction activities.

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11. 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.
12. The site shall be developed in accordance with the Tree Canopy Protection Areas (TCPAs) delineated on the site plan and related notes. Any modification of the Tree Canopy Protection Areas requires notification of adjoining property owners and LD&T action.
13. The applicant shall provide deeds of restriction ensuring that TCPAs will be permanently protected in a manner consistent with these binding elements and the approved plan. The form of such restrictions shall be approved by the Planning Commission counsel.
14. All plans setting out TCPAs must contain the following note:
 - a. Tree Canopy Protection Areas (TCPAs) identified on this plan represent portions of the site that shall be permanently preserved. All clearing, grading, and fill activity in these areas must be in keeping with restrictions established at the time of development plan approval. No further clearing, grading, construction, or other land disturbing activity shall take place within designated TCPAs beyond pruning to improve the general health of the tree, to remove dead or declining trees that may pose a public health and safety threat, or as required by an agency to install utilities.
15. Prior to the recording of the plat, copies of recorded documents listed below shall be filed with the Planning Commission.
 - a. Articles of Incorporation filed with the Secretary of State and Certificate of Incorporation of the Homeowners 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 and other issues required by these binding elements.
 - c. Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.
16. At the time the developer turns control of the homeowner's association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowner's association account. The subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement.

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17. The materials and design of the proposed manor style and patio home condominium buildings shall be substantially the same as depicted in the rendering as presented at the February 26 and May 21, 2001 Planning Commission meetings. The manor style condominium buildings shall include 80% brick. All other homes shall have a minimum of 60% exterior brick material, ~~except the 10% "affordable" housing set aside, referenced herein below, which shall have, at a minimum, brick fronts,~~ except as provided in Binding Element 28, which provides for 80% brick or stone exterior material on the 9 frontage lots adjacent to Shelbyville Road.
18. The signature entrance shall be submitted the Planning Commission staff for review prior to recording the record plat.
19. The multi-family (R-5A) portion of the development shall be limited to units in condominium ownership.
20. Prior to application for any land disturbing activity on the site, a geotechnical report, including a study of areas with slopes greater than 20%, shall be performed for review by MSD, Metro Public Works, and Planning & Design prior to approval of any construction plans.
21. The developer shall be responsible for constructing the road connection of Road A to the stub road in the Locust Creek development.
22. 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.
23. ~~At least 10% of the dwelling units in the development shall be reserved for units in the Diversity Housing Level 4 category under Chapter 4, Part 5 of the Land Development Code. The developer/owner shall be responsible for submitting an update report at 6-month intervals from the date of the recording of the record plat until the number of units required to comply with this binding element have been sold. The update report shall identify the name of the recorded subdivision, plat book and page number of the record plat, the lot number or unit number sold as a Diversity Housing Level 4 unit, the name of the buyer, the type of unit (detached/patio home), the number of bedrooms, and the sale price of the unit.~~
24. Within the 200-foot parkway buffer, landscaping shall be installed of evergreen and deciduous shade and flowering trees as shown on the concept landscape

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plan discussed at the May 21 public hearing and as otherwise required by the Planning Commission, and there shall also be installed a four-board horse fence erected along the right-of-way of US 60 for the entire length of the frontage of the site.

25. The R-5A residential condominium buildings shall be no closer to the new Shelbyville Road right-of-way line than as follows, proceeding in an east-west direction: the easternmost patio building no closer than 370 feet; the westernmost patio building no closer than 345 feet; the easternmost manor home building no closer than 370 feet; and the westernmost manor home building no closer than 365 feet.
26. Seven R-4 zoned frontage lots shall be created as shown on the development plan presented at the July 8, 2004 LD&T meeting for R-4 housing. The (7) frontage lot houses west of Road "A" shall front Shelbyville Road with access from the Court "A" frontage road. The (2) frontage lot houses east of Road "A" shall also face Shelbyville Road but have access from Court "B".
27. All 9 frontage lots shall run to the new Shelbyville Road right-of-way line; however, a landscape easement in favor of the New Estates Farm Community Association shall extend for a depth of 160 feet from the new Shelbyville Road frontage right-of-way line.
28. Homes constructed on the (9) frontage lots shall have exterior materials consisting of a minimum of 80% brick and/or stone. These (9) frontage lots shall have a front building setback line of not less than 200 feet from and parallel with the proposed new northern right-of-way line of US Highway 60, also known as Shelbyville Road.
29. Prior to development that may occur immediately behind the frontage lots, the developer shall install the infrastructure for, subdivide, plat, and record and market for sale such frontage lots along Shelbyville Road. The frontage lot houses need not be actually constructed before construction commences on the condominiums behind them, and the frontage lots and other portions of the subdivision may be platted together.
30. The 160 feet of setback described in Binding Element 27 above plus (2) open space lots along Shelbyville Road shall be maintained by the New Estates Farm Community Association.
31. Binding Elements 24-30 above shall be included in the deed of restrictions for New Estates Farm as shall a provision requiring minimum square footages for

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the (7) frontage lot homes of 3,000 square feet of livable area for two-story and/or story and one-half and 2,750 square foot of livable area or ranch style homes. Livable area shall be defined as heated and cooled above ground level area, measured from outside wall to outside wall, specifically excluding below ground finished living area. Such deed of restrictions shall be reviewed by the Planning Commission's legal counsel prior to recording for compliance with these binding elements. Such deed of restrictions shall include a provision permitting enforcement of the provisions of binding elements 24-31 by the owners and successors in title of the following properties: 18700 US 60, 18702 US 60, 18704 US 60 and 18706 US 60 in Jefferson County and 10400 US 60 and 10260 US 60 in Shelby County.

32. Prior to requesting certificates of occupancy, the developer shall post street signs and address numbers.
33. The developer shall pay \$7500 of the cost of a new traffic signal at US 60 and Flat Rock Road.
34. Trees shall be preserved and/or provided on site 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 for approval 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.
35. The use of the clubhouse shall be restricted to property owners/residents of ~~New Estates Farm~~ **Notting Hills** Subdivision and their guests.
36. Final surface pavement to be completed by developer prior to turnover to homeowner's association **(case 13985, only)**

The vote was as follows:

YES: Commissioners Brown, Kirchdorfer, Peterson, White, and Blake.

NO: No one.

NOT PRESENT: Commissioner Tomes.

ABSTAINING: No one.

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CASE NO. 15DEVPLAN1170

NOTE: Evidence and Testimony for Cases 15DEVPLAN1170, 15DEVPLAN1171, and 15DEVPLAN1172 were all heard together. Each case was voted on SEPARATELY.

Commissioner Kirchdorfer left the meeting at 3:15 p.m. and did not vote on these cases.

Request:	Detailed District Development Plan with Land Development Code Waivers
Project Name:	Shelbyhurst Research and Office Park
Location:	950 North Hurstborne Parkway
Owner:	University of Louisville
Applicant:	University of Louisville Development Company, LLC
Representative:	Glenn Price – Frost Brown Todd
Jurisdiction:	Louisville Metro
Council District:	18 – Marilyn Parker

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:

01:49:16 Christopher Brown presented the case and showed the development plans for three related office buildings in the same development (see staff reports and recording for detailed presentation.)

The following spoke in favor of this request:

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

Matt Ricketts, NTS, 600 North Hurstbourne Parkway Suite 300, Louisville, KY 40222

Brian Lavin, NTS, 600 North Hurstbourne Parkway Suite 300, Louisville, KY 40222

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NEW BUSINESS

CASE NO. 15DEVPLAN1170

Summary of testimony of those in favor:

01:57:20 Glenn Price, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for verbatim presentation.)

02:05:53 Mr. Price suggested a change to binding element #6 (found on page 12 of the staff report) to read:

The façade elevations shall be in accordance with applicable form district standards **except for LDC Section 5.6.1.D**, and shall be approved by PDS staff prior to construction permit approval.

02:06:19 Mr. Price also suggested the following binding element change to the applicant's proposed binding elements regarding transportation.

02:07:06 Mr. Price also suggested that binding element #3A, on page 12 of the staff report, note that the construction approval must come from the State, not Louisville Metro, because the project is under the State's jurisdiction.

02:07:57 In response to a question from Commissioner Blake, Mr. Price said the building design will be under the Detailed Plan binding elements. He explained the waiver requests in detail.

02:11:14 Christopher Brown explained the requests for all three cases and how the requests were handled in the staff reports.

The following spoke in opposition to this request:

Mike King, 9016 Willow Springs Drive, Louisville, KY 40242 (signed in as opposed to Case No. 15DEVPLAN1172)

Steve Porter, 2406 Tucker Station Road, Louisville, KY 40299 (signed in as opposed to Cases 15DEVPLAN1171 and 15DEVPLAN1172)

Summary of testimony of those in opposition:

02:15:06 Mike King, a resident, spoke in opposition. He was particularly concerned about screening, buffering, and lighting.

02:17:31 Stephen Porter, representing the City of Bellemeade and the Old Dorsey Place Homeowners, said he is in agreement with Mr. Price's revised proposals for design. He said there are still some concerns about lighting.

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Rebuttal

02:19:37 Mr. Price addressed Mr. King's concerns. He said the University has no proposal to develop land near to Holly Hills. This should address lighting impacts.

The following spoke neither for nor against the proposal:

No one spoke.

02:21:00 Commissioners' deliberation

Case No. 15DEVPLAN1170

02:23:00 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted:

Development Plan

WHEREAS, the Louisville Metro Development Review Committee finds that the environmental constraints of the site are being respected and followed with the current proposal. 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 open space requirements of the Land Development Code are provided for on the subject site; 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

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WHEREAS, the Committee further finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code with the exception of the requested relief which meet their corresponding standards of review; and

Waiver #1 (Parking)

WHEREAS, the Committee further finds that the waiver will not adversely affect adjacent property owners since safe pedestrian access is provided from the public rights-of-way to the building entrance; and

WHEREAS, the Committee further finds that the waiver 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. 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 within the larger Campus. The parking layout follows the environmental constraints of the site and allows connections to the proposal proposed to the east of the site. Connectivity at both a vehicular and pedestrian level will be achieved; therefore, the waiver will not violate specific guidelines of Cornerstone 2020; and

WHEREAS, the Committee further finds that the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since there are physical restraints preventing compliance with the regulations to be waived; 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 create an unnecessary hardship on the applicant since the proposed development could not be built on the site while complying with the requirements requested to be waived; and

Waiver #2 (Pedestrian Connection)

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WHEREAS, the Committee further finds that the waiver will not adversely affect adjacent property owners since pedestrian connections have been provided in a safe and reasonable manner to provide further connectivity to the larger campus; and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 9, Policy 1 states that new development should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with walkways for access to public transportation stops. Due to the location of environmental constraints, the pedestrian connection from Whipps Mill cannot be safely provided in the same manner as the connection from North Whittington Parkway. The waiver will not violate specific guidelines of Cornerstone 2020 since connections are being made where they can be appropriately and safely provided for use; 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 there are physical restraints preventing compliance with the regulations to be waived; 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 create an unnecessary hardship on the applicant since the proposed development could not safely provide the code required pedestrian connection that is being requested to be waived; and

Waiver #3 (Utility Easement Overlap)

WHEREAS, the Committee further finds that the waiver will not adversely affect adjacent property owners since the required landscape buffer area width is being provided along with all required planting requirements; 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 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

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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 requested waiver will not violate guidelines of Cornerstone 2020 since the required landscape buffer area width is being provided along with all required planting requirements; 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 the required landscape buffer area width is being provided along with all required planting requirements; and

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land and create an unnecessary hardship on the applicant since the required landscape buffer area width is being provided along with all required planting requirements; and

WHEREAS, the Committee 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 Waivers as follows:

- Waiver #1: Land Development Code Waiver of Chapter 5.5.2.C.2 of the Land Development Code to allow parking between the building and the street above the permitted percentage in Campus Form District
 - Waiver #2: Land Development Code Waiver of Chapter 5.9.2.A.1.b.i of the Land Development Code to not provide a direct pedestrian connection from the Whipps Mill Road ROW to the building entrance
 - Waiver #3: Landscape Waiver of Chapter 10.2.4.B of the Land Development Code to allow utility easements to encroach more than 50% into Landscape Buffer Areas
 - Waiver of Chapter 5.6.1.D of the Rooftop Elevation Design Requirement
- AND** the Detailed District Development Plan, **SUBJECT** to the following binding elements:

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

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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. Notice of all Revised Detailed District Development Plans, Amendment to General Plan Binding Elements, Amendment to Detailed Plan Binding Elements, Conditional Use Permits, Waivers, and Variances shall be sent at least 45 days prior to a hearing by the Planning Commission, Board of Zoning Adjustment, or Committee thereof, except for Revised Detailed District Development Plans and Amendment to Detailed Plan Binding Elements that meet the criteria for approval by the Planning Director. This notice requirement shall include notice to the mayor of the City of Bellemeade.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
 - a. The development plan must receive full construction approval from the Kentucky Department of Transportation ~~Louisville Metro Department of Develop Louisville Construction Permit Review and Transportation Planning~~ and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - 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; 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; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
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.

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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 façade elevations shall be in accordance with applicable form district standards ***except for LDC Section 5.6.1.D as waived by DRC on February 3, 2016*** and shall be approved by PDS staff prior to construction permit approval.

Transportation related binding elements:

1. "Main Campus." The "main campus" of the University of Louisville's Shelbyhurst Research & Office Park consists of all contiguous parcels owned by the University of Louisville bounded by Shelbyville Road to the south, the city of Bellemeade generally to the west, A.B. Sawyer Park and Whipps Mill Road generally to the north and northwest, and North Hurstbourne Parkway generally to the east.

2. Main Campus Phase 1. Phase 1 of the Main Campus shall consist of (1) the complete development of ***four hundred thousand (400,000)*** square feet of office space (excluding 500, 600 and 700 North Hurstbourne) within the OR-3 (15DEVPLAN1170, 15DEVPLAN1171 and 15DEVPLAN1172), and (ii) the complete development of C-2 commercial sites 1-8 (15ZONE1024). Unless the Kentucky Transportation Cabinet determines that construction of a single right turn lane from westbound Shelbyville Road to North Whittington Parkway (the "North Whittington Improvement") is not required, construction approvals for Phase 1 shall not be granted until such time as the North Whittington Improvement has been let for construction and bonds have been secured for the Improvement. To the extent not funded or constructed by another source the Applicant shall bear the responsibility of completing the Improvement. Prior to requesting a certificate of occupancy for any building in Main Campus Phase 1, the North Whittington Improvement shall be open to traffic.

The vote was as follows:

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

NO: No one.

NOT PRESENT: Commissioners Tomes and Kirchdorfer.

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ABSTAINING: No one.

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NEW BUSINESS

CASE NO. 15DEVPLAN1171

NOTE: Evidence and Testimony for Cases 15DEVPLAN1170, 15DEVPLAN1171, and 15DEVPLAN1172 were all heard together. Each case was voted on SEPARATELY.

Commissioner Kirchdorfer left the meeting at 3:15 p.m. and did not vote on these cases.

Request:	Detailed District Development Plan with Land Development Code Waivers
Project Name:	Shelbyhurst Research and Office Park
Location:	Hurstbourne Trace Parcel ID 002106120000
Owner:	University of Louisville
Applicant:	University of Louisville Development Company, LLC
Representative:	Glenn Price – Frost Brown Todd
Jurisdiction:	Louisville Metro
Council District:	18 – Marilyn Parker

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:

01:49:16 See testimony for Case No. 15DEVPLAN1170.

The following spoke in favor of this request:

See speakers' list for Case No. 15DEVPLAN1170.

Summary of testimony of those in favor:

01:57:20 See testimony for Case No. 15DEVPLAN1170.

The following spoke in opposition to this request:

See speakers' list for Case No. 15DEVPLAN1170.

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NEW BUSINESS

CASE NO. 15DEVPLAN1171

Summary of testimony of those in opposition:

02:15:06 See testimony for Case No. 15DEVPLAN1170.

Rebuttal

02:19:37 See testimony for Case No. 15DEVPLAN1170.

The following spoke neither for nor against the proposal:

No one spoke.

02:21:00 Commissioners' deliberation

Waiver of Chapter 5.6.1.D of the Rooftop Elevation Design Requirement AND the Detailed District Development Plan

02:25:50 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that there are no environmental constraints on the 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 open space requirements of the Land Development Code are provided for on the subject site; 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

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CASE NO. 15DEVPLAN1171

WHEREAS, the Committee 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 Waiver of Chapter 5.6.1.D of the Rooftop Elevation Design Requirement **AND** the Detailed District Development Plan, **SUBJECT** to the following 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. Notice of all Revised Detailed District Development Plans, Amendment to General Plan Binding Elements, Amendment to Detailed Plan Binding Elements, Conditional Use Permits, Waivers, and Variances shall be sent at least 45 days prior to a hearing by the Planning Commission, Board of Zoning Adjustment, or Committee thereof, except for Revised Detailed District Development Plans and Amendment to Detailed Plan Binding Elements that meet the criteria for approval by the Planning Director. This notice requirement shall include notice to the mayor of the City of Bellemeade.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
 - a. The development plan must receive full construction approval from the Kentucky Department of Transportation ~~Louisville Metro Department of Develop~~ ~~Louisville Construction Permit Review and Transportation Planning~~ and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - 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

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of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

d. 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; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

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 façade elevations shall be in accordance with applicable form district standards ***except for LDC Section 5.6.1.D as waived by DRC on February 3, 2016*** and shall be approved by PDS staff prior to construction permit approval.

Transportation related binding elements:

1. "Main Campus." The "main campus" of the University of Louisville's Shelbyhurst Research & Office Park consists of all contiguous parcels owned by the University of Louisville bounded by Shelbyville Road to the south, the city of Bellemeade generally to the west, A.B. Sawyer Park and Whipps Mill Road generally to the north and northwest, and North Hurstbourne Parkway generally to the east.

2. Main Campus Phase 1. Phase 1 of the Main Campus shall consist of (i) the complete development of ***four hundred thousand (400,000)*** square feet of office space (excluding 500, 600 and 700 North Hurstbourne) within the OR-3 (15DEVPLAN1170, 15DEVPLAN1171 and 15DEVPLAN1172), and (ii) the complete development of C-2 commercial sites 1-8 (15ZONE1024). Unless the Kentucky Transportation Cabinet determines that construction of a single right turn lane from

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westbound Shelbyville Road to North Whittington Parkway (the "North Whittington Improvement") is not required, construction approvals for Phase 1 shall not be granted until such time as the North Whittington Improvement has been let for construction and bonds have been secured for the Improvement. To the extent not funded or constructed by another source the Applicant shall bear the responsibility of completing the Improvement. Prior to requesting a certificate of occupancy for any building in Main Campus Phase 1, the North Whittington Improvement shall be open to traffic.

The vote was as follows:

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

NO: No one.

NOT PRESENT: Commissioners Tomes and Kirchdorfer.

ABSTAINING: No one.

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NEW BUSINESS

CASE NO. 15DEVPLAN1172

NOTE: Evidence and Testimony for Cases 15DEVPLAN1170, 15DEVPLAN1171, and 15DEVPLAN1172 were all heard together. Each case was voted on SEPARATELY.

Commissioner Kirchdorfer left the meeting at 3:15 p.m. and did not vote on these cases.

Request:	Detailed District Development Plan with Land Development Code Waivers
Project Name:	Shelbyhurst Research and Office Park
Location:	950 North Hurstbourne Parkway
Owner:	University of Louisville
Applicant:	University of Louisville Development Company, LLC
Representative:	Glenn Price – Frost Brown Todd
Jurisdiction:	Louisville Metro
Council District:	18 – Marilyn Parker

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:

01:49:16 See testimony for Case No. 15DEVPLAN1170.

The following spoke in favor of this request:

See speakers' list for Case No. 15DEVPLAN1170.

Summary of testimony of those in favor:

01:57:20 See testimony for Case No. 15DEVPLAN1170.

The following spoke in opposition to this request:

See speakers' list for Case No. 15DEVPLAN1170.

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NEW BUSINESS

CASE NO. 15DEVPLAN1172

Summary of testimony of those in opposition:

02:15:06 See testimony for Case No. 15DEVPLAN1170.

Rebuttal

02:19:37 See testimony for Case No. 15DEVPLAN1170.

The following spoke neither for nor against the proposal:

No one spoke.

02:21:00 Commissioners' deliberation

02:28:36 On a motion by Commissioner Brown, seconded by Commissioner Kirchdorfer, the following resolution was adopted:

Waiver of Chapter 5.6.1.D of the Rooftop Elevation Design Requirement AND the Detailed District Development Plan

02:25:50 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that there are no environmental constraints on the 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 open space requirements of the Land Development Code are provided for on the subject site; 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

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CASE NO. 15DEVPLAN1172

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 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 Waiver of Chapter 5.6.1.D of the Rooftop Elevation Design Requirement **AND** the Detailed District Development Plan, **SUBJECT** to the following 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. Notice of all Revised Detailed District Development Plans, Amendment to General Plan Binding Elements, Amendment to Detailed Plan Binding Elements, Conditional Use Permits, Waivers, and Variances shall be sent at least 45 days prior to a hearing by the Planning Commission, Board of Zoning Adjustment, or Committee thereof, except for Revised Detailed District Development Plans and Amendment to Detailed Plan Binding Elements that meet the criteria for approval by the Planning Director. This notice requirement shall include notice to the mayor of the City of Bellemeade.

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

a. The development plan must receive full construction approval from the Kentucky Department of Transportation ~~Louisville Metro Department of Develop Louisville Construction Permit Review and Transportation Planning~~ and the Metropolitan Sewer District.

b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a

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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; 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; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

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 façade elevations shall be in accordance with applicable form district standards ***except for LDC Section 5.6.1.D as waived by DRC on February 3, 2016*** and shall be approved by PDS staff prior to construction permit approval.

Transportation related binding elements:

1. "Main Campus." The "main campus" of the University of Louisville's Shelbyhurst Research & Office Park consists of all contiguous parcels owned by the University of Louisville bounded by Shelbyville Road to the south, the city of Bellemeade generally to the west, A.B. Sawyer Park and Whipps Mill Road generally to the north and northwest, and North Hurstbourne Parkway generally to the east.

2. Main Campus Phase 1. Phase 1 of the Main Campus shall consist of (1) the complete development of ***four hundred thousand (400,000)*** square feet of office

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NEW BUSINESS

CASE NO. 15DEVPLAN1172

space (excluding 500, 600 and 700 North Hurstbourne) within the OR-3 (15DEVPLAN1170, 15DEVPLAN1171 and 15DEVPLAN1172), and *(ii)* the complete development of C-2 commercial sites 1-8 (15ZONE1024). Unless the Kentucky Transportation Cabinet determines that construction of a single right turn lane from westbound Shelbyville Road to North Whittington Parkway (the "North Whittington Improvement") is not required, construction approvals for Phase 1 shall not be granted until such time as the North Whittington Improvement has been let for construction and bonds have been secured for the Improvement. To the extent not funded or constructed by another source the Applicant shall bear the responsibility of completing the Improvement. Prior to requesting a certificate of occupancy for any building in Main Campus Phase 1, the North Whittington Improvement shall be open to traffic.

The vote was as follows:

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

NO: No one.

NOT PRESENT: Commissioners Tomes and Kirchdorfer.

ABSTAINING: No one.

DEVELOPMENT REVIEW COMMITTEE

February 3, 2016

NEW BUSINESS

CASE NO. 15WAIVER1041

Request:	Sign Waivers
Project Name:	Walmart Signs
Location:	2020 Bashford Manor Lane
Owner:	Walmart
Applicant:	Brittany Lewis – Harrison French & Associates
Representative:	Brittany Lewis
Jurisdiction:	West Buechel
Council District:	10 – Patrick Mulvihill

Case Manager: **Laura Mattingly-Humphrey, Planner I**

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

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

Agency Testimony:

02:19:14 Laura Mattingly-Humphrey presented the case and showed sign plans and elevations (see staff report and recording for detailed presentation.)

The following spoke in favor of this request:

No one signed in to speak.

The following spoke in opposition to this request:

No one spoke.

The following spoke neither for nor against the proposal:

No one spoke.

02:35:25 Commissioners' deliberation

Waiver #1

02:36:04 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted:

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NEW BUSINESS

CASE NO. 15WAIVER1041

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners along the front facade as the proposed sign changes are attached to the front facade of the building, which is set back from the residential properties nearly 500 linear feet and separated by Bashford Manor Lane, parking and landscaping; and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 3, policy 28 calls for signs that are compatible with the form district pattern and contribute to the visual quality of their surroundings. The waiver will not violate the comprehensive plan as the proposed signage is a similar to the existing signage and is consistent to the type of signage seen throughout the Suburban Marketplace Corridor form district; and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the additional signage is necessary to identify the location of services offered within the building; 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 land or create an unnecessary hardship as the proposed signage is similar to the existing signage; and is necessary to identify the location of services offered within the building; and

WHEREAS, the Committee 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 **RECOMMEND** to the City of West Buechel that the requested Waiver of Chapter 8.3, Table 8.3.2 of the Land Development Code (LDC) to allow more than 3 signs along the primary façade be **APPROVED** on condition that a variance be obtained for the overall signage square footage on the primary façade.

The vote was as follows:

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

NO: No one.

NOT PRESENT: Commissioners Tomes and Kirchdorfer.

ABSTAINING: No one.

DEVELOPMENT REVIEW COMMITTEE

February 3, 2016

NEW BUSINESS

CASE NO. 15WAIVER1041

Waiver #2

02:36:43 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 waiver will not adversely affect adjacent property owners as the proposal is to decrease the amount of signage along the west façade; and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 3, policy 28 calls for signs that are compatible with the form district pattern and contribute to the visual quality of their surroundings. The waiver will not violate the comprehensive plan as the proposed signage is a similar to the existing signage and is consistent to the type of signage seen throughout the Suburban Marketplace Corridor form district; 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 they are decreasing the number of signs and the additional signage is necessary to identify the location of services offered within the building; 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 land or create an unnecessary hardship as the proposed signage is similar to the existing signage; is necessary to identify the location of services offered within the building; and the proposal is for less signs than what currently exists; and

WHEREAS, the Committee 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 **RECOMMEND** to the City of West Buechel that the requested Waiver of Chapter 8.3, Table 8.3.2 of the Land Development Code (LDC) to allow more than 3 signs along the west façade be **APPROVED**.

The vote was as follows:

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

NO: No one.

NOT PRESENT: Commissioners Tomes and Kirchdorfer.

ABSTAINING: No one.

DEVELOPMENT REVIEW COMMITTEE

February 3, 2016

NEW BUSINESS

CASE NO. 15DEVPLAN1191

Request:	Category 3 Development Plan
Project Name:	Habitat for Humanity House
Location:	218 N. 37 th Street
Owner:	Habitat for Humanity of Louisville Metro
Applicant:	Habitat for Humanity of Louisville Metro
Representative:	Kelsey Giauque
Jurisdiction:	Louisville Metro
Council District:	5 – Cheri Bryant Hamilton

Case Manager: Laura Mattingly-Humphrey, Planner I

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

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

Agency Testimony:

02:37:07 Laura Mattingly-Humphrey presented the case and showed the plan (see staff report and recording for detailed presentation.) She said Metro Public Works did stamp the plan on condition that an “apron” (ROW) be removed.

The following spoke in favor of this request:

No one signed in to speak.

The following spoke in opposition to this request:

Teresa Perry, 221 N. 37th Street, Louisville, KY 40211

Summary of testimony of those in opposition:

02:40:14 Teresa Perry discussed parking and drainage issues. She objected to the removal of the off-street parking for this proposal and said that would make parking problems worse.

02:45:40 Commissioner Brown addressed Ms. Perry’s concerns. He said that the house cannot be set back another five feet, and the current driveway is not long enough to park a car without obstructing the sidewalk.

DEVELOPMENT REVIEW COMMITTEE

February 3, 2016

NEW BUSINESS

CASE NO. 15DEVPLAN1191

The following spoke neither for nor against the proposal:

No one spoke.

02:48:17 Ms. Perry discussed signs and other methods to try to control speeders and parking. She said the street should have been widened years ago, and that a driveway would increase safety for the residents. She said the lot is not wide enough for what is being planned.

02:53:19 On a motion by Commissioner Blake, seconded by Commissioner Peterson, the following resolution was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites and being met. One tree sits on the front of the property and will be trimmed during the construction process. The proposal is also adding one Type A tree, as is required in the Land Development Code 5.4.1.A.2.a. There are no other natural resources to preserve on site; and

WHEREAS, the Committee further finds that the provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community are met. There is an existing sidewalk and the owners propose to park on the street. Public works has approved this plan without a proposed driveway or parking area; and

WHEREAS, the Committee further finds that open space is not required for this proposal; and

WHEREAS, the Committee further finds that adequate drainage facilities on the subject site have been reviewed and approved by MSD; and

WHEREAS, the Committee further finds that the compatibility of the overall site design and land use follow the projected future development of the area as it is infill development and compatible with surrounding uses; and

WHEREAS, the Committee further finds that the development plan conforms to all Land Development Code requirements and therefore follows the guidelines of Cornerstone 2020. The proposal meets all applicable Cornerstone 2020 guidelines for Residential, Traditional Neighborhood proposals, except for Guideline 1, Element B.2 which call for

DEVELOPMENT REVIEW COMMITTEE

February 3, 2016

NEW BUSINESS

CASE NO. 15DEVPLAN1191

preservation and adaptive re-use of existing buildings. This exception is justified by the fact that the existing home was deteriorating beyond the point of restoration; and

WHEREAS, the Committee 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 Category 3 Development Plan.

The vote was as follows:

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

NO: No one.

NOT PRESENT: Commissioners Tomes and Kirchdorfer.

ABSTAINING: No one.

DEVELOPMENT REVIEW COMMITTEE

February 3, 2016

NEW BUSINESS

CASE NO. 16DEVPLAN1004

***NOTE: Commissioner Brown left the meeting at 4:00 p.m. and did not hear or vote on this or the remaining cases.**

Request:	Category 3 Development Plan
Project Name:	Habitat for Humanity House
Location:	504 N. 34 th Street
Owner:	Habitat for Humanity of Louisville Metro
Applicant:	Habitat for Humanity of Louisville Metro
Representative:	Kelsey Giauque
Jurisdiction:	Louisville Metro
Council District:	5 – Cheri Bryant Hamilton

Case Manager: Laura Mattingly-Humphrey, Planner I

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

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

Agency Testimony:

02:54:07 Laura Mattingly-Humphrey asked to strike the waiver request from the staff report - it was discovered that the waiver is not needed. The request is now only for the Category 3 Development Plan. Ms. Mattingly-Humphrey then presented the case and showed the site plan (see staff report and recording for detailed presentation.)

The following spoke in favor of this request:

No one spoke.

The following spoke in opposition to this request:

No one spoke.

The following spoke neither for nor against the proposal:

No one spoke.

02:56:40 On a motion by Commissioner Blake, seconded by Commissioner Peterson, the following resolution was adopted:

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NEW BUSINESS

CASE NO. 16DEVPLAN1004

WHEREAS, the Louisville Metro Development Review Committee finds that existing trees at the rear of the site will be preserved; and

WHEREAS, the Committee further finds that the provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community are met. This single family home will be accessed from the alley and will not be impacting traffic in the neighborhood significantly; and

WHEREAS, the Committee further finds that open space is not required for this proposal; and

WHEREAS, the Committee further finds that adequate drainage facilities on the subject site have been reviewed and approved by MSD; and

WHEREAS, the Committee further finds that the compatibility of the overall site design and land use follow the projected future development of the area as it is infill development and compatible with surrounding uses; and

WHEREAS, the Committee 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 Category 3 Development Plan.

The vote was as follows:

YES: Commissioners Peterson, White, and Blake.

NO: No one.

NOT PRESENT: Commissioners Tomes, Kirchdorfer, and Brown.

ABSTAINING: No one.

DEVELOPMENT REVIEW COMMITTEE

February 3, 2016

NEW BUSINESS

CASE NO. 15MINORPLAT1057

Request:	Substandard Minor Subdivision Plat in Traditional Neighborhood for district to create two tracts from one
Project Name:	Two L Properties, LLC
Location:	1662 W. Kentucky Street
Owner:	Two L Properties, LLC
Applicant:	Two L. Properties, LLC
Representative:	Bert M. Edwards
Jurisdiction:	Louisville Metro
Council District:	6 – David James

Case Manager: **Joel P. Dock, Planner I**

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

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

Agency Testimony:

02:57:50 Joel Dock presented the case and showed the site plan (see staff report and recording for detailed presentation.) He added that the variance requests will be heard by the Board of Zoning Adjustment (BOZA) on February 15, 2016.

The following spoke in favor of this request:

Bert M. Edwards, 119 South 7th Street, Louisville, KY 40202

Summary of testimony of those in favor:

03:02:34 Bert Edwards presented the applicant's case (see recording for detailed presentation.)

The following spoke in opposition to this request:

No one spoke.

The following spoke neither for nor against the proposal:

No one spoke.

DEVELOPMENT REVIEW COMMITTEE

February 3, 2016

NEW BUSINESS

CASE NO. 15MINORPLAT1057

03:04:05 Commissioners' deliberation

03:07:33 On a motion by Commissioner Peterson, seconded by Commissioner Blake, the following resolution was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the foremost request is to create two single-family lots and homes for sale or rent and to be either owner-occupied or renter-occupied, as opposed to the existing status as a single multi-family lot with two multi-family units; and

WHEREAS, the Committee further finds that the proposal will promote the public health, safety, or welfare by facilitating development or rehabilitation compatible with the surrounding neighborhood as it creates options for both sale or rent and for the parcels to be either owner-occupied or renter-occupied; and

WHEREAS, the Committee 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 substandard Minor Subdivision in a Traditional Neighborhood form district in accordance with LDC 7.1.85.

The vote was as follows:

YES: Commissioners Peterson, White, and Blake.

NO: No one.

NOT PRESENT: Commissioners Tomes, Kirchdorfer, and Brown.

ABSTAINING: No one.

DEVELOPMENT REVIEW COMMITTEE

February 3, 2016

NEW BUSINESS

CASE NO. 15MINORPLAT1147

Request:	Waiver of LDC 7.80.6.B.4 to allow individual single-family driveway access to collector level roadway
Project Name:	Oppel Minor Plat
Location:	5602 Chenoweth Run Road
Owner:	Mark and Susan Oppel
Applicant:	Mark and Susan Oppel
Representative:	Kathy Matheny – Cardinal Surveying
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson

Case Manager: **Joel P. Dock, Planner I**

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

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

Agency Testimony:

03:08:15 Joel Dock presented the case and showed the site plan (see staff report and recording for detailed presentation.)

The following spoke in favor of this request:

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

Mark and Susan Oppel, 5602 Chenoweth Run Road, Louisville, KY 40299 (signed in but did not speak)

Summary of testimony of those in favor:

03:14:30 Kathy Matheny, the applicant's representative, presented the applicant's case (see recording for detailed presentation.)

The following spoke in opposition to this request:

No one spoke.

The following spoke neither for nor against the proposal:

No one spoke.

DEVELOPMENT REVIEW COMMITTEE

February 3, 2016

NEW BUSINESS

CASE NO. 15MINORPLAT1147

03:16:50 Commissioners' deliberation

03:17:56 On a motion by Commissioner Blake, 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 the proposed driveway will serve a single-family residence and traffic will be the minimum necessary to serve the residence; and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 3, Policy A.6 strives to mitigate adverse impacts of traffic from proposed development on nearby existing communities. The waiver will not violate specific guidelines of Cornerstone 2020 as the proposed driveway will serve a single-family residence and traffic will be the minimum necessary to serve the residence. The community abutting Chenoweth Run is currently a low- density community; and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the existing driveway serving Tract 1 is located so that it is not feasible to create a shared driveway easement between the two lots; 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 as the applicant/property owner has engaged in a contract to sell the home only and retain the land for future use or sale. LDC 7.8.60.B.4 prohibits Planning Commission staff from approving the minor subdivision, unless a waiver is granted. Furthermore, the existing driveway serving Tract 1 is located so that it is not feasible to create a shared driveway easement between the two lots; and

WHEREAS, the Committee 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 Waiver of Land Development Code (LDC) section 7.80.6.B.4 to allow individual single- family driveway access to a collector level roadway.

DEVELOPMENT REVIEW COMMITTEE
February 3, 2016

NEW BUSINESS

CASE NO. 15MINORPLAT1147

The vote was as follows:

YES: Commissioners Peterson, White, and Blake.

NO: No one.

NOT PRESENT: Commissioners Tomes, Kirchdorfer, and Brown.

ABSTAINING: No one.

DEVELOPMENT REVIEW COMMITTEE
February 3, 2016

ADJOURNMENT

The meeting adjourned at approximately 4:25 p.m.

Chair

Planning Director