

**MINUTES OF THE MEETING
OF THE
DEVELOPMENT REVIEW COMMITTEE
December 14, 2016**

A meeting of the Development Review Committee was held on December 14, 2016, 1:00 p.m. in the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Committee Members present were:

David Tomes, Chairman
Richard Carlson, Vice Chairman
Jeff Brown
Emma Smith
Robert Kirchdorfer

Staff Members present were:

Joe Reverman, Assistant Director
Brian Davis, Planning and Design Manager
Laura Mattingly, Planner I
Dante St. Germain, Planner I
Jay Lockett, Planner I
Ross Allen, Planner I
John Carroll, Legal Counsel
Tammy Markert, Transportation Planning Coordinator
Pamela M. Brashear, Management Assistant

The following matters were considered:

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APPROVAL OF MINUTES

NOVEMBER 30, 2016 DRC MEETING MINUTES

On a motion by Commissioner Carlson, 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 November 30, 2016.

The vote was as follows:

YES: Commissioners Brown, Carlson and Tomes

ABSTAINING: Commissioners Kirchdorfer and Smith

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NEW BUSINESS

CASE NO. 16WAIVER1050

Case No:	Waiver of LDC 8.2.1.A to allow internally illuminated signs in a transition zone to have translucent backgrounds
Project Name:	Speedway – Poplar Level Road
Location:	4563 Poplar Level Road
Owner:	Speedway, LLC
Applicant:	McBride Dale Clarion
Zoning/Form District:	Robert Sweet
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
Case Manager:	Dante St. Germain, 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.)

Agency Testimony:

00:03:45 Ms. St. Germain discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Rob Sweet, McBride Dale Clarion, 5721 Dragon Way, Suite 300, Cincinnati, Ohio 45227

Summary of testimony of those in favor:

00:09:13 Mr. Sweet stated the signs will have standard background panels. The general character of the area is industrial. The dimmers will work from dusk until dawn (less than 2 foot candles).

Deliberation

00:15:40 Development Review Committee deliberation.

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.

On a motion by Commissioner Carlson, seconded by Commissioner Smith, the following resolution was adopted.

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NEW BUSINESS

CASE NO. 16WAIVER1050

Waiver from the Land Development Code section 8.2.1.A to allow internally-illuminated on-premises signs within a transition zone adjacent to the Neighborhood form district to have backgrounds that are not opaque

WHEREAS, The waiver will not adversely affect adjacent property owners as the signs will be aligned in a perpendicular orientation to the residential properties, minimizing the amount of light from the signs that is visible to the residences. They will also be equipped with dimmers to reduce illumination at night and during low-light conditions; and

WHEREAS, The waiver will not violate specific guidelines of Cornerstone 2020 as Cornerstone 2020 describes the Suburban Workplace Form as characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting. The proposed commercial truck fuel center and the signage associated with it are compatible with this form district.

Guideline 3. Compatibility requires land uses and transportation facilities to be compatible with nearby land uses and to minimize impacts to residential areas.

Guideline 3.A.28.Signs requires signs to be compatible with the form district pattern and contribute to the visual quality of their surroundings, and to be of a size and height adequate for effective communication and conducive to motor vehicle safety.

These guidelines are not violated because the signs are compatible with a major arterial road in the Suburban Workplace form district and visibility to the affected residential properties will be minimized; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the applicant needs adequate signage to separate commercial truck traffic from private automobile traffic and direct each type of traffic to the appropriate fuel center; and

WHEREAS, the Louisville Metro Development Review Committee further finds the applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived by proposing a dimming mechanism on each sign linked to a photocell, which will reduce the illumination of the signs at night and during low-light conditions. This will minimize the amount of light that leaves the property.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 16WAIVER1050, a waiver from the Land Development Code section 8.2.1.A to allow internally-illuminated on-premises signs within a transition zone

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CASE NO. 16WAIVER1050

adjacent to the Neighborhood form district to have backgrounds that are not opaque based on the staff report, information heard today and **ADOPT** the staff's analysis as the findings for approving the waiver.

The vote was as follows:

YES: Commissioners Brown, Carlson, Kirchdorfer, Smith and Tomes

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NEW BUSINESS

CASE NO. 16MOD1011

Case No:	16MOD1011
Project Name:	8225 Shelbyville Road Binding Element
Location:	8225 Shelbyville Road
Owner:	John A Pirtle
Representative:	Stephen Macfarlane
Project Area/Size:	0.18 acres
Existing Zoning District:	OR-1, Office Residential
Existing Form District:	N, Neighborhood
Jurisdiction:	City of Lyndon
Council District:	18– Marilyn Parker
Case Manager:	Jay Luckett, 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.)

Agency Testimony:

00:17:54 Mr. Luckett discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Stephen Macfarlane, Derby City Sign and Electric, Inc., 1427 Hugh Avenue, Louisville, Ky. 40213

Summary of testimony of those in favor:

00:23:37 Mr. Macfarlane stated that the overall height will be 7 feet 7 ½ inches. There will be no dimmer. The sign will turn on when it gets dark. The sign is consistent with other businesses in the area.

Deliberation

00:24:52 Development Review Committee deliberation.

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.

On a motion by Commissioner Carlson, seconded by Commissioner Smith, the following resolution was adopted.

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CASE NO. 16MOD1011

WHEREAS, There does not appear to be any environmental constraints or historic resources on the subject site; and

WHEREAS, Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided. The proposed sign does not restrict visibility or movement of vehicular or pedestrian traffic; and

WHEREAS, Provisions for open space are not a requirement of this request; and

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

WHEREAS, the Louisville Metro Development Review Committee finds the design of the sign is compatible with the existing signage of the area which ranges from small freestanding signs to monument and columnar styles of varying sizes and material; and

WHEREAS, the Louisville Metro Development Review Committee further finds the proposal complies with the applicable guidelines of the Comprehensive Plan and Land Development Code, specifically Chapter 8 of the Land Development Code as adopted by the City Lyndon.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **RECOMMEND**, to the city of Lyndon, **APPROVAL** of Case No. 16MOD1011, amendment to binding element number 8 to read as follows: The only permitting free standing sign shall not exceed 46 square feet in area and 7 feet 7 ½ inches in height based on the staff report, information heard today and **ADOPT** staff's review as the reasons for granting the proposal.

The vote was as follows:

YES: Commissioners Brown, Carlson, Kirchdorfer, Smith and Tomes

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NEW BUSINESS

CASE NO. 16DEVPLAN1182

Case No: 16DEVPLAN1182/16SUBDIV1012
Project Name: Signature Point/Cool Springs
Location: 1111 Rose Hill Lane
Owner(s): PBI Bank, Inc.; Signature Point Development, LLC
Applicant: Elite Homes, Inc.
Representative(s): Bardenwerper, Talbott and Roberts, PLLC – Bill
Bardenwerper
Project Area/Size: 88.5 acres
Existing Zoning District: R-5A, R-6 and PRD
Existing Form District: N, Neighborhood
Jurisdiction: Louisville Metro
Council District: 20 – Stuart Benson
Case Manager: Joel P. Dock, Planner I
Presented by: Brian Davis, AICP, Planning Manager

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.)

Agency Testimony:

00:26:17 Mr. Davis discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Bill Bardenwerper, Bardenwerper, Talbott and Roberts, PLLC, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223
Kevin Young, Land Design and Development, 503 Washburn Avenue, Louisville, Ky. 40222

Summary of testimony of those in favor:

00:30:04 Mr. Bardenwerper gave a power point presentation and stated there's a good mix of uses in the community. The project has been reduced in intensity and number of units (718-466).

00:41:15 Mr. Young continued the power point presentation explaining the changes. The 3 signature entrances will be similar to maintain the continuity of the 3 projects. The buffering is sufficient and it's a good re-design for the property.

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NEW BUSINESS

CASE NO. 16DEVPLAN1182

00:45:25 Mr. Bardenwerper and Mr. Davis stated the changes of the binding elements into the record: Binding element number 15 – insert today's date; Binding element number 24 – All new street name signs which shall comply with the Manual on Uniform Traffic Control Devices (MUTCD). The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.

Deliberation

00:47:31 Development Review Committee deliberation.

00:48:46 Mr. Reverman remarked, "The Planning Commission has the authority to enforce binding elements whereas, if you're relying only on the standard development code regulations, enforcement doesn't always come back to the Planning Commission."

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.

Revised Detailed District Development Plan and a Revised General District Development/Major Preliminary Subdivision Plan

00:50:27

On a motion by Commissioner Carlson, seconded by Commissioner Smith, the following resolution was adopted.

WHEREAS, Soil erosion and sedimentation control plan will be implemented as recommended by MSD and USDA Soil Conservation Service. No additional natural resources appeared to be present on the subject site. Tree canopy will be provided as required by the Land Development Code; and

WHEREAS, Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided. An interconnected system of public walks and open space will allow for the safe movement of pedestrians throughout the development and provide outdoor recreation. The subject site contains both public and private roads. A perpetual easement of record in DB 10183, PG 535 allows for the movement of vehicles and pedestrians across all tracts shown on the development plan. Connection to the public walk will be provided and sidewalks will be completed across the frontage; and

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WHEREAS, Open space is being provided in excess of the minimum requirements of the Land Development Code. Proposed walks, dog parks, and pools will provide recreational opportunities within the development; and

WHEREAS, 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 Louisville Metro Development Review Committee finds the overall site design and land uses are compatible with the surrounding area. The subject site abuts a school and is adjacent to a mixture of single-family and multi-family developments. The development provides a variety of housing types and options for potential residents within proximity to nearby commercial services and public parks; and

WHEREAS, the Louisville Metro Development Review Committee further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan as Guideline 3, Policies 1, 3, 10, & 11 encourage that all new residential development having a mixture of densities be compatible with the surrounding area, provide a variety of housing options, and be appropriately located along transit corridors. The proposed development will provide a variety of housing types and options for both renters and potential home-owners within a connected community along a collector level roadway.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 16DEVPLAN1182/16SUBDIV1012, the Revised Detailed District Development Plan and Revised Major Preliminary Subdivision Plan based on the staff report, information heard today and **ADOPT** staff's analysis as the reasons for approval, along with the binding elements shown in the staff report, noting that binding element 15 will be changed to add today's date and binding element 24 will be changed to add language that the street signs will be compliant with the Manual on Uniform Traffic Control Devices (MUTCD) as used in similar cases, **SUBJECT** to the following Binding Elements:

Binding Elements

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes/additions/alterations of any binding element(s) shall be submitted to

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the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.

2. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
3. Unless approved by the Planning Commission, the number of single-family lots shall not exceed 178 lots at a gross density of 4.1 dwelling units per acre; the total number of multi-family/apartment units on Tract 1 shall not exceed 288 units at a density of 17.25 dwelling units per acre; the number of multi-family/condominium units on Tract 4 shall not exceed 20 units at a density of 5.7 dwelling units per acre; and all areas labeled as open space shall remain undeveloped.
4. The signature entrance shall be submitted to the Planning Commission staff for review and approval prior to recording the record plat.
5. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.
6. Outdoor lighting in driving areas and parking lot illumination shall be either standard residential coach style lighting or of a type that directs light down and away from surrounding residential properties, which later type lighting fixtures shall have a 90-degree cutoff and height of the light standard shall be set so that no light source is visible from residential areas off-site. Building mounted fixtures shall be similar coach lamp style or porch lights with no wattage in excess of 75 watts. Light levels due to lighting on the subject site shall not exceed 0.5-foot candles measures at the property line. The applicant shall obtain certification by a qualified expert in measurement of lighting levels prior to requesting a certificate of occupancy. Such certification shall be maintained on site at all times thereafter.
7. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.

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8. A Tree Preservation Plan (TPP) shall be approved by Planning Commission staff prior to transmittal to the office responsible for permit issuance. No clearing and/or grading activities may take place until a Tree Preservation Plan has been approved. The Tree Preservation Plan shall identify and submit for approval by designated DPDS staff, a plan showing the location of 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 DPDS.
9. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - 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 record plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
10. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
11. 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.

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12. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
13. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.
14. The dumpster/compactor(s) shall not be emptied between the hours of 10 p.m. and 7 a.m.
15. The materials and design of proposed structures shall be substantially the same as depicted in the photos/rendering as presented at the December 14, 2016 Development Review Committee hearing.
16. A 75-foot building setback shall be provided along S. English Station Road. No structures, except for approved signature entrances shall be permitted.
17. The developer shall, at its expense, construct a 7-foot chain link fence with black vinyl coating with a variety of deciduous and evergreen trees planted along this fence line on 10-foot centers along the entire property line common to Christian Academy of Louisville property. The fence shall be constructed at the earliest of the following times: (A) before construction begins on the buildings along the north line of the subject property; or (B) one year after site work begins anywhere on the subject property. The fence shall be perpetually maintained by the developer or its successor (Condominium Council, Homeowner Association, etc.).
18. Construction fencing at least 6 feet tall shall be erected at the developer's expense along the entire common property line with Christian Academy of Louisville before any site work or construction work begins on the subject property. That fence shall be maintained thereafter by the developer until the fence described in the Binding Element No. 17 is constructed.

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19. Developer shall reserve for Kentucky Department of Transportation acquisition up until December 31, 2007 the undeveloped land shown on the District Development Plan as presented at the October 17, 2002 Planning Commission meeting. Developer shall not file for any development plan approval, and KDOT shall have the right, but not the obligation, to acquire said land, Developer stating its intention in these signed binding elements to reach an agreed upon price with KDOT for the land, said land being further reserved in accordance with the District Development Plan by the developer for future KDOT improvements in the I-64/I-265 interchange.
20. Developer shall provide detention on site unless MSD decides that detention is not necessary or agrees to accept payment of the regional facility fee in lieu of detention or unless detention can be provided and reserved on future KDOT right-of-way as approved by MSD and KDOT.
21. Before this Developer seeks a certificate of occupancy for its first building, if the road improvements previously required in Docket 9-28-01 and 9-20-01LW have not been made along U.S. 60 and South English Station Road as required by those two projects, then this Developer shall be responsible for making those South English Station Road and U.S. 60 road improvements, if any yet to be made. Provided, however, that the Planning Commission shall use its best efforts (with the assistance of the Public Works Department) to assist this Developer in obtaining reimbursement from the developers of the referenced projects for the costs of the road improvements previously imposed upon the developers in the referenced cases, prior to Public Works approval of construction plans for either of those two projects. Such improvements shall be made prior to issuance of the first certificate of occupancy.
22. In addition to the third (center turn) lane across the frontage of the development which this Developer is obligated to construct by virtue of a note on the approved district development plan, Developer shall also be responsible for constructing the third (center turn) lane from its property line north (in front of Christian Academy) along South English Station Road to the point along South English Station Road where the two lanes become three lanes in front of the Landis Lakes subdivision. Said improvements shall be completed prior to requesting the first certificate of occupancy for the development.
23. A noise study and mitigation measures, if any, as identified by the study shall be required prior to building permits for any residential structure within 250 feet of driving lanes along I-64 or I-265.

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24. All new street name signs which shall comply with the Manual on Uniform Traffic Control Devices (MUTCD). The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
25. 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.
26. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission:
 - a. Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the 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, maintenance of noise barriers, maintenance of WPAs, TPAs) and other issues required by these binding elements / conditions of approval.
 - c. Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.

The vote was as follows:

YES: Commissioners Brown, Carlson, Kirchdorfer, Smith and Tomes

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NEW BUSINESS

CASE NO. 16DEVPLAN1196

Request: Revised General/Detailed District Development Plan (This case will not be heard. It will be continued to a future hearing date)

Project Name: LINAK Expansion

Location: 11710 La Grange Road

Owner: Stanflo Properties, LLC

Applicant: LINAK US, Inc.

Representative: Mindel, Scott and Associates

Jurisdiction: Louisville Metro

Council District: 20 – Stuart Benson

Case Manager: Joel Dock, Planner I

Presented by: Brian Davis, AICP, Planning Manager

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.)

Agency Testimony:

00:52:32 Mr. Davis stated that the applicant requests continuing this case to the December 22, 2016 LD&T meeting. Staff will also need a plan submitted in a timely manner.

The following spoke in favor of this request:

Kent Gootee, Mindel, Scott and Associates, 5151 Jefferson Boulevard, Suite 101, Louisville, Ky. 40219

Summary of testimony of those in favor:

00:53:08 Mr. Gootee said they're working with KYTC on an alternate entrance.

Deliberation

00:53:56 Development Review Committee deliberation.

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.

On a motion by Commissioner Carlson, seconded by Commissioner Kirchdorfer, the following resolution was adopted.

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CASE NO. 16DEVPLAN1196

RESOLVED, that the Louisville Metro Development Review Committee does hereby **CONTINUE** Case No. 16DEVPLAN1196 to the December 22, 2016 LD&T meeting.

The vote was as follows:

YES: Commissioners Brown, Carlson, Kirchdorfer, Smith and Tomes

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NEW BUSINESS

CASE NO. 16DEVPLAN1200

Case No: 16DEVPLAN1200
Project Name: MainSource Bank
Location: 2300 High Wickham Place
Owner(s): CHOP Partners II, LLC
Applicant: MainSource Bank – Joe Stirn
Representative(s): Mindel, Scott and Associates – Kathy Linares
Project Area/Size: 0.96 acres
Existing Zoning District: C-1, Commercial
Existing Form District: N, Neighborhood
Jurisdiction: Louisville Metro
Council District: 19 – Julie Denton
Case Manager: Joel P. Dock, Planner I
Presented by: Brian Davis, AICP, Planning Manager

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.)

Agency Testimony:

00:54:43 Mr. Davis discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Kathy Linares, Mindel, Scott and Associates, 5151 Jefferson Boulevard, Suite 101, Louisville, Ky. 40219

Summary of testimony of those in favor:

00:58:19 Ms. Linares gave a power point presentation. The original plan showed encroachment into the buffer. Also, a waiver is needed for an existing encroaching utility easement. Other businesses are encroaching as well.

Deliberation

01:02:31 Development Review Committee deliberation.

01:03:12 Ms. Linares discussed binding element questions with Mr. Dock – wants binding element 12 removed and binding element 13 – if listing the lots, identify them with case number 8735.

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CASE NO. 16DEVPLAN1200

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.

On a motion by Commissioner Carlson, seconded by Commissioner Smith, the following resolution was adopted.

Waiver of LDC, section 10.3.5.A.1 for encroachment into 30' parkway buffer

WHEREAS, The waiver will not adversely affect adjacent property owners as the development is in an area of planned mixed commercial and office development of similar design, orientation, and setback. Landscaping will be provided in the remainder of the buffer; and

WHEREAS, Guideline 3, policy 9 of Cornerstone 2020 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 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. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. 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 waiver will not violate specific guidelines of Cornerstone 2020 as the proposed development is in an area of planned mixed commercial and office development of similar design, orientation, and setback. Pedestrian pathways and landscaping will be provided in an attractive manner along roadway corridors; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the proposed development is similar in character with the previously approved development

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plan, as well as the findings of the Planning Commission in case 8735 which specified that the overall landscaping will meet the intent of the landscaping regulations; and

WHEREAS, the Louisville Metro Development Review Committee further finds the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as the requested waiver allows the subject site to have proper integration of vehicular maneuvering and internal landscaping.

Waiver of LDC, section 10.2.4.B to allow 50% overlap of landscape buffer and utility easement

WHEREAS, The waiver will not adversely affect adjacent property owners as the development is in an area of planned mixed commercial and office development of similar design, orientation, and setback; and

WHEREAS, Guideline 3, policy 9 of Cornerstone 2020 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 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. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. 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 waiver will not violate specific guidelines of Cornerstone 2020 as the proposed development is in an area of planned mixed commercial and office development of similar design, orientation, and setback. The waiver of this requirement will not preclude the planting of required landscaping in the area of the easement; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the

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NEW BUSINESS

CASE NO. 16DEVPLAN1200

proposed development is similar in character with the previously approved development plan, as well as the findings of the Planning Commission in case 8735 which specified that the overall landscaping will meet the intent of the landscaping regulations; and

WHEREAS, the Louisville Metro Development Review Committee further finds the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as the requested waiver allows the subject site to have proper integration of vehicular maneuvering and internal landscaping. A waiver has been requested to reduce the 30' parkway buffer to the remaining 15' which occupies the utility easement. The waiver of this requirement will not preclude the planting of required landscaping in the area of the easement.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 16DEVPLAN1200, a landscape waiver of section 10.3.5.A.1 for encroachment into 30 foot parkway buffer and section 10.2.4.B to allow 50% overlap of landscape buffer and utility easement based on the staff report, information heard today and **ADOPT** the staff's analysis as the reasons for granting the waivers.

The vote was as follows:

YES: Commissioners Brown, Carlson, Kirchdorfer, Smith and Tomes

Detailed District Development Plan

On a motion by Commissioner Carlson, seconded by Commissioner Smith, the following resolution was adopted.

WHEREAS, There does not appear to be any environmental constraints or historic resources on the subject site. Tree preservation will be provided as required by the Land Development Code; and

WHEREAS, Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided. Connection to adjacent sites and the sidewalk along the frontage will be provided; and

WHEREAS, Open space is not required for the proposed development. A meandering pedestrian walk will be provided to allow recreational use along the frontage from the subject site; and

WHEREAS, The Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions of adequate drainage facilities on the subject site in

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order to prevent drainage problems from occurring on the subject site or within the community; and

WHEREAS, the Louisville Metro Development Review Committee finds the overall site design and land uses are compatible with the existing and future development of the area as the proposed bank provides a needed financial service and sufficient parking and pedestrian design has been provided which mirrors the surrounding area; and

WHEREAS, the Louisville Metro Development Review Committee further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan as Guideline 2, Policies 3 & 5 encourage the location of mixture of commercial uses in activity centers with sufficient population to support the use. The proposed bank provides financial services to nearby neighborhoods in an activity center surrounded by developing office and commercial property.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 16DEVPLAN1200, the Detailed District Development Plan for a proposed 3,520 square foot bank with binding elements as shown on pages 9 and 10 of the staff report based on the staff report, information heard today and **ADOPT** the staff's analysis as the reasons for approving the DDDP, **SUBJECT** to the following Binding Elements:

Binding Elements for Lot 10A (Bank)

1. The development shall be in accordance with the approved district development plan and binding elements unless amended pursuant to the Land Development Code. Modifications to the binding element(s) shall be submitted to the Planning Commission or its designee for review and approval; any modifications not so referred shall not be valid.
2. The square footage of the development shall not exceed 5,520 square feet of gross floor area.
3. Signs shall be in accordance with Chapter 8 of the LDC.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall

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remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.

6. Prior to issuance of a permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit):
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer shall obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A cross access agreement to run with the land and in a form acceptable to Planning Commission legal counsel shall be recorded prior to construction approval.
7. 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.
8. 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.
9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the Development Review Committee meeting on 12/14/16.
10. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in

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compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained thereafter. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.

11. Street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
12. The applicant shall submit a joint cross over and access agreement for the parking shown within the Terra View Trail access easement.
13. Uses shall be limited to restaurants without drive-through services and banks with or without drive-through service on lots 9A, 9B, and 10A. Modification of this binding element will require Metro Council approval.
14. Landscape area interior to the site and along Old Henry Road on the property that is the subject of the change in zoning in docket no. 8735 shall be irrigated with an automated irrigation system in all areas viewable by the public. State right-of-way area between the edge of pavement and the north property line shall be irrigated provided the State Transportation cabinet will enter into an agreement allowing the applicant's provision and maintenance of irrigation within said right-of-way area.

The vote was as follows:

YES: Commissioners Brown, Carlson, Kirchdorfer, Smith and Tomes

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CASE NO. 16DEVPLAN1204

Case No:	16DEVPLAN1204
Request:	Revised Detailed District Development Plan
Project Name:	BTU Development
Location:	12101 Sycamore Station Place
Owner:	Todd Underhill, BTU Funding LLC
Applicant:	Stanley Lichtefeld, Lichtefeld Inc
Representative:	Alex Rosenberg, AL Engineering, Inc
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson
Case Manager:	Laura Mattingly, 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.)

Agency Testimony:

01:07:29 Ms. Mattingly discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Alex Rosenberg, 4790 Crittenden Drive, Suite 201, Louisville, Ky. 40209

Summary of testimony of those in favor:

01:11:19 Mr. Rosenberg stated he wants to execute what was planned in 2006. The parking is compatible and the plan is in compliance.

Deliberation

01:14:22 Development Review Committee deliberation.

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.

Development Plan and Binding Elements

On a motion by Commissioner Carlson, seconded by Commissioner Smith, the following resolution was adopted.

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WHEREAS, LOJIC does not show any natural resources on site. The proposal meets all requirements for planting new tree canopy; and

WHEREAS, Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community have been provided with the existing sidewalks along Sycamore Station Place and a pedestrian connection to the site from the public sidewalk. Vehicular access to adjacent sites is not required within the Suburban Workplace form district; and

WHEREAS, There are no open space requirements for this development; and

WHEREAS, 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 Louisville Metro Development Review Committee finds the overall land use and building design are compatible with the existing and future development of the area as this is a developing office/industrial area and a church will be less intense than other uses. The design will remain consistent with the existing building; and

WHEREAS, the Louisville Metro Development Review Committee further finds the development plan is in conformance with the Land Development Code as well as the policies and guidelines of the non-residential intent of the Comprehensive Plan.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 16DEVPLAN1204, a Revised Detailed District Development Plan, the existing binding elements as well as the additional amended binding elements as shown on page 8 of the staff report based on the staff report and information heard today.

All binding elements from the approved General District Development Plan (Docket # 9-68-00) are applicable to this site in addition, to the following:

- 1) "Except for accent and landscape lighting, all exterior lighting shall be pointed down to the ground. All lighting fixtures shall be fully shielded and shall utilize flat lenses. All exterior lighting fixtures in the side parking lots, excluding front, shall be reduced after closing hours to a level needed for adequate security only. Light levels due to lighting on the subject property shall be zero foot candles measured at the east property line. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer or other qualified professional, stating the at the lighting plan of the proposed development

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conforms with the above requirements and is in compliance in all other aspects with Chapter 4, Part 1.3 of the Land Development Code. Such compliance shall be maintained thereafter.”

- 2) There shall be no direct vehicular access to Tucker Station Road from individual tracts. The existing access points to Tucker Station Road are to be closed once development occurs, and access to the site will be made from Sycamore Station Place as shown on the development plan.
- 3) An eight-foot, double-sided, solid, wood fence shall be constructed in the twenty-five foot landscape buffer area along the east property line and shall connect to any adjoining fences on adjacent properties.
- 4) Other than what needs to be cleared for the referenced fence, all existing mature trees and bushes within 10 feet of the proposed twenty-five foot landscape buffer area along the east property line shall be preserved. Any trees on adjoining properties shall be protected from damage during construction or grading.
- 5) No garbage or recyclables collection services; no parking lot sweeping or cleaning; no deliveries, loading or unloading operations; no idling of vehicles; and no external construction or remodeling shall be conducted between the hours of 9:00 PM and 7:00 AM
- 6) Windows shall be as shown on the building plans shown with the development plan approved at the January 26, 2006 Planning Commission meeting. Vision glass windows shall have blinds or other window coverings in order to reduce or eliminate light emanating during night hours.
- 7) Before any permits are issued, the developer of Blankenbaker Station shall install street signs identifying Lake Front Place and Sycamore Station Place.
- 8) 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.
- 9.) The development shall not exceed 119,551 square feet of gross floor area.
- 10.) No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

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- 11.) Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area
- 12.) Signs shall be in accordance with Chapter 8.
- 13.) Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville and the Metropolitan Sewer District.
 - b. A minor subdivision plat shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the 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.
 - 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.
- 14.) 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.
- 15.) 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.
- 16.) There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
- 17.) The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of

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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.

- 18.) The property owner shall provide a cross over access easement if the property to the north/northwest is ever developed for a nonresidential use. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.
- 19) The façade elevations shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to transmittal of the plan to the appropriate agencies.
- 20) No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.

The vote was as follows:

YES: Commissioners Brown, Carlson, Kirchdorfer, Smith and Tomes

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NEW BUSINESS

CASE NO. 16WAIVER1051

Request: Landscape Waiver from Land Development Code section 10.2.4.B to not provide the 5 foot LBA plantings along the northern property line and a waiver from Land Development Code section 5.5.1.A.1.b to not provide a secondary entrance along South 11th Street

Project Name: 1033 West Market Street

Location: 1033 West Market Street

Owner: Karyn Hascal – The Healing Place Inc.

Applicant: Karyn Hascal – The Healing Place Inc.

Representative: Matt Wolff – Sabak, Wilson and Lingo Inc.

Jurisdiction: Louisville Metro

Council District: 4 – David Tandy

Case Manager: Ross Allen, Planner I

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

Agency Testimony:

01:16:03 Mr. Allen discussed the case summary, standard of review and staff analysis from the staff report. Change previous to pervious in the staff report.

The following spoke in favor of this request:

Matt Wolff, Sabak, Wilson and Lingo, 608 South 3rd Street, Louisville, Ky. 40202

Summary of testimony of those in favor:

01:19:32 Mr. Wolff gave a power point presentation. The case was staff approvable until the waivers were requested. The waiver request is being mitigated by adding greenspace and street trees. There will be a gate for security purposes.

Deliberation

01:26:46 Development Review Committee deliberation.

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.

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CASE NO. 16WAIVER1051

On a motion by Commissioner Carlson, seconded by Commissioner Smith, the following resolution was adopted.

Waiver of section 5.5.1.A.1.b to not provide a secondary entrance along South 11th Street

WHEREAS, the waiver will not adversely affect adjacent property owners since the primary entrance is located on Market Street and a secondary entrance is on the north façade (rear of the building) of the building facing an adjacent parking lot. Architectural detail and emphasis has been provided on the two primary facades (South 11th Street and West Market St.) with the placement of two story glazing at the building corner; and

WHEREAS, Guideline 3, Policy 1 requires new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. The proposed plan is compatible with surrounding development and per Guideline 6, Policy 3 is a reinvestment in an older neighborhood west of 9th street. The new building will provide a much needed architectural corner to the existing intersection of 11th street and Market Streets and help balance the existing two buildings on the southeast and southwest corners; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since the waiver will allow the applicant to construct the administrative building that meets their particular security needs and meets the intent of the LDC by implementing an architectural detail that emphasizes and strengthens the street corner; and

WHEREAS, the Louisville Metro Development Review Committee further finds 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 since LDC would either require the applicant to add an entrance along the 11th Street façade which would require a redesign of the building's interior and increase issues with security as a result of multiple entry points. The applicant has proposed to have a primary entrance with a canopy and signage on Market Street and is providing the placement of a two-story glazing at the building corner.

Waiver of section 10.2.4.B to not provide the required 5' ft. rear Landscape Buffer Area and to not provide the required plantings in the rear LBA

WHEREAS, the waiver will not adversely affect adjacent property owners since the subject property is a lower intensity use and would not warrant a buffer from the

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adjacent higher intensity use. The proposed building's north façade (rear) does not contain windows which blocks views from the north, a parking lot; and

WHEREAS, Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Since the applicant is located within the Traditional Workplace Form District space is limited with parking lots on the north and east sides and right of way to the west and south. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. However, screening in the applicant's case is a result of the existing parking lot to the north not providing screening as defined in LDC Chapter 10.2.4 .B Explanatory Text and Exceptions, "The landscape material and buffer area required generally shall be provided by the property owner of the higher intensity activity. If the higher intensity use is already developed and the landscape material and buffer area, required in Chapter 10 has not been provided, the lower intensity use shall provide the required landscaping." As a result of the buildings proximity to the northern property line the needed secondary access and the removal of windows along the north building façade the buffer is not needed. Per guideline 10, policy 3; the applicant's proposal mitigates the removal of the 5 ft. landscape buffer by increasing the overall previous area of the site by approximately 40%. The applicant is installing trees and shrubs within the lawn area and one street tree along West Market and two along South 11th Street; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the northern property is an existing parking lot which has not provided the screening for their Landscape Buffer Area, as a result the lower intensity use, applicant's site, would be required to provide the 5 foot LBA with planting requirements. The applicant is proposing to use this five foot area as a rear entrance to the site which leads to a courtyard area along the eastern side of the proposed building. The applicant's proposal mitigates the removal of the 5 ft. landscape buffer by increasing the overall area of the site by approximately 40%. The applicant is installing trees and shrubs within the lawn area and one street tree along West Market and two along South 11th Street; and

WHEREAS, the Louisville Metro Development Review Committee further finds 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 since the applicant would not provide a rear entrance to the site off of South 11th Street and the LBA and required plantings would be interior to a chain link fence. The secured perimeter of the building would require the reduction of the building in length along South 11th Street to allow for the required LBA and plantings. Last, the applicant's proposal mitigates the removal of the 5 ft. landscape buffer by increasing the overall area of the site by approximately 40%. The applicant is installing trees and shrubs

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within the lawn area and one street tree along West Market and two along South 11th Street.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **GRANT** Case No. 16WAIVER1051, a waiver from the Land Development Code, section 10.2.4.B to not provide a 5 foot landscape buffer area and plantings along the rear property line and section 5.5.1.A.1.b to not provide an entrance on the secondary street frontage (South 11th Street) based on the staff report, testimony heard today and **ADOPT** the staff report as the reasons for approval of the 2 waivers.

The vote was as follows:

YES: Commissioners Brown, Carlson, Kirchdorfer, Smith and Tomes

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ADJOURNMENT

The meeting adjourned at approximately 2:28 p.m.

Chair

Planning Director