

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

A meeting of the Development Review Committee was held on, July 1, 2015 at 1:00 p.m. in the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Committee Members present were:

Donnie Blake, Acting Chairman
Jeff Brown, Commissioner
Rob Peterson, Commissioner
Robert Kirchdorfer, Commissioner

Committee Members absent were:

David Tomes, Chairman
Chip White, Vice Chairman

Staff Members present were:

Brian Davis, Planning Supervisor
David Wagner, Planner II
Julia Williams, Planner II
Joel Dock, Associate Planner
John Carroll, Legal Counsel
Pamela M. Brashear, Management Assistant

The following matters were considered:

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APPROVAL OF MINUTES

JUNE 17, 2015 DRC MEETING MINUTES

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

RESOLVED, that the Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on June 17, 2015.

The vote was as follows:

YES: Commissioners Brown, Kirchdorfer and Peterson

NO: No one

NOT PRESENT FOR THIS CASE: Commissioners Tomes and White

ABSTAINING: Commissioner Blake

DEVELOPMENT REVIEW COMMITTEE

July 1, 2014

NEW BUSINESS

CASE NO. 15WAIVER1015

Request: Waiver to allow an LED sign to be closer than 300 feet to a residential zoning district
Project Name: Park Community Credit Union
Location: 13011 Factory Lane
Owner: Park Community Credit Union
Applicant: K4 Architecture, LLC
Representative: United-Maier Signs, Inc.
Jurisdiction: Louisville Metro
Council District: 17 – Glen Stuckel
Case Manager: David B. Wagner – 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.)

Agency Testimony:

00:04:11 Mr. Wagner discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Steve Loftis, 4511 Cornice Court, Louisville, Ky. 40299

Summary of testimony of those in favor:

00:08:48 Mr. Loftis said the LED sign will not be unattractive. It provides a marketing availability for the credit union and public service (time, date, etc.).

Deliberation

00:12:10 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 Peterson, seconded by Commissioner Kirchdorfer, the following resolution was adopted.

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NEW BUSINESS

CASE NO. 15WAIVER1015

WHEREAS, The waiver will not adversely affect adjacent property owners because the nearest residence is approximately 275' from the location of the sign and there are substantial plantings that lie between the residences and the sign; and

WHEREAS, The waiver will not violate the Comprehensive Plan because the sign is located along a secondary collector level roadway within the Neighborhood Form District. It is surrounded by office and commercial uses and zoned parcels with the Suburban Workplace Form District to the south as well. The site is located within a high commercial activity center that has been developed for several years. Since there is such a great distance from the closest residences and ample landscaping is provided between the sign and residences, it is not in violation of the Comprehensive Plan; 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 because the relief being provided would allow the sign to be updated to the standard desired by the business; and

WHEREAS, the Louisville Metro Development Review Committee further finds strict application of the provisions of the regulation will deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the sign cannot be seen due to the long distance to nearby residences and the significant tree plantings between the sign and the residents.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 15WAIVER1015, the waiver to allow a LED sign to be closer than 300 feet to a residential zoning district (LDC Section 8.2.1.D.6) based on the staff report and presentation today.

The vote was as follows:

YES: Commissioners Blake, Brown, Kirchdorfer and Peterson

NO: No one

NOT PRESENT AND NOT VOTING: Commissioners Tomes and White

ABSTAINING: No one

DEVELOPMENT REVIEW COMMITTEE

July 1, 2014

NEW BUSINESS

CASE NO. 15MINORPLAT1038

Request: Waiver of LDC 7.8.60.B.4 for Lots 1 and 2 of proposed minor subdivision plat
Project Name: 9001 Shepherdsville Road
Location: 9001 Shepherdsville Road
Owner: CW Properties, LLC
Applicant: CW Properties, LLC
Representative: C.R.P & Associates, Inc.
Jurisdiction: Louisville Metro
Council District: 23 – James Peden
Case Manager: Brian Davis, AICP, Planning Supervisor

NOTE: COMMISSIONER PETERSON RECUSED HIMSELF FROM THIS CASE.

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:

00:14:55 Mr. Davis discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Charles Podgursky, 7321 New LaGrange Road, Suite 111, Louisville, Ky. 40222

Summary of testimony of those in favor:

00:18:35 Mr. Podgursky stated there's a cluster of trees between the two driveways and equipment needed to service the property can't maneuver. There are 4-5 trees that will need to be cut down.

Deliberation

00:21:13 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 Brown, seconded by Commissioner Kirchdorfer, the following resolution was adopted.

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NEW BUSINESS

CASE NO. 15MINORPLAT1038

WHEREAS, The waiver will not adversely affect adjacent property owners as the existing lot contains two single family residences with existing individual driveways serving each residence; and

WHEREAS, 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 individual driveways serving the single family residences on proposed Lots 1 & 2 are existing, and the applicant is further mitigating traffic by providing a shared driveway/private access easement to serve as access to Shepherdsville Road for Lots 3,4, & 5; 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 single family residences and driveways on lots 1 & 2 are existing, and Lots 3, 4, & 5 are being proposed with shared access; and

WHEREAS, the Louisville Metro Development Review Committee further finds The applicant has incorporated other design measure that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived as Lots 3, 4, & 5 are sharing one access point to Shepherdsville Road and non-compliance with the permitted density in an R-4 zoning district are being rectified by subdividing the single family structures of the existing lot into separate lots in compliance with the density and minimum lots standards of the zoning and form district.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Minor Plat Waiver for Case No. 15MINORPLAT1038 of 7.8.60.B.4 **ON CONDITION** that a note be added that states: No direct access to Shepherdsville Rd. from lots 3, 4 and 5. All access to these lots shall be from a shared driveway established on lot 4; based on the testimony and staff report.

The vote was as follows:

YES: Commissioners Blake, Brown and Kirchdorfer

NO: No one

NOT PRESENT AND NOT VOTING: Commissioners Tomes and White

ABSTAINING: Commissioner Peterson

DEVELOPMENT REVIEW COMMITTEE

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NEW BUSINESS

CASE NO. 15MINORPLAT1060

Request: Amendment to Record Plat
Project Name: 7504 H, 7506, and 7506 H Cedar hollow Drive
Location: 7504 H, 7506, and 7506 H Cedar hollow Drive
Owner: CFA Sunnyview, LLC
Applicant: CFA Sunnyview, LLC
Representative: Blue Stone Engineers, PLLC
Jurisdiction: Louisville Metro
Council District: 23 – James Peden
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.)

Agency Testimony:

00:23:26 Mr. Davis discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Chris Crumpton, Blue Stone Engineers, PLLC, 3703 Taylorsville Road, Suite 205, Louisville, Ky. 40220

Summary of testimony of those in favor:

00:25:43 Mr. Crumpton presented some background information. MSD didn't need a portion of the site anymore so it reverted back to the original owner. These 3 buildable lots conform to other lots in the area.

Deliberation

00:26:39 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 Peterson, seconded by Commissioner Kirchdorfer, the following resolution was adopted.

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NEW BUSINESS

CASE NO. 15MINORPLAT1060

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Amendment to the Record Plat for Case No. 15MINORPLAT1060 based on the testimony heard today and the staff reported.

The vote was as follows:

YES: Commissioners Blake, Brown, Kirchdorfer and Peterson

NO: No one

NOT PRESENT AND NOT VOTING: Commissioners Tomes and White

ABSTAINING: No one

DEVELOPMENT REVIEW COMMITTEE

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NEW BUSINESS

CASE NO. 15DEVPLAN1073

Request: Revised District Development Plan
Project Name: Paddock at Sawyer Park
Location: 9910 Westport Road
Owner: Bent Tree at Sawyer Park LLC
Applicant: Hagan Properties Inc.
Representative: Land Design and Development; Bardenwerper, Talbott and Roberts, PLLC
Jurisdiction: Louisville Metro
Council District: 17-Glen Stuckel
Case Manager: Julia Williams, AICP, Planner II

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

Agency Testimony:

00:29:01 Mrs. Williams discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Nick Pregliasco, 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:

00:34:54 Mr. Pregliasco stated that this request was appealed and approved. He discussed the revisions.

00:39:30 Mr. Young said this type of case is typically staff approvable. Binding element 5d needs to be changed – from issuance of any Building Permit to issuance of any Certificate of Occupancy. Mr. Carroll, legal counsel, suggests discussing this change with the parties to the settlement agreement then bringing it back to be voted on.

The following spoke neither for nor against the request:

Richard Dearing, Mayor of Hickory Hill, 9803 Cypress Creek Drive, Louisville, Ky. 40241
Martha Hoskins, 2911 Creekside Drive, Louisville, Ky. 40241

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NEW BUSINESS

CASE NO. 15DEVPLAN1073

Summary of testimony of those neither for nor against:

00:51:31 Mr. Dearing said he's concerned about the roads and the possible changes made by the applicant.

00:56:11 Ms. Hoskins is concerned about the applicant using non-dedicated roads for construction vehicles.

Rebuttal:

00:57:42 Mr. Pregliasco wants the development plan approved today and they will come back for the binding element amendments.

Deliberation

01:00:42 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 Peterson, seconded by Commissioner Kirchdorfer, the following resolution was adopted.

WHEREAS, The proposal has limited natural resources on the site. The areas where hydric soils have been identified will be drained through the use of the perimeter detention basins. New trees will be planted throughout the development to meet LDC requirements; and

WHEREAS, The Springbark Drive extension will not serve the site and therefore does not provide efficient vehicular circulation within the development and community. Sidewalks are provided throughout the development; and

WHEREAS, The proposal is meeting the open space requirements. Open space provided is mainly for recreational and infrastructure purposes; and

WHEREAS, Detention basins are provided along the east and west perimeters to aid and prevent further drainage issues; and

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NEW BUSINESS

CASE NO. 15DEVPLAN1073

WHEREAS, the Louisville Metro Development Review Committee finds the structures are placed within the development outside a 50 foot buffer which exceeds the setback requirements of the LDC; and

WHEREAS, the Louisville Metro Development Review Committee further finds the proposal meets the guidelines of the Comprehensive Plan and Land Development Code.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 15DEVPLAN1073, the Revised District Development Plan as presented today based on the staff report and testimony.

Existing Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 539,700 square feet of gross floor area.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Office of Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.

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- 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 roadway 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.
6. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
8. Building designs shall be substantially similar to the photographs shown at the June 27, 2013 Public Hearing of the "Paddock at Eastpoint" apartment community. Building materials shall include brick, stone and/or hardy plank (not vinyl) siding in proportions generally in accordance with the photographs shown. Colors may vary from building to building.
9. All 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.
10. A permanent maintenance easement shall be recorded from the Commonwealth of Kentucky (on behalf of the State Department of Parks) in favor of MSD for the drainage area defined on plans described at the June 27, 2013 public hearing.
11. The applicant shall present for approval by MSD a specific written plan or set of construction drawings agreed to in writing by the Commonwealth of Kentucky,

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MSD and the developer detailing the drainage and maintenance improvements on the Park as described at the June 27, 2013 public hearing. The construction plans for these drainage improvements shall be submitted to the City of Hickory Hills for comment 7 days in advance of official submittal to MSD. The overall drainage plan for the property, including improvements on other properties shown and explained at the June 27, 2013 Public Hearing, shall be implemented in accordance with said plans and explanations.

12. Applicant (its successors and assigns) shall not permit any construction access to the site from adjoining residential areas. At commencement of construction, the developer shall install barricades at or near the current ends of the roadways currently stubbing into this site from the adjoining residential subdivisions. Such barricades shall not be removed until a building permit is obtained for the 200th unit, at which time the barricades shall be removed in accordance with requirements of law for additional points of access. Even at that time, construction access, however, shall be prohibited to the site from the adjoining residential subdivisions.
13. There shall be no permanent or temporary structures permitted close to any adjoining residential property line than as shown on the approved district development plan.
14. No outside construction shall occur between the hours of 8 pm and 7 am.
15. No truck idling, as opposed to truck operation, shall take place outside of the driving areas shown on the approved district development plan. No overnight truck idling shall take place anywhere on the site.
16. Dumpsters/compactors shall be located as shown on the approved district development plan.
17. The final landscape plan shall be substantially similar to, and no less than, the concept landscape plans presented at the June 27, 2013 Public Hearing, especially as respects the entrance way and along the east and west property lines shared with Hickory Hill and The Cove Subdivisions as explained and depicted with cross sections, photographs and renderings shown at the public hearing.
18. The main entranceway to the development from Westport Road and areas around the Clubhouse shall be irrigated in order to assure that landscaping in these highly visible and most trafficked areas have the maximum opportunity to thrive.

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CASE NO. 15DEVPLAN1073

19. Newly installed vegetation that dies shall be replaced within 6 months of such time.
20. The driveway connection from the apartment community to the Springbark Drive extension shall have a fire department approved fire gate installed as shown on the approved development plan. The gate shall be installed when the driveway and parking connect to the extension.
21. Until 80 percent of the units are constructed, the applicant, its successors and assigns shall be responsible for funding the cost of a traffic signal at the entrance to the site if a traffic signal is approved by KTC prior to that time. Other off-site road improvements shall be funded and constructed by the developer as follows:
 - (a) The Westport Road frontage deceleration lane shall be constructed at time of construction of Phase 1 of the project and shall be completed prior to a certificate of occupancy issuance on the first unit.

The vote was as follows:

YES: Commissioners Blake, Brown, Kirchdorfer and Peterson

NO: No one

NOT PRESENT AND NOT VOTING: Commissioners Tomes and White

ABSTAINING: No one

DEVELOPMENT REVIEW COMMITTEE

July 1, 2014

CASE NO. 15MOD1010

Case No. 15MOD1010
Location: 3827 Taylorsville Road
Staff Case Manager: Matthew R. Doyle, Planner II

Agency Testimony:

01:01:19 Mr. Davis said notification was sent for Case No. 15MOD1010, but no staff report was generated and it wasn't placed on the agenda. It will need to be continued to the July 9, 2015 LD&T meeting.

Deliberation

01:02:18 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 Kirchdorfer, seconded by Commissioner Peterson, the following resolution was adopted.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **CONTINUE** Case No. 15MOD1010 to the July 9, 2015 LD&T meeting.

The vote was as follows:

YES: Commissioners Blake, Brown, Kirchdorfer and Peterson

NO: No one

NOT PRESENT AND NOT VOTING: Commissioners Tomes and White

ABSTAINING: No one

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ADJOURNMENT

The meeting adjourned at approximately 2:10 p.m.

Chair

Planning Director