

**MINUTES OF THE MEETING  
OF THE  
DEVELOPMENT REVIEW COMMITTEE  
February 17, 2016**

A meeting of the Development Review Committee was held on, February 17, 2016, at 1:00 p.m. in the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

**Committee Members present were:**

David Tomes, Chairman  
Rob Peterson, Vice Chairman  
Jeff Brown, Commissioner  
Robert Kirchdorfer, Commissioner

**Committee Members absent were:**

Chip White, Commissioner

**Staff Members present were:**

Joseph Reverman, AICP, Assistant Director  
Brian Davis, AICP, Planning Supervisor  
Laura Mattingly-Humphrey, Planner I  
Ross Allen, Planner I  
Joel P. Dock, Planner II  
John Baker, 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 February 3, 2016 Development Review Committee meeting**

00:02:03      On a motion by Commissioner Peterson, 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 February 3, 2016.

**The vote was as follows:**

**YES: Commissioners Peterson and Kirchdorfer.**

**NO: No one.**

**NOT PRESENT: Commissioner White.**

**ABSTAINING: Commissioners Brown and Tomes.**

## **DEVELOPMENT REVIEW COMMITTEE**

**February 17, 2016**

### **NEW BUSINESS**

#### **CASE 15MOD1021**

Request: Sign Plan with Amendment to Binding Element for a freestanding sign along Shelbyville Road  
Project Name: Kaiser Insurance  
Location: 8307 Shelbyville Road  
Owner(s): Jack Kaiser  
Applicant: Carl Rueff – Rueff Sign Co.  
Representative(s): Carl Rueff – Rueff Sign Co.  
Jurisdiction: City of Lyndon  
Council District: 18 – Marilyn Parker

**Case Manager: Joel 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. 5<sup>th</sup> Street.)

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

#### **Agency Testimony:**

00:04:05 Joel Dock presented the case and showed the sign plan (see staff report and recording for detailed presentation.)

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

Carl Rueff, 1530 East Washington, Louisville, KY

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

00:07:25 Carl Rueff, the applicant, presented his case (see recording for detailed presentation.) He said the proposed change to the binding elements is under what is allowed in the City of Lyndon.

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

No one spoke.

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

No one spoke.

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### NEW BUSINESS

#### CASE 15MOD1021

00:08:39 Commissioners' deliberation.

00:09:13 On a motion by Commissioner Peterson, seconded by Commissioner Kirchdorfer, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that there do not appear to be any environmental constraints or historic resources on the subject site. The sign appears to have no impact on water courses, flood plains, soils, air quality, or scenic views; 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. The sign does not impact mobility into, or around, the site; and

**WHEREAS**, the Committee further finds that provisions of sufficient open space will be provided and are not impacted by this proposal; and

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

**WHEREAS**, the Committee further finds that the overall site design and land uses are compatible with the existing and future development of the area. The proposed sign is compatible with adjacent, and nearby, signage and works to maintain the residential character of this portion of the corridor as prescribed by the rezoning of this site and surrounding properties previously rezoned; 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 Lyndon that the requested Sign Plan with an Amendment to Binding Element to allow a Freestanding sign along Shelbyville Road, SUBJECT to the following binding elements:

1. The development shall be in accordance with the approved district development plan. Any changes/additions/alterations of any binding element(s) shall be referred by the Planning Commission to the City of Lyndon for approval, and any changes/additions/alterations not so referred shall not be valid.

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#### CASE 15MOD1021

2. No residential structure shall be removed and each structure shall retain its residential appearance. Exterior additions or alterations shall not be made without prior approval of the Planning Commission's Land Development and Transportation Committee and the City of Lyndon.
3. The property shall be used as an office for one of the professions listed as permitted uses in the OR-1 Office/Residential District (Article 5, Section 5.2 of the Zoning District Regulations 1991) except for medical offices, barber shops or beauty shops.
4. The development shall not exceed 2,554 square feet of gross floor area in the residential structure and 588 square feet of gross floor area in the garage for storage incidental to the office use. The garage shall not be used as an office.
5. The existing access to Shelbyville Road shall be closed before June 30, 1993.
6. Before a building, alteration or paving and parking permit and/or certificate of occupancy is requested, the property owner/developer shall submit to the Planning Commission, in form and substance satisfactory to Planning Commission staff or counsel, a cross-over buffer agreement demonstrating compliance with Article 12 of the Development Code.
- ~~7. The only permitted freestanding sign shall be located as shown on the approved district development plan. The sign shall not exceed 6 square feet in area and 4 feet in height.~~
7. **Freestanding sign on-site shall not exceed 32 square feet in area and 6 feet in height.**
8. The property owner shall grant, without compensation of any kind, to adjoining properties along Shelbyville Road which are used for non-residential purposes an easement of ingress and egress to, onto and through all portions of the applicant's access ways for the purpose of ingress and egress to the applicable properties. The instrument shall be signed and submitted to the Planning Commission counsel for approval prior to the granting of a building or an occupancy permit, whichever shall first occur.
9. All outdoor lighting shall be directed down and away from adjacent residential properties.
10. Before a building, alteration or paving and parking permit and/or a certificate of occupancy is requested:

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- a) The development plan must be reapproved by the Jefferson County Department of Public Works and Transportation and the Metropolitan Sewer District.
  - b) The property owner or developer must obtain approval of a detailed plan for screening (buffering/landscaping) described in Article 12. Such plan shall be implemented prior to requesting a certificate of occupancy and maintained thereafter.
  - c) A minor plat or legal instrument will be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Planning Commission.
  - d) A revised general district development plan for Docket No.9-2-92VLW shall be approved.
11. No outdoor advertising signs (billboards), small freestanding (temporary) signs, pennants or banners shall be permitted on the site.
12. If a certificate of occupancy or paving and parking permit is not issued within one year 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.
13. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
14. The above binding elements may be amended as provided for in the Zoning District Regulations.

**The vote was as follows:**

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

**NO: No one.**

**NOT PRESENT: Commissioner White.**

**ABSTAINING: No one.**

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**NEW BUSINESS**

**CASE NO. 15WAIVER1040**

Request:	Sidewalk Waiver along 13 Street frontage
Project Name:	Zeochem
Location:	1380 South 13 <sup>th</sup> Street
Owner:	R.L. Gray – Zeochem, Ltd.
Applicant:	R.L. Gray – Zeochem, Ltd.
Representative:	David Frey – Land Design & Development, Inc.
Jurisdiction:	Louisville Metro
Council District:	6 – David James

**Case Manager:** **Joel 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. 5<sup>th</sup> Street.)

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

**Agency Testimony:**

00:10:12 Joel Dock presented the case and showed the development plan (see staff report and recording for detailed presentation.)

00:13:10 Commissioner Brown and Mr. Dock discussed the location of the fence along the sidewalk, and whether it was located in the ROW.

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

David Frey, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

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

00:14:29 David Frey, the applicant's representative, presented the applicant's case (see staff report and 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.

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**NEW BUSINESS**

**CASE NO. 15WAIVER1040**

**00:16:56 Commissioners' deliberation.** Commissioner Brown stated that the applicant needed to move the fence out of the ROW and could build an integral curb and walk to match what is already in the area.

**00:22:42** On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that, based on portions of the staff report and testimony presented today, this sidewalk is constructible within the public right-of-way, with the removal of the existing, unpermitted obstructions (fencing); and that this sidewalk would provide pedestrian connectivity between the employment centers and the transit routes; now, therefore be it

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **DENY** the requested Waiver of Land Development Code (LDC) section 5.8.1.B to not provide sidewalk along 13<sup>th</sup> street frontage.

**The vote was as follows:**

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

**NO: No one.**

**NOT PRESENT: Commissioner White.**

**ABSTAINING: No one.**



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### **NEW BUSINESS**

#### **CASE NO. 15DEVPLAN1205**

Request:	Revised Detailed District Development Plan and Waiver
Project Name:	Glenmary Pointe Apartments
Location:	11304 Professional Park Drive
Owner:	Orthober Custom Homes
Applicant:	Jason Orthober – Orthober Custom Homes
Representative:	Christopher Crumpton – Bluestone Engineers, PLLC
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel

**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. 5<sup>th</sup> Street.)

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

#### **Agency Testimony:**

00:25:14      Laura Mattingly-Humphrey presented the case and showed the proposed development plan (see staff report and recording for detailed presentation.) She discussed the joint parking agreement that must be submitted.

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

Christopher Crumpton, Bluestone Engineers, 3703 Taylorsville Road Suite 205, Louisville, KY 40220

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

00:31:15      Chris Crumpton, the applicant's representative, presented the applicant's case (see recording for detailed presentation.)

00:32:45      Commissioner Brown and Mr. Crumpton discussed cross-connectivity and how that could affect the location of the dumpster on Tract 2.

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

No one spoke.

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**The following spoke neither for nor against the proposal:**

No one spoke.

00:34:08      Commissioners' deliberation.

**Waiver**

00:34:57      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 parkway buffer is adjacent to the parkway only and has no effect on buffers or setbacks along the shared property lines; and

**WHEREAS**, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 3, policies 21 and 22 call 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. While the proposed site design does not allow for the required residential setback and buffer along a parkway, this is justified by the existing conditions, making it unreasonable to adhere to the parkway buffer standards; 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 site layout already existed due to the previously approved office park proposal. This waiver is necessary in order to maintain the same site layout and comply with parking and other site requirements; 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 site layout would need to be completely changed and the mixed use proposal would not be possible for the applicant; and

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**WHEREAS**, the Committee finds that, based the staff report, the applicant's justification and 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 **Section 10.3.5 to allow a reduction in the 50-foot parkway buffer and 75-foot parkway setback to 30 feet.**

The vote was as follows:

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

**NO: No one.**

**NOT PRESENT: Commissioner White.**

**ABSTAINING: No one.**

**Revised Detailed District Development Plan and changes to Binding Elements as shown on page 8 of the staff report**

00:35:33      On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that, while there is very little existing vegetation on site due to the fact that it has already been graded for development, the proposal does include planting 39% tree canopy; 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 through the existing sidewalk along Old Bardstown Road and it's connectivity to and throughout the site. Metro Public Works has approved the preliminary development plan; and

**WHEREAS**, the Committee further finds that the open space requirements have been exceeded for the residential portion of the proposal with 15% of the net lot area dedicated to open space, a portion of which contains a gazebo for passive recreation; and

**WHEREAS**, the Committee further finds that the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions of adequate

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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 land uses are compatible with the existing and future development of the area. With the newer subdivisions and patio homes in this area, it appears that a medium density apartment development of this type is compatible and needed to fulfill the housing need. The proposal includes vegetative buffers and site and building design that aide in the transition from single family to office/multi-family; and

**WHEREAS**, the Committee further finds that, although the development plan does not conform to some requirements of the Land Development Code in regards to setbacks and buffers, this is generally due to the new lot lines being drawn on a development that had been previously laid out in compliance with the zone and form district as one parcel; and

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

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Revised Detailed District Development Plan and Binding Elements, **ON CONDITION** that the Joint Parking / Off-Site Parking agreement is executed through Planning and Design Services, and that the alternative dumpster location is identified on the development plan, and **SUBJECT** to the following binding elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. 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 ~~45,000~~ **99,900** square feet of gross floor area.
3. Signs shall be in accordance with Chapter 8.

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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 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.
6. If a building permit is not issued within one year 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.
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 materials and design of proposed structures shall be substantially the same as depicted in the renderings as presented at the September 2, 2004 Planning Commission meeting.~~
8. The materials and design of proposed structures shall be substantially the same as depicted in the renderings as presented at the September 2, 2004 Planning Commission **February 17<sup>th</sup> Development Review Committee** meeting.
9. The applicant shall provide documentation showing that the development complies with all the regulations from Chapter 4, Part 1, Section 3, Lighting, prior to the issuance of a construction permit. These regulations include the following

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items: Mounting Height Limit, Luminaire Shielding, Canopy Lighting Level, and Light Trespass.

10. 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.
11. Sink holes, if any on site, shall be further identified by a licensed professional engineer and certified in writing to the Planning Commission. If same are found to exist, recommendations for addressing same, as set forth in the geotechnical study presented at the September 2, 2004 public hearing, shall be followed during construction.

**The vote was as follows:**

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

**NO: No one.**

**NOT PRESENT: Commissioner White.**

**ABSTAINING: No one.**

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**NEW BUSINESS**

**CASE NO. 15DEVPLAN1200**

Request:	Revised Detailed District Development Plan
Project Name:	Patti Lane Mini-Warehouse
Location:	2808 Patti Lane
Owner:	Blacksmith Homes, LLC
Applicant:	David Smith
Representative:	Jon Addington – BTM Engineering
Jurisdiction:	City of Jeffersontown
Council District:	11 – Kevin Kramer

**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. 5<sup>th</sup> Street.)

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

**Agency Testimony:**

00:36:46 Laura Mattingly-Humphrey presented the case and showed the development plan (see staff report and recording for detailed presentation.) She added that she received a phone call and an e-mail yesterday from adjoining business owners, both in opposition.

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

Dave Smith,

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

00:43:14 Dave Smith, the applicant, presented his 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.

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00:44:31 Commissioners' deliberation.

00:45:19 On a motion by Commissioner Kirchdorfer, seconded by Commissioner Peterson, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that the proposed changes are not disturbing any of the vegetation on 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 by meeting the vehicle use area and parking standards, and Metro Public Works have approved the preliminary development plan; and

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

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

**WHEREAS**, the Committee further finds that the overall land uses are compatible with the existing and future development of the area. Buildings and parking lots will meet all required setbacks and the proposed use fits in well with the existing auto service facility, as well as the mix of surrounding businesses; and

**WHEREAS**, the Committee further finds that the development plan conforms to requirements of the Land Development Code and meets or exceeds the applicable Non-Residential Suburban Marketplace Corridor guidelines and policies found in Cornerstone 2020; now, therefore be it

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the City of Jeffersontown that the proposed Detailed District Development Plan be **APPROVED**, subject to the following binding elements:

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes, additions, alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.



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2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. There shall be no outdoor storage on the site.
4. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff and height of the light standard shall be set so that no light source is visible off-site.
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 remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
6. The applicant shall identify and submit for approval be designated DPDS staff, a plan showing the location of Tree Preservation Areas on site (exclusive of area 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.
7. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
  - a. The development plan must receive full construction approval from the Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
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 bidding 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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system.
10. 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

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elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

**The vote was as follows:**

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

**NO: No one.**

**NOT PRESENT: Commissioner White.**

**ABSTAINING: No one.**

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### NEW BUSINESS

#### CASE NO. 16DEVPLAN1006

Request:	Community Facility Review
Project Name:	Clifton Heights CSO Storage Basin
Location:	1827 Drescher Bridge Avenue
Owner:	Metropolitan Sewer District
Applicant:	Meskerem Eshetu – MSD Representative
Representative:	Meskerem Eshetu – MSD Representative
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander

**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. 5<sup>th</sup> Street.)

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

#### Agency Testimony:

00:45:43 Ross Allen presented the case and showed the development plan (see staff report and recording for detailed presentation.)

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

Greg Powell (representing MSD), 700 W. Liberty Street, Louisville, KY 40202

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

00:51:23 Greg Powell, an MSD representative, presented the applicant's case. He discussed CSO basins, and addressed Mr. Allen's issues noted in the staff report.

00:57:50 Commissioner Kirchdorfer and Mr. Powell discussed odor control, and lighting.

00:58:57 In response to a question from Commissioner Brown, Mr. Powell said the project would involve some blasting. They discussed construction access, and pipe/inflow construction.

01:00:59 Commissioner Tomes asked about the "night-sky" lighting on the building. Commissioner Kirchdorfer said this is already going to be on the development plan and the applicant is required to comply with that.

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

No one spoke.

**The following spoke neither for nor against the proposal:**

No one spoke.

01:02:09      Commissioners' deliberation.

01:04:19      On a motion by Commissioner Brown, seconded by Commissioner Kirchdorfer, the following resolution was adopted:

**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 Community Facility Review to construct a new Combined Sewer Overflow (CSO) Storage Basin located at 1827 Drescher Bridge Avenue, **ON CONDITION** that the applicant shall comply with all of the Land Development Code requirements regarding lighting and landscaping, and that the applicant shall work with Louisville Metro Public Works regarding access to the site and what might be required during construction.

**The vote was as follows:**

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

**NO: No one.**

**NOT PRESENT: Commissioner White.**

**ABSTAINING: No one.**


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**ADJOURNMENT**

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

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**Chair**



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**Planning Director**

