

**MINUTES OF THE MEETING
OF THE
DEVELOPMENT REVIEW COMMITTEE
June 1, 2016**

A meeting of the Development Review Committee was held on, DATE & TIME 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:

Joe Reverman, Assistant Planning Director
Brian Davis, Planning Manager
Laura Mattingly-Humphrey, Planner I
Joel Dock, Planner I

Tony Kelly, MSD Arrived at 1:41
Tammy Markert, Transportation Planning Arrived at 1:51
Jonathan Baker, Legal Counsel
Kristen Loeser, Management Assistant
Pamela M. Brashear, Management Assistant

The following matters were considered:

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APPROVAL OF MINUTES

MAY 18, 2016 DRC MEETING MINUTES

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 May 18, 2016.

The vote was as follows:

YES: Commissioners Brown, Kirchdorfer, Peterson and Tomes
NOT PRESENT FOR THIS CASE: Commissioner White

DEVELOPMENT REVIEW COMMITTEE

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NEW BUSINESS

CASE NO. 16WAIVER1014

Case No: 16WAIVER1014
Project Name: 1404 Goddard Avenue
Location: 1404 Goddard Avenue
Owners: Max Onan
Applicant: Max Onan
Representative(s): Max Onan
Project Area/Size: 3,685 SF
Existing Zoning District: R-5B, Two-Family
Existing Form District: TN, Traditional Neighborhood
Jurisdiction: Louisville Metro
Council District: 8
Case Manager: Joel P. Dock, Planner I

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

Agency Testimony:

00:05:14 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report. Commis
with the sidewalk waiver but the parking could be an issue because of the topography.

Deliberation

00:09:27 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 Peterson, the following resolution was adopted.

WHEREAS, The waiver will not adversely affect adjacent property owners as the neighborhood is developed and a large portion of homes that do not currently have sidewalks on this side of the street contain landscaping, mature trees, fences, and walks in front yards near the R/W and pavement; and

WHEREAS, The proposed waiver of the sidewalk does not violate specific guidelines of Cornerstone 2020 as Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those

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who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. The sidewalk network does not exist on this side of the street beginning at 1444 Goddard Avenue and continuing to its intersection with Barrett Avenue. The width of the roadway pavement in relation to property lines and existing structures prevents a completed sidewalk. Additionally, mature trees and man-made improvements at or near the roadway pavement hinders sidewalk improvements; 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 construction of the sidewalk would require additional dedication to right-of-way or the granting of a sidewalk easement along the property which would reduce the buildable area of the lot and create the need for dimensional variances; 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 land or create an unnecessary hardship as the proposed development meets all other zoning and form district regulations of the Land Development Code and construction of sidewalks only abutting this site would not improve the existing conditions of the pedestrian network along Goddard Avenue.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the sidewalk waiver for Case No. 16WAIVER1014 based on the staff report and testimony heard today.

The vote was as follows:

YES: Commissioners Brown, Kirchdorfer, Peterson and Tomes
NOT PRESENT AND NOT VOTING: Commissioner White

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NEW BUSINESS

CASE NO. 16DEVPLAN1074

Case No: 16DEVPLAN1074
Project Name: Project Tahoe
Location: 7251 Logistics Drive
Owners: Louisville & Jefferson County Riverport Authority
Applicant: Panittoni Development Company
Representative(s): Sherrard & Roe Mark Carver
Project Area/Size: 24.92 Acres
Existing Zoning District: EZ-1
Existing Form District: SW, Suburban Workplace
Jurisdiction: Louisville Metro
Council District: 1 Jessica Green
Case Manager: Joel P. Dock, Planner I

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

Agency Testimony:

00:10:26 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Steve Vogle, 1525 Bowl Lee Road, Suite 100, Lexington, Ky. 40511

Summary of testimony of those in favor:

00:16:58 Mr. Vogle described the proposal in detail. Their intention is to keep the green wet basin as an amenity (not official). The warehouse will house empty glass bottles.

The following spoke neither for nor against the request:

Nick Farler, 7301 Logistics Drive, Louisville, Ky.

Summary of testimony of those neither for nor against:

00:22:37 Mr. Farler is concerned about the drainage on his site.

Rebuttal:

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00:23:51 Mr. Vogle said the applicant/representatives will mitigate the drainage on

Deliberation

00:24:43 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

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

WHEREAS, The development site contains 8.3 acres of jurisdictional wetlands to be removed in accordance with an authorized USACE Section 404 permit and previously approved and fully implemented off-site mitigation plan, as noted in General Note #12 of the development plan. An earlier section 404 permit which expired December 31, 2015

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along the rear property line and recorded in DB 7539, PG790 to preserve tree canopy. As stated in the Executive Summary of the Section 404 Permit provided by the applicant and contained within the official record for the development proposal, the wetlands were originally impacted by timber activities in 2005/2006. The clearing of the site for filling of the wetlands, including the removal of existing tree canopy, began in December, 2015. Compensation for the unavoidable wetland impact included restoration/preservation on a 90-acre tract adjacent to Mill Creek and Black Pond Creek, as well as the purchase of 9.3 acres of wetland credit from an approved mitigation bank. Furthermore, based on the absence of suitable habitat, no federally-listed threatened/endangered species will likely be adversely impacted. The full Section 404 permit is contained within the official record in the Office of the Louisville Metro Planning Commission; and

WHEREAS, Provisions for safe and efficient vehicular and pedestrian transportation within the development and the community is provided through connection to the public sidewalk and streets on Logistics Drive, as well as a separate entrance intended only for passenger vehicle access to parking areas; and

WHEREAS, The development site provides an outdoor amenity area in the amount of 10% of the office space adjacent to a water quality basin to be landscaped

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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 existing and future development of the area as Riverport is a development area consisting primarily of industrial warehousing, distribution, and manufacturing facilities with accessory office areas along the Ohio River and Greenbelt Highway; and

WHEREAS, the Louisville Metro Development Review Committee further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code (LDC) as Guideline 3, Policy A.17 and Guideline 6, Policy A.4 encourages industries to locate in workplace form districts rather than isolated industrial sites while taking advantage of special infrastructure needs of these industrial areas such as river, airport, or highway transportation options.

WAIVER of LDC 5.12.2 to reduce the outdoor amenity area

WHEREAS, The waiver will not adversely affect adjacent property owners as Riverport is a development area consisting primarily of industrial warehousing, distribution, and manufacturing facilities with accessory office areas along the Ohio River and Greenbelt Highway and the outdoor amenity area is not intended to serve a public need, but instead a need for health and wellness of employees on-site; and

WHEREAS, The proposed waiver does not violate specific guidelines of Cornerstone as Guideline 3, Policy A.17 and Guideline 6, Policy A.4 encourages industries to locate in workplace form districts rather than isolated industrial sites while taking advantage of special infrastructure needs of these industrial areas such as river, airport, or highway transportation options. The outdoor amenity area is not intended to serve a public need, but instead a need for health and wellness of employees on-site. The need for the employee amenity space is not necessarily reflected in the building size of a large warehouse such as this one or surrounding facilities; and

WHEREAS, The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the outdoor amenity space is not necessarily reflected in the building size of a large warehouse such as this one or surrounding facilities and the space provided is reflective of the employment needs proposed at this stage of the development; and

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WHEREAS, The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of land as the proposed development is in an existing area of warehouse and distribution facilities of significant size with minimal office space and employment compared to the size of the structures. The amenity area is being proposed based on the expected employment of the facility and projected need of the amenity for employee health and wellness. The applicant has also provided compensation for non-compliance with the requirements to be waived as the water quality basin, while not designated as an outdoor amenity at this time, will be finished to provide an additional amenity with landscaping and connected sidewalks, see applicant justification of the official record for citation; and

TREE CANOPY WAIVER to reduce the requirement to 7.8%

WHEREAS, The waiver is in compliance with the comprehensive plan as Guideline 13, Policy A.5 requires tree preservation best management practices during land development to ensure creation and/or preservation of tree canopy as a valuable

easement that is used for 54,274 SF of tree canopy. This buffer further meets the intent of Guideline 13, Policy A.6 by providing screening and buffering between the industrial use of the site and residential uses to the North. Permanent preservation prevents future disturbance as demand increases on site or in the general industrial area. Additionally, Guideline 3, Policy A.17 and Guideline 6, Policy A.4 encourages industries to locate in workplace form districts rather than isolated industrial sites while taking advantage of special infrastructure needs of these industrial areas such as river, airport, or highway transportation options. The potential business demand for future parking areas and truck maneuvering, along with the size of the structure appears to hinder fulfilling the full requirements of tree canopy; and

WHEREAS, Wetlands mitigation on-site resulted in the removal of existing tree canopy, but allowed for restoration efforts off-site along waterways in environmental sensitive areas. The development site contains 8.3 acres of jurisdictional wetlands to be removed in accordance with an authorized USACE Section 404 permit. The wetlands were originally impacted by timber activities in 2005/2006. The clearing of the site for filling of the wetlands, including the removal of existing tree canopy, began in December, 2015. Compensation for the unavoidable wetland impact included restoration/preservation on a 90-acre tract adjacent to Mill Creek and Black Pond Creek, as well as the purchase of 9.3 acres of wetland credit from an approved mitigation bank. Furthermore, based on the absence of suitable habitat, no federally-listed threatened/endangered species will likely be adversely impacted.

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54,274 SF of tree canopy; thus, preventing future disturbance as demand increases on site or in the general industrial area. The water quality basin will be landscaped and tree provided along the right-of-way. All other landscape requirements of the site are being met or exceeded; and

WHEREAS, With an understanding of the adverse impact in the Louisville Metro area the applicant has incorporated white roofing for reflection, the use of concrete as opposed to asphalt in several areas, and energy conservation within the warehouse which controls temperature only as needed through the use of louvers and fans. The jurisdictional wetlands previously described in detail creates a circumstance that does not generally apply to this form district, but must be mitigated for this area to function as it was intended for industrial facilities similar to that being proposed.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 16DEVPLAN1074, the Detailed District Development Plan for the proposed warehouse and trucking facility, the waiver of Land Development Code 5.12.2 to reduce the required outdoor amenity area and the tree canopy waiver of the Land Development Code 10.1.4.A to reduce the required tree canopy on site based on the staff report and presentation today **SUBJECT** to the following Binding Elements:

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 for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 362,500 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 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.

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 Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
6. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
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.

The vote was as follows:

YES: Commissioners Brown, Kirchdorfer, Peterson and Tomes

NOT PRESENT AND NOT VOTING: Commissioner White

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NEW BUSINESS

CASE NO. 16MOD1001

Case No: 16MOD1001
Project Name: Glenmary Springs
Location: 10601 Glenmary Springs Drive
Owners: GSD 2010 LLC (CUB)
Applicant: James D. Long
Representative: James D. Long
Zoning/Form District: PRD/Neighborhood
Jurisdiction: Louisville Metro
Council District: 22-Robin Engel
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:

00:27:23 Mrs. Mattingly discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Jim Long, 1830 Midland Trail, Shelbyville, Ky. 40065

Summary of testimony of those in favor:

00:29:44 Mr. Long said Glenmary has not built their side of the pedestrian and want it.

The following spoke neither for nor against the request:

Larry Lewis, 10403 Pine Circle, Louisville, Ky.

Summary of testimony of those neither for nor against:

00:31:37 M ssociation and
connection in.

Deliberation

00:32:06 Development Review Committee deliberation.

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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.

WHEREAS, The site has common open space with tree canopy that has been preserved. The omission of this binding element would prevent some trees being taken down in the development to the north to build the pathway; and

WHEREAS, Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community will continue to be provided; and

WHEREAS, Open space requirements have been met and the applicant has stated that the homeowners of both developments involved support the omission; and

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

WHEREAS, the Louisville Metro Development Review Committee finds the overall site design and land uses are compatible with the existing and future development of the area. These homes were built to be compatible in design with the development to the north; and

WHEREAS, the Louisville Metro Development Review Committee further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 16MOD1001, to eliminate binding element number 19 based on the staff report and testimony heard today.

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. Use of the subject site shall be limited to patio homes. There shall be no other use of the property unless prior approval is obtained from LD&T or the Planning Commission. Notice of a request to amend this binding element shall be given in

Planning Commission may require a public hearing on the request to amend this binding element.
3. The density of the development shall not exceed 6.01 dwelling units per acre (52 units on 8.65 acres).
4. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.
5. Outdoor lighting (for street and parking illumination and security) shall be residential style appropriate for patio home community and single family subdivisions. To the extent required by LDC, 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.
6. Construction fencing shall be erected when off-site trees or tree canopy exists f a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
7. 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.
8. An original stamped copy of the approved Tree Preservation Plan shall be present on site during all clearing, grading, and construction activity and shall be made available to any DPDS inspector or enforcement officer upon request.

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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 Inspections, Permits and Licenses, Public Works, and the Metropolitan Sewer District.
 - b. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - c. A minor plat or legal instrument shall be recorded creating the boundary of the proposed development. A copy of the recorded instrument shall be submitted to the Division of Planning & Design Services.
 - d. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
10. If a certificate of occupancy (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.
11. 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.
12. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line or permitted on the site.
13. 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.

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14. 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.
15. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the May 24, 2010 Planning Commission meeting.
16. Multi-family development of the property shall be limited to development under a horizontal property regime.
17. Trees on the internal roads shall be minimum 50-feet apart. The developers shall plant double the number of trees required by the Land Development Code Tree Canopy Standards (Chapter 10, Part 2). The number of trees to be planted will be determined based upon the amount of trees to be preserved.
18. All street signs shall be installed by the Developer, and shall conform to the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street, and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
19. The approved landscaping plan shall provide for landscaping materials (3 Type approved preliminary subdivision plan).
20. Covenants, Conditions and Restrictions ("CCRs")/a Declaration of Horizontal Property Regime shall be prepared by the developer to be submitted to and reviewed and approved by Planning Commission legal counsel, prior to recording of the subdivision's Record Plat /Condominium Master Deed , for consistency with any binding elements that mandate inclusion in the CCRs /Master Deed, as well as the inclusion of the following requirements:
 - (a) All road, drainage, sanitary sewer, water, other necessary infrastructure and other required landscaping and facilities shall be installed by the developer prior to turn-over of maintenance responsibilities to the Home Owners Association ("HOA") /Condominium Association;
 - (b) Any shared water meters and property service connections for sanitary sewers shall be the sole responsibility of the HOA /Condo Association;
 - (c) Any water, sewer and drainage facilities that cross lot lines shall be included in blanket easements for purposes of both lot owner and HOA access and maintenance; and

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(d) Where attached residences are proposed, easements shall be provided to provide for incidental encroachments, property maintenance and repair.

The vote was as follows:

YES: Commissioners Brown, Kirchdorfer, Peterson and Tomes

NOT PRESENT AND NOT VOTING: Commissioner White

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NEW BUSINESS

CASE NO. 16DEVPLAN1039

Case No: 16DEVPLAN1039
Project Name: Calvary Christian Church Parking Lot Expansion
Location: 10710 Taylorsville Road
Owner(s): Calvary Christian Center
Applicant: Owner
Representative: Civil Design, Inc.
Project Area/Size: 8.8 acres
Jurisdiction: Louisville Metro/Jeffersontown
Council District: 20 Stuart Benson
Case 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:

00:33:43 Ms. Long discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Missy Legel, 3404 Stony Spring Circle, Louisville, Ky. 40220

Summary of testimony of those in favor:

00:42:03 Ms. Legel said the drive will be asphalt and will straighten out a little. Also, 53 trees will be preserved and additional screening provided.

Deliberation

00:47:10 Commissioner Brown stated the waiver is adequately justified but he hopes staff will go back and look at the 2B plan before approving it.

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 Peterson, the following resolution was adopted.

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CASE NO. 16DEVPLAN1039

**Waiver from the Land Development Code, Section 10.2.4, to not provide the
west perimeter Landscape
Buffer Areas (LBAs).**

WHEREAS, The waiver will not adversely affect adjacent property owners since the existing perimeter vegetation including all the large trees will be preserved to screen the development from the adjacent residential property. Plus the distance of the parking from the perimeter is between 100 and 200 feet. In addition, the building and parking

sufficient existing vegetation screening the property from the residential uses; 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 request does not violate the comprehensive plan since the existing vegetation will be preserved along the east, south and west perimeters which provides sufficient screening from the adjacent residential property; 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 vegetation.

WHEREAS, the Louisville Metro Development Review Committee further finds the applicant has provided plantings in excess of the minimum requirements. Additional

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trees are being provided on site along the street frontage and in the interior of the proposed parking lot. Plus all the perimeter existing vegetation is being preserved.

Waiver from the Land Development Code, Section 10.2.4, to allow an

WHEREAS, The waiver will not adversely affect adjacent property owners since the required plantings are being provided in the area of encroachment by preserving the existing vegetation and also planting new trees; and

WHEREAS, Guideline 3, policy 9 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. The waiver will not violate the comprehensive plan since the required buffer is being provided. Plus the existing vegetation will be preserved to provide the required screening the tree planting; 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 buffer and planting requirements will be provided even with the encroachment; and

WHEREAS, the Louisville Metro Development Review Committee further finds the applicant has provided plantings which exceed the minimum required along all perimeters and within the parking area interior, therefore a net beneficial effect.

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CASE NO. 16DEVPLAN1039

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** 16DEVPLAN1039, waivers 1 and 2 of section 10.2.4 of the Land Development Code for the site at 10710 Taylorsville Rd. based on the staff report and the testimony heard today.

The vote was as follows:

YES: Commissioners Brown, Kirchdorfer, Peterson and Tomes

NOT PRESENT AND NOT VOTING: Commissioner White

DEVELOPMENT REVIEW COMMITTEE

June 1, 2016

NEW BUSINESS

CASE NO. 16DEVPLAN1067

Case No: 16DEVPLAN1067
Request: Revised Detailed District Development Plan and Landscape Waiver
Project Name: Eastpoint Office Park
Location: 13105 Eastpoint Park Boulevard
Owner: Eastpoint Office Park
Applicant: Terry Chynoweth, T & T Chynoweth
Representative: Kelli Jones, Sabak, Wilson, & Lingo, Inc.
Jurisdiction: Louisville Metro
Council District: 19- Julie Denton
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:

00:48:58 Mrs. Mattingly discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Kelli Jones, 608 South Third Street, Louisville, Ky. 40202

Summary of testimony of those in favor:

00:52:19 Ms. Jones gave a power point presentation. The parking lot is for the entire center. The new plan is to accommodate the lot lines.

Deliberation

00:55:42 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.

**Waiver of Section 10.2.4.B to not provide the PEC zone required
fer Area along new property lines**

DEVELOPMENT REVIEW COMMITTEE

June 1, 2016

NEW BUSINESS

CASE NO. 16DEVPLAN1067

WHEREAS, The waiver will not adversely affect adjacent property owners as the required buffers are confined to the development itself; and

WHEREAS, 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 buffer along the new parcel lines, this does not change the character of the development and does not affect the impact of the office buildings on each other; 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 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, while also allowing the applicant to draw new parcel lines for financing purposes; 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 as the site layout would need to be completely changed and the proposal would not be possible for the applicant.

Revised Detailed District Development Plan

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

WHEREAS, The proposal includes the preservation of the existing Landscape Buffer Area and the addition of 20 trees in the proposed ILAs; and

WHEREAS, Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided through the existing vehicular access and the addition of sidewalks within the development; and

WHEREAS, There is no open space requirement with this proposal; 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

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CASE NO. 16DEVPLAN1067

WHEREAS, the Louisville Metro Development Review Committee finds the overall land uses are compatible with the existing and future development of the area, as office and warehouse uses are prevalent in the area; and

WHEREAS, the Louisville Metro Development Review Committee further finds this development conforms to the Land Development Code and the Comprehensive Plan with the exception of the Landscape Buffer Areas around the new property lines being drawn.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 16DEVPLAN1067, waiver of section 10.2.4.B of the Land Development Code, the Revised Detailed District Development Plan and the proposed change for binding element number 17 on pages 8 and 9 of the staff report, based on the staff report and testimony heard today and **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 the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 9600 square feet of gross floor area for each building on Lot 4, 12,000 square feet of gross floor area on Lot 5, 12000 square feet of gross floor area on Lot 6, and 12,000 square feet of gross floor area on Lot 7.
3. There shall be no direct vehicular access to LaGrange Road.
4. There shall be no freestanding sign permitted on Lots 4,5,6,7 without prior approval by the Planning Commission. The Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations.
5. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
6. There shall be no outdoor storage on the site.

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CASE NO. 16DEVPLAN1067

7. 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 offsite. (Light levels due to lighting on the subject site shall not exceed .5 foot candles measured at the property line).
8. 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.
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 the Jefferson county Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).
 - 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 Development Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - c. The appropriate (variances) shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
 - d. 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.
 - e. An access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be secured from the adjoining property owner and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
10. 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

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CASE NO. 16DEVPLAN1067

unless a revised district development plan is approved or an extension is granted by the Planning Commission.

11. 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.
12. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system (audible beyond the property line or permitted on the site).
13. 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.
14. 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.
15. The dumpster shall not be emptied between the hours of midnight and 6 a.m.
16. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the November 29, 2001 Land Development & Transportation meeting.
17. 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. 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 Development Services; transmittal of approved

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CASE NO. 16DEVPLAN1067

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

c. The appropriate (variances) shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.

d. 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.

e. An access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be secured from the current property owner and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

The vote was as follows:

YES: Commissioners Brown, Kirchdorfer, Peterson and Tomes

NOT PRESENT AND NOT VOTING: Commissioner White

DEVELOPMENT REVIEW COMMITTEE

June 1, 2016

NEW BUSINESS

CASE NO. 16DEVPLAN1085

Case No: 16DEVPLAN1085
Project Name: Fern Valley Distribution Center
Location: 4500 Fern Valley Road
Owner(s): Lannert Farm LLC
Applicant(s): Summit Construction LLC
Representative(s): Kathy Linares, Mindel Scott & Associates
Project Area/Size: 17.1 acres
Existing Zoning District: EZ-1, Enterprise Zone
Existing Form District: Suburban Workplace
Jurisdiction: Louisville Metro
Council District: 2 Barbara Shanklin
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:

00:57:15 Ms. Mattingly discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Kathy Linares, 5151 Jefferson Boulevard, Louisville, Ky. 40219

Summary of testimony of those in favor:

00:59:39 Ms. Linares stated that the office area will have the same square footage. The building is larger and the parking is smaller (almost same plan). Commissioner Brown said there is no note #12 on the plan. Ms. Linares said the notes were renumbered.

Deliberation

01:02:15 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 REVIEW COMMITTEE

June 1, 2016

NEW BUSINESS

CASE NO. 16DEVPLAN1085

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

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 16DEVPLAN1085, a Category 3 Development Plan based on the staff report and testimony heard today.

The vote was as follows:

YES: Commissioners Brown, Kirchdorfer, Peterson and Tomes

NOT PRESENT AND NOT VOTING: Commissioner White

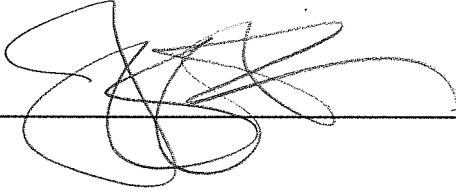
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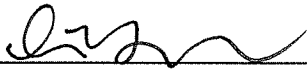
ADJOURNMENT

The meeting adjourned at approximately 2:05 p.m.

Chair

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Planning Director

A smaller, more fluid handwritten signature in black ink, with a series of connected loops and a trailing horizontal stroke.

