

**MINUTES OF THE MEETING
OF THE
DEVELOPMENT REVIEW COMMITTEE
June 15, 2016**

A meeting of the Development Review Committee was held on, June 15, 2016, 1:00 p.m. in the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Committee Members present were:

Jeff Brown, Commissioner
Clifford Turner, Commissioner
Emma Smith, Commissioner

Committee Members absent were:

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

Staff Members present were:

Brian Davis, Planning Manager
Steve Hendrix, Planning Supervisor
Laura Mattingly, Planner I
Ross Allen, Planner I
Joel Dock, Planner I
Tony Kelly, MSD
Tammy Markert, Transportation Planning
Jonathan Baker, Legal Counsel
John Carroll, Legal Counsel
Pamela M. Brashear, Management Assistant

The following matters were considered:

APPOINT ACTING CHAIRMAN

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

RESOLVED, that the Development Review Committee does hereby **APPROVE** the appointment of Commissioner Brown as Acting Chairman for the June 15, 2016 DRC meeting.

The vote was as follows:

YES: Commissioners Brown, Smith and Turner

**NOT PRESENT FOR THIS CASE: Commissioners Kirchdorfer, Peterson and
Tomes**

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APPROVAL OF MINUTES

JUNE 1, 2016 DRC MEETING MINUTES

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

RESOLVED, that the Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on June 1, 2016.

The vote was as follows:

YES: Commissioners Brown, Smith and Turner

**NOT PRESENT FOR THIS CASE: Commissioners Kirchdorfer, Peterson and
Tomes**

DEVELOPMENT REVIEW COMMITTEE
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NEW BUSINESS

CASE NO. 15DEVPLAN1095

Case No:	15DEVPLAN1095
Request:	Revised Detailed District Development Plan and Landscape Waiver
Project Name:	Double Dogs
Location:	13307 Shelbyville Road
Owner:	Middletown Investment Partners, LLC
Applicant:	Jeff Arnold, Arnold Consulting
Representative:	Jeff Arnold, Arnold Consulting
Jurisdiction:	Middletown
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:

00:07:32 Mrs. Mattingly discussed the case summary, standard of review and staff analysis from the staff report.

Deliberation

00:15:05 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.

Revised Detailed District Development Plan

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

WHEREAS, This site has already been cleared due to the previous development plan. The proposal is exceeding the tree canopy requirement by nearly 10%; and

WHEREAS, Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided with access from Private Drives off of Shelbyville Road and North English Station Road, as well as sidewalk connections to the public sidewalks, throughout the development and to adjacent developments; and

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WHEREAS, There are no open space requirements with the current 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

WHEREAS, the Louisville Metro Development Review Committee finds the overall land use and building design are very compatible with surrounding development as this area has become a typical suburban commercial corridor; and

WHEREAS, the Louisville Metro Development Review Committee further finds the development plan meets or exceeds all requirements of the Land Development Code with one exception and therefore is compliant with the Comprehensive Plan.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **RECOMMEND**, to the City of Middletown, **APPROVAL** of Case No. 15DEVPLAN1095, the Revised Detailed District Development Plan **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 submitted to the Planning Commission or the Planning Commission's designee and to the City of Middletown for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 4,339 square feet of gross floor area.
3. There shall be no direct vehicular access to Shelbyville Road.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall

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

6. 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.

The vote was as follows:

YES: Commissioners Brown, Smith and Turner

NOT PRESENT AND NOT VOTING: Commissioners Kirchdorfer, Peterson and Tomes

**Waiver of 10.2.10 to allow a sidewalk to encroach into the
required 10 foot Vehicle Use Area Landscape Buffer Area**

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

WHEREAS, The waiver will not adversely affect adjacent property owners as the LBA is located along a private roadway and all required plantings have been provided; 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

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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. These policies are not violated as the required plantings are still being provided. These plantings provide an adequate transition due to adjacent development being very similar in intensity and character; 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 plan does provide all other LBAs and is constrained by the area needed for adequate parking; 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 parking would have to be reconfigured in order to accommodate both the LBA and the sidewalk. The applicant has also exceeded the amount of landscaping on the plan than the LDC requires.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **RECOMMEND**, to the City of Middletown, **APPROVAL** of Case No. 15DEVPLAN1095, the waiver of 10.2.10 to allow a sidewalk to encroach into the required 10 foot Vehicle Use Area Landscape Buffer Area.

The vote was as follows:

YES: Commissioners Brown, Smith and Turner

NOT PRESENT AND NOT VOTING: Commissioners Kirchdorfer, Peterson and Tomes

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NEW BUSINESS

CASE NO. 16WAIVER1011

Request: Landscape Waiver from Land Development Code section 10.2.4.B to allow more than a 50% overlap of an existing utility easement into the required 15 foot landscape buffer area

Project Name: 6600 Paramount Park Drive

Location: 6600 Paramount Park Drive

Owner: Gurmit Advani – General Hospitality Services LLC.

Applicant: Spencer Heuke – Heritage Engineering LLC

Representative: Spencer Heuke – Heritage Engineering LLC

Jurisdiction: Louisville

Council District: 21 – Dan Johnson

Case Manager: Ross Allen, Planner I

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

Agency Testimony:

00:16:48 Mr. Allen discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Spencer Heuke, 642 South 4th Street, Louisville, Ky. 40202

Summary of testimony of those in favor:

00:20:05 Mr. Heuke said the waiver is needed for a access drive in the back.

Deliberation

00:20:40 Development Review Committee deliberation.

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

Waiver

Waiver from LDC section 10.2.4.B to allow more than a 50% overlap of an existing utility easement into the required 15 foot LBA.

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NEW BUSINESS

CASE NO. 16WAIVER1011

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

WHEREAS, The waiver will not adversely affect adjacent property owners since the VUA LBA is located along a private access road that leads to a mini-storage warehouse located to the rear of the applicant's property; 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 general vicinity is occupied by all commercial land use types and has a mini-storage warehouse to the rear, a vacant lot to the east, and a hotel to the northeast; 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 50' ft. public utility, sewer, drainage, and private access easement predates the proposed plan for the hotel. As a result, the waiver is the necessary to afford relief to the applicant; and

WHEREAS, the Louisville Metro Development Review Committee further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant since the applicant would be unable to meet the LDC section 10.2.4.requirements for providing a LBA for the explicit purpose of screening their VUA.

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NEW BUSINESS

CASE NO. 16WAIVER1011

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 16WAIVER1011, the waiver from the Land Development Code section 10.2.4.B, to allow more than 50% overlap of an existing utility easement into the required 15 foot landscape buffer area.

The vote was as follows:

YES: Commissioners Brown, Smith and Turner

NOT PRESENT AND NOT VOTING: Commissioners Kirchdorfer, Peterson and Tones

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NEW BUSINESS

CASE NO. 16WAIVER1012

Case No(s):	16WAIVER1012
Project Name:	Thorntons Office Landscape Waiver
Location:	13820 Old Henry Road
Owner(s):	Ronnie Davis, Thorntons Inc
Applicant(s):	Greg Theil, Thorntons Inc
Representative(s):	Liz Mooney, Taylor Siefker Williams Design Group
Project Area/Size:	16.9 acres
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:

00:21:50 Mrs. Mattingly discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Liz Mooney, Taylor Siefker Williams Design Group, 2003 Frankfort Avenue, Louisville, Ky.

Summary of testimony of those in favor:

00:25:14 Ms. Mooney remarked, "This will be their new store support center so they'll be moving from their current office to this location."

Ms. Mooney provided pictures to show the dense existing tree line.

Deliberation

00:26:28 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

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NEW BUSINESS

CASE NO. 16WAIVER1012

Waiver of section 10.2.4.A. to eliminate the required landscape screening along the northern property line

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

WHEREAS, The waiver will not adversely affect adjacent property owners as the Landscape Buffer Area will still be provided. Screening is already provided by existing trees and elevation changes along the 20' multi-use path easement that runs between this property and the property to the north; 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 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. Vegetation already exists that meets the intent of the buffering requirement; therefore, the waiver will not violate specific guidelines of Cornerstone 2020; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the applicant is providing the LBA, removing invasive honeysuckle from the LBA, and the addition of the screen would create safety and accessibility issues; 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 addition of an 8' screen would decrease safety and accessibility to the multi-use path, which the applicant would like for an amenity for office workers.

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NEW BUSINESS

CASE NO. 16WAIVER1012

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 16WAIVER1012, section 10.2.4.A to eliminate the required landscape screening along the northern property line.

The vote was as follows:

YES: Commissioners Brown, Smith and Turner

NOT PRESENT AND NOT VOTING: Commissioners Kirchdorfer, Peterson and Tomes

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NEW BUSINESS

CASE NO. 16WAIVER1013

Case No:	16WAIVER1013
Project Name:	3300 Preston Highway Sign Waiver
Location:	3300 Preston Highway
Owner:	CNL, Louisville Preston, LLC
Applicant:	Tommy Reed, Atlantic Sign Company
Representative:	Tommy Reed, Atlantic Sign Company
Project Area/Size:	1.87 acres
Jurisdiction:	Louisville Metro
Council District:	21 – Dan Johnson
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:

00:27:48 Mrs. Mattingly discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Tommy Reed, Atlantic Sign Company, 2328 Florence Avenue, Cincinnati, Oh.

Summary of testimony of those in favor:

00:31:10 Mr. Reed remarked, "There are some freestanding signs that have the EMC or LED sign incorporated into the cabinet along there. There are several on properties within 500 yards." The hotels like to advertise their weekly/nightly rates. The sign will have a 10 second delay between static images and a dimmer.

Deliberation

00:33:00 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

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NEW BUSINESS

CASE NO. 16WAIVER1013

Waiver from Section 8.2.1.D.4.b, to allow an LED sign to not be integrated into another attached sign and for 100% of the screen to be changing image

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

WHEREAS, The waiver will not adversely affect adjacent property owners as the proposed sign will face I-65 and will not be visible from Preston Hwy or from adjacent properties; and

WHEREAS, Guideline 3, policy 28 calls for signs that are compatible with the form district pattern and contribute to the visual quality of their surroundings. The waiver will not violate the comprehensive plan as the proposed LED sign is typical of signage seen from I-65 and will not affect the character of the area around Preston Highway, as it will only be visible from the expressway; 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 all other proposed signs are in conformance with the Land Development Code; 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 it would not allow the owner to advertise the changing rates and amenities to potential customers.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 16WAIVER1013, a waiver of section 8.2.1.D.4.b to allow a LED sign to not be integrated into another attached sign and for 100% of the screen to be changing image.

The vote was as follows:

YES: Commissioners Brown, Smith and Turner

NOT PRESENT AND NOT VOTING: Commissioners Kirchdorfer, Peterson and Tomes

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NEW BUSINESS

CASE NO. 16DEVPLAN1061

Case No: 16DEVPLAN1061
Project Name: Storage Plus
Location: 6456 Outer Loop
Owner: Iverson Family Outer Loop, LLC.
Representative: Law Office of Michael Tigue, PLLC
Michael Tigue
Project Area/Size: 4.6 acres
Existing Zoning District: C-2, Commercial
Existing Form District: N, Neighborhood
Jurisdiction: Louisville Metro
Council District: 23 – James Peden
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:

00:33:59 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Michael Tigue, P.O. Box 729, LaGrange, Ky. 40031

Summary of testimony of those in favor:

00:38:25 Mr. Tigue stated there is one minor adjustment to binding element 6. The Conditional Use Permit binding element was modified and limited to a total of 4 recreational trailer vehicles.

Deliberation

00:40:18 Development Review Committee deliberation. Acting Chair Brown said he would prefer to revise binding element number 9, instead of deleting 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.

Revised Detailed District Development Plan

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NEW BUSINESS

CASE NO. 16DEVPLAN1061

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

WHEREAS, The proposed revisions do not impact the conservation of natural resources on the property proposed for development as no changes to structures or impervious surface is being requested; and

WHEREAS, Provisions for safe and efficient vehicular and pedestrian transportation within the development and the community is provided as the warehousing portion of the site has restricted access for the safety of stored items and customer use only, while the office is open to the public and has direct access to Outer Loop; and

WHEREAS, Open space is not required is not required on this proposal. All landscaping provided at the time of development is being maintained; and

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

WHEREAS, the Louisville Metro Development Review Committee finds the overall site design and land uses are compatible with the existing and future development of the area as the mini-warehouse provides a storage service to nearby residents at a scale and size compatible with adjacent commercial uses and multi-family structures. The addition of automobile/truck rental enhances the potential for the site to be a "one-stop-shop" for storage needs when moving items from one location to another. The storage of accessory recreational vehicle allows for the storage of these types of vehicles to be removed from residential areas and stored in an area of compatible uses with restricted site access; and

WHEREAS, the Louisville Metro Development Review Committee further finds the proposal is consistent with applicable policies of the Comprehensive Plan as Guideline 3, Policies 1 and 3 encourage compatibility of redevelopment with the scale and site design of nearby development and with the pattern of development, as well as discouraging non-residential expansion into residential areas. The site re-utilizes an existing mini-warehouse facility to accommodate for an expansion of a non-residential use without expansion into residential areas or the need for a new site to be developed which may impact residential areas. The site is located within an area of existing commercial uses and multi-family development.

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NEW BUSINESS

CASE NO. 16DEVPLAN1061

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 16DEVPLAN1061, the Revised Detailed District Development Plan to incorporate a truck rental service into an existing mini-warehouse facility and to amend binding element number 9 as follows: The only commercial uses permitted on the site are a mini-warehouse, truck rental and RV storage. No other C-2 commercial uses are permitted unless approved by the Planning Commission. Also, binding element number 6 shall read: There shall be no outdoor storage on the site, except for the storage of accessory recreational vehicles not exceeding 25 feet in length.

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. No further development shall occur without prior approval from the Planning Commission, except for land uses permitted in the established zoning district.
2. The development shall not exceed 84,994 square feet of gross floor area for mini-warehouse space, one 266 square foot office and a 1,200 square foot apartment and garage.
3. The only permitted freestanding sign shall be located within the 30 foot LBA on Outer Loop. The sign shall not exceed 64 square feet in area per side and feet in height. No sign shall have more than two sides.
4. The sidewalk shown on the development plan shall be located on the west side of the 60 foot access easement.
5. No outdoor advertising signs (billboards), small free- standing (temporary) signs, pennants or banners shall be permitted on the site.
6. There shall be no outdoor storage on the site, except for the storage of accessory recreational vehicles not exceeding 25' in length.
7. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting from the facility should not exceed two foot candles at the property line.
8. No toxic, hazardous or flammable materials shall be stored at this facility.

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CASE NO. 16DEVPLAN1061

9. The only commercial uses permitted on the site are a mini-warehouse, truck rental and RV storage. No other C-2 commercial uses are permitted unless approved by the Planning Commission.
10. 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 W. Liberty Street).
 - 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 Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
11. 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.
12. 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.
13. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project, and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.

The vote was as follows:

YES: Commissioners Brown, Smith and Turner

NOT PRESENT AND NOT VOTING: Commissioners Kirchdorfer, Peterson and Tomes

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NEW BUSINESS

CASE NO. 16DEVPLAN1066

Request:	New construction of a 2050 square foot office for Louisville Grows located at 1642 Portland Avenue
Project Name:	1641 Portland Avenue
Location:	1641 Portland Avenue
Owner:	Valerie Magnuson – Louisville Grows
Applicant:	Jeremy Vokurka – Realm Construction
Representative:	Kelli Jones – Sabak, Wilson, and Lingo Inc.
Jurisdiction:	Louisville Metro
Council District:	5 – Cheri Bryant Hamilton
Case Manager:	Ross Allen, Planner I

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

Agency Testimony:

00:51:51 Mr. Allen discussed the case summary, standard of review and staff analysis from the staff report.

Acting Chair Brown said the applicant will need a parking waiver.

The following spoke in favor of this request:

Kelli Jones, 608 South 3rd Street, Louisville, Ky. 40202
Valerie Magnuson,

Summary of testimony of those in favor:

00:59:20 Ms. Jones stated the project is fairly simple and I thought the parking issue was solved. "This plan in front of you, with the 2 on-street parking spaces, is exactly what we were instructed to do by Transportation Planning."

Ms. Jones gave a power point presentation.

01:02:37 Ms. Magnuson is the Director of Louisville Grows. "The Healthy House will be our new headquarters. We'll have an office on the second floor, a teaching kitchen and a manufacturing kitchen for surplus produce. We will also have classroom space where we conduct our educational programming."

The following spoke neither for nor against the request:

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Stephen Pate, 1706 Portland Avenue, Louisville, Ky. 40203
Bill Receveur, Realm Construction Company, 620 South 3rd Street, Suite 600,
Louisville, Ky. 40202

Summary of testimony of those neither for nor against:

01:04:34 Mr. Pate said the plan shows Portland Ave. as a 2-way street and it's not. Also, Nelligan Ave. is not marked as a fire lane and all the residents currently use it for parking.

1:08:04 Mr. Receveur said people are wondering why this case is taking so long. There's a lot of support with people donating their services, expertise, time and effort. "My company is going to be doing the general construction work and we're donating our services. It's the kind of project that's very compelling and unselfish and I think it's going to be a real credit to the Portland community."

Discussion

01:17:15 Ms. Jones said they will plant a tree on site. Also, she requests a meeting with Acting Chair Brown to work out the parking issue. Acting Chair Brown stated, "Prior to full construction approval, we can allow foundation only under this Category 3 approval, which is clearing, grading and foundation (only), while we resolve the parking issue." Ms. Jones suggests conditioning it based on the Certificate of Occupancy and Acting Chair Brown agreed.

Deliberation

01:18:25 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 Turner, seconded by Commissioner Smith, the following resolution was adopted.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 16DEVPLAN1066, a Category 3 Plan to construct an office/educational structure for Louisville Grows, Inc., in accordance with Ordinance Number 21, Series 2008 (Lou. Metro AM. Ord. No. 21-2008, approved 2-18-2008). The Ordinance requires proposed developments in the Portland Neighborhood to undergo a Category 3 review prior to issuance of a Certificate of Occupancy in conjunction of

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working with the Planning Dept. **ON CONDITION** that the applicant will provide some type of on-site parking of Nelligan Ave. to meet the minimum parking requirement before receiving the Certificate of Occupancy.

The vote was as follows:

YES: Commissioners Brown, Smith and Turner

**NOT PRESENT AND NOT VOTING: Commissioners Kirchdorfer, Peterson and
Tomes**

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NEW BUSINESS

CASE NO. 16DEVPLAN1069

Case No:	16DEVPLAN1069
Project Name:	Burger King
Location:	9500 Preston Highway
Owner:	Meijer Stores Limited Partnership
Representative:	Bardenwerper, Talbott, & Roberts, PLLC – Bill Bardenwerper
Project Area/Size:	2.19 acres
Existing Zoning District:	C-1, Commercial
Existing Form District:	SMC, Suburban Marketplace Corridor
Jurisdiction:	Louisville Metro
Council District:	24 – Madonna Flood
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:

01:21:19 Mr. Dock 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, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223

Summary of testimony of those in favor:

01:27:18 Mr. Pregliasco gave a power point presentation. There are no sidewalks in the center. Acting Chair Brown said there is a sidewalk but the proposal doesn't meet the threshold, therefore it is not an issue.

Mr. Pregliasco stated that the reason the waiver is being requested is because there's predominantly vehicular use in the center.

The following spoke neither for nor against the request:

Jerry Rodgers, 4605 East Manslick Road, Louisville, Ky. 40219

Summary of testimony of those neither for nor against:

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01:36:03 Mr. Rodgers is concerned about the following: traffic, litter, cooking smells, exhaust fumes, design, landscaping, hours/days of operation and the sign-height and will it be dark when closed?

Rebuttal

01:39:08 Mr. Pregliasco stated that this proposal does meet the threshold for the Ky. Transportation Cabinet. A traffic study is being completed for Preston Hwy. and will be submitted next week. The project will be approved on condition of receiving that report. The Burger King is a new store and the owners will want to keep it litter-free. The proposed sign complies with the Land Development Code and the hours of operation will be 5:00 a.m. to midnight.

Deliberation

01:42:13 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.

Detailed District Development Plan

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

WHEREAS, The proposal does not adversely impact the conservation of natural resources on the property proposed for development as there are no environmental constraints; and

WHEREAS, Provisions for safe and efficient vehicular and pedestrian transportation within the development and the community is provided as the development uses an existing access drive for primary access from Preston Highway and connected with adjacent development to the West which is the predominant traffic producer on-site. Thresholds for development do not require the construction of public sidewalks in the Preston Highway right-of-way; and

WHEREAS, All landscaping required will be provided; and

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

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

WHEREAS, the Louisville Metro Development Review Committee finds the overall site design and land uses are compatible with existing and projected future development of the area as Preston Highway to the North of the site is a commercial corridor and the progression of commercial development appears to be filling in between this site and the corridor; and

WHEREAS, the Louisville Metro Development Review Committee further finds the proposal is consistent with applicable policies of the Comprehensive Plan as Guideline 3, Policies 1 and 3 encourage compatibility of redevelopment with the scale and site design of nearby development and with the pattern of development, as well as discouraging non-residential expansion into residential areas. The development of this vacant out-lot utilizes an existing commercially zoned property without expanding commercial development into the surrounding area which would require a rezoning along the remaining non-commercially zoned portions of the corridor.

Waiver of Land Development Code (LDC), 5.5.2.B.1.a, to not provide vehicular or pedestrian connection

WHEREAS, The waiver will not adversely affect adjacent property owners as the site is within an existing commercial development and sufficient access to adjacent properties is provided by the private access drive. Pedestrian access to site and adjacent properties is limited by the absence of a sidewalk along the frontage and the interstate access ramp; and

WHEREAS, The waiver will not violate guidelines of Cornerstone 2020 as Guideline 2, policy 13 encourages adjacent development sites to share entrance and parking facilities in order to reduce the number of curb cuts and the amount of surface parking. Guideline 7, policy 13 calls for the requirement of joint and cross access easements according to standards set forth in the Land Development Code, to reduce traffic on major thoroughfares and to reduce safety hazards. Guideline 7, policy 16 calls for the promotion of joint access and circulation systems for development sites comprised of more than one building site or lot. The proposed development does not increase demand for additional access to Preston Highway as main access to the site is shared between multiple uses. The site provides sufficient parking to meets the needs of the proposal while utilizing the existing primary use's drive land; 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 sufficient vehicular access is provided by existing development and further connection

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CASE NO. 16DEVPLAN1069

to the abutting property to the North would not benefit the Northern property as the direction of vehicular traffic is restricted along this property line; 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 site has been designed to meet the needs of the development and connection to adjacent sites can be achieved through the main drive for the out-lots and Meijer retail site.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 16DEVPLAN1069, the Detailed District Development Plan, waiver of the Land Development Code 5.5.2.B.1.a, to not provide vehicular or pedestrian connection and an amendment for a binding element based on the staff report and information received today, **SUBJECT** to the following Binding Elements:

Proposed Detailed District Development Plan Binding Elements

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

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 2,773 square feet of gross floor area.
3. Signs shall be in accordance with Chapter 8 of the Land Development Code.
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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

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6. 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. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. A minor subdivision plat shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - e. 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
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.

Existing District Development Plan 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. No further development shall occur without prior approval from the Planning Commission, except for land uses permitted in the established zoning district.

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2. The development shall not exceed 261,500 square feet of gross floor area (229,400 square feet for the retail store and 34,000 square feet for the garden center).
3. Signs shall be in accordance with Chapter 8 of the Land Development Code.
4. No outdoor advertising signs (billboards), small free- standing (temporary) signs, pennants or banners shall be permitted on the site.
5. There shall be no outdoor storage on the site.
6. Outdoor lighting shall be directed down and away from surrounding residential properties.
7. The developer will lengthen the existing northbound left turn lane on Preston at the proposed entrance per Kentucky Department of Highways requirement.
8. The developer will construct a separate southbound right turn lane on Preston at the Meijer entrance per Kentucky Department of Highways requirement.
9. Traffic improvements will be made to the intersection of Preston and South Park/Manslick in conformance to a preliminary drawing that has been submitted to the Jefferson County Division of Public Works and the developer will:
 - a. Provide to the County the construction drawings and specifications for the improvement.
 - b. Pay for the construction of the improvements including water line relocation if any are required.
 - c. Post necessary bonds for improvements prior to building construction approval.

The County will:

- a. Purchase all right-of-way and easements required for the proposed improvements.
- B. Bid the project and provide construction supervision. The Developer will be able to obtain construction drawing approvals, building permits and occupancy permits regardless of whether or not the County has obtained the right-of-way and easements required by this binding element. If the County is unable to obtain the right-of-way and easements within four years of construction approval, the Developer's requirements under this binding element are null and void.

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10. The applicant agrees to permit a transit stop to be located on the site at an appropriate location as determined in concert with the Transit Authority of River City (TARC).
11. A soil erosion and sedimentation control plan shall be developed and implemented in accordance with the Metropolitan Sewer District and the USDA Natural Resources Conservation Service recommendations. Documentation of MSD's approval of the plan shall be submitted to the Planning Commission prior to grading and construction activities.
12. The applicant shall submit a plan for approval by the Planning Commission staff landscape architect showing trees/tree masses to be preserved prior to beginning any construction-procedure (i.e. clearing, grading, and demolition). Any modification of the tree preservation plan requested by the applicant may be approved by the Planning Commission staff landscape architect if the changes are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
 - a. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
 - b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
 - c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
 - d. Location of construction fencing for each tree/tree mass designated to be preserved.
13. 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 (400 S. Sixth Street).
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of planning and Development Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

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- d. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in the parkway policy and article 12 prior to requesting a building permit. Such plan shall be implemented prior to the applicant requesting a Certificate of Occupancy for 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.
- 14. If a building permit is not issued within two years of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
 - 15. A certificate of occupancy must be received from the appropriate code enforcement 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.
 - 16. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project, and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.
 - 17. The western end of the five foot berm along the southern property line shall maintain the 525 foot elevation as near to the western most power pole along that berm as staff determines possible while the 2.5:1 slope is maintained.
 - 18. Prior to the applicant requesting a certificate of occupancy, the applicant shall obtain approval of a revised plan showing the extended berm from the staff landscape architect.

The vote was as follows:

YES: Commissioners Brown, Smith and Turner

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CASE NO. 16DEVPLAN1069

**NOT PRESENT AND NOT VOTING: Commissioners Kirchdorfer, Peterson and
Tomes**

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NEW BUSINESS

CASE NO. 16DEVPLAN1078

Request:	Requests from LDC section 5.8.1 for a sidewalk waiver and from section 10.2.4.B for a landscape waiver for Sojourn Community Church
Project Name:	11412 Taylorsville Road
Location:	11412 Taylorsville Road
Owner:	Patrick Steward
Applicant:	Ashley Bartley – Qk4
Representative:	Ashley Bartley – Qk4
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson
Case Manager:	Ross Allen, Planner I

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

Agency Testimony:

01:43:50 Mr. Allen discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Ashley Bartley, QK4, 1046 East Chestnut Street, Louisville, Ky. 40204

Summary of testimony of those in favor:

01:47:51 Ms. Bartley gave a power point presentation. There is some single family residential to the east and south, largely rural in nature. "The expansion is just to accommodate the increase in membership. There will also be a sidewalk extension."

Deliberation

01:53:01 Development Review Committee deliberation. Acting Chair Brown said he has a hard time supporting the sidewalk waiver at this location. It's important to provide the sidewalk on Taylorsville Rd. because there's no shoulder. Ms. Bartley responded, "Along the frontage, there's a shared use path plan. We don't know where that's going to be yet (note on the plan). We'll build the sidewalks on the frontage if that shared use path hasn't been built in 3 years."

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NEW BUSINESS

CASE NO. 16DEVPLAN1078

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.

Landscape Waiver from the LDC section 10.2.4.B to allow the utility easement to encroach into as much as 50% of the required width of the LBA

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

WHEREAS, The waiver will not adversely affect adjacent property owners since residential uses found along the eastern side of the parcel are currently screened by existing tree stands abutting the Sojourn Community Church property. Furthermore, the existing dense vegetation will remain intact providing perimeter buffering the easement has no effect upon the landscape buffer area; 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. A single family dwelling currently blocks the view of the Church along Taylorsville Road, there are no residential uses to the west of the subject site, and the electric easement along the eastern property boundary acts as a buffer from both vehicular use areas and church; 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 as previously stated the easement provides a landscape buffer mitigating the impact upon adjacent uses; and

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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 since the existing screening along the eastern property boundary is in excess of what is required by LDC, particularly in the electrical easement along the eastern side of the property.

Sidewalk Waiver from LDC section 5.8.1.B to not provide sidewalks in the abutting right-of-way to serve the entrance of the development site.

WHEREAS, The waiver will not adversely affect adjacent property owners since the applicant is proposing to provide a sidewalk from the southern side of Falling Brook Drive (Bolling Brook Subdivision) on the eastern side entering the Sojourn Community Church site where sidewalks currently exist. The applicant justification states that the connection from Bolling Brook Drive will provide more access to potential church goers than people arriving on foot via Taylorsville Road since no sidewalks currently exist along either side of Taylorsville Road; and

WHEREAS, Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those 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 church is located approximately 1,230 feet to the rear of the parcel, from Taylorsville Road, requiring the construction of a long and potentially costly sidewalk. The applicant has stated that the addition of a sidewalk from Taylorsville Road could "invite" trespassers to enter the site and use the pond, which is considered a nuisance in fact; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since adjacent property owners may access the site from Bolling Brook Drive and sidewalks are not present along either the north or south side of Taylorsville Road; and

WHEREAS, the Louisville Metro Development Review Committee further finds the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant since the sidewalk would increase accessibility of the subject site for trespassers and the potential damage of property. As a result of the secluded nature of the development providing a sidewalk connection from Taylorsville Road encourages trespassing onto the property and would place a financial burden on the church to construct a lengthy sidewalk to the rear of the property where the church is located.

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NEW BUSINESS

CASE NO. 16DEVPLAN1078

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 16DEVPLAN1078, a landscape waiver from LDC section 10.2.4.B to allow the utility easement to encroach into as much as 50% of the required width of the LBA and a sidewalk waiver from LDC section 5.8.1.B to not provide sidewalks in the abutting right-of-way to serve the entrance of the development site based on the staff report and testimony heard today.

The vote was as follows:

YES: Commissioners Brown, Smith and Turner

**NOT PRESENT AND NOT VOTING: Commissioners Kirchdorfer, Peterson and
Tomes**

DEVELOPMENT REVIEW COMMITTEE
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NEW BUSINESS

CASE NO. 16DEVPLAN1080

Case No:	16DEVPLAN1080
Project Name:	Harland Clarke
Location:	1910 Campus Place
Owner:	NTS Property Holdings Limited Partners
Representative:	QK4 – Ashley Bartley
Project Area/Size:	4.37 acres
Existing Zoning District:	PEC, Planned Employment Center
Existing Form District:	SW, Suburban Workplace
Jurisdiction:	Jeffersontown
Council District:	20 – Stuart Benson
Case Manager:	Joel P. Dock, Planner I

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

Agency Testimony:

01:57:27 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Ashley Bartley, QK4, 1046 East Chestnut, Louisville, Ky. 40204
Cheston Hammonds, 1910 Campus Place, Louisville, Ky.

Summary of testimony of those in favor:

01:59:57 Ms. Bartley gave a power point presentation. "They need this parking because they have a shift overlap so at their peak shift when one shift is still there and the other one is coming to relieve them, they're having shortages in parking. Also, in the service area there's going to be a new piece of equipment."

02:02:06 Mr. Hammonds said the parking expansion gives extra space for the trucks to maneuver. Also, the system to be installed will run at 55 decibels and the average roof air conditioning system runs at approximately 57 decibels.

Deliberation

02:04:16 Development Review Committee deliberation.

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NEW BUSINESS

CASE NO. 16DEVPLAN1080

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.

RDDDP

On a motion by Commissioner Turner, seconded by Commissioner Smith, the following resolution was adopted; and

WHEREAS, The proposal does not appear to adversely impact the conservation of natural resources on the property proposed for development as there are no environmental constraints; and

WHEREAS, Provisions for safe and efficient vehicular and pedestrian transportation within the development and the community is provided as the development utilizes existing points of access to public roads and connection to the public sidewalk network. Walks are provided to move pedestrians from vehicle use areas to building entrances; and

WHEREAS, All landscaping required is being provided; and

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

WHEREAS, the Louisville Metro Development Review Committee finds the overall site design and land uses are compatible with existing and projected future development as the site is an area of mixed office, commercial, and industrial uses; and

WHEREAS, the Louisville Metro Development Review Committee further finds the proposal is in conformance with applicable policies of the Comprehensive Plan.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **RECOMMEND**, to the City of Jeffersontown, **APPROVAL** of Case No. 16DEVPLAN1080, a Revised Detailed District Development Plan for a parking expansion based on the information heard today, staff report and testimony, **SUBJECT** to the following Binding Elements:

Binding Elements

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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. No further development shall occur without prior approval from the Planning Commission and the City of Jeffersontown, except for land uses permitted in the established zoning district.
2. There shall be no medical offices or other uses requiring a parking ratio greater than one space per 400 square feet of floor area unless parking can meet the requirement of the proposed use.
3. The development shall not exceed a total of 60,000 square feet of gross floor area.
4. The only freestanding sign permitted on site shall be monument style not exceeding 8 feet in height and 40 square feet in area.
5. No outdoor advertising signs (billboards), small freestanding (temporary) signs, pennants, balloons, or banners shall be permitted on the site.
6. There shall be no outdoor storage on the site.
7. Outdoor lighting shall be directed down and away from adjacent properties. Lighting fixtures shall have a 90 degree cutoff so that no light source is visible off-site. Lighting levels attributable to the fixtures located on the subject site shall not exceed two foot candles at the property line.
8. 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 City of Jeffersontown (10416 Watterson Trail) 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 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.

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9. If a building permit is not issued within one year of the date of approval of the plan, 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.
10. 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.
11. There shall be no outdoor music (live, piped, radio or amplified), outdoor entertainment, or outdoor PA system permitted on the site.
12. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project, and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.
13. A soil erosion and sedimentation control plan shall be developed and implemented in accordance with the Metropolitan Sewer District and the USDA Natural Resources Conservation Service recommendations. Documentation of the MSD's approval of the plan shall be submitted to the Planning Commission prior to grading and construction activities.
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.

The vote was as follows:

YES: Commissioners Brown, Smith and Turner

NOT PRESENT AND NOT VOTING: Commissioners Kirchdorfer, Peterson and Tomes

DEVELOPMENT REVIEW COMMITTEE
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NEW BUSINESS

CASE NO. 16DEVPLAN1081

Case No:	16DEVPLAN1081
Request:	Revised Detailed District Development Plan, landscape waiver and LDC waiver for amenity area
Project Name:	Guess Distribution Center
Location:	10610 Freeport Drive
Owner:	Kevin Browne, Guess ? Inc.
Applicant:	Kevin Browne, Guess ? Inc.
Representative:	Ashley Bartley, Qk4
Jurisdiction:	Louisville Metro
Council District:	12 – Rick Blackwell
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:

02:05:01 Mrs. Mattingly stated that the applicant has requested a continuation for an undetermined date.

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 Turner, seconded by Commissioner Smith, the following resolution was adopted.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **CONTINUE** this case indefinitely.

The vote was as follows:

YES: Commissioners Brown, Smith and Turner

NOT PRESENT AND NOT VOTING: Commissioners Kirchdorfer, Peterson and Tomes

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NEW BUSINESS

CASE NO. 16DEVPLAN1097

Case No:	16DEVPLAN1097
Project Name:	J-Town Beach
Location:	10315 Watterson Trail
Owner:	Phillip and Martha Leigh
Representative:	Land Design & Development – Ann Richard
Project Area/Size:	0.9 acres
Existing Zoning District:	C-1 and C-2, Commercial
Existing Form District:	TC, Town Center
Jurisdiction:	Jeffersontown
Council District:	20 – Stuart Benson
Case Manager:	Joel P. Dock, Planner I

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

Agency Testimony:

02:06:00 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Ann Richard, Land Design and Development, 503 Washburn Avenue, Louisville, Ky. 40222

Danny Butler, 3104 Thomas Lane, Louisville, Ky. 40299

Summary of testimony of those in favor:

02:14:21 Ms. Richard gave a power point presentation. The pavilion is proposed to be enclosed.

Ms. Richard said if there's a need additional/overflow parking, J-town Beach, has permission to use the gravel lot nearby.

02:18:31 Mr. Butler described the location of the post office.

Deliberation

02:22:37 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.

Revised Detailed District Development Plan

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

WHEREAS, The proposal does not appear to adversely impact the conservation of natural resources on the property proposed for development as there are no environmental constraints; and

WHEREAS, Provisions for safe and efficient vehicular and pedestrian transportation within the development and the community is provided as the development utilizes existing points of access to public roads and connection to the public sidewalk network. A new sidewalk is proposed along Maple Drive. The internal configuration of parking has been revised to meet the minimum parking requirements and control the safe flow of traffic; and

WHEREAS, The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development are provided as site will be a place of leisure and recreation for the public. No structures are proposed and much of the activity on site will be located outdoors; and

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

WHEREAS, the Louisville Metro Development Review Committee finds the overall site design and land uses are compatible with existing and projected future development of the area as the site is located in the Town Center form district. Town centers are typically compact areas with a mixture of moderately intense uses that are developed around an identifiable core. They are often located at a historic crossroads or at the intersection of a major thoroughfare and collector roadway with connections to surrounding neighborhoods. Buildings are close to and oriented toward the street, and there is a connected street pattern, shared parking and pedestrian amenities. More intense commercial and residential uses are located in proximity to major thoroughfares, and the intensity of uses gradually declines toward an "edge" or "transition area" to lower density residential neighborhoods; and

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WHEREAS, the Louisville Metro Development Review Committee further finds the proposal is consistent with applicable policies of the Comprehensive Plan as Guideline 3, Policies 1 and 3 encourage compatibility of redevelopment with the scale and site design of nearby development and with the pattern of development, as well as discouraging non-residential expansion into residential areas. Furthermore, the proposal is consistent with Guideline 2, Policies 1, 2, 4, 5, 13, 15, & 16 encouraging compatibility of design and location of parking, multi-modal accessibility, central location of amenities and services within existing commercial centers, and reuse and revitalization of underused commercial facilities.

Waiver of 4 foot VUA LBA

WHEREAS, The waiver will not adversely affect adjacent property owners as waiver is the result of right-of-way dedication required by the City of Jeffersontown; and

WHEREAS, The waiver will not violate guidelines of Cornerstone 2020 as guideline 3, Compatibility calls for the protection of roadway corridors and public areas from visual intrusions, for mitigation of parking areas so as not to negatively impact nearby residents and pedestrians, and for parking areas adjacent to streets to be screened and buffered. The roadway is currently an alley with minimal vehicular or pedestrian traffic; 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 City of Jeffersontown has required the right-of-way dedication which has eliminated the existing 4' VUA LBA; 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 City of Jeffersontown has required the right-of-way dedication which has eliminated the existing 4' VUA LBA.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **RECOMMEND**, to the City of Jeffersontown, **APPROVAL** of Case No. 16DEVPLAN1097, the Revised Detailed District Development Plan for a restaurant with outdoor dining, recreation and parking reconfiguration, waiver of a 4 foot vehicular use area landscape buffer area and amended binding elements on pages 9 and 10 of the staff report based on recommendations heard today, staff report and the testimony **SUBJECT** to the following Binding Elements:

Binding Elements

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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 changes¹ additions/alterations of any binding element(s) shall be submitted to the Planning Commission and to the City of Jeffersontown for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 3916 square feet of gross floor area for the restaurant. The entire site shall be subject to Plan Certain review, in the event any change to the development plan is proposed in the future.
3. Sign shall be in compliance with all applicable ordinances and regulations of the City of Jeffersontown.
4. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.
5. There shall be no outdoor storage, display or sales permitted on the site. The applicant agrees to pave the parking lot within 180 days of approval by the legislative body.
6. Outdoor lighting (for parking lot illumination and security) 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.
7. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
8. 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 shared parking agreement shall be recorded for off-site parking on the adjoining site at 10319 Watterson Trail for a minimum of 4 spaces.

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- c. 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. The landscape plan must be submitted within 90 days of legislative body approval of the rezoning.
9. All binding elements requiring action and approval must be implemented within 180 days of legislative body approval, unless specifically waived by the Planning Commission.
 10. The applicant, developer, or property owner shall provide copies of these C' 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. Their 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.
 11. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.
 12. The dumpster shall not be emptied between the hours of 10 p.m. and 7 a.m.
 13. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the ~~January 3, 2002~~ **June 15, 2016** Planning Commission meeting.
 14. The hours of operation for J-Town Beach shall be 3:00 PM to 12:00 AM. These hours of operation may be extended during special events approved on a case by case basis by the City of Jeffersontown.
 15. There shall be no live outdoor entertainment. There shall be no outdoor amplified music. An outdoor speaker system may only be used to notify participants prior to the beginning of matches.
 16. The subject property shall not be used for any C-2 use other than permitted C-l uses plus restaurants, where food and drink may be served or consumed outside as well as inside a building.

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17. A leather leaf viburnum hedge shall be planted along Maple Drive and half-way northeast along the alley from Maple Drive in order to provide an effective screen of this site from residences along Maple Drive, the intention being for said hedge to ultimately reach a height of 8 feet.
18. The C-2 area shall be limited to an area defined by lines drawn east-west behind the present restaurant building and north-south along the outside of the grassy area to the west of the pavilion building.
19. In order to improve the alleyway directly behind the property, the owner shall dedicate 7.5 feet of the property abutting said alley to the City of Jeffersontown, prior to issuance of any permit, which alley the City shall pave and maintain in perpetuity
20. The existing garage, facing Maple, shall be repaired and maintained, or the hedge shall continue the length of Maple as indicated on the original approved District Development Plan.

The vote was as follows:

YES: Commissioners Brown, Smith and Turner

NOT PRESENT AND NOT VOTING: Commissioners Kirchdorfer, Peterson and Tomes

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NEW BUSINESS

CASE NO. 16DEVPLAN1102

Case No:	16DEVPLAN1102
Request:	Revised Detailed District Development Plan
Project Name:	CUB Bank and Shell Retail
Location:	101 Huntington Ridge Drive
Owner:	David M. Bowling, Citizens Union Bank of Shelbyville
Applicant:	Jason Sams
Representative:	Jason Sams
Jurisdiction:	Middletown
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:

02:24:36 Mrs. Mattingly discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Jason Sams, ARC, 1517 Fabricor Boulevard, Jeffersonville, In. 47130

Summary of testimony of those in favor:

02:30:00 Mr. Sams gave a power point presentation. The building has been turned 90 degrees and the parking lot has been reconfigured. "We want to capitalize on the interstate traffic." There are no waivers or variances being requested.

Deliberation

02:35:01 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.

Revised Detailed District Development Plan

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

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NEW BUSINESS

CASE NO. 16DEVPLAN1102

WHEREAS, The proposal meets all requirements for tree canopy and is preserving the natural slope to the northeast of the development and proposing a retaining wall; and

WHEREAS, Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community have been provided with the completion of the public sidewalk along Huntington Road and pedestrian connections onto the site. The applicant has chosen to do a fee in lieu of the sidewalk requirement along Shelbyville Road. Public Works has reviewed the plan and given preliminary approvals for both the vehicular and pedestrian transportation that is proposed; and

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

WHEREAS, The Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community. There is a detention basin on the parcel to the southeast; and

WHEREAS, the Louisville Metro Development Review Committee finds the overall land use and building design are compatible with the existing and future development of the area. This portion of Shelbyville Road has recently seen an increase in commercial development. The design and use of the proposal will fit in nicely with the surrounding development; and

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

RESOLVED, that the Louisville Metro Development Review Committee does hereby **RECOMMEND**, to the City of Middletown, **APPROVAL** of Case No. 16DEVPLAN1102, the Revised Detailed District Development Plan and amended binding elements on page 8 of the staff report based on the information provided and the testimony heard today, **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 and City of Middletown for review and approval; any changes/additions/alterations not so referred shall not be valid.

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NEW BUSINESS

CASE NO. 16DEVPLAN1102

2. The following uses shall not be permitted on the subject property; adult entertainment, taverns, bars and saloons (except that taverns with or without live entertainment operated in conjunction with the hotel shall be permitted), auto sales, used auto sales, bowling alleys, and bingos. Any use other than that shown on the approved development plan, is not allowed without the prior written consent of the City of Middletown.
3. The only permitted freestanding sign shall be located as shown on the approved development plan. The sign shown on the plan shall not exceed 120 square feet in area per side and 22 feet in height. No sign shall have more than two sides. All signs shall conform to City of Middletown Ordinances and all must be monument in style.
4. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants, advertising balloons, or banners shall be permitted on the site.
5. 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. Light levels due to lighting on the subject site shall not exceed two foot candles measured at the property line. The applicant shall obtain certification by a qualified expert in measurement of lighting levels prior to requesting a certificate of occupancy. Such certification shall be maintained on site at all times thereafter.
6. 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.
7. The property owner/developer must obtain approval by the Planning Commission staff landscape architect and the City of Middletown showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Any modification of the tree preservation plan requested by the applicant may be approved by the Planning Commission staff landscape architect and the City of Middletown if the changes are in keeping with the approved tree preservation plan. The plan shall exhibit the following information:
 - a. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topography is acceptable)).

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CASE NO. 16DEVPLAN1102

- b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc).
 - c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
 - d. Location of construction fencing for each tree/tree mass designated to be preserved.
- 8. 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, Louisville Metro Public Works and the Metropolitan Sewer District and the City of Middletown.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval by the Planning Commission and the City of Middletown 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. There shall be no removal of the existing landscaping or required landscaping without City of Middletown Commission approval. In the event any tree or other landscaping is removed without written consent of the City, the City may require the owner/applicant to replace with a tree of similar size and age (when cut), or as approved by the City Commission. Any replacement tree or trees shall be such as are deemed adequate by the City to mitigate the impact.
 - d. A minor subdivision plat shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services and City of Middletown; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - e. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services and City of Middletown; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
- 9. If a building permit is not issued within two years of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission and the City of Middletown.

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CASE NO. 16DEVPLAN1102

10. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission and the City of Middletown.
11. No outdoor music (live, piped, radio or amplified), outdoor entertainment or outdoor PA system shall be audible beyond the property line.
12. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assigns, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
13. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.
14. All commercial trash receptacles shall be enclosed to a height greater than the height of the commercial trash receptacle which enclosure shall be of the same materials as the main structure(s) and shall be permanently maintained.
15. These binding elements may be amended as provided in the Zoning District Regulations upon approval by the City of Middletown.
16. The property owner shall provide a cross over access easement if the residential properties to the southwest are ever developed as something other than a single family residential use. A copy of the signed easement agreement shall be provided to Planning Commission staff and the City of Middletown upon request.
17. The materials and design of proposed structures shall be the same as depicted in the photos as presented to the City of Middletown.

The vote was as follows:

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CASE NO. 16DEVPLAN1102

YES: Commissioners Brown, Smith and Turner

**NOT PRESENT AND NOT VOTING: Commissioners Kirchdorfer, Peterson and
Tomes**

DEVELOPMENT REVIEW COMMITTEE
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NEW BUSINESS

CASE NO. 16CELL1002

Case No:	16Cell1002
Request:	Cell Tower
Project Name:	Greenwood Sylvania
Location:	6500 Greenwood Road
Owner:	Fusion Properties, LLC, Mark McAdams
Applicant:	Crown Castle, Bryan Brawner
Representative:	Christopher King
Size:	155 feet total height 5,727 square foot compound area
Existing Zoning District:	C-1, Commercial
Existing Form District:	Neighborhood
Jurisdiction:	Louisville Metro
Council District:	12 – Rick Blackwell
Case Manager:	Steve Hendrix, 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:

02:37:13 Mr. Hendrix discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Chris King, 506 State Street, New Albany, In. 47130
Tom Kroh, 9045 River Road, Indianapolis, In. 47130

Summary of testimony of those in favor:

02:46:38 Mr. King gave a power point presentation. There is an increasing need and growth for cellular service. "A main objective is to improve the capacity of network by allowing neighbor sites to 'off load' to Greenwood Rd. when necessary."

03:07:49 Mr. Kroh said they have the room to add some trees (15 ft.) on the south side. There's not much room on the west side and will have to work on it.

03:09:48 Mr. King said they're in a time crunch and would like to amend the landscape plan today if possible. Acting Chair Brown suggests that the south and west sides can be accommodated and to waive the north and east sides to protect the abutting residential neighbors. It can be staff approvable by the Landscape Architect.

DEVELOPMENT REVIEW COMMITTEE
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NEW BUSINESS

CASE NO. 16CELL1002

Deliberation

03:11:30 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 Turner, seconded by Commissioner Smith, the following resolution was adopted.

WHEREAS, the proposal meets the intents of **Guideline 3.1 – Compatibility**. The proposed tower will be approximately 230 feet to the closest residential structure which is located on Tearose Drive, but will have existing trees and the proposed privacy fence to buffer the compound area from view; and

WHEREAS, the proposal meets the intents of **Guideline 3.9 – Visual Impacts**. The compound area will have an existing stand of trees, to the south and west, have the existing car wash to the north to lessen the impact from Greenwood Road, have the Rite Aid building to block the view from Terry Road and the proposed privacy fence; and

WHEREAS, the proposal meets the intents of **Guideline 3.22 – Buffers**. Landscaping will include the privacy fence along the south and the west; and

WHEREAS, the proposal meets the intents of **Guideline 3.30 - Cellular Towers**. The applicant states that there are no other suitable or willing co-locatable structures or structure owners identified within the vicinity to meet the coverage objectives. The applicant states they have considered the likely effects of the installation on nearby land uses and values and have concluded that there is no more suitable location reasonably available from which adequate service can be provided. The applicant further states that the proposed facility has been designed to accommodate additional wireless telecommunication carriers, thus reducing the need for additional towers in the area in the future; and

WHEREAS, the Committee finds that the proposal meets the intents of the LDC Guideline for Community Facilities.

Community Facilities

15.21 Antenna Towers for Cellular Telecommunications
Cellular towers should be designed to:

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NEW BUSINESS

CASE NO. 16CELL1002

- minimize impact on the character of the general area concerned,
- be sited in order from most preferred to least preferred:
 1. highway rights-of-way except designated parkways;
 2. existing utility towers
 3. commercial centers
 4. governmental buildings
 5. high-rise office structures
 6. high rise residential structures
- minimize the likely effects of the installation on nearby land uses and values;
- be designed to address compatibility issues such as co-location, mass, scale, siting, abandonment and removal of antenna tower structure. The tower is located within a C- 1 zoning district that is concentrated at the Greenwood/Terry roads intersection; and

WHEREAS, the Committee further finds that, based the staff report and on the evidence and testimony presented today, that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 16CELL1002, a proposed 150 foot monopole tower with a 5 foot lightning arrestor for a total structure height of 155 feet within a 5,727 square foot compound area, an 8 foot high chain link fence with 'barrier shields" for a screen and does hereby **GRANT** the landscape waiver on the north and east – screening of 15 feet on the south and west will be staff approvable based on the information received, staff report and testimony heard today.

The vote was as follows:

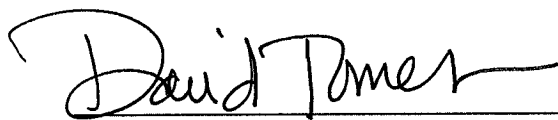
YES: Commissioners Brown, Smith and Turner

NOT PRESENT AND NOT VOTING: Commissioners Kirchdorfer, Peterson and Tomes

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ADJOURNMENT

The meeting adjourned at approximately 4:15 p.m.

A handwritten signature in black ink, appearing to read "David Toner", written over a horizontal line.

Chair

A handwritten signature in black ink, appearing to read "Alan", written over a horizontal line.

Planning Director