

**MINUTES OF THE MEETING
OF THE
DEVELOPMENT REVIEW COMMITTEE
January 4, 2017**

A meeting of the Development Review Committee was held on January 4, 2017 at 1:00 p.m. in the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Committee Members present were:

David Tomes, Chairman
Rich Carlson, Vice Chair
Jeff Brown

Committee Members absent were:

Emma Smith
Robert Kirchdorfer

Staff Members present were:

Brian Mabry, Planning & Design Supervisor
Brian Davis, Planning and Design Manager
Joel P. Dock, Planner I
Dante St. Germain, Planner I
Ross Allen, Planner I
Tammy Markert, Transportation
John Carroll, Legal Counsel
Chris Cestaro, Management Assistant (minutes)

The following matters were considered:

DEVELOPMENT REVIEW COMMITTEE

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APPROVAL OF MINUTES

Approval of the minutes of the December 14, 2016 Development Review Committee meeting

00:15:44 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution was adopted.

RESOLVED, that the Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on December 14, 2016.

The vote was as follows:

YES: Commissioners Carlson, Brown, and Tomes.

NO: No one.

NOT PRESENT: Commissioners Smith and Kirchdorfer.

ABSTAINING: No one.

DEVELOPMENT REVIEW COMMITTEE

January 4, 2017

NEW BUSINESS

CASE 16WAIVER1048

Request: Waiver from LDC 8.2.1 to allow multiple changing image signs on a property
Project Name: Woodspring Suites Changing Image Signs
Location: 10400 Brookridge Village Blvd.
Owner(s): VP Louisville LLC
Applicant: Commonwealth Sign Company
Representative: Jeff Lamb – Commonwealth Sign Company
Jurisdiction: Louisville Metro
Council District: 22 – Robin Engel

Case Manager: Dante St. Germain, Planner I

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

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

Agency Testimony:

00:16:12 Dante St. Germain presented the case (see staff report and recording for detailed presentation.)

The following spoke in favor of the request:

Jeffrey Lamb, 1824 Berry Boulevard, Louisville, KY 40215

Summary of testimony of those in favor:

00:20:16 In response to a question from Commissioner Brown, Jeffrey Lamb, the applicant's representative, said the sign does have the auto-dimming feature.

The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against the request:

No one spoke.

DEVELOPMENT REVIEW COMMITTEE

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NEW BUSINESS

CASE 16WAIVER1048

00:21:17 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners as the nearest residence is approximately 500 feet from the signs, and surrounding residences are screened by wooded areas. The only neighboring property to which one of the signs will be visible is being used as a commercial office; and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Cornerstone 2020 describes the Town Center Form as characterized by a compact mixture of moderately intense uses including shopping, restaurants, offices and residences. In its most traditional form, the Town Center ordinarily includes civic uses, such as libraries, government offices, police or fire stations and religious facilities. The presence of small-scale civic open space is a common but not essential feature. Buildings are generally close to and oriented toward the street. These characteristics strengthen the role of the Town Center as a community focal point. The Town Center should have a high level of pedestrian, roadway, transit and bicycle access, a connected street pattern, shared parking and pedestrian amenities. More intense uses in the town center are located in close proximity to the major thoroughfare, and the intensity of use gradually declines toward the adjacent neighborhoods. *Guideline 3. Compatibility* requires land uses and transportation facilities to be compatible with nearby land uses and to minimize impacts to residential areas. *Guideline 3.A.28. Signs* requires signs to be compatible with the form district pattern and contribute to the visual quality of their surroundings, and to be of a size and height adequate for effective communication and conducive to motor vehicle safety. These guidelines are not violated because the signs are oriented toward the Gene Snyder Freeway and the sign message is proposed to be changed infrequently; and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the applicant would otherwise need to completely redesign the hotel's signage in order to display only one changing image sign toward the freeway; and

WHEREAS, the Committee further finds that the applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived by proposing to change the image on the signs once per week, rather than once per 20 seconds as the Land Development Code would otherwise permit. This will minimize distraction to drivers and help to maintain the character of the Gene Snyder Freeway as a scenic freeway; and

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NEW BUSINESS

CASE 16WAIVER1048

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

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver from the Land Development Code section 8.2.1.D.1 to allow more than one changing image sign on a property.

The vote was as follows:

YES: Commissioners Carlson, Brown, and Tomes.

NO: No one.

NOT PRESENT: Commissioners Smith and Kirchdorfer.

ABSTAINING: No one.

DEVELOPMENT REVIEW COMMITTEE

January 4, 2017

NEW BUSINESS

CASE NO. 16MINORPLAT1155

Request:	Amendment of Record Plat
Project Name:	Revision of Lot 27 of Wesboro Subdivision
Location:	7208 Wesboro Road
Owner:	C2 Home Buyers Inc.
Applicant:	Cardinal Surveying
Representative:	Richard Matheny – Cardinal Surveying
Jurisdiction:	Louisville Metro
Council District:	7 – Angela Leet

Case Manager: Dante St. Germain, Planner I

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

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

Agency Testimony:

00:21:36 Dante St. Germain presented the case and showed an aerial photo of the site, as well as the proposed subdivision plat (see staff report and recording for detailed presentation.) She summarized the main concerns from the citizen comments she received, which include: school-related traffic; lack of sidewalks, concerns about lowering property values, and that the subdivision is out of character with the rest of the neighborhood.

00:25:35 In response to a question from Commissioner Carlson, Commissioner Brown stated that, if new houses were to be built on this lot, new sidewalks would not be required (see recording for detailed explanation.)

The following spoke in favor of this request:

Kathy Matheny, Cardinal Surveying, 9009 Preston Hwy, Louisville, KY 40219

Summary of testimony of those in favor:

00:26:22 Kathy Matheny, the applicant's representative, presented the applicant's case (see recording for detailed presentation.)

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CASE NO. 16MINORPLAT1155

The following spoke in opposition to this request:

Tom Scott, 2020 Lynn Way, Louisville, KY 40222

Tom Hurst, 471 West Main Street Suite 400, Louisville, KY 40202

Patrick Stoehr, 7200 Wesboro Road, Louisville, KY 40222

Cherie Suchy, 2016 Lynn Way, Louisville, KY 40222

Patrick Alexander, 7207 Wesboro Road, Louisville, KY 40222

John Wilhoit, 7206 Wesboro Road, Louisville, KY 40222

Jennifer Whitfield, 2010 Lynn Way, Louisville, KY 40222

Henry Hensley, 7301 Maria Avenue, Louisville, KY 40222

Bonnie Reuling, 7203 Wesboro Road, Louisville, KY 40222

Karen Helm, 7201 Wesboro Road, Louisville, KY 40222

Summary of testimony of those in opposition:

00:31:00 Tom Scott said this site directly abuts his property. He is concerned that any building taking place on this site would greatly impact his home and possibly prevent him from making any improvements to his property, as well as devalue the site and surrounding properties (see recording for detailed presentation.)

00:36:43 Tom Hurst, an attorney hired by one of the neighbors, expressed concerns about traffic, lack of sidewalks, and the lot's location relative to several schools.

01:41:05 Patrick Stoehr said it is not common for residents to park on the street, because parking on the street cause "a huge traffic jam" due to school traffic. Even the mail carriers do not park on the street. He said the proposal is inconsistent with the rest of the neighborhood, and will lower surrounding properties' values. He is concerned about setting a precedent for making lots smaller.

00:45:26 Cherie Suchy said her main objection is that this subdivision would be inconsistent with the rest of the neighborhood and could set a precedent.

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NEW BUSINESS

CASE NO. 16MINORPLAT1155

00:48:42 Patrick Alexander said splitting the lot in two and building two smaller houses there will lower everyone else's property values. Using the plat, he pointed out how much smaller the proposed backyards would be, compared to other houses in the neighborhood.

00:53:13 John Wilhoit discussed the small size of the proposed lots, the lack of sidewalks, and the problem of cars parking on the street.

00:56:39 Jennifer Whitfield said she is concerned about adjoining property owners, as well as traffic hazards for pedestrians. She said school bus/vehicle traffic is already a problem. She is also concerned about decreased property values.

00:59:30 Henry Hensley said he is in support of everything his neighbors said today.

01:01:13 Bonnie Reuling spoke in opposition. She said lots of traffic gathers on that corner in the mornings and afternoons – traffic is already a concern, to the point where emergency vehicles might not be able to get through.

01:02:51 Karen Helm said she is most concerned about setting a precedent. She said this is incompatible with the rest of the neighborhood.

01:04:17 In response to a question from John Carroll, legal counsel for the Planning Commission, Ms. St. Germain said the building limit for the Wesboro subdivision along Wesboro Road is 50 feet. Along Lynn Way, it is 40 feet. In the Wilder Estates, the building limit line is 30 feet.

The following spoke neither for nor against the proposal:

No one spoke.

Rebuttal:

01:05:03 Kathy Matheny discussed shared entrances, setbacks, and traffic. She said this minor plat does not require any waivers or variances.

01:07:12 Commissioners' Deliberation

01:14:55 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted:

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NEW BUSINESS

CASE NO. 16MINORPLAT1155

WHEREAS, the Louisville Metro Development Review Committee finds that, based the staff report and the evidence and testimony presented today, that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Amendment to Record Plat for property located at 7208 Wesboro Road, along with the shift in the building limit line from 40 feet to 30 feet along the Lynn Way frontage.

The vote was as follows:

YES: Commissioners Carlson, Brown, and Tomes.

NO: No one.

NOT PRESENT: Commissioners Smith and Kirchdorfer.

ABSTAINING: No one.

DEVELOPMENT REVIEW COMMITTEE

January 4, 2017

NEW BUSINESS

CASE NO. 16DEVPLAN1226

Request:	A Community Facility Review for the proposed Southern Parkway CSO Basin located within the Great Lawn of Shawnee Park.
Project Name:	MSD Storage Basin
Location:	4501 West Broadway
Owner:	Lisa Hite – Louisville Metro Parks
Applicant:	Brandon Flaherty – Louisville MSD
Representative:	Michael Harris – Jacobi, Toombs & Lanz, Inc.
Jurisdiction:	Louisville Metro
Council District:	5 – Cheri 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.)

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

Agency Testimony:

01:16:34 Ross Allen presented the case (see staff report and recording for detailed presentation.)

The following spoke in favor of this request:

Mike Harris, Jacobi Toombs & Lanz Inc., 1400 South 1st Street, Louisville, KY 40208

Summary of testimony of those in favor:

01:22:30 Mike Harris, engineer, presented the applicant's case (see recording for detailed presentation.) He said there is another "stakeholder" meeting scheduled for mid-January, and another meeting scheduled with Metro Parks and Olmstead regarding landscaping requirements. There is also a commitment to hold stakeholder and public meetings throughout the duration of construction of the project. There is also a website to address any citizen concerns. He said the basin is entirely underground. There will be green infrastructure which will control runoff.

01:23:53 Mr. Harris reviewed the plan checklist, which included but was not limited to traffic, construction vehicle access, lighting,

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NEW BUSINESS

CASE NO. 16DEVPLAN1226

The following spoke in opposition to this request:
No one spoke.

The following spoke neither for nor against the proposal:
Keith Williams,

Summary of testimony of those neither for nor against:

01:28:25 Keith Williams, a nearby resident, expressed concern about the park's welfare. He asked that complete restoration be made after the project is completed, and wants this guarantee in writing. He said "stakeholder" meetings are not the same as meetings that are open for citizens. Commissioner Tomes said he agreed and said the Committee would get guarantees from the applicant. In response to a question from Commissioner Carlson, Mr. Harris said stakeholder meetings included representatives from surrounding neighborhood associations; public may attend. He added that the Metro Councilwoman is on the stakeholder group and she is putting out information about the meetings.

01:31:23 Commissioner Tomes said an agreement about restoration is part of the proposal. Mr. Harris said it is part of the agreement between MSD and Metro Parks, which is also closely involved with the project.

01:32:44 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that, based the staff report and the evidence and testimony presented today, that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Community Facility Review (CFR) for the construction of the Southwestern Parkway CSO Basin located within the Great Lawn of Shawnee Park, 4501 West Broadway.

The vote was as follows:

YES: Commissioners Carlson, Brown, and Tomes.

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CASE NO. 16DEVPLAN1226

NO: No one.

NOT PRESENT: Commissioners Smith and Kirchdorfer.

ABSTAINING: No one.

DEVELOPMENT REVIEW COMMITTEE

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NEW BUSINESS

CASE NO. 16DEVPLAN1184

Request:	Detailed District Development Plan, and Landscape Waiver from LDC Section 10.2.4.B to allow an existing utility easement to encroach more than 50% into the required LBA and a Waiver from LDC Section 5.9.2.A.1.b.i to not provide a pedestrian connection from the public ROW to the Office/Warehouse
Project Name:	11911 Carrier Court
Location:	11911 Carrier Court
Owner:	Matthew Miller
Applicant:	N/A
Representative:	Alex Rosenberg – AL Engineering
Jurisdiction:	City of Jeffersontown
Council District:	11 – Kevin Kramer

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.)

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

Agency Testimony:

01:33:42 Ross Allen presented the case (see staff report and recording for detailed presentation.)

The following spoke in favor of this request:

Alex Rosenberg, AL Engineering Inc., 4790 Crittenden Drive Suite 201, Louisville, KY 40209

Summary of testimony of those in favor:

01:39:24 Alex Rosenberg, the applicant's representative, presented the applicant's case (see recording for detailed presentation.) He said this is an existing development, so the waivers being requested are due to existing conditions.

The following spoke in opposition to this request:

No one spoke.

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NEW BUSINESS

CASE NO. 16DEVPLAN1184

The following spoke neither for nor against the proposal (“Other”):

Steve Porter, 2406 Tucker Station Road, Louisville, KY 40299

Summary of testimony of those neither for nor against (“Other”):

01:40:37 Steve Porter, representing Ida Cox (a neighbor to the north), said the previous construction has caused erosion and other problems on Ms. Cox’s property. She has lost trees and a fence due to this. He said planting on the hillside has not helped. Mr. Porter asked for a Condition of Approval/binding element, to read as follows:

The applicant shall be required, before the start of any new construction, to repair all damage to the adjacent Cox property caused by prior development of this parcel. Applicant shall do whatever is necessary to prevent any future damage.

Discussion:

01:43:26 Mr. Rosenberg said that, since the owner of the property is not present today, he had no authority to agree to any binding elements. He added that this case will go to the City of Jeffersontown for final approval. In response to a question from John Carroll, legal counsel for the Planning Commission, Mr. Allen said the waivers could be acted upon by the Development Review Committee, but the Development Plan would be recommended to the City of Jeffersontown for action.

01:45:09 Tony Kelly, an MSD representative, discussed this Jeffersontown drainage area. He said he had discussed this with Stephen Rusie, City of Jeffersontown representative.

01:46:20 Commissioners’ Deliberation

- **Detailed District Development Plan (16DEVPLAN1184)**
- **Waiver #1:** from LDC section 10.2.4.B to allow an existing sewer and drainage easement to encroach more than 50% of the landscape buffer area (LBA) along the western property line.
- **Waiver #2:** from LDC section 5.9.2.A.1.b.i to not provide a pedestrian connection from the public right of way to the proposed office/warehouse.

01:49:26 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution was adopted:

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NEW BUSINESS

CASE NO. 16DEVPLAN1184

(Waiver #1) WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners since the proposed Office warehouse is to be located where a parking lot is currently located; and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 3, Policy 9 calls for protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate, the proposed location is located within a PEC zoning district and adjacent properties are screened from view by trees on the North and eastern sides of the property. 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 airborne and waterborne pollutants. The proposed office/warehouse is located on an existing site that has office warehouse, within a PEC zoning district. The subject site is surrounded by parcels that are zoned PEC in a Suburban Workplace form district; and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the easement was present prior to the proposed office warehouse. The waiver if not granted would require the applicant to provide the required plantings over a drainage sewer easement; and

WHEREAS, the Committee further finds that the applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect), the applicant is proposing trees along both sides of the entrance along the entry way to the subject site. Trees will also be placed at the northeastern corner of the property, and within ILA's as shown on the development plan; and

(Waiver #2) WHEREAS, the Committee further finds that the waiver will not adversely affect adjacent property owners because the conditions currently exist for the existing building and the proposed building is abutting a retaining wall preventing views from the public right away; and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. The waiver will not violate specific guidelines of Cornerstone 2020 per Guidelines 7 and 8 since the subject site is found on a Cul-de-sac having disconnected sidewalks in the public right of way and being located in a Suburban Workplace Form District (SWFD) which promotes large-scale industrial and employment in suburban locations. However, of the four properties on Carrier Court one has a sidewalk in the public ROW and has pedestrian access to the entrance of the building whereas, the other three have no pedestrian access to their buildings; and

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CASE NO. 16DEVPLAN1184

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant because one property out of a total of four has pedestrian access from the public ROW to the entrance of the building; and

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the site has a retaining wall with a drop in elevation creating a design constraint; and

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

RESOLVED, the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the City of Jeffersontown that the requested the requested **Waiver #1**: from LDC section 10.2.4.B to allow an existing sewer and drainage easement to encroach more than 50% of the landscape buffer area (LBA) along the western property line; and **Waiver #2**: from LDC section 5.9.2.A.1.b.i to not provide a pedestrian connection from the public right of way to the proposed office/warehouse, be **APPROVED**.

The vote was as follows:

YES: Commissioners Carlson, Brown, and Tomes.

NO: No one.

NOT PRESENT: Commissioners Smith and Kirchdorfer.

ABSTAINING: No one.

Detailed District Development Plan

01:50:54 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the subject site is largely impervious surface having no natural resources including steep slopes, water courses, flood plains, and hydric soils. Nor are there impacts to air quality, scenic views, and/or historic sites; and

WHEREAS, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation, one point of access off of a cul-de-sac, within the development are provided, and Metro Public Works have approved the preliminary development plan; and

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CASE NO. 16DEVPLAN1184

WHEREAS, the Committee further finds that the proposal includes 12,960 sf. (20%) of existing tree cover which is to be preserved. However, no open space is required by the Jeffersontown Land Development Code (2004); and

WHEREAS, the Committee further finds that the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community. The final design of this project must meet all MS4 Water Quality Regulations established by MSD; and

WHEREAS, the Committee further finds that the overall land uses are compatible with the existing and future development of the area. The commercial building will be similar to existing commercial and industrial development to the south and west. The land uses found to the north and east are single family. The site is compatible to land uses along Carrier Court; and

WHEREAS, the Committee further finds that the development plan conforms to requirements of the Comprehensive Plan and Land Development Code with the exception of the requested land development code waiver to allow a utility easement to overlap a Landscape Buffer Area by more than 50% and the waiver to not provide a pedestrian access from the public right of way to the proposed office/warehouse; and

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

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

1. The development shall be in accordance with the approved district development plan, land use 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 City of Jeffersontown.
2. The development shall not exceed 6,600 square feet of gross floor area for office/manufacturing uses.
3. Signs shall be in accordance with the Jeffersontown Ordinance in effect at this time and shown on the development plan.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

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NEW BUSINESS

CASE NO. 16DEVPLAN1184

5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District, and the City of Jeffersontown.
 - b. The property owner/developer must obtain approval of a detailed plan for evergreen screening (buffering/landscaping). Such plan shall be implemented prior to receiving certificate of occupancy and maintained thereafter.
6. 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 City of Jeffersontown.
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 and City of Jeffersontown.
8. The property owner/developer shall provide copies of these binding elements to tenants, contractors, and other parties engaged in development of this site and shall advise them of the content of these binding elements. Further, the property owner/developer shall require contractors to notify subcontractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with these binding elements.
9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 23, 2006 Land, Development and Transportation Committee meeting.
10. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
11. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained thereafter. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.
12. All binding elements from the approved general development plan are applicable to this site as established under Docket No. 10-1-96 and 9-7-96.

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CASE NO. 16DEVPLAN1184

13. The applicant shall provide an 8' solid wooden fence along the northern and eastern property line within the 25-foot LBA.

The vote was as follows:

YES: Commissioners Carlson, Brown, and Tomes.

NO: No one.

NOT PRESENT: Commissioners Smith and Kirchdorfer.

ABSTAINING: No one.

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NEW BUSINESS

CASE NO. 16DEVPLAN1176

Request:	Landscape Waiver from LDC Section 10.2.12.B to not provide the required Interior Landscape Areas (LBAs) in the existing parking lot south of the Hindu Temple.
Project Name:	4213 Accomack Drive
Location:	4213 Accomack Drive
Owner:	Dileep Kumar – Hindu Temple of KY
Applicant:	Art Mengel – Mengel Company Inc.
Representative:	Art Mengel – Mengel Company Inc.
Jurisdiction:	Fincastle; Louisville Metro
Council District:	17 – Glen Stuckel

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.)

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

Agency Testimony:

01:51:58 Ross Allen presented the case and showed the site plan (see staff report and recording for detailed presentation.)

The following spoke in favor of this request:

John Miller, Miller Wihry, 1397 South 4th Street, Louisville, KY 40208

Summary of testimony of those in favor:

01:54:24 John Miller, the applicant's representative, presented the applicant's case and showed aerial photos and photos of the site and surrounding areas (see recording for detailed presentation.)

The following spoke in opposition to this request:

No one spoke.

The following spoke neither for nor against the proposal:

No one spoke.

DEVELOPMENT REVIEW COMMITTEE

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NEW BUSINESS

CASE NO. 16DEVPLAN1176

01:58:27 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners since the subject parking areas are distant from the frontage along Accomack Drive and buffered from adjacent properties by existing trees on site; and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 3, Policy 1 requires new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. The proposed additions and parking (5 spaces) are screened from view around all property lines with an exception of the frontage along Accomack Drive however; the site is approximately 500 feet from the property line along Accomack Drive per Guideline 6, Policy 3. No, the subject property will remain in general conformance with the Comprehensive Plan as the absence of a landscape islands within the parking area (South of the Hindu Temple) is mitigated by an excess of other interior landscaping and more than 10 acres of tree cover on the subject site. Additionally, the subject parking areas are distant from the frontage along Accomack Drive and buffered from adjacent properties by existing trees on site; and

WHEREAS, the Committee further finds that the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since the allowance of uninterrupted use of existing parking. The applicant has added ILA's to the VUA in the northeastern parking lot; and

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant since the subject site will omit 3 ILA's in the VUA (south of the Hindu Temple) however, this is mitigated by the amount of trees currently on the site, approximately 10 acres in total; and

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

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver of section 10.2.12.B to not provide the required ILA within the existing parking lot south of the Hindu Temple:

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NEW BUSINESS

CASE NO. 16DEVPLAN1176

The vote was as follows:

YES: Commissioners Carlson, Brown, and Tomes.

NO: No one.

NOT PRESENT: Commissioners Smith and Kirchdorfer.

ABSTAINING: No one.

DEVELOPMENT REVIEW COMMITTEE

January 4, 2017

NEW BUSINESS

CASE NO. 16DEVPLAN1215

Request: Partial Sidewalk Waiver from LDC Section 5.8.1.B.1 and 2 to not provide a portion of the Westport Road frontage sidewalks.

Project Name: Conagra

Location: 12650 Westport Road

Owner: McDonald Reed – Conagra Foods

Applicant: Troy Wilhelm – Conagra Foods

Representative: Troy Wilhelm – Conagra Foods

Jurisdiction: Louisville Metro

Council District: 17 – Glen Stuckel

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.)

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

Agency Testimony:

01:58:59 Ross Allen presented the case and showed the site plan (see staff report and recording for detailed presentation.) He discussed the reason why the applicant has decided to do a partial sidewalk waiver (instead of a total sidewalk waiver) along the Westport Road frontage. He showed the first and second options for proposed sidewalk installation/placement.

02:03:09 Mr. Allen referred to an e-mail from TARC, which was sent to the Committee members prior to today's meeting, and which discusses a TARC stop that has no existing sidewalks to it.

The following spoke in favor of this request:

Ron Meadows, Hixson Inc., 659 Van Meter St, Cincinnati, OH 45202 Cincinnati, OH

Troy Wilhelm, Conagra Foods, 12650 Westport Road, Louisville, KY 40245

Summary of testimony of those in favor:

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CASE NO. 16DEVPLAN1215

02:04:29 Ron Meadows, representing the applicant, said the applicant would prefer Option One for the sidewalks (see recording and staff report for detailed conversation.)

Discussion:

02:06:39 Commissioner Brown said he wanted to make sure there was a safe pedestrian connection and that there will be either a horizontal or vertical difference between the drive lane and the pedestrian path.

02:08:19 In response to a question from Commissioners Carlson and Brown, Tammy Markert, with Metro Transportation Planning, explained bonding issues. She also discussed the separated path from for the pedestrian areas.

The following spoke in opposition to this request:

No one spoke.

The following spoke neither for nor against the proposal:

No one spoke.

02:09:17 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners since the applicant is seeking a partial sidewalk waiver to match the 5% expansion of the building landscaping along a portion of the applicants Westport Road frontage would be removed to allow the construction of sidewalks. The intent of the landscaping is to screen the VUA of the applicant's site; and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. 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 for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. However, the applicant is seeking a partial sidewalk waiver to match the 5% expansion of the building. There is currently a sidewalk across (east) of Westport Road that pedestrians would be able to utilize for normal pedestrian traffic by the residential community. There are currently no adjoining properties on the south side of Westport Road with sidewalks

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NEW BUSINESS

CASE NO. 16DEVPLAN1215

in place along their frontage and all properties are of an industrial land use. Also, there are semi-trucks which enter and exit this site; and

WHEREAS, the Committee further finds that the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since no adjacent property is impacted by the lack of a sidewalk for the entirety of the Westport Road frontage. No adjacent sidewalks to the north or south of the Conagra site (12650 Westport Rd.) are present. The existing sidewalk found north of the subject site is existing and would allow the movement of pedestrians without risk to safety since many heavy trucks enter and exit the subject site; and

WHEREAS, the Committee further finds that the applicant has applied for the partial sidewalk waiver due to the fact of the small 5% addition to the building which is located at the rear of the existing structure and will have no additional pedestrian traffic. The tree canopy along Westport Rd. the removal of the existing landscaping would require additional funding from the corporate office for the survey, construction, and earthwork; and

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

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver of section 5.8.1.B.1 and 2 to not provide a sidewalk (beginning at the northeastern parcel edge and running southeast for approximately 541 linear feet) along the entire frontage of 12650 Westport Road, **ON CONDITION** that the applicant will provide sidewalks as shown on Sidewalk Option 1.

The vote was as follows:

YES: Commissioners Carlson, Brown, and Tomes.

NO: No one.

NOT PRESENT: Commissioners Smith and Kirchdorfer.

ABSTAINING: No one.

DEVELOPMENT REVIEW COMMITTEE

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NEW BUSINESS

CASE NO. 16DEVPLAN1214

Request:	Revised Detailed District Development Plan for outdoor storage area
Project Name:	Excel Services
Location:	2301 Nelson Miller Parkway
Owner:	Cumberland Investments, LLC
Applicant:	Excel Services, Inc.
Representative:	Mindel, Scott & Associates
Jurisdiction:	Louisville Metro
Council District:	19 – Julie Denton

Case Manager: **Joel Dock, Planner I**

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

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

Agency Testimony:

02:10:27 Joel Dock presented the case (see staff report and recording for detailed presentation.)

The following spoke in favor of this request:

Kent Gootee, Mindel Scott & Associates, 5151 Jefferson Boulevard, Louisville, KY 40219

Summary of testimony of those in favor:

02:13:37 Kent Gootee, the applicant's representative, presented the applicant's case (see recording for detailed presentation.)

The following spoke in opposition to this request:

No one spoke.

The following spoke neither for nor against the proposal:

No one spoke.

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NEW BUSINESS

CASE NO. 16DEVPLAN1214

02:15:37 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that 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, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within the development and the community is provided as the development will not alter existing access to public roads or walks. Public safety will be increased by enclosing the truck loading and storage area with a fence and restricting it to employee use only. The subject site is easily accessible from major transportation infrastructure; and

WHEREAS, the Committee further finds that open space is not required for the requested detailed district development plan. Landscaping will be provided as required by the Land Development Code. The proposal does not impact the trailway to the rear of the subject site; and

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

WHEREAS, the Committee further finds that the overall site design and land uses are compatible with existing and projected future development as the site is located within an area of mixed commercial, warehouse and distribution facilities, and office uses. Screening will be provided for the outdoor storage area in accordance with Land Development Code standards; and

WHEREAS, the Committee further finds that the proposal is in conformance with applicable policies of the Comprehensive Plan as Guideline 3, Policy 4 discourages non-residential expansion into existing residential areas, while encouraging appropriate transitions from non-residential to residential uses. The Planned Employment Center zoning district is designed to provide opportunities for employment close to residential areas, and thus to reduce travel time from home to work and the burden on the streets and transit system. The subject site is within a PEC zoning district which is comprised of a mixture commercial, warehouse and distribution facilities, and office uses; and

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

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Revised District Development Plan/Preliminary Subdivision Plan to create 11 single family lots on 3.86 acres and Amendment to Binding Elements, **SUBJECT** to the following binding elements:

All binding elements from the approved General District Development Plan (9-5-89) are applicable to this site, in addition to the following:

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. 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 38,710 square feet of gross floor area (4,880 square feet for first floor office, ~~29,620~~ **29,648** square feet for first floor warehouse and 4,210 square feet for second floor office).
4. The only permitted freestanding signs shall be monument style sign, located as shown on the approved development plan. No portion of the sign, including the leading edge of the sign frame, shall be closer than 35 feet to front property line. The sign shall not exceed 24 square feet in area per side and 4.5 feet in height. No sign shall have more than two sides.
5. No outdoor advertising signs (billboards), small free-standing (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 surrounding residential 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.

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8a. Construction fencing shall be erected at the edge of the area of development prior to any grading or construction to protect the existing tree stands and their 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.

8b 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, 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.
9. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
- a. The development plan must receive full construction approval from the Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in ~~Article 12~~ **Chapter 10 of the Land Development Code** 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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10. If a building permit is not issued within ~~one~~**Two**-years 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.
11. 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.
12. There shall be no outdoor music (live, piped, radio or amplified), outdoor entertainment, or outdoor PA system permitted on the site.
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.
14. Each individual lot shall have a covenant whereby Jefferson County Department of Public Works and Transportation will have the right to require each property owner to install sidewalks at such time as the Eastpoint Business Center is 80% developed. 80% shall be based on the total lots in the entire development. The pedestrian connection shall be installed when the sidewalk has been constructed.
15. 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 Carlson, Brown, and Tomes.

NO: No one.

NOT PRESENT: Commissioners Smith and Kirchdorfer.

ABSTAINING: No one.

DEVELOPMENT REVIEW COMMITTEE

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NEW BUSINESS

CASE NO. 16DEVPLAN1219

Request:	Community Facility Review
Project Name:	Fairdale Elementary
Location:	10104 Mitchell Hill Road
Owner:	Jefferson County School District
Applicant:	SC Development
Representative:	Gresham Smith & Partners
Jurisdiction:	Louisville Metro
Council District:	13 – Vicki Aubrey Welch

Case Manager: **Joel Dock, Planner I**

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

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

Agency Testimony:

02:16:29 Joel Dock presented the case (see staff report and recording for detailed presentation.)

The following spoke in favor of this request:

Jon Henney, Gresham Smith & Partners, 101 South 5th Street Suite 1400, Louisville, KY 40207

Summary of testimony of those in support:

02:19:23 Jon Henney said he did not have anything else to add to Mr. Dock's presentation, but said he was available for questions.

The following spoke in opposition to this request:

No one spoke.

The following spoke neither for nor against the proposal:

No one spoke.

DEVELOPMENT REVIEW COMMITTEE

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NEW BUSINESS

CASE NO. 16DEVPLAN1219

02:21:06 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that Guideline 15 of the Cornerstone 2020 Comprehensive Plan provides policies for the review of community facilities and design to ensure compatibility with existing development. Policy 5 calls for the review of new community facilities or expansions to facilities for compatibility and appropriateness of the location. The excavation of material is located in an open space/drainage area to the rear of the elementary school which will not impact the character or design of the school facing public ways and nearby businesses. The excavation of material will not result in a decrease in the function of the elementary school property or associated open spaces. Policy 6 calls for appropriately designed facilities that will not detract from residential areas within the community. The proposed floodplain compensation does not substantially alter the views from abutting residential properties onto the school property. Providing fill material from this site to an off-site location will also allow for the opening of a new retail establishment within the center of the Fairdale neighborhood which may benefit surrounding residential areas. Last of all, Policy 14 calls for schools to be designed with safe access for all forms of transportation, buffer nuisances, and to provide active and passive recreational areas. The proposed flood plain compensation does not impact access or passive or active recreation, and does create any nuisances on nearby residential areas or decrease buffering of the school from residential properties; and

WHEREAS, the Committee further finds that the Community Facility Review plan appears to be in order and has received Metropolitan Sewer District and Transportation Planning approval; and

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

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested **Community Facility Review** for floodplain compensation at Fairdale Elementary School, located at 10104 Mitchell Hill Road.

The vote was as follows:

YES: Commissioners Carlson, Brown, and Tomes.

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CASE NO. 16DEVPLAN1219

NO: No one.

NOT PRESENT: Commissioners Smith and Kirchdorfer.

ABSTAINING: No one.

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ADJOURNMENT

The meeting adjourned at approximately 3:22 p.m.

Chair

Planning Director