**MINUTES OF THE MEETING**
**OF THE**
**DEVELOPMENT REVIEW COMMITTEE**
**March 1, 2017**

A meeting of the Development Review Committee was held on March 1, 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 (arrived at 1:10 p.m.)
Rich Carlson, Vice Chair
Emma Smith
Jeffrey Brown
Laura Ferguson

**Committee Members absent were:**
No one.

**Staff Members present were:**
Brian Davis, AICP, Planning & Design Manager
Brian Mabry, AICP, Planning & Design Supervisor
Julia Williams, AICP, Planning Supervisor
Ross Allen, Planner I
Dante St. Germain, Planner I
Jay Luckett, Planner I
Tammy Markert, Transportation Planning
John Carroll, Legal Counsel
Chris Cestaro, Management Assistant (minutes)

The following matters were considered:

**DEVELOPMENT REVIEW COMMITTEE**
**March 1, 2017**

## APPROVAL OF MINUTES

**Approval of the minutes of the February 15, 2017 Development Review Committee meeting**

00:09:05 On a motion by Commissioner Smith, 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 March 1, 2017.

**The vote was as follows:**

**YES: Commissioners Smith and Carlson.**
**NO: No one.**
**NOT PRESENT: Commissioner Tomes.**
**ABSTAINING: Commissioners Brown and Ferguson.**

**DEVELOPMENT REVIEW COMMITTEE**
**March 1, 2017**

**NEW BUSINESS**

**CASE 15DEVPLAN1147**

| | |
|---|---|
| Request: | Revised Detailed District Development Plan with a waiver and an amendment to the General Plan binding elements. |
| Project Name: | Covington by the Lake |
| Location: | 7321 Jefferson Boulevard |
| Owner: | Jefferson Fringe Land LP |
| Applicant: | Highgates |
| Representative: | Mindel Scott & Associates |
| Jurisdiction: | Louisville Metro |
| Council District: | 24 – Madonna Flood |

**Case Manager:** **Julia Williams, RLA, AICP, Planning Supervisor**

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

**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:**
0:10:02 Julia Williams presented the case and showed the site plan (see staff report and recording for detailed presentation.)

00:12:56 She noted corrections/changes to the staff report and the existing plan binding elements (binding element #9 on page 7 of the staff report). She requested that item 4D (proposed binding element on page 8 of the staff report) should read as follows:

d. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between ***the property owner and the adjoining property owner to the west*** and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit. (language in italics added at the March 1, 2017 DRC meeting)

(NOTE: Chairman David Tomes arrived at approximately 1:10 p.m.)

**The following spoke in favor of the request:**
David Mindel and Kathy Linares, Mindel Scott & Associates, 5151 Jefferson Boulevard, Louisville, KY 40219

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**CASE 15DEVPLAN1147**

Richard Wood, Brown Todd, 400 W. Market Street 3rd Floor, Louisville, KY 40202

**Summary of testimony of those in favor:**
00:15:03 David Mindel, an applicant's representative, presented the applicant's case and showed an aerial view of the site (see recording for detailed presentation.) He discussed the Woodhill Lane connection.

00:16:39 Commissioner Brown asked about a proposed stop sign on Woodhill Lane, which is not permitted in a public ROW. Mr. Mindel said that will be taken off the plan.

00:17:10 Commissioner Carlson asked about screening for Building #3. He said this is a three-story building that is fairly close to the single-family homes on the other side. Mr. Mindel said the existing trees/landscaping can be enhanced – he suggested evergreens. He also suggested a small berm if necessary.

**The following spoke in opposition to the request:**
No one spoke.

**The following spoke neither for nor against the request:**
No one spoke.

**00:19:27 Commissioners' deliberation.**

00:19:36 Commissioner Brown asked to discuss proposed binding element #8 (see staff report, page 9.)

00:24:17 Ms. Williams read an additional proposed binding element into the record, as follows:

Binding element #9: An additional 15 eight-foot-tall Type A evergreen trees shall be planted along the east property line in the LBA adjacent to the Traud, Prechtel, and Hash properties.

She added that those trees will be in addition to what is already required for the landscaping.

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00:26:27 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution was adopted:

**(Waiver) WHEREAS**, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners since the landscape requirements will still be met on the site; 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. Guideline 3, Policies 21 and 22 call for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, Policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize 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 airborne and waterborne pollutants. The landscape requirements will still be met on the site; 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 landscape requirements will still be met on the site; 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 landscape requirements will still be met on the site; and

**(RDDDP) WHEREAS**, the Committee further finds that there do not appear to be any environmental constraints or historic resources on the subject site being disturbed by the proposal. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

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**WHEREAS**, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan; and

**WHEREAS**, the Committee further finds that open space requirements are being met on the site; and

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

**WHEREAS**, the Committee further finds that the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks; 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 from 10.2.4 to allow for over 50% overlap of an easement into an LBA along the northeastern perimeter as shown on the development plan; **AND** Amendments to the General Plan binding elements; **AND** the Revised Detailed District Development plan, **ON CONDITION** that the plan is updated to show the removal of the proposed stop sign on Woodhill Lane, **SUBJECT** to the following binding elements:

**Existing General Plan Binding Elements with proposed change**

1. The development plan will be in accordance with the approved District Development Plan. No further development will occur until approved by the Planning Commission.

2. The expansion shall not exceed 435,090 square feet of gross leasable area.

3. Before a building permit is requested:

    a) The Development Plan must be reapproved by the Jefferson County Department of Public Works and Transportation and the Metropolitan Sewer District.

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b) The property owner/developer shall obtain approval of the detailed plan for screening (buffering/ landscaping) as described in Article 12. Such plan shall be implemented prior to requesting a certificate of occupancy maintained thereafter.

4. When funds are committed for the extension of Jefferson Boulevard to Fern Valley Road, the developer will dedicate and construct Jefferson Boulevard on its property. The location of the proposed 100' right-of-way will be immediately located and marked. It shall be reserved by the owner, free of structures or any obstruction, until needed for road construction.

5. There shall be no small freestanding (temporary) signs permitted on any lot within the development.

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.

7. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land before the proposed use. All binding elements must be implemented prior to requesting issuance of the certificate.

8. Storm drainage retention facilities shown on the District Development Plan shall be built during the initial phase of the mall expansion. Developer shall facilitate drainage with its project design and construction process and will meet all requirements of the MSD.

9. Ronwood Lane, ~~Woodhill Lane,~~ Barnes Drive and Dougy Lane will not be connected to the development.

10. The developer will construct a 7-foot high continuous solid wood fence along the south property line of residences on Ronwood Lane that are adjacent to the existing Jefferson Mall. This fence will also be constructed along the property line of the mall extension site where it borders developed residential tracts.

11. Landscaping will be distributed uniformly throughout the proposed and existing Jefferson Mall development to create a uniform design as a substitute for the literal terms of Article 12.10 requiring a maximum 120 foot separation between interior landscaping.

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12. Before the opening for business of retail space in the expanded development, the developer will modify the existing south central entrance (opposite Brown- field Square) to include a traffic signal, and to include interconnects and controller modifications for signals at the intersections of Outer Loop and Jefferson Boulevard and Outer Loop and Judge Boulevard. Sharing of costs with other developers and governmental agencies will be as documented in the records of the County Director of Works and Transportation.

13. The developer will provide improvements for widening McCawley Road at Preston Highway after the appropriate governmental authority has provided the required right-of-way. The maximum construction cost to the developer for these improvements shall be $50,000.00. The developer will fund the design of the improvement (which will be approved by the Jefferson County Department of Public Works and Transportation).

14. There may be some overlap in the number of parking spaces required in the case of a regional shopping mall. Therefore, the initial requirement of parking spaces shall be 1921. Land shall be reserved to add up to 798 parking spaces when needed by the Developer or when required by the Jefferson County Director of Works and Transportation.

15. The above binding elements may be amended as provided for in the Zoning District Regulations.

**Proposed Binding Elements for Subject site only:**

All binding elements from the approved General 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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

3. 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.

4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:

   a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
   b. A minor subdivision plat or legal instrument 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.
   c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
   **d. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between *the property owner and the adjoining property owner to the west* and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.** *(revised at the March 1, 2017 DRC meeting)*

5. 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.

6. 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,

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contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

7. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 1, 2017 Development Review Committee meeting.

8. Continuous access to and from Woodhill Drive into the site shall be permitted and unobstructed as long as the site is used residentially.

9. An additional 15 eight-foot-tall Type A evergreen trees shall be planted along the east property line in the LBA adjacent to the Traud, Prechtel, and Hash properties. *(added at the March 1, 2017 DRC meeting)*

**The vote was as follows:**

**YES: Commissioners Smith, Brown, Ferguson, and Carlson.**
**NO: No one.**
**NOT PRESENT: No one.**
**ABSTAINING: Commissioner Tomes.**

**DEVELOPMENT REVIEW COMMITTEE**
**March 1, 2017**

**NEW BUSINESS**

**CASE 16MINORPLAT1169**

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|---|---|
| Request: | Waiver to allow individual single-family access to a collector level roadway |
| Project Name: | Hicks Minor Plat |
| Location: | 8018 St. Anthony Church Road |
| Owner: | Margaret Hicks-Davis |
| Applicant: | Margaret Hicks-Davis |
| Representative: | Bailey Surveying & Mapping |
| Jurisdiction: | Louisville Metro |
| Council District: | 25 – David Yates |
| **Case Manager:** | **Zach Schwager, Associate Planner Presented by Brian Mabry, Planning & Design 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.)

**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:**
00:28:55 Brian Mabry reviewed the plat and presented the case on behalf of Zach Schwager (see staff report and recording for detailed presentation.)

00:32:28 Commissioner Carlson asked if the applicant would have to cross over the stream if the waiver were not granted. Mr. Mabry said yes.

**The following spoke in favor of the request:**
John Paul Boitnott (no address given) representing the applicant

**Summary of testimony of those in favor:**
00:33:08 John Paul Boitnott said he was available for questions on behalf of Ms. Hicks.

**The following spoke in opposition to the request:**
No one spoke.

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**CASE 16MINORPLAT1169**

**The following spoke neither for nor against the request:**
No one spoke.

00:33:47 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 as the proposed driveway will serve a single-family residence and traffic will be the minimum necessary to serve the residence; and

**WHEREAS**, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 3, Policy A.6 strives to mitigate adverse impacts of traffic from proposed development on nearby existing communities. The waiver will not violate specific guidelines of Cornerstone 2020 as the proposed driveway will serve a single-family residence and traffic will be the minimum necessary to serve the residence. The community abutting St. Anthony Church Road is currently a low-density community; 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 existing driveway serving Tract 2 is located along a stream. Requiring the shared driveway with an easement between the two lots would create an unnecessary hardship on the applicant, thus depriving the applicant of reasonable use of 37.27 acres of land; and

**WHEREAS**, the Committee further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant as the applicant/property owner has entered into a contract to sell the home on proposed Tract 2 only and keep possession of proposed Tract 1 for future use or sale. LDC section 7.80.60.B.4 prohibits Planning Commission staff from approving the minor subdivision, unless a waiver is granted; 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 **WAIVER** of Land Development Code (LDC) section 7.80.60.B.4 to allow individual single-family driveway access to a collector level roadway.

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**CASE 16MINORPLAT1169**

**The vote was as follows:**

**YES: Commissioners Smith, Brown, Ferguson, Carlson, and Tomes.**
**NO: No one.**
**NOT PRESENT: No one.**
**ABSTAINING: No one.**

**DEVELOPMENT REVIEW COMMITTEE**
**March 1, 2017**

**NEW BUSINESS**

**CASE 16WAIVER1052**

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| Request: | Waivers to allow a changing image sign within 300 feet of residential properties and to allow the changing image portion of a sign to exceed 30% of the sign in a Traditional Neighborhood form district |
| Project Name: | Beechmont Baptist Church Changing Image Sign |
| Location: | 4574 South Third Street |
| Owner: | Trustees of Beechmont Baptist Church |
| Applicant: | Commonwealth Sign Company |
| Representative: | Jeff Lamb – Commonwealth Sign Company |
| Jurisdiction: | Louisville Metro |
| Council District: | 21 – Dan Johnson |
| **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:**
00:34:34 Dante St. Germain presented the case (see staff report and recording for detailed presentation.)

00:40:14 In response to a question from Commissioner Brown, Ms. St. Germain described how the sign would be oriented (the sign will face northeast and southwest.)

**The following spoke in favor of the request:**
Lester Lemaster, Commonwealth Sign, 1824 Berry Boulevard, Louisville, KY 40214

Roddy McDowell, 111 Seneca Trail North, Louisville, KY 40214

**Summary of testimony of those in favor:**
00:41:20 Lester Lemaster, the applicant's representative, and Roddy McDowell, representing the church committee, discussed the applicant's proposal (see recording for detailed presentation.)

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00:44:13 In response to a question from Commissioner Carlson, Mr. Lemaster discussed what colors were proposed for the signage. Commissioner Carlson said he was concerned because there is a traffic signal at that intersection, and red or green colors on the sign might confuse drivers. Mr. Lemaster cited a study that concluded that drivers were no more distracted by a digital sign than by a non-digital sign. He said the color red would not be used if it is a concern.

00:46:53 In response to a question from Commissioner Brown, Mr. Lemaster clarified how the sign was oriented.

00:47:20 Mr. McDowell added that the church has been there since 1911 and the sign had been there for about 60 years; the church wouldn't be changing the sign at all if a car hadn't run into it.

**The following spoke in opposition to the request:**
No one spoke.

**The following spoke neither for nor against the request:**
No one spoke.

**00:48:21 Commissioners' discussion**
Commissioners Brown and Smith expressed concern about how long the sign would operate at night. Mr. Lemaster said the applicant would agree to shut the sign off "at dark", or at a specific time set by the Committee. Commissioner Smith suggested asking the neighbors how long they wanted the sign to stay lit at night. Mr. Lemaster said the church has a "sign committee" to address these concerns. Commissioner Brown asked if the sign could be pulled away from the intersection. Mr. Lemaster said the conduit is located in this spot. Commissioner Carlson suggested a Condition of Approval stating that the sign could not be illuminated no earlier than 30 minutes before sunrise and no later than 30 minutes after sunset; also, that the sign not use the colors red or green. Mr. Lemaster said the applicant would agree to that.

- **Waiver #1** – Waiver from Land Development Code section 8.2.1.D.6 to allow a changing image sign to be located less than 300 feet from residentially-zoned properties which are being used residentially.
- **Waiver #2** – Waiver from Land Development Code section 8.2.1.D.4 to allow the changing image portion of a sign within the Traditional Neighborhood Form District to exceed 30% of the total area of the sign.

**DEVELOPMENT REVIEW COMMITTEE**
**March 1, 2017**

**NEW BUSINESS**

**CASE 16WAIVER1052**

**Waiver #1**

00:54:42 On a motion by Commissioner Brown, seconded by Commissioner Ferguson, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect the adjacent property owners. Beechmont Baptist Church has agreed to turn off the sign at 9:00pm in the evenings, and wait until 8:00am to turn it on in the morning. The sign will also have an auto-dimming feature that will keep it at an appropriate brightness throughout the entire day and evening; and

**WHEREAS**, the Committee further finds that the waiver will not violate the Comprehensive Plan. Allowing a changing image sign will not alter or negatively impact the community, the tradition or culture of the area and will have no negative impact on home or rental property values. This waiver is requested in full accordance with and absolute respect for the Comprehensive Plan; and

**WHEREAS**, the Committee further finds that extent of waiver of the regulation the minimum necessary to afford relief to the applicant; 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 their land. Beechmont Baptist Church is looking to respectfully spread their message to the community using every available opportunity and advantage that is afforded to them; and

**WHEREAS**, the Committee further finds that, based on 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 Land Development Code section 8.2.1.D.6 to allow a changing image sign to be located less than 300 feet from residentially-zoned properties which are being used residentially, **ON CONDITION** that the sign will be illuminated no earlier than 30 minutes before sunrise and no later than 30 minutes after sunset, and **ON CONDITION** that the colors red and green will not be used in the illuminated portion of the sign.

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**CASE 16WAIVER1052**

**The vote was as follows:**

**YES: Commissioners Smith, Brown, Ferguson, Carlson, and Tomes.**
**NO: No one.**
**NOT PRESENT: No one.**
**ABSTAINING: No one.**

**Waiver #2**

00:57:38 On a motion by Commissioner Brown, seconded by Commissioner Ferguson, 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 sign fully incorporates the changing image portion into the overall design, and the sign in full is relatively small; 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 as Cornerstone 2020 defines the Traditional Neighborhood Form District as characterized by a range of residential densities and a variety of housing types, street patterns which include alley ways, on-street parking, occasional office uses on predominantly residential blocks, and proximity to parks and open spaces and to marketplace corridors or to the downtown; and

**WHEREAS**, the Committee further finds that Guideline 3: *Compatibility* states that signs should be compatible with the form district pattern and contribute to the visual quality of their surroundings. Promote signs of a size and height adequate for effective communication and conducive to motor vehicle safety. Encourage signs that are integrated with or attached to structures wherever feasible; limit freestanding signs to monument style signs unless such design would unreasonably compromise sign effectiveness. Give careful attention to signs in historic districts, parkways, scenic corridors, design review districts and other areas of special concern. For freestanding signs in multi-lot developments, minimize the number of signs by including signage for each establishment on the same support structure and encourage consistent design (size, style, and materials). This guideline is not violated because the sign is overall only 18.23 square feet in area and the changing image portion is fully incorporated into the design of the sign; 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 changing image panel is

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**CASE 16WAIVER1052**

the smallest panel the applicant can reasonably install, and the static image portion cannot be increased significantly in size to balance out the changing image panel, due to the height limitation of the form district; and

**WHEREAS,** the Committee further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant by requiring a much larger sign to balance out the size of the changing image panel, which is the smallest panel that the applicant can reasonably install; and

**WHEREAS**, the Committee further finds that, based on 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 Land Development Code section 8.2.1.D.4 to allow the changing image portion of a sign within the Traditional Neighborhood Form District to exceed 30% of the total area of the sign.

**The vote was as follows:**

**YES: Commissioners Smith, Brown, Ferguson, Carlson, and Tomes.**
**NO: No one.**
**NOT PRESENT: No one.**
**ABSTAINING: No one.**

**DEVELOPMENT REVIEW COMMITTEE**
**March 1, 2017**

**NEW BUSINESS**

**CASE 16DEVPLAN1220**

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|---|---|
| Request: | Waiver from LDC Section 5.6.1.A.1 to not provide animating features along no less than 50% of the length of the façade; a Waiver from LDC Section 5.5.1.3.b to not provide vehicular and parking access to the site where an alley exists; and a Waiver from LDC Section 5.5.1.A.1.a to allow the principle building entrance to not face the primary street. |
| Project Name: | WastePro |
| Location: | 800 South 13th Street |
| Owner: | Brad Baumert – WastePro |
| Applicant: | Bill Schroll – Schroll Land Surveying LLC |
| Representative: | Bill Schroll – Schroll Land Surveying LLC |
| Jurisdiction: | Louisville Metro |
| Council District: | 6 – David James |

**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:**
00:58:43 Ross Allen presented the case (see staff report and recording for detailed presentation.)

**The following spoke in favor of the request:**
Bill Schroll, Schroll Land Surveying LLC, 5450 Southview Drive, Louisville, KY 40214

John Payne, 1519 Petunia Avenue, Louisville, KY 40218

**Summary of testimony of those in favor:**
01:03:15 Bill Schroll, the applicant's representative, and John Payne, representing WastePro, said they were available to answer questions.

**The following spoke in opposition to the request:**
No one spoke.

**DEVELOPMENT REVIEW COMMITTEE**
**March 1, 2017**

**NEW BUSINESS**

**CASE 16DEVPLAN1220**

**The following spoke neither for nor against the request:**
No one spoke.

01:04:15 Commissioners' deliberation.

- **Waiver #1:** from LDC Section 5.6.1.A.1 to not provide animating features along no less than 50% of the length of the façade along the primary street, South 13th Street.
- **Waiver #2:** from LDC Section 5.5.1.A.3.b to not provide a vehicular and parking access to the site from the alley along the southern property line.
- **Waiver #3:** from LDC Section 5.5.1.A.1.a to allow the primary building entrance to not face the primary street.

01:05:03 On a motion by Commissioner Carlson, seconded by Commissioner Smith, the following resolution was adopted:

**(Waiver #1) WHEREAS**, the Louisville Metro Development Review Committee finds that the requested waiver will not adversely affect adjacent property owners because the street has predominantly industrial and/or commercial uses, MCI Service Parts, an auto body parts supplier to the south, G&K Services, sale and rental of workplace uniforms to the east, the Mammoth Art Space to the North, rental art space and storage, and to the west by the railroad tracks/Graveyard Auto Inc. The Mammoth has the required 50% of the animating features along South 13th Street while many other buildings in the general vicinity, at least four do not meet the LDC requirement; and

**WHEREAS**, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 3, Policies 1 and 2 call for the compatibility of all 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 type of building materials may be considered as a mitigation measure and may also be considered in circumstances specified in the Land Development Code. When assessing compatibility, it is appropriate to consider the choice of building materials in the following circumstances: (1) projects involving residential infill; (2) projects involving non-residential uses; and (3) when specified in the Land Development Code. The proposal is for a non-residential use. The Land Development Code provides building design standards for non-residential and mixed use buildings. The purpose of the regulation is to provide visual interest and a human scale that are representative of the form district

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through the use of windows, columns, pilasters, piers, variations of material, entrances, storefront windows, and other animating features along no less than 50% of the building facing the primary street, South 13th Street, which the applicant is placing four windows along the street but the proposed structure faces towards the interior of the site, the Vehicular Use Area, having three 14 x 14 bay doors. The exterior building materials are unknown to staff; 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 applicant has provided 40% of the animating features along the primary street. Many structures in the vicinity do not meet the animating feature requirement of LDC with the exception of the Mammoth which sits north of the subject site; 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 need to provide 10% more animating features along the primary street would result in the building being situated lengthwise along South 13th Street thus increasing cost. The need to align the proposed structure lengthwise would result in either the offset of the building further back in the lot with bay doors facing the primary street or in the addition of windows and animating features along a side that is currently a blank wall which faces the railroad tracks further increasing the applicant's cost; and

**(Waiver #2) WHEREAS**, the Committee further finds that the waiver will not adversely affect adjacent property owners since safe pedestrian access is provided from the public rights-of-way to the building entrance, an existing curb cut is present along South 13th Street to allow access to the site from the primary road, and the 20 foot wide brick alley as found along the southern property boundary dead ends at the railroad tracks to the west, limiting the turning radius as required by larger trucks for entrance to the subject site. The brick alley as currently is the case has deteriorated and heavy trucks and other vehicles traversing the alley would result in greater deterioration and increased cost to Louisville Metro Government; and

**WHEREAS**, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 3, Policy 1 states to ensure compatibility of all 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 development is actually smaller in scale than many structures in the general vicinity and as stated previously building materials are unknown to staff. Guideline 3, Policy 23 states that setbacks, lot dimensions and building heights should be compatible with those of nearby developments that meet form district guidelines. The proposed structure is within the required height at 20 foot as shown on an elevation and

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less than 45 feet as stated on the development plan. Guideline 9, Policy 1 states that new development and redevelopment should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users within location of retail and office uses, especially in the Traditional Neighborhood, Village, Marketplace Corridor, Traditional Workplace Form Districts close to the roadway to minimize the distance pedestrians and transit users have to travel. The purpose of the requirement is to promote mass transit and pedestrian use and reduce vehicle trips in and around the site, and to reduce the distance pedestrians and transit users have to travel. The site has sidewalks along the frontage of South 13th Street allowing for the movement of pedestrians. The waivers are compatible with the pattern of development within the form district, and there do not appear to be physical restraints preventing compliance with the regulations to be waived; 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 there are physical restraints, a 20 foot wide brick alley found to the south which would restrict site access based upon the intended land use, preventing compliance with the regulations to be waived. The site currently has a curb cut found along South 13th Street and would not restrict the site access by vehicular traffic since the intended use is a Truck repair and storage site; and

**WHEREAS**, the Committee further finds that the applicant has incorporated other design measures that exceed the minimums of the district to compensate for non-compliance with the requirements to be waived. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and/or create an unnecessary hardship on the applicant since the proposed development cannot be built on the site while complying with the requirements, access from the 20 foot wide brick alley, requested to be waived. The transportation planning department and public works have commented that alley access is not needed since an existing curb cut is present along South 13th Street; and

**(Waiver #3) WHEREAS**, the Committee further finds that the waiver will not adversely affect adjacent property owners since many of the structures found along South 13th Street do not have their building entrances along the primary street. Two exceptions exist in the general vicinity, the Mammoth and G&K Services have their entrances facing the primary street; 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 structure is located in an older industrial area and thus the general vicinity is comprised of various design

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layouts with many of the businesses having entrances off set back from the primary street whereas the applicant is proposing to have their entrance facing south or perpendicular to the primary street with pedestrian access from the public right of way; 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 proposed structure is located in an older industrial area and thus the general vicinity is comprised of various design layouts with many of the businesses having entrances off set back from the primary street whereas the applicant is proposing to have their entrance facing south or perpendicular to the primary street with pedestrian access from the public right of way; 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 parking is provide on the south side of the building with the primary entrance facing the vehicular use area. An entrance facing South 13th Street would require pedestrians/visitors to the site to access the entrance from the street rather than parking area which is why the applicant has provided pedestrian access to the entrance via a pedestrian access to the entrance from the public right of way; 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 Waiver from LDC Section 5.6.1.A.1 to not provide animating features along no less than 50% of the length of the façade along the primary street, South 13th Street; **AND** a requested Waiver from LDC Section 5.5.1.A.3.b to not provide a vehicular and parking access to the site from the alley along the southern property line; **AND** a requested Waiver from LDC Section 5.5.1.A.1.a to allow the primary building entrance to not face the primary street.

**The vote was as follows:**

**YES: Commissioners Smith, Brown, Ferguson, Carlson, and Tomes.**
**NO: No one.**
**NOT PRESENT: No one.**
**ABSTAINING: No one.**

**DEVELOPMENT REVIEW COMMITTEE**
**March 1, 2017**

**NEW BUSINESS**

**CASE 17MOD1001**

| | |
|---|---|
| Request: | Modification of a binding element |
| Project Name: | Air Hydro Power |
| Location: | 2550 Blankenbaker Parkway |
| Owner: | MOB Investments |
| Applicant: | Air Hydro Power |
| Representative: | Kevin Young – Land Design & Development Inc. |
| Jurisdiction: | City of Jeffersontown |
| Council District: | 20 – Stuart Benson |

**Case Manager:** **Jay Luckett, 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:**
01:06:15 Jay Luckett presented the case (see staff report and recording for detailed presentation.)

01:09:36 Commissioner Carlson asked about construction costs referenced in both the original and the proposed [modified] binding elements.

**The following spoke in favor of the request:**
Kevin Young, Land Design & Development, 503 Washburn Lane, Louisville, KY 40222

**Summary of testimony of those in favor:**
01:10:09 Kevin Young, the applicant's representative, gave a brief overview of the company's expansion. He said the company had to expand before the City of Jeffersontown could take possession of this portion of road, and addressed Commissioner Carlson's question regarding construction costs. Commissioner Brown added that this is still a Metro Road; the road ownership change has not taken place yet.

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**The following spoke in opposition to the request:**
No one spoke.

**The following spoke neither for nor against the request:**
No one spoke.

01:15:40 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that there do not appear to be any environmental constraints or historic resources on the subject site; and

**WHEREAS**, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided; and

**WHEREAS**, the Committee further finds that provisions for open space are not a requirement of this request; and

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

**WHEREAS**, the Committee further finds that there are no proposed changes to site design or land use associated with this request; 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 amendment to binding element #11 be **APPROVED ON CONDITION** that the road does change ownership from Louisville Metro to the City of Jeffersontown. The amended binding element to read as follows:

*The property owner/developer shall pay $35,000 to the City of Jeffersontown towards the Jeffersontown Blankenbaker Road Improvement Project. Access to Blankenbaker Road shall be approved upon the City of Jeffersontown attaining ownership of*

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*Blankenbaker Road and approval of construction plans, designed to the satisfaction of the City of Jeffersontown Public Works Department to allow an adequate turning radius for trucks onto Blankenbaker Road. Construction access may be approved separately.*

**The vote was as follows:**

**YES: Commissioners Smith, Brown, Ferguson, Carlson, and Tomes.**
**NO: No one.**
**NOT PRESENT: No one.**
**ABSTAINING: No one.**

## ADJOURNMENT

The meeting adjourned at approximately 2:13 p.m.

**Chair**

**Planning Director**