

**MINUTES OF THE MEETING
OF THE
DEVELOPMENT REVIEW COMMITTEE
June 14, 2017**

A meeting of the Development Review Committee was held on, June 14, 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
Jeffrey Brown
Emma Smith

Committee Members absent were:

Laura Ferguson

Staff Members present were:

Joe Reverman, Planning and Design Assistant Director
Brian Davis, AICP, Planning and Design Manager
Jay Lockett, Planner I
Ross Allen, Planner I
John Carroll, Legal Counsel
Tammy Markert, Transportation Planning Coordinator

The following matters were considered:

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APPROVAL OF MINUTES

MAY 31, 2017 DRC MEETING MINUTES

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

RESOLVED, that the Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on May 31, 2017.

The vote was as follows:

YES: Commissioners Brown and Carlson

NOT PRESENT FOR THIS CASE: Commissioner Ferguson

ABSTAINING: Commissioners Smith and Tomes

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NEW BUSINESS

CASE NO. 17MINORPLAT1043

Request:	Amend a Record Plat
Project Name:	1229 and 1231 Belmar Subdivision
Location:	1229 and 1231 Belmar Drive
Owner:	Derek Schroering
Applicant:	Mick Logsdon
Representative:	Logsdon Surveying
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
Staff 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.)

Agency Testimony:

00:10:41 Mr. Luckett discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Mick Logsdon, 1948 Gardiner Lane, Louisville, Ky. 40205

Summary of testimony of those in favor:

00:12:58 Mr. Logsdon stated this minor plat restores the original configuration of the subdivision plat. The intention is to build another house. This plat will remedy an issue regarding the sewer line near the garage.

Deliberation

00:19:20 Development Review Committee deliberation.

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

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

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NEW BUSINESS

CASE NO. 17MINORPLAT1043

WHEREAS, the Louisville Metro Development Review Committee finds that the proposal meets the standards established in the Land Development Code for amending a record plat.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 17MINORPLAT1043, amending the record plat based on the staff report, testimony heard today and make a finding that the proposal meets the standards established in the Land Development Code for amending a record plat.

The vote was as follows:

YES: Commissioners Brown, Carlson, Smith and Tomes

NOT PRESENT AND NOT VOTING: Commissioner Ferguson

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NEW BUSINESS

CASE NO. 17DEVPLAN1016

Request: Revised District Development Plan
Project Name: Wildwood Green
Location: 6005 Fegenbush Lane
Owner: Wildwood Green, Ltd.
Applicant: Mindel, Scott and Associates
Representative: Amy Cooksey
Jurisdiction: Louisville Metro
Council District: 2 – Barbara Shanklin
Staff Case Manager: Jay Lockett, Planner I

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

Agency Testimony:

00:22:22 Mr. Lockett discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Kent Gootee, Mindel, Scott and Associates, 5151 Jefferson Boulevard, Louisville, Ky. 40219

Summary of testimony of those in favor:

00:31:27 Mr. Gootee gave a power point presentation. The revised plan has a change in the number of units from 520 to 496.

Mr. Gootee requests immediate transmittal instead of waiting 2 weeks for the minutes to be approved.

Deliberation

00:39:22 Development Review Committee deliberation.

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

Revised District Development Plan and Binding Elements

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CASE NO. 17DEVPLAN1016

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

WHEREAS, the site is preserving 12% of the sites tree canopy. The site plan allows for an encroachment of two buildings and a retaining wall into a stream buffer by providing a 23759 SF compensation area; and

WHEREAS, the proposal indicates vehicle and pedestrian connectivity from Hurstbourne Parkway and along the access road along Fegenbush. Sidewalks are found throughout the site. Transit is not currently available along this portion of Hurstbourne to support the density of the proposal. The applicant has agreed to provide a concrete pad for a future bus stop per TARC recommendations; and

WHEREAS, the proposal meets the open space requirement for the site; and

WHEREAS, MSD has preliminarily approved the proposal; and

WHEREAS, the Louisville Metro Development Review Committee finds an existing access road will connect the site to the adjacent undeveloped R-4 lot to the south west. All required landscape buffers are being provided; and

WHEREAS, the Louisville Metro Development Review Committee further finds the proposal conforms to the requirements of the LDC and guidelines of the Comprehensive Plan.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 17DEVPLAN1016, the Revised District Development Plan and binding elements on pages 6 and 7 of the staff report based on the staff report, testimony heard today and **ADOPT** the staff's analysis as justification for the approval, **SUBJECT** to the following Binding Elements:

Binding Elements

1. The development shall be in accordance with the approved District Development Plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. No further subdivision of the land into a greater number of lots than originally approved will occur without approval of the Planning Commission. 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.

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2. The applicant shall submit a plan for approval by Planning Commission staff showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Adjustments to the tree preservation plan which are requested by the applicant may be approved by Planning Commission staff if the revisions are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
 1. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
 2. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
 3. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
 4. Location of construction fencing for each tree/tree mass designated to be preserved.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Construction and the Metropolitan Sewer District.
 - b. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - c. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - d. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - e. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
4. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
5. An original stamped copy of the approved Tree Preservation Plan shall be present on site during all clearing, grading, and construction activity and shall be made available to any DPDS inspector or enforcement officer upon request.

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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, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
7. All street signs shall be installed by the Developer, and shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street, and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the June 8, 2017 Development Review Committee meeting.
9. 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.
10. Wildwood Green LLC, or its successor Hurstbourne Corporate Group, and Mercy Academy shall negotiate a resolution regarding fencing along the north side of the access road easement from the subject property to Fegenbush Road. If the resolution regarding the fencing cannot be reached between the parties, the applicant shall present alternative screening measures to the Commission or its Committee thereof.
11. An eight-foot, solid wood fence will be provided along the north property line, beginning at the intersection of the property line and the Texas Gas easement adjacent to Building 27, and continue along the property line ending at the southern point close to Building 15.
12. Secondary access point shall be constructed prior to issuance of building permits for more than 181 units

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13. The Developer agrees to limit the Development to 181 units until which time the Fegenbush Left Turn Lane improvements are finalized and bonded with Metro Public Works.
14. Prior to the development of the C-1 zoned site to the west, Patriots Crossing Way shall be dedicated to public ROW.

The vote was as follows:

YES: Commissioners Brown, Carlson, Smith and Tomes

NOT PRESENT AND NOT VOTING: Commissioner Ferguson

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NEW BUSINESS

CASE NO. 17DEVPLAN1073

Request: Category 3 Development Plan and associated Street Tree Waiver
Project Name: New Hotel for Whiskey Row
Location: 101 West Main Street
Owner: Lawrence Burrell – LOUWEXY LLC.
Applicant: Steve Poe – Poe Companies LLC.
Representative: Glenn Price – Frost, Brown and Todd LLC
Ann Richard – Land Design and Development Inc.
Jurisdiction: Louisville Metro
Council District: 4 – Barbara Sexton Smith
Case Manager: **Ross Allen – Planner I**

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

Agency Testimony:

00:42:01 Mr. Allen discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Glenn Price, Frost, Brown and Todd, LLC, 400 West Market Street, Louisville, Ky.
40202
Steve Poe, 1250 River Road, Louisville, Ky.

Summary of testimony of those in favor:

00:48:56 Mr. Price represents Poe Companies, LLC.

00:49:57 Mr. Poe gave a power point presentation. The hotel has been approved by the Waterfront Development Overlay District and Landmarks Architectural Review Committee.

Mr. Poe explained that the curb is flat on the edge of the pull-off area and the realistic curb is further away due to the design of the pull-off.

01:11:24 Mr. Price submitted into the record, an email from Mike Kimmel who is in support of the partial waiver of the street tree.

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Deliberation

01:22:11 Commissioner Brown mentioned pursuing off-site tree plantings. Commissioner Smith stated the proposal will add to the tax base and help the economy. Vice Chair Carlson said this is a good step for preserving some aspects that needed to be preserved and could offer some additional attractions to the downtown area. Chairman Tomes applauds the applicant as well for preserving these buildings.

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

Waiver of LDC Section 10.2.8 to not provide the required street trees in the right of way or adjacent to the right of way in a minimum 6 foot wide planting area along the Main Street, North First Street, and Washington Street frontages

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

WHEREAS, along West Main Street a street planter wall system will separate the outdoor restaurant from street traffic. Along North First Street, three (3) street trees will be planted and maintained although the Humana Waterside Building (across the street) has no entrance along that side of the building, and along Washington Street one (1) street tree is proposed across from the Main Street Realty building. Therefore, the proposed waiver will not adversely affect adjacent property owners; and

WHEREAS, the only Comprehensive Plan Guidelines or Policies applicable to this waiver are Compatibility Guideline 3 and Policies 1, 22 and 24. The intent of this Guideline is to ensure that the proposal is compatible with nearby land uses. Because adequate green areas will be provided along all street frontages wherever possible the proposal is compatible with adjacent buildings. Moreover, Policy 22 states that "buffers should be variable and design... "which accommodates situations in the downtown where utility locations preclude normal placement locations of street trees; and

WHEREAS, the Louisville Metro Development Review Committee finds street tree plantings as required by the regulations have been proposed at all required locations except where there are utility service facilities or required hotel facilities (such as vehicular drop-offs); and

WHEREAS, the Louisville Metro Development Review Committee further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land because the utility locations have been deemed appropriate

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by the regulated utility service and because the hotel drop-off areas are necessitated by location near the hotel entrance. If the regulations were strictly applied, the applicant would be unable to utilize the site as proposed. The Waterfront Development Corporation permit states that, "The building features and sidewalk treatment along First Street within an area approximately 120' from Washington Street must be given more detail in an attempt to widen the pedestrian path. Additional drawings may be approved by staff. The permit approval is based on the packet of 9 exhibits, 4-25-17." Please see the case file at Planning and Design Services library for the following attachments: WRO Westin Permit.pdf and WRO Westin plans.pdf.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 17DEVPLAN1073, a waiver from the Land Development Code section 10.2.8 to not provide street trees along all streets and for all uses within the Downtown Form District based on the testimony, staff report and **ADOPT** staff's analysis as the justification for granting the waiver, noting some consideration will be made to planting street trees elsewhere in the general area; also, **APPROVE** the Category 3 Development Plan for a 200,000 square foot dual branded hotel fronting Main St. and Washington St. **ON CONDITION** that the canopy/awning meets the Land Development Code or a waiver is sought.

The vote was as follows:

YES: Commissioners Brown, Carlson, Smith and Tomes

NOT PRESENT AND NOT VOTING: Commissioner Ferguson

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ADJOURNMENT

The meeting adjourned at approximately 2:24 p.m.



Chair



Planning Director