

**MINUTES OF THE MEETING  
OF THE  
DEVELOPMENT REVIEW COMMITTEE  
March 14, 2018**

A meeting of the Development Review Committee was held on, March 14, 2018 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 approximately 1:08 p.m.  
Rich Carlson, Vice Chair  
Jeffrey Brown  
Emma Smith

**Committee Members absent were:**

Laura Ferguson

**Staff Members present were:**

Emily Liu, Planning Director  
Brian Davis, AICP, Planning Manager  
Dante St. Germain, Planner I  
Jay Luckett, Planner I  
Paul Whitty, Legal Counsel  
Travis Fiechter, Legal Counsel  
Beth Stuber, Transportation Supervisor  
Pamela M. Brashear, Management Assistant

The following matters were considered:

**DEVELOPMENT REVIEW COMMITTEE**  
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**APPROVAL OF MINUTES**

**FEBRUARY 28, 2018 DRC MEETING MINUTES**

On a motion by Commissioner Brown, 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 February 28, 2018.

**The vote was as follows:**

**YES: Commissioners Brown and Carlson**

**NOT PRESENT FOR THIS CASE: Commissioners Ferguson and Tomes**

**ABSTAINING: Commissioner Smith**

**DEVELOPMENT REVIEW COMMITTEE**  
**March 14, 2018**

**NEW BUSINESS**

**CASE NO. 18MINORPLAT1010**

Request:	A waiver to allow individual direct single-family access on a collector level street
Project Name:	Dry Ridge Road
Location:	South of the intersection of Routt Road and Dry Ridge Road
Owner:	John R. Smith and Mary Smith Family Limited Partnership
Applicant:	Scott Corrick
Representative:	Scott Corrick
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson
<b>Case Manager:</b>	<b>Dante St. Germain, Planner I</b>

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. 5<sup>th</sup> Street.)

**Agency Testimony:**

00:16:51 Ms. St. Germain discussed the case summary, standard of review and staff analysis from the staff report.

**The following spoke in favor of this request:**

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

**Summary of testimony of those in favor:**

00:21:25 Mr. Mindel stated the waiver is for one additional entrance. The Ky. State Highway Dept. has approved one entrance on Routt Rd. At the building permit stage, the applicant/applicant representatives will work with KYTC to determine that location to make sure the site distance is adequate. “Also, before building an entrance on Dry Ridge, we will meet with Metro as well (for sufficient site distance for the other 3 entrances).”

**Deliberation**

00:28:08 Development Review Committee deliberation.

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

**DEVELOPMENT REVIEW COMMITTEE**  
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**NEW BUSINESS**

**CASE NO. 18MINORPLAT1010**

**Waiver of Land Development Code (LDC) section 7.8.60.B.4 to allow individual single-family access to a collector level street**

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

**WHEREAS**, the waiver will not adversely affect the adjacent properties as the large lots have wide frontages with adequate opportunity to construct a compliant driveway that meets all the site distance requirements; and

**WHEREAS**, the Louisville Metro Development Review Committee finds the waiver would not violate the guidelines within Cornerstone 2020 for those same reasons; and

**WHEREAS**, the Louisville Metro Development Review Committee further finds this is the minimum relief necessary to allow reasonable access to each of these 5 acres or more lots and the applicant will clear vegetation to improve site distance, which would be the primary concern with having individual driveways for each of those lots.

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the waiver of the Land Development Code section 7.8.60.B.4 to allow individual single-family access to a collector level roadway because the waiver will not adversely affect the adjacent properties as these large lots have wide frontages with adequate opportunity to construct a compliant driveway that meets all the site distance requirements, the waiver would not violate the guidelines within Cornerstone 2020 for those same reasons and this is the minimum relief necessary to allow reasonable access to each of these 5 acres or more lots and the applicant will clear vegetation to improve site distance, which would be the primary concern with having individual driveways for each of those lots **ON CONDITION** that there will be one single driveway on Routt Rd. to serve a single lot as permitted by KYTC and no more than 3 driveways along Dry Ridge Rd. – one for each of the lots being created that isn't served by Routt Rd. based on the testimony heard today.

**The vote was as follows:**

**YES: Commissioners Brown, Smith and Carlson**

**NOT PRESENT AND NOT VOTING: Commissioners Ferguson and Tomes**

**DEVELOPMENT REVIEW COMMITTEE**  
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**NEW BUSINESS**

**CASE NO. 18WAIVER1006**

Request:	Waiver of 5.8.1.B to not provide sidewalk along South English Station Road
Project Name:	Malone Sidewalk Waiver
Location:	1302 South English Station Road
Owner:	Steven Malone
Applicant:	Steven Malone
Representative:	Steven Malone
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson
Case Manager:	<b>Jay Luckett, Planner I</b>

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. 5<sup>th</sup> Street.)

**Agency Testimony:**

00:32:50 Mr. Luckett discussed the case summary, standard of review and staff analysis from the staff report.

**The following spoke in favor of this request:**

Steven Malone, 721 Brendon Hills Place, Louisville, Ky. 40245

**Summary of testimony of those in favor:**

00:34:27 Mr. Malone stated he doesn't anticipate any sidewalks coming in the future. It would look odd to place a sidewalk, as required, because there aren't any other sidewalks for miles.

**Deliberation**

00:36:12 Development Review Committee deliberation.

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

**Waiver of 5.8.1.B to not provide sidewalks along S. English Station Rd.**

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

**DEVELOPMENT REVIEW COMMITTEE**  
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**NEW BUSINESS**

**CASE NO. 18WAIVER1006**

**WHEREAS**, the waiver will not adversely affect adjacent property owners since there is no existing sidewalk network to tie into on S. English Station Rd. This side of S. English Station is unlikely to experience large scale development in the foreseeable future; and

**WHEREAS**, the Louisville Metro Development Review Committee finds 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. Not providing a sidewalk adjacent to this site will not alter the character of the area or the existing roadway system; and

**WHEREAS**, the Louisville Metro Development Review Committee further finds the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant.

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the waiver of 5.8.1.B to not provide sidewalks along the frontage of 1302 S. English Station Rd. based on the staff report and testimony heard today.

**The vote was as follows:**

**YES: Commissioners Brown, Smith and Carlson**

**NOT PRESENT AND NOT VOTING: Commissioners Ferguson and Tomes**

**DEVELOPMENT REVIEW COMMITTEE**  
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**NEW BUSINESS**

**CASE NO. 17DEVPLAN1219**

Request:	Revised Detailed District Development Plan
Project Name:	Clearwater Farms
Location:	5501 Clearwater Farms Boulevard
Owner:	South Coast Plaza, LLC.
Applicant:	The McCartin Company
Representative:	Accurus Engineering
Jurisdiction:	Louisville Metro
Council District:	2 – Barbara Shanklin
<b>Case Manager:</b>	<b>Jay Luckett, Planner I</b>

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. 5<sup>th</sup> Street.)

**Agency Testimony:**

00:38:51 Mr. Luckett discussed the case summary, standard of review and staff analysis from the staff report.

**The following spoke in favor of this request:**

Jennifer Caummisar, Kern Accurus Engineering, 2780 Jefferson Centre Way, Suite 204, Jeffersonville, Ky. 47130

**Summary of testimony of those in favor:**

00:43:06 Ms. Caummisar stated, "In laying this plan out, while it was more general with the original plan, I try to keep the same spirit as far as connectivity and the connection points. As far as the uses, we've got some typical restaurant and smaller strip retail (small office or small retail sales), but nothing specific at this time."

**Deliberation**

00:45:33 Development Review Committee deliberation.

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

**Revised Detailed District Development Plan and Binding Elements**

**DEVELOPMENT REVIEW COMMITTEE**  
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**NEW BUSINESS**

**CASE NO. 17DEVPLAN1219**

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

**WHEREAS**, there do not appear to be any environmental constraints or historic resources on the subject site; and

**WHEREAS**, 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**, there are no open space requirements pertinent to the current proposal; and

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

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Revised Detailed District Development Plan based on the staff report and testimony heard today **SUBJECT** to the following Binding Elements:

**All General Plan binding elements 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.



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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, alteration permit or demolition permit) is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Department of Develop Louisville Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - c. A minor subdivision plat shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
  - 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.
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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system.
7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the

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**CASE NO. 17DEVPLAN1219**

site, the applicant and developer, their heirs, successors; and assignees  
contractors, subcontractors, and other parties engaged in development of the  
site, shall be responsible for compliance with these binding elements.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Smith and Tomes**

**NOT PRESENT AND NOT VOTING: Commissioner Ferguson**

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**NEW BUSINESS**

**CASE NO. 18DEVPLAN1011**

Request:	Detailed District Development Plan
Project Name:	AutoTruck Credit Union
Location:	Jefferson Boulevard at Jefferson Green Place
Owner:	AutoTruck Federal Credit Union
Applicant:	K4 Architecture and Design
Representative:	Heritage Engineering
Jurisdiction:	Louisville Metro
Council District:	24 – Madonna Flood
<b>Case Manager:</b>	<b>Jay Luckett, Planner I</b>

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. 5<sup>th</sup> Street.)

**Agency Testimony:**

00:41:15 Mr. Luckett discussed the case summary, standard of review and staff analysis from the staff report.

**The following spoke in favor of this request:**

John Campbell, Heritage Engineering, 642 South 4<sup>th</sup> Street, Suite 100, Louisville, Ky. 40202

**Summary of testimony of those in favor:**

00:50:52 Mr. Campbell gave a power point presentation. The shelter is an amenity area. Elevations have been submitted into the record. The design is attractive and it's appropriately zoned.

**Deliberation**

00:58:15 Development Review Committee deliberation

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

**Detailed District Development Plan and Binding Elements**

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

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**CASE NO. 18DEVPLAN1011**

**WHEREAS**, there do not appear to be any environmental constraints or historic resources on the subject site; and

**WHEREAS**, 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**, there are no open space requirements pertinent to the current proposal; and

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

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Detailed District Development Plan and the proposed binding elements on page 5 of the staff report based on the staff report and testimony heard today.

**The site is subject to all General Plan binding elements, 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.

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**NEW BUSINESS**

**CASE NO. 18DEVPLAN1011**

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. 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.
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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson and Tomes**

**NOT PRESENT AND NOT VOTING: Commissioners Ferguson and Smith**

**DEVELOPMENT REVIEW COMMITTEE**  
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**NEW BUSINESS**

**CASE NO. 18SUBDIV1002**

Request:	Revised Major Preliminary Subdivision
Project Name:	Shakes Run Section 12
Location:	2419 Irish Bend Court
Owner:	Shakes Run Holdings, LLC.
Applicant:	Shakes Run Holdings, LLC.
Representative:	Sabak, Wilson & Lingo
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson
<b>Case Manager:</b>	<b>Jay Luckett, Planner I</b>

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. 5<sup>th</sup> Street.)

**Agency Testimony:**

00:59:41 Mr. Luckett discussed the case summary, standard of review and staff analysis from the staff report.

**The following spoke in favor of this request:**

Pat Dominik, Sabak, Wilson and Lingo, 608 South 3<sup>rd</sup> Street, Louisville, Ky. 40202

**Summary of testimony of those in favor:**

01:02:49 Mr. Dominik gave a power point presentation. The case was very controversial when approved in 2006. There are not a lot of changes to the plan -30 lots less and 2.4 acres more of open space (overall).

**Deliberation**

01:07:19 Development Review Committee deliberation.

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

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

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Revised Major Preliminary Subdivision Plan for Shakes Run Section 12

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#### CASE NO. 18SUBDIV1002

based on the staff report and testimony heard today, **SUBJECT** to the Conditions of Approval.

#### **Existing Conditions of Approval**

1. The development shall be in accordance with the approved Residential Development Preliminary Plan. No further subdivision of the land into a greater number of lots than originally approved will occur without approval of the Planning Commission.
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:
  - 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.
3. 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.
4. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities - preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
5. 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

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any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.

6. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.
7. Trees will be preserved and/or provided on site and maintained thereafter as required by Chapter 10, Part 1 of the Land Development Code and as indicated in the Tree Canopy Calculations on the Preliminary Subdivision Plan. The applicant shall submit a landscape plan for approval by Planning Commission staff for any trees to be planted to meet the Tree Canopy requirements of Chapter 10, Part 1 of the Land Development Code. A tree preservation plan shall be submitted for review and approval for any trees to be preserved to meet the Tree Canopy requirements of Chapter 10.
8. Tree Canopy Protection Areas (TCPAs) identified on this plan represent individual trees and/or portions of the site designated to meet the Tree Canopy requirements of Chapter 10 Part 1 of the Land Development Code and are to be permanently protected. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of plan approval. As trees within TCPAs are lost through natural causes, new trees shall be planted in order to maintain minimum tree canopy as specified on the approved development or preliminary subdivision plan.
9. The Tree Canopy Protection Areas surrounding the blue line stream on Open Space Lots 490 and 497 will be converted to Woodland Protection Areas prior to record plat approval and shall be indicated as such on the Approved Tree Preservation Plan. 10. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
  - a. Articles of Incorporation in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners Association.
  - b. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.
  - c. Bylaws of the Homeowners' Association in a form approved by Counsel for the Planning Commission.
11. At the time the developer turns control of the homeowners association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowners association account. The subdivision performance bond may be required by the planning Commission to fulfill this funding requirement.



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### **NEW BUSINESS**

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12. The signature entrance shall be submitted to the Planning Commission staff for review and approval prior to recording the record plat.
13. When limits of disturbance are shown on the plan, a note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected at the edge of the limits of disturbance area, prior to any grading or construction activities. The fencing shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
14. The applicant shall provide language in the deeds of restriction describing the location of the Outer Buffer Zone along Shakes Run. The language shall state that no permanent structures or impervious surface coverages of greater than 100 s.f. are allowed in this zone as required in 4.8.6E of the Land Development Code. The form of such restrictions shall be approved by Planning Commission Counsel.
15. If sinkholes are found on the property or if ponds are to be filled on the site, a geotechnical report shall be conducted for the site and the results shall be submitted to Public Works and MSD for review prior to construction plan approval and the recommendations of the report shall be carried out during construction on the site.
16. The applicant shall obtain approval of a detailed landscape plan for the 30-foot Landscape Buffer Area along Eastwood-Fisherville Road. The landscape buffer area shall include a berm, hedge, fence or wall adequate to form an effective visual screen at least six feet in height. The landscape buffer area shall be maintained by the property owners association. The landscape plan shall be submitted for review and approval by DPDS staff prior to record plat approval.
17. A minor plat or deed of consolidation creating the proposed subdivision boundary will need to be recorded prior to recording of the record plat.
18. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.
19. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Homeowners Association. Accumulations of water in which mosquito larvae breed or have the potential to breed are required to be treated with a mosquito larvacide approved by the Louisville Metro Health

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Department. Larvacides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.

20. The number of lots recorded shall not exceed 50 until the Eastwood-Fisherville Road improvements are completed. Also, the number of building permits shall not exceed 199 until Street A (Shakes Creek Drive) and Deer Crossing Trail are connected (via Street D) and provide two points of entry to the subdivision.  
*Modified by the Development Review Committee on September 22, 2010, Case # 14669*
21. A professional archaeological survey shall be performed to determine the boundary of the cemetery located on proposed Lot 488. Documentation of acceptance of the cemetery boundaries by the Historic Landmarks Commission or delegated staff persons shall be provided for Planning Commission and building permit agency files prior to initiation of any site disturbance activities. After the boundary has been approved, all buildings and structures other than fences and walls shall be set back at least 30 feet or another distance set by the Historic Landmarks Commission. Should the final boundary of the cemetery indicate that any road (including the subdivision entrance road) or buildable lot on the approved plan is encroaching into the cemetery boundary or the required buffer/setback around the cemetery, then the preliminary subdivision plan must be revised to eliminate this encroachment.
22. The inactive cemetery on Lot 488 shall be preserved and maintained as described in Section 4.4.6 of the Land Development Code. Ownership and maintenance of the cemetery shall be transferred to the homeowners association. A deed restriction in a form approved by the Planning Commission legal counsel shall be recorded acknowledging the location, site, ownership and maintenance of the cemetery.
23. The applicant shall install signs, approved by the Metro Public Works Dept., which indicate the future extension of the public right of way for Streets A, B, C, D and E. Such signs shall be installed prior to release of bonds for the installation of the street infrastructure.
24. A 30-foot Tree Canopy Protection Area (TCPA) shall be provided along the perimeter of the entire development. Existing tree canopy and undergrowth shall be preserved in this area and indicated on a tree preservation submitted to Planning Commission staff for approval.

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25. The developer shall provide written notification to potential lot purchasers that they adjoin an agricultural activity (the Heidi Sanner property) involving bee keeping and fowl raising before the sale of those lots. This notice shall also be provided in the recorded covenants and restrictions for the subdivision.
26. Prior to seeking construction plan approval for lots 37 to 42, 63 to 65, and 71 to 73, the developer will have representatives of LG&E field locate an existing underground gas transmission line. The owner shall provide LG&E with an easement for the underground transmission line and work with the utility company to ensure protection of the line, or relocation, during site construction. Additional building setbacks will be provided to these lots in accordance with Chapter 5.3.1, C.4 of the Metropolitan Land Development Code.
27. Written notification to first and second tier property owners shall be provided if there are any changes, additions or deletions to the approved preliminary subdivision plan.
28. The applicant shall be required to field locate the existing High Pressure Gas Line located along the common boundary with the Sanner property prior to construction plan approval. If the line crosses onto the proposed development the applicant must revise the preliminary subdivision plan to include the additional setback required by Section 5.3.1, C.4 of the Land Development Code.
29. No construction traffic shall be allowed to go through Derbyshire Estates.
30. A 30-foot wide Tree Canopy Protection Area (TCPA) shall be permanently preserved along the perimeter of the entire development property regardless of current, or future, property ownership and/or control. All vegetation shall be preserved and protected in this area except for the removal of dead or declining trees that pose a public safety threat. The area shall be indicated on a preservation plan submitted to the Planning Commission. Canfield will install tree protection fencing along wooded portions of the 30-foot perimeter TCPA in the area or section of active development to protect these areas from disturbance, grading, clearing, mowing, and/or construction activity. Canfield will install in 30 days and continually maintain tree protection fencing along non-wooded portions of the 30-foot perimeter TCPA to protect these areas from mowing, grading, clearing, and/or construction activity. The tree protection fencing shall be maintained until each section goes to record plat and markers referenced in paragraph 5 hereof are installed.

*Added by the Planning Commission on October 1, 2009*

**DEVELOPMENT REVIEW COMMITTEE**  
**March 14, 2018**

**NEW BUSINESS**

**CASE NO. 18SUBDIV1002**

31. The pavement for the Street D stub road shall stop approximately 30 feet short of the Wetherby property (the right-of-way shall extend to the property line). This 30 foot area shall be maintained in a fashion similar to the TCPA on both sides of this right-of-way area. The 30 foot area shall be maintained by the homeowners association like an open space until the stub is fully extended.
32. Prior to site disturbance in a particular area or section of the development, Canfield will install and maintain tree protection fencing around any interior TCPA's within that area or section.  
*Added by the Planning Commission on October 1, 2009*
33. Once a particular area or section of development is substantially completed, Canfield Development will install marker signs, to be approved by Planning and Design Services staff, at least every 60 feet with a minimum of one marker per lot, along the inside edge of 30-foot perimeter TCPA denoting the area as a protected area. The signs shall be consistent with the size and scale of signs used by the Jefferson County Environmental Trust to denote a conservation easement, and shall indicate that the area is a permanently preserved area and no mowing or clearing is allowed.  
*Added by the Planning Commission on October 1, 2009*
34. The bridge of Shakes Run Creek shall be constructed prior to issuance of any building permits for lots on the south side of the creek.  
*Added by the Development Review Committee on September 22, 2010, Case # 14669*

**The vote was as follows:**

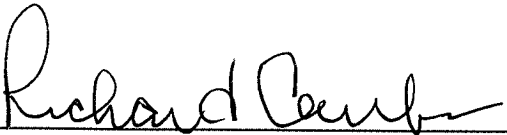
**YES: Commissioners Brown, Carlson, Smith and Tomes**

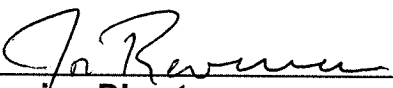
**NOT PRESENT AND NOT VOTING: Commissioner Ferguson**

**DEVELOPMENT REVIEW COMMITTEE**  
**March 14, 2018**

**ADJOURNMENT**

The meeting adjourned at approximately 2:00 p.m.

  
Vice Chair

  
Planning Director

