

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE MEETING
MAY 23, 2018**

A meeting of the Louisville Metro Development Review Committee was held on May 23, 2018 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, KY 40202.

Commissioners present:

Rich Carlson, Vice chair
Emma Smith
Jeff Brown
Laura Ferguson

Commissioners absent:

David Tomes, Chair

Staff members present:

Brian Davis, Planning & Design Manager
Ross Allen, Planner I
Jay Lockett, Planner I
Beth Stuber, Transportation Planning
Travis Fiechter, Legal Counsel
John Carroll, Legal Counsel
Kristen Padron, Management Assistant

The following matters were considered

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APPROVAL OF MINUTES

MAY 9, 2018 DRC MEETING MINUTES

00:05:39 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution was adopted:

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on May 9, 2018.

The vote was as follows:

YES: Brown, Smith, and Carlson

NOT PRESENT: Tomes

ABSTAINING: Ferguson

**DEVELOPMENT REVIEW COMMITTEE MINUTES
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NEW BUSINESS

CASE NUMBER 18DEVPLAN1006

Project Name:	Zoeller Pump Manufacturing Plant
Location:	3649 Cane Run Road
Owner(s):	Bill Zoeller – Zoeller Pump Company
Applicant:	Alex Donenberg – Civil Design Inc.
Representative(s):	Alex Donenberg and/or Missy Legel – Civil Design Inc.
Project Area/Size:	16.11 Acres or 701,757.96 s.f.
Zoning:	EZ-1
Form District:	Traditional Workplace
Jurisdiction:	Louisville Metro
Council District:	3 – Mary C. Woolridge
Case Manager:	Ross Allen – Planner I

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

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

Agency Testimony:

00:06:50 Ross Allen discussed the case summary and background from the staff report.

The following spoke in favor of this request:

Missy Legel, 3404 Stony Spring Circle, Louisville, KY 40291

Summary of testimony of those in favor:

00:11:10 Missy Legel spoke on behalf of the applicant and discussed the history of the expansion project, which began in 2004. The applicant is proposing to expand the existing warehouse/office structure in phases, as well as the parking area.

The following spoke in opposition to this request:

No one spoke.

Deliberation:

00:16:00 Commissioner Brown stated that the applicant has alleviated his concerns with truck maneuvering. The Commissioners concur that the proposal is justified.

An audio/visual recording of the Planning Commission hearing 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.

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NEW BUSINESS

CASE NUMBER 18DEVPLAN1006

00:16:59 On a motion by Commissioner Brown, seconded by Commissioner Ferguson, the following resolution, based on the Staff Report and testimony heard today, was adopted:

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Category 3 Development plan, having phases 3, 4, 5, 6, and 7, and proposed phase 8, with the expansion of existing parking and an addition of a new parcel for parking at the corner of Millers Lane and Old Millers Lane, **SUBJECT** to the following conditions of approval:

1. The previous landscape plan (L-17282-12) will be revised to reflect the inclusion of the proposed phase 8 and addition parking lot as shown at the corner of Old Millers Lane and Millers Lane.
2. The applicant will provide a copy of the recorded deed of consolidation prior to the issuance of building permits.

The vote was as follows:

YES: Brown, Ferguson, Smith, and Carlson

NOT PRESENT: Tomes

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NEW BUSINESS

CASE NUMBER 18DEVPLAN1032

Project Name:	Stewart Condos
Location:	703 Lyndon Ln
Owner(s):	Howard Enterprises, Inc.
Applicant:	Grady Stewart
Jurisdiction:	Lyndon
Council District:	18 – Marilyn Parker
Case Manager:	Jay Luckett, Planner I

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

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

Agency Testimony:

00:18:47 Jay Luckett discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Nick Pregliasco, 1000 N. Hurstbourne Pkwy., Louisville, KY 40223
Kevin Young, 503 Washburn Avenue, Suite 101, Louisville, KY 40222
Grady Stewart, 2604 Clubside Court, Lexington, KY 40513

Summary of testimony of those in favor:

00:20:35 Nick Pregliasco summarized the applicant's proposal and showed a presentation. The applicant is proposing to demolish an existing single family residential structure on the site and construct 13 semi-detached multifamily units. Patios will total 2,600 sq. ft.

00:28:57 Kevin Young spoke about the development plan and responded to questions from the Commissioners.

00:31:39 Developer Grady Stewart responded to questions from the Commissioners regarding the layout of the homes. The design shows that the patios are between the garages and homes. There are sidewalks that connect to the rear side of the homes, and there are no doors in the rear.

The following spoke in opposition to this request:

No one spoke.

Deliberation:

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00:37:17 The Commissioners concur that the proposal is justified.

An audio/visual recording of the Planning Commission hearing 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

00:39:40 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution, based on the Standard of Review and Staff Analysis and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the requested waiver will not adversely affect adjacent property owners as they are mostly commercial uses that would not be affected by the presence of open space on the subject site, and

WHEREAS, the Committee further finds that Guideline 1, Policy 3 states: the proposal supports the creation of a mix of residential housing choices and densities for the neighborhood, and: if the proposal introduces a new housing type to the neighborhood, it is designed to be compatible with nearby land uses. Guideline 2, Policy 4 states: Encourage a more compact development pattern that results in an efficient use of land and cost-effective infrastructure. Guideline 3, Policy 1 states: The proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development. The proposed waiver will allow for the development of housing that increases the density and housing choice near an activity center, 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 is providing some open space for the proposed units, 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, as all available space on the site is proposed to be occupied by required vehicle use areas, landscape buffers and a detention basin; now, therefore be it

RESOLVED, that the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the City of Lyndon that the waiver of Land Development Code (Lyndon) section 5.11.4 to not provide all of the required open space on site be **APPROVED**.

The vote was as follows:

YES: Brown, Ferguson, Smith, and Carlson
NOT PRESENT: Tomes

Revised District Development Plan

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NEW BUSINESS

CASE NUMBER 18DEVPLAN1032

00:40:39 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution, based on the Standard of Review and Staff Analysis and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that there do not appear to be any environmental constraints on the subject site. The existing structure has been previously documented as historic. Prior to demolition, the applicant should provide an updated Kentucky Historic Resources Survey form. Tree canopy requirements of the Land Development Code will be provided 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 Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan, and

WHEREAS, the Committee further finds that the applicant has requested a waiver from some of the open space requirements for 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 Committee further finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code; now, therefore be it

RESOLVED, that the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the City of Lyndon that the revised district development plan be **APPROVED**, **SUBJECT** to the following binding elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee and to the City of Lyndon for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Signs shall be in accordance with Chapter 8.

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3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
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. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit)
 - a. The development plan must receive full construction approval from Develop Louisville 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 dedicating additional right-of-way to Lyndon Ln to provide a total of 40 feet from the centerline. 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.
6. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
7. Prior to requesting a demolition permit for the existing structure on the site, the applicant shall provide to Planning and Design Services Historic Preservation Staff an updated Kentucky Historic Resources Survey to document the existing structures on site.
8. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

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The vote was as follows:

YES: Brown, Ferguson, Smith, and Carlson

NOT PRESENT: Tomes

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NEW BUSINESS

CASE NUMBER 18DEVPLAN1036

Project Name:	Aptitude 4th St
Location:	2420 S 4th St
Owner(s):	University Point, LLC.
Applicant:	Aptitude 4th St, LLC.
Jurisdiction:	Louisville Metro
Council District:	6 – David James
Case Manager:	Jay Luckett, Planner I

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

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

Agency Testimony:

00:42:09 Jay Luckett discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Cliff Ashburner, 101 S 5th Street, Suite 2500, Louisville, KY 40202
Jon Henney, 101 S 5th Street, Suite 1470, Louisville, KY 40202
Mark Mitchell, 1616 Camden, Suite 250, Charlotte, NC 28203

Summary of testimony of those in favor:

00:45:23 Cliff Ashburner summarized the applicant's proposal and showed a presentation. The applicant is proposing to demolish an existing vacant commercial structure and construct multi-family residential units in a 10 story tower, with the first two stories as a parking garage.

00:51:29 Jon Henney spoke about the site plan and waivers. Corrections to the plan include the construction of 231 residential units along with 232 parking spaces.

00:56:34 Design Director Mark Mitchell spoke about the proposed structure. The design of the structure was influenced by the historical style of other structures downtown that are similar in height.

01:07:06 The Commissioners raised concern about charging tenants additional fees for parking, which causes parking overflow into the surrounding neighborhoods. Mr. Ashburner said he is not sure at this time if there will be additional fees for parking spaces. This development is meant for students only. They are working with U of L to get shuttle access to this property.

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The following spoke in opposition to this request:

No one spoke.

Deliberation:

01:11:37 The Commissioners concur that the proposal is justified.

An audio/visual recording of the Planning Commission hearing 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 Land Development Code section 5.4.1 to not lay out the site according to the 4 basic components of traditional residential site design

01:15:39 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution, based on the Standard of Review and Staff Analysis and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners, as all required screening and buffering will be provided on site, and

WHEREAS, the Committee further finds that Guideline 1, Policy 3 states: the proposal supports the creation of a mix of residential housing choices and densities for the neighborhood, and: if the proposal introduces a new housing type to the neighborhood, it is designed to be compatible with nearby land uses. Guideline 2, Policy 4 states: Encourage a more compact development pattern that results in an efficient use of land and cost-effective infrastructure. Guideline 3, Policy 1 states: The proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development. The proposed waiver will allow for the development of housing that increases the density and housing options in the area. The waiver will provide for an efficient use of the subject site, allowing the proposed density to be constructed and accommodate all required parking on site without the need for surface parking lots, and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to provide relief to the applicant, and

WHEREAS, the Committee further finds that the strict application of the regulation would deprive the applicant of the reasonable use of the land, as the proposed number of units, which is allowed by the zoning district, could not be laid out in a way that respected the traditional site design standards on a site of this size; now, therefore be it

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the waiver of Land Development Code section 5.4.1 to not lay out the site according to the 4 basic components of traditional residential site design.

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The vote was as follows:

YES: Brown, Ferguson, Smith, and Carlson

NOT PRESENT: Tomes

Waiver of Land Development Code section 5.8.A.1.c to not provide site access through the existing alley to the rear of the site

01:16:18 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution, based on the Standard of Review and Staff Analysis and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners, as the alley is unimproved and the subject site has not traditionally had any access through it, and

WHEREAS, the Committee further finds that Guideline 1, Policy 2 states: The proposal preserves the existing grid pattern of streets, sidewalks and alleys. Guideline 2, Policy 4 states: Encourage a more compact development pattern that results in an efficient use of land and cost-effective infrastructure. Guideline 2, Policy 15 states: Encourage parking design and layout to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations. As the existing alley is unimproved, the waiver will not violate the comprehensive plan, 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 all other requirements for streets and access will respected by the development, and

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as the alley is unimproved and any site connection created to it would be unusable; now, therefore be it

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the waiver of Land Development Code section 5.8.A.1.c to not provide site access through the existing alley to the rear of the site.

The vote was as follows:

YES: Brown, Ferguson, Smith, and Carlson

NOT PRESENT: Tomes

Revised District Development Plan

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NEW BUSINESS

CASE NUMBER 18DEVPLAN1036

01:16:57 On a motion by Commissioner Brown, seconded by Commissioner Ferguson, the following resolution, based on the Standard of Review and Staff Analysis and testimony heard today, 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. Tree canopy requirements of the Land Development Code will be provided 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 there are no open space requirements pertinent to the current proposal, as the site is within 1000 feet of a public park, and

WHEREAS, the Committee further finds that the Metropolitan Sewer District 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 Committee further finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code; now, therefore be it

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the revised district development plan, noting changes to the number of units (231) and parking spaces (232), **SUBJECT** to the following binding elements:

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

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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. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit)
 - a. The development plan must receive full construction approval from Develop Louisville 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.
6. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

The vote was as follows:

YES: Brown, Ferguson, Smith, and Carlson

NOT PRESENT: Tomes

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NEW BUSINESS

CASE NUMBER 18DEVPLAN1042

Project Name:	Airtech II
Location:	1001 Glengarry Dr
Owner(s):	Airtech United, LLC.
Applicant:	Airtech United II, LLC.
Jurisdiction:	Louisville Metro
Council District:	13 – Vicki Aubrey Welch
Case Manager:	Jay Luckett, Planner I

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

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

Agency Testimony:

01:18:13 Jay Luckett discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Curtis Mucci, 5151 Jefferson Blvd., Louisville, KY 40219

Summary of testimony of those in favor:

01:19:36 Curtis Mucci offered to respond to questions from the Commissioners on behalf of the applicant who is proposing to construct a 178,000 SF warehouse with 5,000 sq. ft. of associated office space on an approximately 10.72 acre site. There were no questions.

The following spoke in opposition to this request:

No one spoke.

Deliberation:

01:20:35 The Commissioners concur that the proposal is justified.

An audio/visual recording of the Planning Commission hearing 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.

Outdoor Amenity Area

01:22:00 On a motion by Commissioner Brown, seconded by Commissioner Ferguson, the following resolution, based on the Staff Report and testimony heard today, was adopted:

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RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the outdoor amenity area as proposed today.

The vote was as follows:

YES: Brown, Ferguson, Smith, and Carlson
NOT PRESENT: Tomes

Revised District Development Plan

01:22:30 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution, based on the Standard of Review and Staff Analysis and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the site has a potential for hydric soils. Southern Ditch, a blue-line perennial stream lies along the eastern side of the site, and the applicant will need to work with Planning and Design Services staff to revegetate the stream buffer there with native riparian vegetation. Compensation per MSD requirements will be provided on site. Tree canopy requirements of the Land Development Code will be provided 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 Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan, and

WHEREAS, the Committee further finds that the required amenity is being provided onsite per Land Development Code requirements, 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 Committee further finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code; now, therefore be it

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RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the revised district development plan, **SUBJECT** to the following binding elements:

1. The development shall be in accordance with the approved district development plan and binding elements unless amended pursuant to the Land Development Code. Modifications to the binding element(s) shall be submitted to the Planning Commission or its designee for review and approval; any modifications not so referred shall not be valid.
2. Signs shall be in accordance with Chapter 8 of the LDC.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
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. Prior to issuance of a permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit):
 - 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 shall obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
6. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
8. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land

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development code and shall be maintained thereafter. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.

9. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
10. The applicant shall coordinate with Planning and Design Staff to restore appropriate native vegetation in the stream buffer for Southern Ditch. Restoration plantings shall be selected from the MSD native species restoration specifications. All restoration plantings shall be shown on the landscaping plan.

The vote was as follows:

YES: Brown, Ferguson, Smith, and Carlson
NOT PRESENT: Tomes

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NEW BUSINESS

CASE NUMBER 18DEVPLAN1054

Project Name:	138 Wiltshire Ave
Location:	138 Wiltshire Ave
Owner(s):	Scott Boehnlein
Applicant:	Scott Boehnlein
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Jay Lockett, Planner I

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

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

Agency Testimony:

01:23:24 Jay Lockett discussed the case summary, standard of review and staff analysis from the staff report. The applicant is proposing to add a 528 sq. ft. expansion to an existing office/residential mixed use structure.

The following spoke in favor of this request:

No one spoke.

The following spoke in opposition to this request:

No one spoke.

Deliberation:

01:29:08 The Commissioners concur that the proposal is justified.

An audio/visual recording of the Planning Commission hearing 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

01:29:36 On a motion by Commissioner Brown, seconded by Commissioner Ferguson, the following resolution, based on the Standard of Review and Staff Analysis and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners since the vehicle use areas have existed in a similar manner for a long time without this buffering, and

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WHEREAS, the Committee further finds that Guideline 3, Policy 9 of Cornerstone 2020 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 mitigation of 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 impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter airborne and waterborne pollutants. The proposed expansion will not add significant traffic or intensity of use to the prevailing conditions of 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 all other Land Development Code landscape requirements will be met on 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, as it would be virtually impossible to fit the required parking and drive aisles onto the site if the buffers were installed; now, therefore be it

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the waiver of Land Development Code section 10.2.4 to allow vehicle use areas to encroach into the 15' property perimeter buffers.

The vote was as follows:

YES: Brown, Ferguson, Smith, and Carlson
NOT PRESENT: Tomes

Revised District Development Plan

01:30:16 On a motion by Commissioner Brown, seconded by Commissioner Ferguson, the following resolution, based on the Standard of Review and Staff Analysis and testimony heard today, was adopted:

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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. Tree canopy requirements of the Land Development Code will be provided 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 Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan, 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, except for the requested waiver. Buildings and parking lots will meet all required setbacks, and

WHEREAS, the Committee further finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code; now, therefore be it

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the revised district development plan, **SUBJECT** to the following binding elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee) for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. There shall be no direct vehicular access to Willis Avenue.
3. Signs shall be in accordance with Chapter 8.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.

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6. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit)
 - a. The development plan must receive full construction approval from Develop Louisville 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.
7. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
8. A solid wooden fence or dense evergreen screening will be placed along the northwest property line between the rear of the existing main structure and the rear property line to provide a buffer for the adjoining residences.
9. An easement shall be recorded for the existing sidewalk in the front of the site along Wiltshire Ave. prior to the issuance of the Certificate of Occupancy.
10. 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: Brown, Ferguson, Smith, and Carlson

NOT PRESENT: Tomes

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ADJOURNMENT

The meeting adjourned at approximately 2:30 p.m.

Vice Richard Carlos 6/6/18
Chairman

[Signature]
Division Director