

**MINUTES OF THE MEETING
OF THE
DEVELOPMENT REVIEW COMMITTEE
October 17, 2018**

A meeting of the Development Review Committee was held on, October 17, 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, Chair
Rich Carlson, Vice Chair
Jeff Brown
Emma Smith
Donald Robinson

Staff Members present were:

Brian Davis, Planning Manager
Jay Lockett, Planner I
Dante St. Germain, Planner II
Jay Lockett, Planner I
Lacey Gabbard, Planner I
Paul Whitty, Legal Counsel
Beth Stuber, Transportation Planning
Pamela M. Brashear, Management Assistant

The following matters were considered:

DEVELOPMENT REVIEW COMMITTEE
October 17, 2018

APPROVAL OF MINUTES

OCTOBER 3, 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 October 3, 2018.

The vote was as follows:

YES: Commissioners Brown, Smith and Tomes

ABSTAINING: Commissioners Carlson and Robinson

DEVELOPMENT REVIEW COMMITTEE
October 17, 2018

NEW BUSINESS

CASE NO. 18MINORPLATT1114

Request:	Minor plat to create 2 lots from 1 lot
Project Name:	Southpoint Business Center
Location:	11700 Interchange Drive
Owner:	Gault-Marsh Properties Southpoint, LLC.
Applicant:	Gault-Marsh Properties Southpoint, LLC.
Jurisdiction:	Louisville Metro
Council District:	13 – Vickie Aubrey Welch
Case Manager:	Lacey Gabbard, 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:

00:05:07 Ms. Gabbard discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Kent Gootee, 5151 Jefferson Boulevard, Louisville, Ky. 40219

Summary of testimony of those in favor:

00:06:51 Mr. Gootee stated his client agreed to put the signs up on Southpoint Dr.

Deliberation

00:07:28 Commissioner Carlson asked about the parking situation. Commissioner Brown said it's a private roadway and the best way to handle it is to acquire a letter from the fire department. The applicant is addressing it with posting the signs.

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

Minor plat to create 2 lots from 1 lot

DEVELOPMENT REVIEW COMMITTEE

October 17, 2018

NEW BUSINESS

CASE NO. 18MINORPLATT1114

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the record plat amendment.

The vote was as follows:

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

DEVELOPMENT REVIEW COMMITTEE
October 17, 2018

NEW BUSINESS

CASE NO. 18DEVPLAN1155

Request:	Floyds Fork DRO Review for a Single Family Residence
Project Name:	Floyds Fork Single Family Home
Location:	7577 Country Squire Lane
Owner:	Michael Curtis
Applicant:	Rick Brown
Representative:	Rick Brown
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson
Case Manager:	Lacey Gabbard, 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:

00:09:29 Ms. Gabbard discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Michael Curtis, 7577 Country Squire Lane, Louisville, Ky.

Summary of testimony of those in favor:

00:11:26 Mr. Curtis, the owner is here to answer questions. Commissioner Brown asked if he will install a driveway culvert. Mr. Curtis said yes.

Deliberation

00:12:00 Development Review Committee deliberation.

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

Floyds Fork DRO Review for a Single Family Residence

DEVELOPMENT REVIEW COMMITTEE
October 17, 2018

NEW BUSINESS

CASE NO. 18DEVPLAN1155

On a motion by Commissioner Carlson, seconded by Commissioner Robinson, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Floyds Ford Development Review Overlay request for a single family residence.

The vote was as follows:

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

DEVELOPMENT REVIEW COMMITTEE
October 17, 2018

NEW BUSINESS

CASE NO. 18WAIVER1021

Request:	Waiver to allow single-family access to a collector-level roadway
Project Name:	West Orell Road Driveways
Location:	7118, 7200, 7204 and 7206 West Orell Road
Owner:	SKAP LLC, Ken Thieneman Builder Inc., Patricia Gibson
Applicant:	TSB Development
Representative:	Bluestone Engineers, PLLC
Jurisdiction:	Louisville Metro
Council District:	14 – Cindi Fowler
Case Manager:	Dante St. Germain, Planner II

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:

00:13:19 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:

Chris Crumpton, Bluestone Engineers, PLLC, 3703 Taylorsville Road, Suite 205,
Louisville, Ky. 40220
Ken Thieneman, 1114 Balmoral Drive, Louisville, Ky. 40205

Summary of testimony of those in favor:

00:15:16 Mr. Crumpton stated these are large lots. There have been some issues with people blocking the road. Adding 2 more driveways in this section will not negatively affect anyone as the driveways are about 10 feet apart and are not shared.

00:18:58 Mr. Thieneman stated none of the residents want shared driveways because of liability issues. This is a multi-family property with single family houses being built.

Mr. Thieneman said he has run into issues (some topographical) trying to construct shared driveways on other properties nearby.

Deliberation

DEVELOPMENT REVIEW COMMITTEE
October 17, 2018

NEW BUSINESS

CASE NO. 18WAIVER1021

00:21:00 Commissioner Brown stated the topographical challenges warrant individual driveways and this proposal is less intense than the original plan for the area. It's a very minimal impact to the roadway.

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

Waiver from Land Development Code section 7.8.60.B.4 to allow direct access to a collector-level roadway from single family lots

On a motion by Commissioner Carlson, seconded by Commissioner Robinson, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, the waiver will not adversely affect adjacent property owners as most of the lots that have been subdivided from the principal lot for single-family use have received waivers for independent access to W Orell Road; and

WHEREAS, Guideline 3, Policy A.6 strives to mitigate adverse impacts of traffic from proposed development on nearby existing communities. This guideline is not violated because many of the lots fronting on W Orell Road have individual driveway access. The subject properties are located in the Neighborhood form and constitute low-density single-family uses; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant, as the requirement for shared access is impeding the development of the subject properties; and

WHEREAS, the Louisville Metro Development Review Committee further finds the strict application of the provisions of the regulation may deprive the applicant of the reasonable use of the land as shared access to W Orell Road is impeding development of the lots.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the waiver from the Land Development Code section 7.8.60.B.4 to allow direct access to a collector-level roadway from single family lots.

The vote was as follows:

DEVELOPMENT REVIEW COMMITTEE
October 17, 2018

NEW BUSINESS

CASE NO. 18WAIVER1021

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

DEVELOPMENT REVIEW COMMITTEE
October 17, 2018

NEW BUSINESS

CASE NO. 18DEVPLAN1144

Request:	Revised General District Development Plan, Detailed District Development Plan and a Sidewalk Waiver
Project Name:	Greenwood Road Storage
Location:	7407 Greenwood Road and 7201 Gray Lane
Owner:	RMM, Inc.
Applicant:	Sterling Development, LLC.
Representative:	Mindel, Scott and Associates
Jurisdiction:	Louisville Metro
Council District:	12 – Rick Blackwell
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:

00:22:48 Mr. Luckett discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

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

Summary of testimony of those in favor:

00:29:35 Ms. Linares gave a power point presentation. River Plaza Dr. is the only access and there are virtually no sidewalks in the area. The applicant will add some supplemental landscaping if needed and outdoor storage is in the rear to be screened by buffering required within the parkway. The first 2 buildings are climate controlled.

Deliberation

00:33:31 Development Review Committee deliberation.

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

DEVELOPMENT REVIEW COMMITTEE
October 17, 2018

NEW BUSINESS

CASE NO. 18DEVPLAN1144

Waiver of Land Development Code section 5.8.1.B to not provide sidewalks in the Gray Ln. right-of-way

On a motion by Commissioner Carlson, seconded by Commissioner Robinson, the following resolution based on the Standard of Review and Staff Analysis and the testimony heard today was adopted.

WHEREAS, the waiver will not adversely affect adjacent property owners, as there are no residences on the side of Gray Ln where sidewalks would be constructed. The street is a dead end with 8 existing houses on the opposite side of the street that were constructed without sidewalks; 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. Generally, cul-de-sacs and dead end streets with less than 20 residences are not required to provide sidewalks, so Gray Ln as it exists with no sidewalks is consistent with other similar small residential streets. The required sidewalk for this development on the opposite side of the street of the residences is unlikely to be highly used or provide meaningful connection to transit or pedestrian networks; and

WHEREAS, the Louisville Metro Development Review Committee further finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant, as the applicant will build sidewalks in the Greenwood Rd right-of-way.

Waiver of Land Development Code section 5.8.1.B to not provide sidewalks in the Greenbelt Highway right-of-way

WHEREAS, the waiver will not adversely affect adjacent property owners, as there are currently no existing sidewalks along this side of Greenbelt Hwy for a considerable distance in either direction. The area is mostly industrial development in the Suburban Workplace form district, with minimal pedestrian traffic between sites; 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

DEVELOPMENT REVIEW COMMITTEE
October 17, 2018

NEW BUSINESS

CASE NO. 18DEVPLAN1144

movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. There is no transit service along this portion of the Greenbelt Hwy. It generally functions as a high-speed corridor for commercial and industrial traffic. The residential development in the area is served by transit in the Cane Run Rd corridor to the west. There are also drainage ditches and other topographical concerns that would make extending sidewalks along much of Greenbelt Hwy impractical; and

WHEREAS, the Louisville Metro Development Review Committee further finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant, as the applicant will build sidewalks in the Greenwood Rd right-of-way.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** a waiver of Land Development Code section 5.8.1.B to not provide sidewalks in the Gray Ln. right-of-way and a waiver of Land Development Code section 5.8.1.B to not provide sidewalks in the Greenbelt Highway right-of-way.

The vote was as follows:

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

Revised General District Development Plan with revisions to Binding Elements

On a motion by Commissioner Carlson, seconded by Commissioner Smith, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, 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, 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, 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

DEVELOPMENT REVIEW COMMITTEE
October 17, 2018

NEW BUSINESS

CASE NO. 18DEVPLAN1144

order to prevent drainage problems from occurring on the subject site or within the community. Onsite detention is being provided; 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 General District Development Plan, **SUBJECT** to the following binding elements:

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes/additions alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.
1a. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.
2. There shall be no direct vehicular access to Greenbelt Highway.
3. A soil erosion and sedimentation control plan shall be developed and implemented in accordance with the Metropolitan Sewer District and the USDA Natural Resources Conservation Service recommendations. Documentation of the MSD's approval of the plan shall be submitted to Planning Commission Staff prior to commencement of any clearing, grading, or construction activities.
4. 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,

DEVELOPMENT REVIEW COMMITTEE
October 17, 2018

NEW BUSINESS

CASE NO. 18DEVPLAN1144

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, Robinson, Smith and Tomes

Detailed District Development Plan

On a motion by Commissioner Carlson, seconded by Commissioner Robinson, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, 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, 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, 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. Onsite detention is being provided; 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.

DEVELOPMENT REVIEW COMMITTEE

October 17, 2018

NEW BUSINESS

CASE NO. 18DEVPLAN1144

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Detailed 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. 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 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.
 - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
5. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
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

DEVELOPMENT REVIEW COMMITTEE
October 17, 2018

NEW BUSINESS

CASE NO. 18DEVPLAN1144

implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.

7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line. 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.

The vote was as follows:

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

DEVELOPMENT REVIEW COMMITTEE
October 17, 2018

NEW BUSINESS

CASE NO. 18DEVPLAN1151

Request:	Detailed District Development Plan
Project Name:	Blankenbaker Station II, Lot 3
Location:	1801 Tucker Station Road
Owner:	Hosts Development, LLC
Applicant:	Hosts Development, LLC
Representative:	Bardenwarper, Talbott and Roberts
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson
Case Manager:	Jay Luckett, Planner I

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

Agency Testimony:

00:36:24 Mr. 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, Bardenwerper, Talbott and Roberts, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223

Summary of testimony of those in favor:

00:38:21 Mr. Pregliasco gave a power point presentation. There are no waivers or variances. One issue is that multiple locations have the same addresses. A minor plat has been submitted and is in the process of being approved, then they'll be subdivided and renamed.

Deliberation

00:43:41 Development Review Committee deliberation.

An audio/visual recording of the Development Review Committee meeting related to this case is available on the Planning and 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

DEVELOPMENT REVIEW COMMITTEE
October 17, 2018

NEW BUSINESS

CASE NO. 18DEVPLAN1151

On a motion by Commissioner Carlson, seconded by Commissioner Smith, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, a portion of the site lies within the FEMA 100-year floodplain. Compensation will be required per MSD standards. Tree canopy requirements of the Land Development Code will be provided 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 **SUBJECT** to the following Binding Elements:

Existing General Plan 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

DEVELOPMENT REVIEW COMMITTEE
October 17, 2018

NEW BUSINESS

CASE NO. 18DEVPLAN1151

for review and approval; any changes/additions/alterations not so referred shall not be valid.

If any proposals for detailed district development plans or proposals for changes to these binding elements are made, written notice shall be given to the Tucker Station Neighborhood Association, Blackacre Foundation and Floyd's Fork Environmental Preservation Association.

2. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
3. Prior to development of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each future detailed plan shall be in adequate detail and subject to additional binding elements.
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) is requested for a given lot:
 - a. The development plan for such lot must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, 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 for such lot. Such plan shall be implemented prior to occupancy of the lot and shall be maintained thereafter.
 - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved for such lot prior to obtaining approval for site disturbance on such lot.
6. An index map indicating the lotting pattern for the overall development site shall be submitted to staff and updated with any proposal which affects the lotting pattern as approved on the General District Development Plan.

Modified by the Development Review Committee on July 11, 2007, case # 8918

DEVELOPMENT REVIEW COMMITTEE
October 17, 2018

NEW BUSINESS

CASE NO. 18DEVPLAN1151

7. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of any structure or land for a 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. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the Land Development Code and shall be maintained thereafter. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.

Design Standards

9. Façade elevations for each detailed district development plan shall be in accordance with applicable form district standards and shall be reviewed by the Planning Commission, or a committee thereof prior to approval and transmittal of the plan(s) to the appropriate permitting agencies.

Signage

10. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
11. Signage attached to a building shall not exceed 300 square feet in size per façade.
12. Freestanding signs shall be monument style signs and shall be limited to six feet in height.

Lighting

13. All exterior lighting shall be turned off or dimmed to the lowest level necessary for adequate security between the hours of 11:00 p.m. and 7:00 a.m.

Land Use Restrictions

14. Use of the subject site (except as stated in BE# 15 below) shall be limited to uses permitted in the PEC district, with the following exceptions: residential uses; trailer courts or recreation vehicle campgrounds; junk yards; drilling for and removing of oil, gas or other hydrocarbon substances; refining of petroleum products; commercial petroleum storage yards; commercial excavation of building or construction materials (except as excavation is necessary in the

DEVELOPMENT REVIEW COMMITTEE

October 17, 2018

NEW BUSINESS

CASE NO. 18DEVPLAN1151

course of construction of this site); distillation of bones; dumping, disposal, incineration or reduction of garbage, sewer, dead animals or other refuse; fat rendering; stockyard or slaughter of animals; smelting of iron, tin, zinc or other ores; cemeteries; jail or honor farms; labor or migrant worker camps; foundries; animal or poultry farms; production of insecticides, fungicides or disinfectants; bus garages and repair shops; fairgrounds; flea markets; coal and coke storage and sales. Notice of a request to amend this binding element shall be given in accordance with the Planning Commission's policies and procedures. The Planning Commission may require a public hearing on the request to amend this binding element.

15. Uses on Lot 8 and the portion of Lot 24 identified on the development plan shall be limited to those uses permissible in the PRO zoning district.
Modified by the Development Review Committee on September 22, 2010, case # 14489
16. There shall be no loading docks and no truck parking or idling on the south side of any building within 200 feet of the south property line of Lot 24 or within 150 feet of the west property line of Lot 8 (the "Areas"). Truck maneuvering (as opposed to truck parking and idling) shall be permitted within the referenced Areas outside the landscaped buffer areas required in binding element 19 below. However, loading docks or truck parking and idling may be located within the Areas outside the landscaped buffer areas described in binding element 19 below if located on the east, west and north sides of any building on lot 24 and if located on the north, south and east sides of any building on lot 8. In the event that loading docks or truck parking and idling occur within the Areas, a screening wall shall be constructed adjacent to the loading dock or truck parking and idling area to prevent sound originating from activities associated with the loading dock or truck parking and idling area from exceeding the average decibel level as measured over a 24-hour period (leg) at the south property line of lot 24 or the west property line of lot 8. The wall shall be designed with the assistance of an expert in the field of sound.
Modified by the Development Review Committee on September 22, 2010, case # 14489
17. For lots other than lot 8 and the portion of Lot 24 identified on the development plan, no idling of trucks shall be permitted within 100 feet of single-family residences.
Modified by the Development Review Committee on September 22, 2010, case # 14489

DEVELOPMENT REVIEW COMMITTEE
October 17, 2018

NEW BUSINESS

CASE NO. 18DEVPLAN1151

18. No garbage or recyclable collection services, no parking lot sweeping, no exterior maintenance of yards or other properties (except snow removal), no idling of vehicles, and no external construction or remodeling shall be conducted between the hours of 9:00 PM and 7:00 AM.

Buffers and Environmental

19. There shall be a 75-foot wide 10-foot tall (as measured at the property line) irrigated landscaped berm and a 6-foot privacy fence along the portions south side of Lot 24 and a 50-foot wide 6-foot tall (as measured at the property line) irrigated landscaped berm and a 6-foot privacy fence along the west side of Lot 8. Berms on these lots shall be constructed prior to the issuance of a building permit and shall be landscaped in accordance with the requirements of the Land Development Code. A planting plan for these buffer areas (retaining mature trees near the property line where possible and enhanced with evergreen trees planted on the residential side of the berms to create a solid visual screen) shall be submitted for approval by the Planning Commission, or committee thereof, with the detailed district development plan for each of these lots.
20. All perimeter LBA's adjacent to residential properties shall be 50 feet wide with the following exceptions: The perimeter LBA shall be as specified in Binding Element 19 above for those property lines specified therein
- Along the north and east property lines common to the property which the applicant/developer has under contract or owns
 - Along Tucker Station Road north of Plantside Drive and any other publicly-dedicated rights-of-way internal to the development.
 - Wider or narrower buffer areas may be required by the Planning Commission at the time of detailed plan review.
- Modified by the Development Review Committee on January 21, 2009, case #12224*
21. In order to provide stream protection and a wildlife corridor which links to the off-site blue line stream, the two intermittent streams on the subject property, identified on the development plan, shall be protected 25 feet on either side of the centerline of these streams (50 total), except as may be disturbed, if at all, for utilities, with designated tree preservation areas assuring the maintenance of healthy trees over 3 inches in caliper.
22. All abutting properties shall be provided easement access to sanitary sewer at the property line. To the extent that a sewer easement runs parallel instead of perpendicular to the property line of an adjoining property to be served by the referenced sewer easement, said easement, if desired by the adjoining property owner, shall run half on each property.

DEVELOPMENT REVIEW COMMITTEE
October 17, 2018

NEW BUSINESS

CASE NO. 18DEVPLAN1151

23. "All flood plain areas, all areas containing slopes steeper than 20 percent, areas with unique or sensitive environmental features and all perimeter landscape buffer areas, should be protected until DDDP review and shall be evaluated at that time for each lot within the overall development.
"An analysis for each individual lot or development plan identifying environmental constraints which may require mitigation including but not limited to topography, soils and karsts, shall be submitted at the time of DDDP review."
"Furthermore, no sight disturbance outside of "to be dedicated rights-of-way" or "to be dedicated utility easements, including (should be excluding) (see entry at 01:20) the areas necessary for construction and accommodation of these rights-of-ways and utility easements shall be permitted prior to approval of Detailed District Development Plans." "Perpendicular crossing of perimeter 50 ft LBAs with a "to be dedicated right-of-way" or a "to be dedicated utility easement", shall only be permitted at a minimum width necessary to extend the utility or infrastructure. No other encroachment into a perimeter 50 ft LBA shall occur until DDDP approval."
Modified by the Planning Commission on November 15, 2007, case # 9992

Stormwater Management

24. All stormwater drainage from impervious areas of development shall be channeled to a series of stormwater management basins or designed wetlands in order to achieve established standards for minimizing impact on the water quality, quantity and rate of flow onto neighboring properties and into neighboring streams and ponds. A note to this effect shall be added to the development plan. This requirement shall be monitored and enforced by the Metropolitan Sewer District.

Traffic and Transportation

25. 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 building 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.
26. Construction traffic shall be restricted to Blankenbaker Parkway, Plantside Drive and Bluegrass Parkway.
27. Based on the traffic impacts of this development, the following development conditions shall apply:

DEVELOPMENT REVIEW COMMITTEE
October 17, 2018

NEW BUSINESS

CASE NO. 18DEVPLAN1151

(a) The Jordon Jones and Goulding Traffic Impact Study dated October 24, 2005 ("JJG Study") requires that Urton Lane Corridor be constructed from Plantside Drive / Rehl Road to Taylorsville Road or before development relating to the final 25% of the total a.m. and p.m. peak hour trips anticipated by the above-referenced Study can occur. Approval for development (based on this final 25% or final 25% of the total land area) shall require an updated traffic and air quality impact study.

(b) Development shall be prohibited on lots 27, 28, 29, and the portion of lot 26 shown on the approved general district development plan as area reserved for future corridor alignment, which is approximately 25% of the overall net land area, until such time as the Snyder Freeway interchange location and Urton/Plantside corridor alignment are determined.

(c) Plantside Drive shall not connect to Rehl Road until such time as:

- i. Urton Lane is constructed from Plantside Drive/Rehl Road to Taylorsville Road; or
- ii. After a public hearing with advance written notice to first and second tier adjoining property owners, registered neighborhood organizations, and anyone who spoke at a previous public hearing on this case, the Planning Commission determines, with input from transportation planning staff, that the area road network can adequately support the traffic that will result from the connection.

Modified by the Development Review Committee on September 22, 2010, case # 14489

28. No later than prior to construction plan approval on the first lot of the development generating the last 25 percent of total a.m. and p.m. peak hour trips anticipated by the "JJG Study", the road improvements identified on page 17 of the "JJG Study" for the Blankenbaker Parkway and Plantside Drive intersection, which are reproduced and set forth in the exhibit book presented at the March 23, 2006 public hearing, shall be constructed by this Developer per KTC requirements, assuming these improvements have not already been constructed by other developers. Financial contributions to the cost of same may be made by or required as a consequence of other development plan approvals.

Modified by the Development Review Committee on September 22, 2010, case # 14489

29. No later than prior to construction plan approval on the last lot of the development generating the first 50 percent of the total a.m. and p.m. peak hour trips anticipated by the "JJG Study", the road improvements identified on page 15 of the "JJG Study" for the Blankenbaker Parkway and Plantside Drive intersection, which are reproduced and set forth in the exhibit book presented at

DEVELOPMENT REVIEW COMMITTEE

October 17, 2018

NEW BUSINESS

CASE NO. 18DEVPLAN1151

the March 23, 2006 public hearing, shall be constructed by this Developer per KTC requirements, assuming these improvements have not already been constructed by other developers. Financial contributions to the cost of same may be made by or required as a consequence of other development plan approvals. *Modified by the Development Review Committee on September 22, 2010, case # 14489*

30. Prior to construction plan approval by Metro Public Works for any lot fronting on Tucker Station Road that will require tractor trailer access from its west frontage along Tucker Station Road or generate trips resulting in the need for a center turn lane, the Developer shall provide construction plans for and bond improvements to widen Tucker Station Road. Prior to development of Lot 1, developer shall create left turn lanes south onto Plantside Drive, north onto Bluegrass Parkway. Metro Public Works shall make efforts to assure utility relocation on Tucker Station Road between Bluegrass Parkway and Plantside Drive, and the developer shall dedicate additional area for the utility relocation as needed. *Modified by the Development Review Committee on September 22, 2010, case # 14489*
31. Funding for the design and installation of traffic signals as required by Metro Standards shall be provided by this Developer at Tucker Station Road intersections with Plantside Drive and Bluegrass Parkway if and when required by Metro Public Works, assuming same have not previously been required as a consequence of other development plan approvals; traffic Signal installation shall be performed by Metro Electrical Maintenance
32. Updated traffic data shall be provided as required by Transportation Planning staff. *Modified by the Development Review Committee on July 11, 2007, case # 8918*
33. Right-of-way for the Urton Lane Corridor, if not already constructed, as shown on the development plan, shall be dedicated by developer within 60 days of a request from the Director of Public Works or at the time of the recording of Lots indicated on the RGDDP, whichever occurs first. *Modified by the Development Review Committee on September 22, 2010, case # 14489*
34. No driveways shall be allowed that access Tucker Station Road between Plantside Drive and Rehl Road.

Covenants, Conditions and Restrictions (Car's)

DEVELOPMENT REVIEW COMMITTEE
October 17, 2018

NEW BUSINESS

CASE NO. 18DEVPLAN1151

35. The development shall include an amended set of Covenants, Conditions and Restrictions (CCRs), from Blankenbaker Station Phase I, applicable to Phase II, substantially in accordance with that produced at the March 23, 2006 Planning Commission public night hearing, which final set of CCRs shall be reviewed prior to recording by the Planning Commission legal counsel for consistency with these binding elements and the CCRs finally presented to the Planning Commission in this case.
36. Included in the Car's referenced above shall be these provisions:
- a. Existing natural vegetation, with enhancements where necessary, are preferred over replanting in landscape buffer areas; in open areas, native grasses and heavy vegetation are encouraged; and the need for mowing and maintenance can be minimized by this practice.
 - b. Sidewalks along scenic corridor shall be dark in color and meandering in nature.
 - c. Bicycle paths shall be provided, where possible, on perimeter and internal streets.
 - d. Except for security fencing where required as a consequence of the nature of a particular business, three or four-board "horse fencing" shall be encouraged where fencing is utilized, and such horse fencing shall be required along Tucker Station Road.
 - e. Except for landscape and accent lighting, all exterior lighting, whether freestanding or attached, and whether on building lots or along streets or in common areas, shall be fully shielded, shall utilize flat lenses, and shall be pointed directly to the ground.
 - f. Blinds or other window treatments shall be required on all building windows in order to increase the likelihood that night lighting will be eliminated or diminished by virtue of blinds and window treatments that may be closed during evening hours.
 - g. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line or permitted on the site.
 - h. The development shall include a property owners association to maintain roads, common areas, fences, streams and vegetation within common areas of the development and an architectural review committee to review building designs.
 - i. The design standards shall be as set forth in the public hearing Master Plan documents booklet reviewed at the March 23, 2006 Planning Commission public hearing.
37. An 8 foot high wall, constructed of brick or stone or combination thereof, shall be constructed along the south right-of-way of the proposed Plantside Drive extension adjacent to 2111 Tucker Station Road. Said wall shall be constructed

DEVELOPMENT REVIEW COMMITTEE
October 17, 2018

NEW BUSINESS

CASE NO. 18DEVPLAN1151

within one year of the approval of the general development plan. Landscaping shall be installed along the Plantside Drive side of the wall. The design of the wall shall be subject to approval by the Louisville Metro Department of Public Works and shall be designed in accordance with the scenic corridor standards applicable to Tucker Station Road, and shall not interfere with traffic safety along Tucker Station Road or Plantside Drive.

Proposed Detailed Plan Binding Elements

All general plan Binding Elements are applicable to the site, in addition to the following:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - 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.
 - c. A minor plat or legal instrument shall be recorded creating the lot lines as shown on the approved development plan. 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.

DEVELOPMENT REVIEW COMMITTEE
October 17, 2018

NEW BUSINESS

CASE NO. 18DEVPLAN1151

- d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
5. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff approved Tree Preservation Plan.
 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. There shall be no outdoor music (live, piped, radio or amplified) **or** outdoor entertainment or outdoor PA system audible beyond the property line.
 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.
 9. A public sidewalk easement in a form acceptable to the Planning Commission legal counsel shall be recorded as shown on the approved development plan prior to requesting a certificate of occupancy for the site. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.

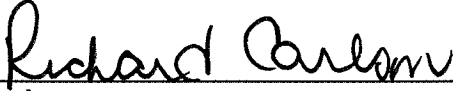
The vote was as follows:

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

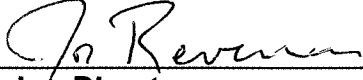
DEVELOPMENT REVIEW COMMITTEE
October 17, 2018

ADJOURNMENT

The meeting adjourned at approximately 1:50 p.m.



Vice Chair



Planning Director