

**MINUTES OF THE MEETING  
OF THE  
DEVELOPMENT REVIEW COMMITTEE  
October 31, 2018**

A meeting of the Development Review Committee was held on, October 31, 2018 at 1:00 p.m. in the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

**Committee Members present were:**

Rich Carlson, Vice Chair  
Jeff Brown  
Emma Smith  
Donald Robinson

**Committee Members absent were:**

David Tomes, Chair

**Staff Members present were:**

Emily Liu, Planning Director  
Joe Reverman, Planning Assistant Director  
Brian Davis, Planning Manager  
Julia Williams, Planning Supervisor  
Burcum Keeton, Architectural Projects Coordinator I  
Joel Dock, Planner II  
Jay Lockett, Planner I  
Lacey Gabbard, Planner I  
Paul Whitty, Legal Counsel  
Beth Stuber, Transportation Planning  
Rachel Hamm, Management Assistant  
Pamela M. Brashear, Management Assistant (Minutes)

The following matters were considered:

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**APPROVAL OF MINUTES**

**OCTOBER 17, 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 17, 2018.

**The vote was as follows:**

**YES: Commissioners Brown, Robinson, Smith and Carlson**  
**NOT PRESENT FOR THIS CASE: Commissioner Tomes**

## DEVELOPMENT REVIEW COMMITTEE

October 31 2018

### NEW BUSINESS

#### CASE NO. 18WAIVER1039

Request: Waiver to allow accessory structure to exceed footprint of principal structure  
Project Name: 6114 Corinth Way  
Location: 6114 Corinth Way  
Owner: Wayne, Doris  
Applicant: Wayne, Doris  
Jurisdiction: Louisville Metro  
Council District: 2 – Barbara Shanklin  
**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. 5<sup>th</sup> Street.)

#### **Agency Testimony:**

00:03:45 Ms. Gabbard discussed the case summary, standard of review and staff analysis from the staff report.

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

Doris Wayne, 6114 Corinth Way, Louisville, Ky.  
David Wayne

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

00:05:58 Mr. Wayne said his mother wants to add onto the back of the garage for storage.

#### **Deliberation**

00:06:42 Development Review Committee deliberation.

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

**Waiver of section 5.4.2.C.1 of the land development code to allow an accessory structure (garage) to exceed the footprint of the principal structure (residence)**

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

**CASE NO. 18WAIVER1039**

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 waiver will not adversely affect adjacent property owners as the proposed garage will not be visible from the right-of-way, there is not an alley at the rear of the property, there is an existing fence, and according to the applicant the use is not changing; and

**WHEREAS**, the waiver will not violate specific guidelines of Cornerstone 2020 as Cornerstone 2020 does not address accessory structures except for accessory dwelling units. According to the applicant, the proposed garage will be used for storage; 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 applicant needs a larger garage for storage; and

**WHEREAS**, the Louisville Metro Development Review Committee further finds there are existing design features that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived, as the privacy fence restricts the view of the garage, provides a screen, and reduces the garage's apparent mass and scale to neighboring properties.

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the waiver of section 5.4.2.C.1 of the Land Development Code to allow an accessory structure to exceed the footprint of the principal structure.

**The vote was as follows:**

**YES: Commissioners Brown, Robinson, Smith and Carlson**  
**NOT PRESENT AND NOT VOTING: Commissioner Tomes**

## DEVELOPMENT REVIEW COMMITTEE

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### NEW BUSINESS

#### CASE NO. 18WAIVER1041

Request:	Sidewalk Waiver
Project Name:	Olges Residence
Location:	17558 Aiken Road
Owner:	Wayne Olges
Applicant:	Wayne Olges
Representative:	Wayne Olges
Jurisdiction:	Louisville Metro
Council District:	19 – Julie Denton
<b>Case Manager:</b>	<b>Jay Lockett, Planner I</b>

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

#### Agency Testimony:

00:08:09 Mr. Lockett discussed the case summary, standard of review and staff analysis from the staff report.

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

Wayne Olges, 17558 Aiken Road, Louisville, Ky.

#### Summary of testimony of those in favor:

00:09:20 Mr. Olges stated he's building a new single family residence. The area is rural in nature and there aren't any sidewalks.

#### Deliberation

00:10:03 Commissioner Brown said it's a state road and if there were going to be sidewalks, it would be a capital project. Commissioner Robinson stated the area is rural and he supports the waiver. Commissioner Smith said there are no other sidewalks to connect with and it would be free-standing. Acting Chair Carlson agrees.

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

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**NEW BUSINESS**

**CASE NO. 18WAIVER1041**

**Waiver of Land Development Code 5.8.1.B to not provide sidewalks for the construction of a single family home**

On a motion by Commissioner Brown, 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 there are no existing sidewalks in the area; and

**WHEREAS**, 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. The waiver would allow the site to be developed in keeping with the general character of the area. The area is generally developed as large lot single family homes, and there are no existing sidewalks in the vicinity; and

**WHEREAS**, the Louisville Metro Development Review Committee finds the extent of the regulation is the minimum necessary to afford relief to the applicant, as all other provisions of the Land Development Code will be met on site; and

**WHEREAS**, the Louisville Metro Development Review Committee further finds the strict application of the provisions of this regulation as would create an unnecessary hardship on the applicant, as they would have to incur the costs of sidewalk construction that would likely never link to any other section of sidewalk or serve pedestrians in a meaningful way.

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** a waiver of the Land Development Code section 5.8.1.B to not provide sidewalks for the construction of a single family home.

**The vote was as follows:**

**YES: Commissioners Brown, Robinson, Smith and Carlson**  
**NOT PRESENT AND NOT VOTING: Commissioner Tomes**

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**NEW BUSINESS**

**CASE NO. 18LSCAPE1123**

Request:	Amenity Area Review
Project Name:	Louisville City FC
Location:	237-243, 249-251, 255-257, 261, 267-275 and 270 North Campbell Street, 250, 350, 375, and 1080 Adams Street, 214, 225-229, 249-257, 261-265 and 271 Mill Street, 200, 203/203R Cabel Street, 275 North Shelby Street
Owner:	Louisville Metro Government
Applicant:	Louisville City FC
Representative:	Mindel Scott and Associates, Bardenwerper, Talbott and Roberts PLLC
Jurisdiction:	Louisville Metro
Council District:	4- Barbara Sexton Smith
Case Manager:	<b>Julia Williams, AICP, Planning Supervisor</b>

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

**Agency Testimony:**

00:11:54 Ms. Williams discussed the case summary, standard of review and staff analysis from the staff report.

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

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

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

00:13:51 Mr. Gootee stated the plan went over budget and has to be revised. The landscaping not required by the Land Development Code will be removed and all the hardscape amenity areas will remain. It may be added back in at a later date. Ms. Williams said if they add items, the case would not have to come back to this committee.

00:15:53 Mr. Whitty, legal counsel, stated the April plan shows a retail/office building and the current plan shows future section and parking. Mr. Gootee explained that eventually there will be a parking structure with retail on the first floor but right now it's a temporary parking area until the parking structure goes vertical. It was approved on the development plan but we're asking for the stadium plan to be approved so we can get the building permit.

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**NEW BUSINESS**

**CASE NO. 18LSCAPE1123**

**Deliberation**

00:17:03      Development Review Committee deliberation.

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

**Review and approval of amenity areas**

On a motion by Commissioner Brown, 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 revision to the amenity areas.

**The vote was as follows:**

**YES: Commissioners Brown, Robinson, Smith and Carlson**  
**NOT PRESENT AND NOT VOTING: Commissioner Tomes**



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

**CASE NO. 18DEVPLAN1020**

Request:	Approval of a Category 3 Review for a 44,956 square foot hotel on 0.678 acres
Project Name:	Holiday Inn
Location:	100 West Muhammad Ali Boulevard
Owner:	Shiv Krupa Motel Inc.
Applicant:	Shiv Krupa Motel Inc.
Representative:	Nimish Patel
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	<b>Burcum Keeton, Architectural Projects Coordinator I</b>

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

**Agency Testimony:**

00:18:54 Ms. Keeton discussed the case summary, standard of review and staff analysis from the staff report.

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

Nimish Patel, 2103 Club Vista Place, Louisville, Ky. 40245

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

00:20:43 Mr. Patel stated the proposal is for a 91 room hotel with a roof top terrace serving food and beverages. The first level and basement will have the kitchen and dining room. It's an existing 4-stories structure with 1-story to be added. Also 1-story will be added to the southeast corner for the lobby, bar, public space and small shop. The entrance will be on Muhammad Ali. Commissioner Brown asked if this is the most current plan. He's concerned about the width of the sidewalk and the design of the pull-off area. Ms. Keeton said she thinks it's the most recent but a discussion with Mr. Mark Dutrow indicated the same discrepancy. Commissioner Brown said Metro Public Works requires a 5-foot pedestrian-zone and there needs to be separation between the sidewalk and whatever they're doing on their private property for vehicular maneuvering. Ms. Keeton said Transportation Review had comments and the applicant made revisions, but the plan has no approval stamp.

**Deliberation**

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**NEW BUSINESS**

**CASE NO. 18DEVPLAN1020**

00:25:17      Development Review Committee deliberation.

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

**Category 3 Review for a 44,956 sf hotel on 0.678 acres in the C-2 zoning district as found on a C-2 zoned parcel within the Downtown Form District**

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

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **CONTINUE** this case to the November 14, 2018 DRC meeting.

**The vote was as follows:**

**YES: Commissioners Brown, Robinson, Smith and Carlson**  
**NOT PRESENT AND NOT VOTING: Commissioner Tomes**

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**NEW BUSINESS**

**CASE NO. 18DEVPLAN1134**

Request:	Revised major preliminary subdivision/district development plan with waivers
Project Name:	Bristol Bluffs
Location:	6203 Gellhaus Lane
Owner:	LDG Development, LLC
Applicant:	Bluffs of Bristol, LLC
Representative:	Dinsmore & Shohl, LLP
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson
Case Manager:	Joel Dock, AICP, Planner II

**NOTE: Commissioner Robinson recused himself from this case due to a conflict of interest.**

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

**Agency Testimony:**

00:27:37 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

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

Cliff Ashburner, Dinsmore and Shohl, 101 South 5<sup>th</sup> Street, Suite 2500, Louisville, Ky. 40202

Ann Richard, Land Design and Development, LLC, 503 Washburn Avenue, Louisville, Ky. 40222

Ken Thieneman, 833 Valley College Drive, Louisville, Ky. 40272

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

00:31:18 Mr. Ashburner gave a power point presentation. Bristol Bluffs is a multi/single family development with the multi-family currently being under construction. The grade difference has caused the desire to re-design the plan so the road comes up a little further off Gellhaus. Landscaping is being proposed along the rear of the lots (within the required rear yard area). The lots are double frontage lots. In summary, there's a reduction in the number of lots, additional landscaping along Gellhaus Ln. and construction as previously proposed is not possible.

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00:39:10 Ms. Richard stated the construction plans for the road were approved by the Fern Creek Fire Dept. on August 14, 2018. They are ok with removal of the cul-de-sac. Commissioner Brown said it doesn't look like it is (ASHTO) American Association of State Highway Transportation Officials compliant. Ms. Stuber, Transportation Review, said she has reviewed the construction plans and is working with Pat Bryerly.

00:41:20 Mr. Ashburner said he has justified the waivers for the realignment of the homes and will be providing landscaping on the lots instead of providing a landscape buffer in addition to the rear yards on the lots. A condition could be added to reflect that the preliminary plan will be revised to reflect the construction plan.

00:42:11 Commissioner Brown asked what will prevent new homeowners from removing landscaping. Mr. Ashburner said the requirement in the code states the Homeowners Association will maintain that area. It will be placed in an easement or a deed restriction.

00:43:17 Mr. Thieneman stated the only way this makes sense is to do some nice walk-outs at the top of the hill and control the looks of the back of the houses. No one will buy these houses if they have steep driveways and yards.

00:44:30 Chair Carlson and Commissioner Brown asked about binding element 15 (2016). Is it applicable to just the zoning portion? Mr. Ashburner said yes, it will need to be stricken. Also, a binding element needs to be added (no. 28) to state: The landscaping as shown at the October 31, 2018 DRC meeting shall be maintained by the Homeowners Association and that obligation shall be reflected in the deed restrictions applicable to the subdivision.

**Deliberation**

00:46:37 Commissioner Brown requests a condition of approval that when we act on the subdivision plan, it be an ASHTO compliant turn-around in addition to the landscaping binding element as read by Mr. Ashburner.

00:47:05 Commissioner Smith stated the waivers make sense and are justified.

00:47:17 Chair Carlson said he agrees with the other commissioners.

00:47:40 Mr. Dock suggests expanding binding element 15 to include, "on parcel B", instead of eliminating it.

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**CASE NO. 18DEVPLAN1134**

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

**Waiver of Land Development Code (LDC), section 5.4.2 to not provide 20' LBA or orient the front façade on lots 1-8 towards the collector roadway**

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

**WHEREAS**, the waiver will not adversely affect adjacent property owners as the proposed lots will be elevated from the collector level roadway and are for single-family home construction; and

**WHEREAS**, the waiver will not violate specific guidelines of Cornerstone 2020 as the proposed lots will be elevated from the collector level roadway and the applicant has indicated that the grade is too steep to properly construct driveways; 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 proposed lots will be elevated from the collector level roadway and the applicant has indicated that the grade is too steep to properly construct driveways; and

**WHEREAS**, the Louisville Metro Development Review Committee further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant as the proposed lots will be elevated from the collector level roadway and the applicant has indicated that the grade is too steep to properly construct driveways.

**Waiver of Land Development Code (LDC), section 7.3.30.F to not provide 15' buffer yard for lots 23-41**

**WHEREAS**, the waiver will not adversely affect adjacent property owners as the adjacent property is owned by JCPS; and

**WHEREAS**, the waiver will not violate specific guidelines of Cornerstone 2020 as the area of the required buffer will be provided within the rear yards of single-family lots; and

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**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 adjacent property is owned by JCPS; and

**WHEREAS**, the Louisville Metro Development Review Committee further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant as the area of the buffer will be retained in the rear yards of single-family residential lots.

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** a waiver of the Land Development Code, section 5.4.2 to not provide a 20 foot landscape buffer area or orient the front façade on lots 1-8 towards the collector roadway and a waiver of the Land Development Code, section 7.3.30.F to not provide 15 foot buffer yard for lots 23-41.

**The vote was as follows:**

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

**ABSTAIN: Commissioner Robinson**

**NOT PRESENT AND NOT VOTING: Commissioner Tomes**

**Revised Major Preliminary Subdivision/District Development Plan**

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**, all minimum tree canopy requirements will be met; and

**WHEREAS**, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community are provided as sidewalks are provided and connectivity to adjacent sites is being made available; and

**WHEREAS**, open space is not required of the proposed development; and

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

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**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 that contains as the proposal is a single-family section of a mixed-residential community that has previously been approved; and

**WHEREAS**, the Louisville Metro Development Review Committee further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan as connectivity is being provided, minimum tree canopy compliance will be observed, and the proposed lot sizes are permitted by-right in the R-4 zoning district.

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Revised Major Preliminary Subdivision/District Development Plan **ON CONDITION** that the turnaround at the end of proposed road A is compliant with ASHTO guidelines and **SUBJECT** to the following Binding Elements:

1. The development shall be in accordance with the approved district development and preliminary subdivision plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. No further subdivision of the land into a greater number of lots than originally approved will occur without approval of the Planning Commission. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The density of the development shall not exceed 17.10 dwelling units per acre (216 units on 2.63 net acres) on Parcel B. The density of the development on Parcel A shall not exceed 3.42 dwelling units per acre (41 units on 12 net acres).
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. A note shall be placed on the preliminary subdivision plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities - preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
6. 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

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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.

7. An original stamped copy of the approved Tree Preservation Plan shall be present on site during all clearing, grading, and construction activity and shall be made available to any DPDS inspector or enforcement officer upon request. All plans setting out Tree Canopy Protection Areas (TCPAs) must contain the following notes:
  - a) Tree Canopy Protection Areas (TCPAs) identified on this plan represent individual trees and/or portions of the site designated to meet the Tree Canopy requirements of Chapter 10 Part 1 of the Land Development Code and are to be permanently protected. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of plan approval. As trees within TCPAs are lost through natural causes, new trees shall be planted in order to maintain minimum tree canopy as specified on the approved development or preliminary subdivision plan.
  - b) Dimension lines have been used on this plan to establish the general location of TCPAs and represent minimum distances. The final boundary for each TCPA shall be established in the field by the applicant/developer, or property owner to include canopy of all trees at or within the dimension line.
  - c) Tree protection fencing shall be erected around all TCPAs prior to site disturbance to protect the existing tree stands and their root systems. The fencing shall be located at least 3 feet beyond the edge of the tree canopy and shall remain in place until all construction is completed. When trees must be removed, the fence shall be relocated to protect all remaining trees within that TCPA.
  - d) No parking, material storage, or construction activities are permitted within the TCPAs beyond that allowed for preliminary site investigation work.
  - e) Clearing necessary to provide access for survey work, rock soundings or other usual and customary site investigations shall be permitted prior to Site Disturbance Approval. Preliminary site investigations shall be carefully planned to minimize the amount of clearing required. Clearing should follow proposed roadway centerlines and should not result in a clear access way of more than twenty (20) feet in width. Cleared access ways beyond proposed roadways to assess individual lots shall not exceed twelve (12) feet in width or encroach into any proposed open space lots. No trees exceeding eight (8) inches in diameter measured at breast height (DBH) shall be removed without prior approval by DPDS.



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8. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
  - a) Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of incorporation of the Homeowners Association.
  - b) A deed of restriction in a form approved by Counsel to the Planning Commission addressing responsibilities for the maintenance of common areas, open space, TCPAs, WPAs.
  - c) Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.
9. Trees will be preserved and/or provided on site as required by Chapter 10, Part 1 of the Land Development Code and as indicated in the Tree Canopy Calculations on the Preliminary Subdivision Plan. The applicant shall submit a landscape plan for approval by Planning Commission staff for any trees to be planted to meet the Tree Canopy requirements of Chapter 10, Part 1 of the LDC and for open spaces shown on the development plan. The landscaping shall be substantially similar to that shown on the development plan and concept landscape submitted for this site. A tree preservation plan shall be submitted for review and approval for any trees to be preserved to meet the Tree Canopy requirements of Chapter 10.
10. At the time the developer turns control of the homeowner's association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowner's association account. The subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement.
11. The applicant shall submit a plan for approval by Planning Commission staff showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Adjustments to the tree preservation plan which are requested by the applicant may be approved by Planning Commission staff if the revisions are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
  1. Proposed site plan (showing buildings, edges of pavement, property lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
  2. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
  3. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
  4. Location of construction fencing for each trees/tree mass designated to be preserved.

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12. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Department of 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. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - c. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
13. 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.
14. 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.
15. The materials and design of proposed structures on parcel B shall be substantially the same as depicted in the rendering as presented at the July 28, 2016 Land Development & Transportation meeting.
16. 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.

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17. All street signs shall be installed by the Developer, and shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street, and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
18. The applicant shall install signs, approved by the Metro Public Works Dept., which indicate the future extension of the public right of way for Street C. Such signs shall be installed prior to release of bonds for the installation of the street infrastructure.
19. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.
20. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.
21. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Homeowners Association. Accumulations of water in which mosquito larvae breed or have the potential to breed are required to be treated with a mosquito larvacide approved by the Louisville Metro Health Department: Larvacides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.
22. Developer shall provide a west-bound right-turn lane on Billtown Road to Gellhaus Lane per KTC requirements. KTC permit required prior to construction approval by Metro Public Works.
23. As required by Public Works, the Gelhaus Lane Right-of-way shall be dedicated by deed or minor plat that must be recorded prior to Public Works construction approval or shall be recorded as part of the required record plat.
24. Developer shall be responsible for utility relocations, final surface overlay and striping associated with required road improvements. Gellhaus Lane shall be improved to provide a three-lane section per the approved schematic roadway and improvement striping plan provided (i.e. "Road Improvement Exhibit").

**DEVELOPMENT REVIEW COMMITTEE**  
**October 31 2018**

**NEW BUSINESS**

**CASE NO. 18DEVPLAN1134**

25. Prior to filling the existing pond on site, a geotechnical study shall be performed for review and approval by MSD (and Public Works).
26. No junked or unusable cars shall be stored on the property.
27. Any landscaping between an approved multi-family structure and the right-of-way of Gellhaus Lane shall be irrigated, and any landscaping material shall be removed and replaced within 60 days.
28. Landscaping shall be substantially similar to that presented at the DRC meeting on October 31, 2018.

**The vote was as follows:**


**YES: Commissioners**


**NOT PRESENT AND NOT VOTING: Commissioners**

**DEVELOPMENT REVIEW COMMITTEE**  
**October 31 2018**

**ADJOURNMENT**

The meeting adjourned at approximately 1:51 p.m.

  
\_\_\_\_\_  
vice Chair

  
\_\_\_\_\_  
Planning Director

