

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE MEETING
October 2, 2024**

A meeting of the Louisville Metro Development Review Committee was held on October 2, 2024, at 1:00 p.m. at the Old Jail Auditorium, 514 W. Liberty Street, Louisville, KY 40202.

Committee Members Present:

Richard Carlson, Chair

Mark Benitez

Bill Fischer

David Steff

Committee Members Absent:

Jennifer Kern

Staff Members Present:

Julia Williams, Asst. Planning Director

Jay Lockett, Planning and Design Supervisor

Isis Shackelford, Engineer I

Ethan Lett, Planner I

Mark Pinto, Planner I

Kaitlin Dever, Planner I

Haritha Gurivindapalli, Management Assistant

The following matters were considered:

**DEVELOPMENT REVIEW COMMITTEE
MINUTES
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APPROVAL OF MINUTES

September 18, 2024, DEVELOPMENT REVIEW COMMITTEE MINUTES

00:03:40 On a motion by Commissioner Fischer, seconded by Commissioner Steff, the following resolution was adopted:

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Minutes of its meeting conducted on September 18, 2024.

The vote was as follows:

YES: Commissioners Fischer, Steff, Benitez, and Carlson

ABSENT: Commissioner Kern

DEVELOPMENT REVIEW COMMITTEE

MINUTES

October 2, 2024

OLD BUSINESS

CASE NO. 24-CAT3-0013

Request: Category 3 Development Plan with a Waiver
Project Name: Minor Lane Hotels
Location: 2720 Outer Loop
Applicant: Laxmi Krupa LLC
Representative: Bardenwerper, Talbott, & Roberts, PLLC
Jurisdiction: Louisville Metro
Council District: 13 – Dan Seum, Jr
Case Manager: Mark Pinto, Planner I

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

Agency Testimony:

00:04:20 Mark Pinto provided an overview of the request and presented a PowerPoint presentation. Pinto responded to questions from Committee Members (see recording for details)

The following spoke in favor of this request:

Nick Pregliasco, 1000 North Hurstbourne Parkway, Louisville, KY 40223

Summary of testimony of those in favor:

00:09:00 Nick Pregliasco provided an overview of the request and presented a PowerPoint presentation. Pregliasco gave an update on the fire service lane and emergency vehicle access. Pregliasco answered questions from Committee Members. (See recording for details)

The following spoke in opposition to the request:

None

Deliberation:

00:12:30 Committee deliberation

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

DEVELOPMENT REVIEW COMMITTEE

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October 2, 2024

OLD BUSINESS

CASE NO. 24-CAT3-0013

Waiver of Land Development Code (LDC), Section 10.2.10 to allow a drive lane to encroach into the required 15' Vehicular Use Area Landscape Buffer Area (VUA LBA) (24-WAIVER-0150).

00:13:00 On a motion by Commissioner Fischer, seconded by Commissioner Steff, the following resolution, based on the standard of review contained in the staff report and staff analysis and evidence and testimony heard on September 18, 2024, and October 2, 2024, was adopted:

WHEREAS, the Development Review Committee finds the requested waiver will not adversely affect adjacent property owners since the majority of the required LBA along the front property line is being maintained except where the emergency access drive lane will be located, and

WHEREAS, the Development Review Committee finds the Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. Community Form Goal 1, Policy 9 calls to ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements. An approved landscape plan showing the required plantings will be required prior to the issuance of building permits, and

WHEREAS, the Development Review Committee finds the extent of the waiver of the regulations is the minimum necessary to afford relief to the applicant since the emergency drive lane has been proposed to enhance safety on the site and must encroach into the required 15' LBA along the front property line. Otherwise, the emergency drive lane requested by the fire department may not be implemented, and

WHEREAS, the Development Review Committee finds, the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant since the emergency drive lane may not be able to be constructed if not for the waiver to encroach into the LBA, now, therefore be it;

DEVELOPMENT REVIEW COMMITTEE

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OLD BUSINESS

CASE NO. 24-CAT3-0013

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver of Land Development Code (LDC), Section 10.2.10 to allow a drive lane to encroach into the required 15' Vehicular Use Area Landscape Buffer Area (VUA LBA) (24-WAIVER-0150).

The vote was as follows:

YES: Commissioners Benitez, Fischer, Steff, and Carlson

ABSENT: Commissioner Kern

Category 3 Development Plan

00:14:00 On a motion by Commissioner Fischer, seconded by Commissioner Steff, the following resolution, based on the evidence and testimony heard on September 18, 2024, and October 2, 2024, was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Category 3 Development Plan.

The vote was as follows:

YES: Commissioners Steff, Fischer, Benitez, and Carlson

ABSENT: Commissioner Kern

DEVELOPMENT REVIEW COMMITTEE

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October 2, 2024

NEW BUSINESS

CASE NO. 24-MPLAT-0058

Request: A waiver to allow one lot to be less than the minimum required lot width of 60'

Project Name: Talbott Avenue Minor Plat

Location: 2234 Talbott Avenue

Applicant: Sean K. Johnson & Lindsay Rasche

Representative: Jason Graves, Century Land Surveying, LLC

Jurisdiction: Louisville Metro

Council District: 8 – Ben Reno Weber

Case Manager: Kaitlin Dever, 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 Committee received this report in advance of the meeting, and this report was available to any interested party prior to the public meeting. (Staff report is part of the case file maintained in the Office of Planning, 444 S. 5th Street.)

Agency Testimony:

00:15:20 Kaitlin Dever provided an overview of the request and presented a PowerPoint presentation. Dever responded to questions from Committee Members. (See recording for details)

The following spoke in favor of this request:

Jason Graves, PLS, P.O. Box 21722, Louisville, KY 40221

Summary of those in favor:

00:18:00 Jason Graves spoke in favor of the request and provided updates on the project. Graves stated that applicant adjusting property lines to expand the width of the driveway and extend it to the rear of the property. Graves answered questions from Committee Members. (See recording for details)

The following spoke in opposition to the request:

None

Deliberation:

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NEW BUSINESS

CASE NO. 24-MPLAT-0058

00:21:00 Committee deliberation

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

Waiver from LDC Section 5.2.2 to allow one lot to be less than the minimum required lot width of 60'.

00:21:15 On a motion by Commissioner Fischer, seconded by Commissioner Benitez, the following resolution, based on the standard of review contained in the staff report and evidence and testimony heard today, was adopted:

WHEREAS, the Development Review Committee finds the waiver will not adversely affect adjacent property owners as the majority of existing nearby lots are below the minimum required lot width. The proposed lots will be consistent with the current neighborhood pattern, and

WHEREAS, the Development Review Committee finds that Community Form Goal 1 describes the Traditional Neighborhood form district as consisting of predominantly narrow and deep lots. Policy 4 calls for proposals to ensure compatibility with the scale and site design of nearby existing development and with the desired pattern of development within the form district. The majority of the lots in the immediate area are 40-50' in width, and

WHEREAS, the Development Review Committee finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. The proposed lot configuration adheres to the required residential site design standards, and

WHEREAS, the Development Review Committee 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. Since the proposed subdivision is improving the compatibility of the current space with the character and pattern of development in the surrounding neighborhood, the strict application of the provisions would be unreasonable, now, therefore be it.

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver from LDC Section 5.2.2 to allow one lot to be less than the minimum required lot width of 60'.

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CASE NO. 24-MPLAT-0058

The vote was as follows:

YES: Commissioners Benitez, Fischer, Steff, and Carlson

ABSENT: Commissioner Kern

DEVELOPMENT REVIEW COMMITTEE

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October 2, 2024

NEW BUSINESS

CASE NO. 24-DDP-0044

Request: Revised Detailed District Development Plan with a Waiver
Project Name: Burger King
Location: 2700 Crittenden Drive
Applicant: Carrols Restaurant Group, Inc.
Representative: Land Design & Development
Jurisdiction: Louisville Metro
Council District: 15 – Jennifer Chappell
Case Manager: Kaitlin Dever, 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 Committee 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 the Office of Planning, 444 S. 5th Street.)

Agency Testimony:

00:22:20 Kaitlin Dever provided an overview of the request and presented a PowerPoint presentation. Dever responded to questions from Committee Members. (See recording for details)

The following spoke in favor of the request:

Mike Hill, 503 Washburn Avenue, Louisville, KY 40222

Summary of those in favor:

00:26:30 Mike Hill spoke provided an overview of the request and presented a PowerPoint presentation. Hill spoke about development plan, landscaping and multiple access points and sidewalks around the property. Hill answered questions from Committee Members. (See recording for details)

The following spoke in opposition to the request:

None

Deliberation:

00:49:46 Committee deliberation

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NEW BUSINESS

CASE NO. 24-DDP-0044

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

Waiver from Land Development Code (LDC) Section 10.2.10 to eliminate the required 15' Vehicular Use Area (VUA) Landscape Buffer Area (LBA) and required plantings along Crittenden Drive and Boxley Avenue. (24-WAIVER-0101)

00:39:20 On a motion by Commissioner Fischer, seconded by Commissioner Steff, the following resolution, based on the standard of review contained in the staff report and evidence and testimony heard today, was adopted:

WHEREAS, the Development Review Committee finds the waiver will not adversely affect adjacent property owners because of the significant restoration of green space verge on the Crittenden Drive and particularly the Boxley Avenue frontage. The number of curb cuts on Boxley Avenue has been reduced from 4 access points to 2 access points as part of the proposed verge restoration. The applicant has stated plantings will be provided where possible in coordination with Public Works and KYTC on both frontages. The residential properties to the west of the subject site on New High Street are not affected by the waiver request and will benefit from a 15' VUA LBA with sidewalk connectivity, and

WHEREAS, the Development Review Committee finds the Community Form Policy 1 Goal 3.1.10 characterizes the Suburban Workplace form district as predominantly industrial and offices uses where the buildings are set back from the street in a landscaped setting. Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. Community Form Goal 1, Policy 6 notes that appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and may include natural vegetative buffers or landscaping. Community Form Goal 1, Policy 9 calls to ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements. Community Form Goal 1, Policy 10 calls to mitigate the impacts caused when incompatible develops unavoidably occur adjacent to one another. Buffers should be used between uses that are substantially different in intensity or density. Buffers should be variable in design and may include landscaping,

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CASE NO. 24-DDP-0044

vegetative berms and/or walls and should 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. Community Form Goal 1, Policy 12 calls for the proposal to design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Parking, loading and delivery should be adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Community Form Goal 1, Policy 20 calls to mitigate adverse visual intrusions when there are impacts to residential areas, roadway corridors, and public spaces. Economic Development Goal 2, Policy 3 calls to encourage design elements that address the urban heat island effect and energy efficiency, such as the planting and preservation of trees and green infrastructure for new development. Livability Goal 1, Policy 12 emphasizes the importance of minimizing impervious surface area and taking advantage of soil saturation capacities, as evidenced by the restored green space verge and detention basin located on the Crittenden Drive frontage, and

WHEREAS, the Development Review Committee finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. MSD has required a detention basin on the Crittenden Drive frontage and existing overhead utilities severely impact the applicant's ability to provide the required landscape plantings and buffer area. Furthermore, the parking provided at the north of the subject site directly abuts the property line and reconfiguring the subject site could jeopardize vehicular flow as well as pedestrian safety and movement across two drive-thru queue lanes, and

WHEREAS, the Development Review Committee finds the applicant has incorporated other design measures that compensate for non-compliance with the requirements to be waived, including the sizeable restoration of green space verge on two road frontages, the reduction in the number of curb cuts on Boxley Avenue, and providing plantings where possible given the site constraints. The applicant has stated a 3' tall hedge can be provided, and trees can be planted in cooperation with Public Works on the Boxley Avenue ROW. The applicant has further stated that plantings would be possible on the Crittenden Drive ROW contingent on coordination with KYTC, now, therefore be it.

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver from Land Development Code (LDC) Section 10.2.10

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to eliminate the required 15' Vehicular Use Area (VUA) Landscape Buffer Area (LBA) and required plantings along Crittenden Drive and Boxley Avenue. **(24-WAIVER-0101)**

The vote was as follows:

YES: Commissioners Benitez, Fischer, Steff, and Carlson

ABSENT: Commissioner Kern

Revised Detailed District Development Plan with replacement of Binding Elements

00:40:10 On a motion by Commissioner Fischer, seconded by Commissioner Steff, the following resolution, based on the standard of review contained in the staff report and evidence and testimony heard today, was adopted:

WHEREAS, the Development Review Committee finds 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 Development Review Committee 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 has approved the preliminary development plan, and

WHEREAS, the Development Review Committee finds there are no open space requirements pertinent to the current proposal, and

WHEREAS, the Development Review Committee finds 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 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, except where relief is specifically requested. Buildings and parking lots will meet all required setbacks, and

WHEREAS, the Development Review Committee finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to the requirements

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of the Land Development Code with the exception of the requested Waiver, now, therefore be it.

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Revised Detailed District Development Plan with 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 Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. 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.

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- 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. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors, and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
7. A Sign shall be placed on the subject site regarding no idling of trucks within 200 feet of any residence.
8. The applicant shall install additional plantings along Boxley Avenue and shall coordinate with Louisville Metro Public Works for any plantings located within the right-of-way per the applicant's email dated 9/24/2024.

The vote was as follows:

YES: Commissioners Benitez, Fischer, Steff, and Carlson

ABSENT: Commissioner Kern

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October 2, 2024

NEW BUSINESS

CASE NO. 24-DDP-0056

Request: Detailed District Development Plan with revisions to binding elements
Project Name: Different Strokes Golf Center
Location: 3742 River Road
Applicant: Golf Management Group LLC
Representative: Mindel Scott
Jurisdiction: Louisville Metro
Council District: 16 – Scott Reed
Case Manager: Ethan Lett, 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 Committee received this report in advance of the meeting, and this report was available to any interested party prior to the public meeting. (Staff report is part of the case file maintained in the Office of Planning, 444 S. 5th Street.)

Agency Testimony:

00:41:40 Ethan Lett provided an overview of the request and presented a PowerPoint presentation. Lett responded to questions from Committee Members. (See recording for details)

The following spoke in favor of the request:

Kathy Linares, 5151 Jefferson Blvd, Louisville, KY 40219

Summary of those in favor:

00:46:00 Kathy Linares spoke in favor of the request and emphasized the improvements to the existing facility. Linares answered questions from Committee Members (see recording for details)

The following spoke in opposition of the request:

None

Deliberation:

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NEW BUSINESS

CASE NO. 24-DDP-0056

00:47:30 Committee deliberation

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

Detailed District Development Plan with revisions to binding elements.

00:48:00 On a motion by Commissioner Fischer, seconded by Commissioner Steff, the following resolution, based on the standard of review contained in the staff report and evidence and testimony heard today, was adopted:

WHEREAS, the Development Review Committee finds 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 Development Review Committee finds 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, the Development Review Committee finds there are no open space requirements pertinent to the current proposal, and

WHEREAS, the Development Review Committee finds 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 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 Development Review Committee finds 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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CASE NO. 24-DDP-0056

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Detailed District Development Plan with 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. The development shall not exceed 5000 square feet of gross floor area for the clubhouse, 5000 square feet of gross floor area for the covered pavilion including 1500 square feet of enclosed gross floor area in the pavilion, 4,231 square feet of gross floor area for the maintenance shed, 100 range tee pads, 1 practice green, 2 chipping greens.
3. Freestanding sign location(s), height, and area shall be approved by Planning Commission prior to obtaining certificates of occupancy.
4. No outdoor advertising signs (billboards) shall be permitted on site. Except for infrequent specialty events no small free-standing (temporary) signs including pennants or banners shall be permitted on site.
5. No rental of range golf balls shall be allowed except within the following hours: 6:00 A.M to 11:00 P.M Sunday through Thursday and 6:00 A.M. to midnight Friday and Saturday.
6. There shall be no outdoor storage on the site; however, golf balls may be left on the range for temporary periods; golf carts, golf retrieval machinery and machinery necessary for golf maintenance may remain on site out of doors.
7. Outdoor lighting shall be directed down and away from surrounding residential properties and shall not exceed two foot-candles in luminosity at the property line.
8. 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

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until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.

9. All existing landscaping and preserved tree canopy shall be maintained in accordance with the district development plan and tree preservation plan approved under Docket # 9-31-97 and dated October 9, 1997, and January 16, 1998, respectively.
10. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a) The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works, and the Metropolitan Sewer District.
 - b) The appropriate modified conditional use permit shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
11. A certificate of occupancy must be received from the appropriate code enforcement office 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.
12. There shall be no outdoor music (live, piped, radio or amplified). An outdoor PA system shall be permitted for the limited purposes of announcing (a) weather-related or emergency conditions and (b) for infrequent specialty events between 8 A.M. and 10 P.M.
13. Concurrent with the development of the adjacent proposed River Road Park, the Applicant shall construct a sidewalk/bike trail on the south side of River Road across the gold center site to connect the Parks Department's Ohio River Corridor Trail with the proposed River Road Park.
14. Prior to the issuance of a building permit a Dedication Agreement incorporating the terms of this Binding Element shall be prepared, executed and recorded in the Office of the County Clerk of Jefferson County, Kentucky, by which Owner shall dedicate without compensation to Louisville Metro an unencumbered fee simple

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interest to the 25-foot portion of subject property and other property contiguous with subject property held under owner's title ("Property") abutting the southeast right of way line of Upper River Road, upon the occurrence of the following conditions:

1. Louisville Metro undertakes a project to construct improvements to widen Upper River Road adjacent to the property ("The Project"), and
2. The Project is included in the regional Transportation Improvement Plan (TIP), or the Metro certifies to owner that funding is presently available and set aside for the Project, and
3. Louisville Metro gives written notice to owner that conditions (a) and (b) are satisfied.
 - i. Owner shall not grant any easements, construct any improvements or otherwise in any way encumber that portion of the property to be dedicated without the express written consent of Metro being first obtained, which consent shall not in any way impair the ability of the County to use that portion of the property for roadway purposes.
 - ii. Upon receipt of notice as provided in (a) (3) above owner shall deliver a general warranty deed to the Metro within thirty (30) days. All expenses for the preparation of the deed of transfer shall be borne by owner.
 - iii. The Dedication Agreement shall be prepared in recordable form and shall constitute a covenant running with the land binding upon all the heirs, successors, and assigns of the parties.
15. 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: Commissioner Fischer, Steff, Benitez, and Carlson

ABSENT: Commissioner Kern

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ADJOURNMENT

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

Chair

Planning Director