

**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE MEETING  
May 11, 2022**

A meeting of the Louisville Metro Development Review Committee was held on Wednesday, June 1, 2022 at 1:00 p.m. at the Old Jail Courtroom, 514 West Liberty Street, Louisville, KY, and via Cisco Webex Video Teleconferencing.

**Commissioners present:**

Rich Carlson, Chair  
Jeff Brown  
Suzanne Cheek

**Commissioners absent:**

Patti Clare, Vice Chair  
Glenn Price

**Staff members present:**

Joe Reverman, Assistant Director, Planning & Design Services  
Brian Davis, Planning Manager  
Julia Williams, Planning Supervisor  
Molly Clark, Planner I  
Tara Sorrels, Planner I  
Dante St, Germain, Planner II  
Jay Lockett, Planner II  
Laura Ferguson, Legal Counsel  
Chris Cestaro, Management Assistant (minutes)

**Other staff present:**

Beth Stuber, Transportation  
Tony Kelly, MSD

The following matters were considered

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**June 1, 2022**

**APPROVAL OF MINUTES**

**No minutes to be approved.**

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**June 1, 2022**

**NEW BUSINESS**

**CASE NO. 22-DDP-0039**

|                      |                                            |
|----------------------|--------------------------------------------|
| Request:             | Revised Detailed District Development Plan |
| Project Name:        | Project Maverick                           |
| Location:            | 12621 Plantside Dr                         |
| Owner:               | Louisville Plantside Drive Real Estate     |
| Applicant:           | John Tunningley                            |
| Jurisdiction:        | Louisville Metro                           |
| Council District:    | 11 - Kevin Kramer                          |
| <b>Case Manager:</b> | <b>Tara Sorrels, Planner I</b>             |

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

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

**Agency Testimony:**

00:02:58 Tara Sorrels presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

**The following spoke in favor of the proposal:**

Greg Oakley, Hollenbach Oakley, 12451 Plantside Drive, Louisville, KY 40299

Kathy Linares, Mindel Scott & Associates, 5151 Jefferson Boulevard, Louisville, KY 40299 (signed in but did not speak)

Dustin Coffman, 3716 Edmond Lane, Louisville, KY 40207 (an applicant's representative; signed in but did not speak.)

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

00:06:09 Greg Oakley, the applicant, presented the applicant's case (see recording for detailed presentation.)

00:07:20 In response to a question from Commissioner Brown, Mr. Oakley said that the applicant does intend to connect the sidewalks to the street intersection (via extending handicap ramps.)

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### NEW BUSINESS

CASE NO. 22-DDP-0039

**The following spoke in opposition to the proposal:**

No one spoke.

### **Deliberation:**

00:08:45 Commissioners' deliberation.

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

### **Revised Detailed District Development plan**

00:09:09 On a motion by Commissioner Brown, seconded by Commissioner Cheek, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that there do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

**WHEREAS**, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan; and

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

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

**WHEREAS**, the Committee further finds that the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape

## DEVELOPMENT REVIEW COMMITTEE MINUTES

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### NEW BUSINESS

#### CASE NO. 22-DDP-0039

buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks; and

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

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Revised Detailed District Development plan, **SUBJECT** to the following binding elements:

All binding elements from the approved General Development Plan are applicable to this site, in addition to the following:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
  - a. The development plan must receive full construction approval from Construction Review, 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. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the June 1, 2022 DRC meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.

## **DEVELOPMENT REVIEW COMMITTEE MINUTES**

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4. 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.
5. 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, Cheek, and Carlson.**

**ABSENT: Commissioners Price and Clare.**

## DEVELOPMENT REVIEW COMMITTEE MINUTES

June 1, 2022

### NEW BUSINESS

#### CASE NO. 22-DDP-0040

|                      |                                                          |
|----------------------|----------------------------------------------------------|
| Request:             | Revised Detailed District Development Plan with a waiver |
| Project Name:        | Germantown Mill Lofts                                    |
| Location:            | 1318 McHenry St                                          |
| Owner:               | Jeff Underhill                                           |
| Applicant:           | Mike Hill                                                |
| Jurisdiction:        | Louisville Metro                                         |
| Council District:    | 15 - Kevin Triplett                                      |
| <b>Case Manager:</b> | <b>Tara Sorrels, Planner I</b>                           |

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

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

#### **Agency Testimony:**

00:09:49 Tara Sorrels presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

00:12:41 In response to a question from Commissioner Brown, Ms. Sorrels said the applicant is prepared to provide the full screening and landscaping requirements.

00:13:04 In response to a question from Commissioner Cheek, Ms. Sorrels explained that the current proposal would have a decrease in parking spaces, from 331 spaces on a previous plan, to 318 spaces on the current plan. The applicant is still within the parking requirements of the Code.

00:13:36 In response to a question from Commissioner Carlson, Ms. Sorrels said the applicant can answer whether the parking spaces are public or for residents only. She said she thought they would be used only by the residents.

00:13:57 In response to a question from Commissioner Brown, Ms. Sorrels said that binding element #2 is proposed for deletion.

#### **The following spoke in favor of the proposal:**

Mike Hill, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

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**NEW BUSINESS**

**CASE NO. 22-DDP-0040**

Jeff Underhill, 946 Goss Avenue, Louisville, KY 40217

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

00:14:24 Mike Hill, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.) He noted that the parking spaces are for residents only, and are not public parking spaces.

00:23:01 In response to a question from Commissioner Cheek, Jeff Underhill, the applicant, discussed the windows on the proposed structure. Those are on the side that has "extensive" landscaping. Mr. Underhill also discussed many specifics about the features of the site, including (but not limited to) drive-lane width, parking, security, landscaping, building materials, and the restaurant next door (see recording for detailed presentation.)

00:29:56 In response to a question from Commissioner Brown, Mr. Underhill said the proposed knee-high iron fence will be comparable to the Goss Avenue frontage fence and is intended to discourage walk-throughs.

00:30:14 In response to a question from Commissioner Carlson, Mr. Underhill said he had seen only two comments from citizens in opposition. One of those is from a tenant, who Mr. Underhill has met with and walked the site with to discuss their concerns.

**The following spoke in opposition to the proposal:**

00:34:06 Mark Morales's name appeared online, when called he was not present to speak.

**Deliberation:**

00:35:41 Commissioners' deliberation.

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

## DEVELOPMENT REVIEW COMMITTEE MINUTES

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### NEW BUSINESS

CASE NO. 22-DDP-0040

#### **Waiver of Chapter 10 part 2 to provide a 7' LBA along Ash St instead of the required 10' LBA. (22-WAIVER-0050)**

00:36:33 On a motion by Commissioner Brown, seconded by Commissioner Cheek, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners since the garages will further screen the parking lot, and all of the required landscaping will still be provided within the proposed 7' LBA; and

**WHEREAS**, the Committee further finds that the waiver will not violate Plan 2040. 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 developments 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, 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. Ensure that parking, loading and delivery is 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; and

**WHEREAS**, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since they are providing all the required plantings, are providing a 7' LBA, and only requesting the minimum required to fit the garages on the existing parking lot on the site; and

**WHEREAS**, the Committee further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land due to there being limitations on where the garages can be built on the site. The proposed location of the garages is the only reasonable location on the site for the garage structures. The applicant has incorporated materials similar to those already existing on the site and propose to

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#### CASE NO. 22-DDP-0040

provide all landscape planting requirements within the proposed 7' LBA; now therefore be it

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver of Chapter 10 part 2 to provide a 7' LBA along Ash St instead of the required 10' LBA. (22-WAIVER-0050).

**The vote was as follows:**

**YES: Commissioners Brown, Cheek, and Carlson.**

**ABSENT: Commissioners Price and Clare.**

#### **Revised Detailed District Development Plan**

00:37:25 On a motion by Commissioner Brown, seconded by Commissioner Cheek, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that the applicant will be preserving the landscaping along Ash St where the garages will be located. The majority of the garages will be built on top of existing pavement and therefore will have minimal disturbance to natural resources; and

**WHEREAS**, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan; and

**WHEREAS**, the Committee further finds that required open space is provided on the subject site; and

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

**WHEREAS**, the Committee further finds that the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape

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buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks; and

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

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Revised 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 of 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 246,643 square feet of gross floor area.~~
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 Inspections, Permits and Licenses, Louisville Metro Public Works 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 receiving a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

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### **NEW BUSINESS**

#### **CASE NO. 22-DDP-0040**

5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

**The vote was as follows:**

**YES: Commissioners Brown, Cheek, and Carlson.**

**ABSENT: Commissioners Price and Clare.**

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

**Case No. 22-DDP-0022**

|                      |                                            |
|----------------------|--------------------------------------------|
| Request:             | Revised Detailed District Development Plan |
| Project Name:        | Henkel Building Addition                   |
| Location:            | 7101 Logistics Dr                          |
| Owner:               | Loctite Corp                               |
| Applicant:           | Kathy Linares                              |
| Jurisdiction:        | Louisville Metro                           |
| Council District:    | 1 - Angela Bowens                          |
| <b>Case Manager:</b> | <b>Tara Sorrels, Planner I</b>             |

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

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

**Agency Testimony:**

00:37:55 Tara Sorrels presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

**The following spoke in support of the proposal:**

Kathy Linares, Mindel Scott, 5151 Jefferson Boulevard, Louisville, KY 40219

Kevin Nunn, Cambridge Construction and General Contracting, 3442 Illinois Avenue, Louisville, KY 40213

**Summary of testimony of those in support:**

00:40:20 Kathy Linares, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

00:44:44 Ms. Linares asked the Commissioners about binding element #11, regarding trucks unloading at the back. She asked if this could be revised to say "overnight", since the trucks will be unloading only and will not be parked there.

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### NEW BUSINESS

#### Case No. 22-DDP-0022

00:45:15 In response to a question from Commissioner Carlson, Kevin Nunn, an applicant's representative, said that this will be a distribution-only warehouse (no manufacturing.) He explained more about the operation.

#### **The following spoke in opposition:**

No one spoke.

#### **Deliberation:**

00:47:19 Commissioners' deliberation.

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

#### **Revised Detailed District Development Plan**

00:47:47 On a motion by Commissioner Brown, seconded by Commissioner Cheek, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that the applicant is removing some trees on the site, but they are also bringing the site into compliance with the tree canopy requirements by planting trees elsewhere on the site. No other natural resources will be disturbed with this proposal; and

**WHEREAS**, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan; and

**WHEREAS**, the Committee further finds that open space is not required with the proposal; and

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

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**WHEREAS**, the Committee further finds that the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks; and

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

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Revised 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. Freestanding Business Signs shall be Monument style signs that meet the size and height limits established in the Chapter 8 Parkway Signs.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. Outdoor lighting (for parking lot illumination and security) shall meet the requirements of Section 4.1.3 of the Land Development Code.
5. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
6. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:

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### NEW BUSINESS

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- a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
  - 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.
  - d. The materials and design of the proposed structure shall be substantially the same as the existing structure.
  - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
7. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
8. 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. 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.
10. Outdoor storage shall be allowed between the building and the adjacent residential properties to the north only with Planning Commission Approval.

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**NEW BUSINESS**

**Case No. 22-DDP-0022**

11. No overnight truck parking or truck idling shall be allowed between the building and the adjacent residential properties to the north.

**The vote was as follows:**

**YES: Commissioners Brown, Cheek, and Carlson.**

**Absent: Commissioners Price and Clare.**

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**NEW BUSINESS**

**CASE NUMBER 22-DDP-0034 (associated waiver 22-WAIVER-0083)**

|                      |                                                          |
|----------------------|----------------------------------------------------------|
| Request:             | Revised Detailed District Development Plan with a Waiver |
| Project Name:        | Vitalskin Dermatology                                    |
| Location:            | 7931 Bardstown Rd                                        |
| Owner:               | Bardstown Road Development LLC                           |
| Applicant:           | Vitalskin Dermatology                                    |
| Jurisdiction:        | Louisville Metro                                         |
| Council District:    | 22 - Robin Engel                                         |
| <b>Case Manager:</b> | <b>Jay Lockett, AICP, Planner II</b>                     |

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

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

**Agency Testimony:**

00:48:27 Jay Lockett presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

**The following spoke in support of the proposal:**

Mike Hill, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

**Summary of testimony of those in support:**

00:52:10 Mike Hill, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

**The following spoke in opposition to the proposal:**

No one spoke.

**Deliberation:**

00:57:11 Commissioners' deliberation.

## DEVELOPMENT REVIEW COMMITTEE MINUTES

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### NEW BUSINESS

**CASE NUMBER 22-DDP-0034 (associated waiver 22-WAIVER-0083)**

**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 section 5.6.1.C.1 to not provide at least 50% clear windows facing a public street (22-WAIVER-00083)**

00:57:54 On a motion by Commissioner Brown, seconded by Commissioner Cheek, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

**WHEREAS**, the waiver will not adversely affect adjacent property owners as other elements of the Land Development Code will be met on site, including required screening and other building design requirements; and

**WHEREAS**, the Committee further finds that the waiver will not violate specific guidelines of Plan 2040 as the proposed development will be in keeping with the development pattern of the area. The applicant will provide all required screening and buffering for the proposed development; and

**WHEREAS**, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as all other elements of the Land Development Code will be met with this proposal. The applicant will provide spandrel windows that otherwise meet the building design standards; and

**WHEREAS**, the Committee further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as the proposed use includes medical treatment rooms with a need for privacy; now, therefore be it

**RESOLVED** the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver of Land Development Code section 5.6.1.C.1 to not provide at least 50% clear windows facing a public street (22-WAIVER-00083)

**The vote was as follows:**

**YES: Commissioners**

**ABSENT: Commissioners Price and Clare.**

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### NEW BUSINESS

**CASE NUMBER 22-DDP-0034 (associated waiver 22-WAIVER-0083)**

#### **Revised Detailed District Development Plan**

00:58:36 On a motion by Commissioner Brown, seconded by Commissioner Cheek, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

**WHEREAS**, The Louisville Metro Development Review Committee finds that there are no sensitive natural features or historic resources on the subject site; and

**WHEREAS**, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan; and

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

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

**WHEREAS**, the Committee further finds that the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks; and

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

**RESOLVED** the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Revised Detailed District Development Plan, **SUBJECT** to the following binding elements:

#### **Existing Binding Elements**

## DEVELOPMENT REVIEW COMMITTEE MINUTES

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### NEW BUSINESS

#### CASE NUMBER 22-DDP-0034 (associated waiver 22-WAIVER-0083)

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 118,138 square feet of gross floor area. Tract 1 shall not exceed 4,195 square feet, Tract 2 shall not exceed 93,673 square feet, and Tract 3 shall not exceed 20,270 square feet.  
*Amended by the DRC, February 6, 2013.*
3. Signs shall be in accordance with Chapter 8. The sign on Tract 1, Tract 2 shall not exceed (60 square feet in area and 6 feet tall).
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 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 Tree Preservation Plan prepared in accordance with Chapter 10 of the LDC shall be reviewed and approved.
  - d. A minor plat or legal instrument shall be recorded consolidating the property into one lot. 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.
  - e. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
5. A reciprocal access and crossover easement agreement in a form acceptable to

## DEVELOPMENT REVIEW COMMITTEE MINUTES

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### NEW BUSINESS

#### CASE NUMBER 22-DDP-0034 (associated waiver 22-WAIVER-0083)

the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

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. 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.
8. The property owner/developer must adhere to the detailed concept landscape plan for screening (buffering/landscaping) as submitted to the Fairways at Glenmary Neighborhood Association on August 20, 2008, and as described in the proposed plan rendering which is attached to these binding elements. Such plan shall be implemented prior to occupancy of the site and shall be maintained in perpetuity thereafter by the applicant and developer, their heirs, successors; and assigns, contractors, subcontractors, and other parties engaged in development and maintenance of the site. The bald cypress trees shown on the concept landscape plan shall be a minimum of 6- 8 feet tall and the Colorado spruce a minimum of 4-6 feet tall at the time of planting.
9. The fence in the buffer zone between the development and the adjacent patio homes shall be a 5- board horse fence and shall be extended in a southerly direction along the westernmost boundary of the Fairways of Glenmary ("Fairways") to a stone column that will be erected by the developer at the northwest corner of the intersection of Major Lane and Glenmary Place, with the actual site determined by the placement of utilities in the area. Said stone column shall be constructed of material closely matching that used in the existing identifying sign for Fairways and contain a granite identifying stone with '*Fairways of Glenmary*' etched into it. Fairways shall maintain this column, as well as the one listed in binding element no. 11.

## DEVELOPMENT REVIEW COMMITTEE MINUTES

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### NEW BUSINESS

#### CASE NUMBER 22-DDP-0034 (associated waiver 22-WAIVER-0083)

10. A second stone column, matching the first, with the exception of the identifying stone, shall be erected by the developer at the southwest corner of the intersection of Major Lane and Glenway Place with the actual site determined by the placement of utilities in the area. The aforementioned 5-board horse fence shall continue in a southerly direction from this column along the westernmost boundary of Fairways to the northernmost point on the existing Fairways identification sign.
11. Existing shrubs and flowers in the areas of the proposed new stone columns shall be moved in order to allow the 5-board horse fence to be erected behind them. This cost is to be borne by Fairways with a one-time \$1,000.00 cash allowance given by the developer to Fairways for this purpose.
12. Major Lane shall be designed to prevent the use of it (Major Lane) by delivery trucks. The applicant shall work with Metro Public Works to install "no truck traffic" signs along Major Lane.
13. A 4-board horse fence shall be installed between the detention basin and the Fairways at Glenmary property as shown on the detailed landscape plan presented at the public hearing to ensure the safety of small children.
14. There shall be no outdoor music (live, piped, radio, or amplified), outdoor entertainment, or outdoor PA systems audible past the property line.
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 and the maintenance of the site, the applicant and developer, their heirs, successors; and assigns, contractors, subcontractors, and other parties engaged in development shall be responsible for compliance with these binding elements.
16. No overnight idling of trucks shall be permitted on-site.
17. Upon commencing of the operations of businesses on the site:

## DEVELOPMENT REVIEW COMMITTEE MINUTES

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### NEW BUSINESS

#### CASE NUMBER 22-DDP-0034 (associated waiver 22-WAIVER-0083)

- a. Trucks may only park on the site for a maximum time-period of six (6) hours.
  - b. Semi-trailers with no tractors shall not be stored on the site except in the loading dock well.
  - c. Trash collection containers shall be screened with the same building materials as the buildings they serve or shall be located inside the building.
  - d. Trash collection times shall be restricted to weekdays between the hours of 7:00am and 7:00pm
18. No business shall be open to the public after 11:00p.m., except for previously advertised special events for the 9,673 square foot retail store only. The number of advertised occasions shall not exceed 60 days per calendar year, in which the 93,673 square foot retail store shall be permitted to remain open until 12:00 midnight, up to 50 days per calendar year, and 24 hours up to 10 days per calendar year. Upon a change in use of the 93,673 square foot retail store on-site, this binding element shall be amended to permit a change in use of the aforementioned structure.  
*Amended by the DRC, June 3, 2009, Case # 12632*
19. Security and other lighting for any and all commercial buildings closest and/or adjacent to the neighboring patio homes in Fairways shall shine toward the walls of the commercial building.
20. The developer/property owner shall install a concrete pipe sized appropriately per MSD standards in the MSD easement located along the boundary between the site and the Fairways to provide storm water flow to the creek at the eastern end of the Fairways property. The existing 8-inch pipe shall be removed. Yard inlets shall be installed at 200' maximum intervals to insure proper surface water drainage. Access to the ditch shall be restricted to the area behind and to the north of Unit #1 in the Fairways.
21. In order to protect the Fairways neighborhood from other nuisances associated with construction, the developer/property owner shall assure that:
- a. Trees on the Fairways property line shall be protected as part of the tree preservation protection plan. As required by this plan, tree protection fencing shall be installed prior to construction activity. Trees will be required to be removed where the storm water pipe exits the detention basin to the Fairways property.

## DEVELOPMENT REVIEW COMMITTEE MINUTES

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### NEW BUSINESS

#### CASE NUMBER 22-DDP-0034 (associated waiver 22-WAIVER-0083)

- b. Dumpsters and portable toilets shall be placed in the northwest or northeast corner of the site;
  - c. Dirt and mud buildup shall be periodically cleaned from dedicated public and internal private streets; and
  - d. Construction equipment shall be operated only between the hours of 7:00 am and sundown.
- 22. If Metro Public Works determines at construction plan approval that a sight-distance problem exists at Brentlinger Lane and the proposed rear entrance to the Kohl's site, the applicant shall design and construct modifications to Brentlinger Lane and/or the rear entrance to achieve acceptable sight-distance requirements at this location.
- 23. Bardstown Road and Brentlinger Lane shall be improved as shown per the schematic road improvement drawing per Metro Public Works and KYTC requirements. The developer shall be responsible for utility relocations, final surface overlay, signage, striping, and signal modifications associated with the road improvements. Improvements shall be completed prior to any request for a certificate of occupancy.
- 24. Prior to issuance of the C.O., the portion of the Major Lane extension shown on the approved plan for this site shall be dedicated by major subdivision plat. Further, at time of construction plan approval, additional right of way shown on the approved plan along Brentlinger Lane shall be dedicated by major or minor plat.
- 25. Erosion control measures shall be placed along the drainage ditch on Mr. Herrick's property, as determined to be appropriate by the developer in conjunction with MSD. The drainage improvement work and improvements by the developer on the Herrick property are to be as approved with work monitored by MSD.
- 26. The applicant shall fill in any gaps in the existing tree line to provide a continuous screen along the south side of the detention basin. The applicant shall work with the staff landscape architect to provide a continuous evergreen screen along the east property line. The screen shall consist of a double row of trees north of Major Lane and a single row of trees south of Major Lane. Trees shall be a minimum of 7 feet tall at the time of planting and shall be spruce or other hardy evergreen species, not to include pine.

## **DEVELOPMENT REVIEW COMMITTEE MINUTES**

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### **NEW BUSINESS**

**CASE NUMBER 22-DDP-0034 (associated waiver 22-WAIVER-0083)**

27. The development plan for case 10787 shall be revised to demonstrate compliance with the site development and design standards of the Neighborhood Form District, or to obtain a waiver of any standards, which cannot be met, and for which relief is available, including the size of the building. The Planning Commission or its designee is directed to apply the existing site design standards in the Land Development Code to the revised development plan. The revised development plan shall be presented for consideration by the Planning Commission (or committee thereof) within 180 days of final action by the legislative body.

**The vote was as follows:**

**YES: Commissioners Brown, Cheek, and Carlson.**

**ABSENT: Commissioners Price and Clare.**

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**June 1, 2022**

**NEW BUSINESS**

**CASE NUMBER 21-DDP-0123**

|                      |                                                                                                       |
|----------------------|-------------------------------------------------------------------------------------------------------|
| Request:             | A Revised Detailed District Development Plan with amendment to binding element and a Landscape waiver |
| Project Name:        | Dever Golf Cart Sales                                                                                 |
| Location:            | 12313 Old La Grange Road                                                                              |
| Owner:               | Jazz Flute, LLC                                                                                       |
| Applicant:           | Gregory Smorstad, Banks Engineering                                                                   |
| Representative:      | Gregory Smorstad, Banks Engineering                                                                   |
| Jurisdiction:        | Louisville Metro                                                                                      |
| Council District:    | 17 - Markus Winkler                                                                                   |
| <b>Case Manager:</b> | <b>Molly Clark, Planner I</b>                                                                         |

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

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

**Agency Testimony:**

00:59:12 Molly Clark presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

**The following spoke in support of the proposal:**

Greg Smorstad, Banks Engineering, 1211 Jessamine Station, Nicholasville, KY 40356

**Summary of testimony of those in support:**

01:03:42 Greg Smorstad, the applicant's representative, presented the applicant's case (see recording.)

**The following spoke in opposition to the proposal:**

No one spoke.

**Deliberation:**

01:05:17 Commissioners' deliberation.

## DEVELOPMENT REVIEW COMMITTEE MINUTES

June 1, 2022

### NEW BUSINESS

CASE NUMBER 21-DDP-0123

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 from 10.2.4 (22-WAIVER-0080) to reduce the required 25 ft property perimeter landscape buffer to 9 ft as shown on the development plan.**

01:05:42 On a motion by Commissioner Brown, seconded by Commissioner Cheek, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners since the applicant is proposing to provide all the required plantings and screening; and

**WHEREAS**, the Committee further finds that 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 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. Ensure that parking, loading and delivery is 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. 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, cool roofs and green infrastructure, for new development; and

**WHEREAS**, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the applicant is providing all the required plantings and screening on site; and

**WHEREAS**, the Committee further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because the applicant is still able to provide all the required plantings in the property perimeter buffer; now, therefore be it

## DEVELOPMENT REVIEW COMMITTEE MINUTES

June 1, 2022

### NEW BUSINESS

#### CASE NUMBER 21-DDP-0123

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver from 10.2.4 (22-WAIVER-0080) to reduce the required 25 ft property perimeter landscape buffer to 9 ft as shown on the development plan.

The vote was as follows:

**YES:** Commissioners Brown, Cheek, and Carlson.

**ABSENT:** Commissioners Price and Clare.

#### Revised Detailed District Development Plan

01:06:15 On a motion by Commissioner Brown, seconded by Commissioner Cheek, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that there do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

**WHEREAS**, the Committee finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan; and

**WHEREAS**, the Committee further finds that there are no open space requirements pertinent to the current proposal. Future multi-family development proposed on the subject site will be required to meet Land Development Code requirements; and

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

**WHEREAS**, the Committee further finds that the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks; and

## DEVELOPMENT REVIEW COMMITTEE MINUTES

June 1, 2022

### NEW BUSINESS

#### CASE NUMBER 21-DDP-0123

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

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Revised Detailed District Development Plan, **SUBJECT** to the following binding elements:

#### **Existing Binding Elements with Change to BE #8:**

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 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, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
5. A certificate of occupancy must be received from the appropriate code

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**June 1, 2022**

**NEW BUSINESS**

**CASE NUMBER 21-DDP-0123**

enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy unless specifically waived by the Planning Commission.

6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property lines.
7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors, and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and the developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
8. The materials and design of the proposed structures shall be substantially the same as depicted in the rendering as presented at the ~~May 10<sup>th</sup>, 2018 Planning Commission~~ **June 1<sup>st</sup>, 2022 Development Review Committee** Hearing.

**The vote was as follows:**

**YES: Commissioners Brown, Cheek, and Carlson.**  
**ABSENT: Commissioners Price and Clare.**

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**June 1, 2022**

**NEW BUSINESS**

**CASE NUMBER 22-WAIVER-0081**

|                      |                                                   |
|----------------------|---------------------------------------------------|
| Request:             | A landscape waiver to reduce the required VUA/LBA |
| Project Name:        | Proposed Warehouse                                |
| Location:            | 7777 National Turnpike                            |
| Owner:               | LIT Industrial Limited Partnership                |
| Applicant:           | Heritage Engineering                              |
| Representative:      | Heritage Engineering                              |
| Jurisdiction:        | Louisville Metro                                  |
| Council District:    | 13 - Mark Fox                                     |
| <b>Case Manager:</b> | <b>Molly Clark, Planner I</b>                     |

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

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

**Agency Testimony:**

01:06:42 Molly Clark presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

**The following spoke in support of the proposal:**

John Campbell, Heritage Engineering, 642 South Fourth Street, Louisville, KY 40202

**Summary of testimony of those in support:**

01:09:21 John Campbell, the applicant's representative, presented the applicant's case (see recording for detailed presentation.)

**The following spoke in opposition to the proposal:**

No one spoke.

**Deliberation:**

01:10:47 Commissioners' deliberation.

## DEVELOPMENT REVIEW COMMITTEE MINUTES

June 1, 2022

### NEW BUSINESS

CASE NUMBER 22-WAIVER-0081

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 from 10.2.10 to reduce the required 15 ft vehicular use area landscape buffer area as shown on the category 2B plan**

01:11:13 On a motion by Commissioner Brown, seconded by Commissioner Cheek, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners since the applicant is still able to provide all the required plantings; and

**WHEREAS**, the Committee further finds that 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. 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, cool roofs and green infrastructure, for new development. The applicant is providing a white roof as well as still going to provide all the required plantings; and

**WHEREAS**, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the applicant is proposing to plant all the required plantings along the VUA/LBA. They are also providing a majority of the width of the buffer required with small encroachments with the proposed parking lot; and

**WHEREAS**, the Committee further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because they are still providing all the required plantings and a majority of the width required; now, therefore be it

## **DEVELOPMENT REVIEW COMMITTEE MINUTES**

**June 1, 2022**

### **NEW BUSINESS**

#### **CASE NUMBER 22-WAIVER-0081**

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver from 10.2.10 to reduce the required 15 ft vehicular use area landscape buffer area as shown on the category 2B plan.

**The vote was as follows:**

**YES: Commissioners Brown, Cheek, and Carlson.**

**ABSENT: Commissioners Price and Clare.**

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**June 1, 2022**

**NEW BUSINESS**

**CASE NUMBER 21-DDP-0078**

|                      |                                                                               |
|----------------------|-------------------------------------------------------------------------------|
| Request: Revised     | Detailed District Development Plan with Revised Binding Elements, and Waivers |
| Project Name:        | Thompson Brothers Plumbing                                                    |
| Location:            | 436 Roberts Avenue                                                            |
| Owner:               | Thompson Bros Construction LLC                                                |
| Applicant:           | Thompson Bros Construction LLC                                                |
| Representative:      | Miller Wihry                                                                  |
| Jurisdiction:        | Louisville Metro                                                              |
| Council District:    | 25 - Amy Holton Stewart                                                       |
| <b>Case Manager:</b> | <b>Dante St. Germain, AICP, Planner II</b>                                    |

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

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

**Agency Testimony:**

01:11:46 Dante St. Germain presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

01:16:17 Commissioner Brown and Ms. St. Germain discussed requirements for site improvements from previous rezonings, including driveway improvements and paving (see recording for detailed discussion.) Commissioner Brown said he wanted to make sure that the applicant was in compliance with all former requirements from previous rezoning cases. He said he did not want to amend or revise a development plan that may change or eliminate something the applicant was required to do from a previous rezoning. He noted that the 2016 plan required a 24-foot wide paved driveway, and a 16-foot driveway is being proposed today.

**The following spoke in support of the proposal:**

Jesse Thompson, 1842 Hazelton Way, Henryville, IN 47126

Jolene Melendez, 436 Roberts Avenue, Louisville, KY 40214 (signed in but did not speak)

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**June 1, 2022**

**NEW BUSINESS**

**CASE NUMBER 21-DDP-0078**

**Summary of testimony of those in support:**

01:19:53      Jesse Thompson, the applicant, said the applicant intends to pave the driveways last (after other construction is finished.) He discussed the history of the project and said they are proposing a smaller, less expensive building (see recording for detailed discussion.)

**The following spoke in opposition to the proposal:**

No one spoke.

**Deliberation:**

01:22:18      Commissioners' deliberation.

01:24:25      In response to a question from Commissioner Carlson, Mr. Thompson said that, if they are required to hake their driveway width 24 feet, then they will do so. Commissioner Brown said he would prefer a Revised Development Plan showing the changes.

**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.**

01:25:48      On a motion by Commissioner Brown, seconded by Commissioner Cheek, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **CONTINUE** this case to the **June 15, 2022** Development Review Committee meeting to give the applicant time to update the development plan to reflect what was approved on the 2014 and 2016 rezoning cases.

**The vote was as follows:**

**YES: Commissioners Brown, Cheek, and Carlson.**

**ABSENT: Commissioners Price and Clare.**

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**June 1, 2022**

**NEW BUSINESS**

**CASE NUMBER 22-DDP-0010**

|                      |                                                                          |
|----------------------|--------------------------------------------------------------------------|
| Request:             | Revised Detailed District Development Plan with Revised Binding Elements |
| Project Name:        | Hurstbourne Pointe                                                       |
| Location:            | 8308 Watterson Trail                                                     |
| Owner:               | Hurstbourne Point LLC                                                    |
| Applicant:           | Hurstbourne Point LLC                                                    |
| Representative:      | Milestone Design Group                                                   |
| Jurisdiction:        | Louisville Metro                                                         |
| Council District:    | 26 - Brent Ackerson                                                      |
| <b>Case Manager:</b> | <b>Dante St. Germain, AICP, Planner II</b>                               |

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

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

**Agency Testimony:**

01:26:24 Dante St. Germain presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

**The following spoke in support of the proposal:**

Mark Madison, Milestone Design Group, 108 Daventry Ln, Louisville, KY 40223

**Summary of testimony of those in support:**

01:30:40 Mark Madison, the applicant's representative, said that most of the infrastructure, including the parking lot, was already built from a previous plan that was never completed. The current applicant is trying to make a plan that is similar to what was approved in 2016, using some of the existing infrastructure.

01:31:34 In response to a question from Commissioner Carlson, Mr. Madison said the applicant has not provided any color renderings (only black and white.) He noted that the first floor will be lower than Watterson Trail.

## DEVELOPMENT REVIEW COMMITTEE MINUTES

June 1, 2022

### NEW BUSINESS

CASE NUMBER 22-DDP-0010

**The following spoke in opposition to the proposal:**

No one spoke.

### **Deliberation:**

01:32:43 Commissioners' deliberation.

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

### **Revised Detailed District Development Plan**

01:32:53 On a motion by Commissioner Brown, seconded by Commissioner Cheek, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that the site is located adjacent to Fern Creek. The protected waterway buffer is being provided. Tree canopy will be provided on site, partially in a Woodland Protection Area. No historic assets are evident on the site; and

**WHEREAS**, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided. Louisville Metro Public Works has provided preliminary approval of the plan; and

**WHEREAS**, the Committee further finds that open space is being provided in accordance with the requirements of the Land Development Code; and

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

**WHEREAS**, the Committee further finds that the overall site design and land uses would be compatible with the existing and future development of the area. A very similar proposal for the site was previously approved in 2011; and

## DEVELOPMENT REVIEW COMMITTEE MINUTES

June 1, 2022

### NEW BUSINESS

#### CASE NUMBER 22-DDP-0010

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

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Revised Detailed District Development Plan, **SUBJECT** to the following binding elements:

#### 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. No further development shall occur without prior approval from the Planning Commission, except for land uses permitted in the established zoning district.
2. The only freestanding sign shall be located as shown on the approved detailed district development plan. The sign shall not exceed 30 square feet in area and six feet in height. No sign, including the leading edge of the sign shall be closer than 15 feet to street-side property line. No sign shall have more than two sides.
3. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants balloons, or banners shall be permitted on the site.
4. There shall be no outdoor storage on the site.
5. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90-degree cutoff and height of the light standard shall be set so that no light source is visible offsite. The applicant shall obtain certification by a qualified expert in measurement of lighting levels prior to requesting a building permit. Prior to requesting a certificate of occupancy for the site the applicant shall obtain certification by a qualified expert in measurement of lighting levels that the development does not to exceed .5 foot candles beyond the initial lighting measurement. Initial and final lighting measurements shall be provided to DPDS staff for placement in the development plan file.
6. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:

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- a. The development plan must receive full construction approval from Louisville Metro Department of Public Works and Transportation 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. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
  - 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.
  - e. A variance for the front yard setback shall be obtained from the Board of Zoning Adjustment.
7. 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.
8. There shall be no outdoor music (live, piped, radio or amplified), outdoor entertainment, or outdoor PA system permitted on the site.
9. 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.
10. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.

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11. The applicant shall provide deeds of restriction ensuring that WPAs will be permanently protected in a manner consistent with these binding elements and the approved plan. The form of the deed restrictions shall be approved by Planning Commission counsel. Deed Restrictions must be recorded prior to tree preservation approval. All plans setting out woodland preserved areas must contain the following notes:
  - a. Woodland Preserved Areas (WPAs) identified on this plan represent portions of the site on which all existing vegetation shall be permanently preserved. All clearing, grading, and fill activity in these areas must be in keeping with restrictions established at the time of development plan approval. No further clearing, grading, construction or other land disturbing activity shall take place within designated WPAs beyond pruning to improve the general health of the tree or to remove dead or declining trees that may pose a public health and safety threat. As trees are lost through natural causes new trees shall be planted in order to maintain minimum tree canopy as specified in Chapter 10, Part 1 of the LDC and as shown on the approved Tree Canopy/Landscape Plan.
  - b. The site shall be developed in accordance with the Woodland Preserved Areas delineated on the site plan and related notes. Any modification of Woodland Preserved Areas requires notification of adjoining property owners and LD&T action.
  - c. Prior to any site disturbance permit being issued and prior to any clearing, grading, or the 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.
12. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the June 1, 2022 Development Review Committee meeting.
13. The mulch path shown in the WPA to the east of the site shall be field located upon construction in order to minimize tree removal and disturbance of the underbrush.

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**The vote was as follows:**

**YES: Commissioners Brown, Cheek, and Carlson.**

**ABSENT: Commissioners Price and Clare.**

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**ADJOURNMENT**

The meeting adjourned at approximately 2:33 p.m.

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Chairman

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Division Director