

**MINUTES OF THE MEETING  
OF THE  
DEVELOPMENT REVIEW COMMITTEE  
August 31, 2022**

A meeting of the Development Review Committee was held on, August 31, 2022 at 1:00 p.m. in the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

**Committee Members present were:**

Rich Carlson, Chair  
Patti Clare, Vice Chair  
Jeff Brown  
Glenn Price  
Suzanne Cheek

**Staff Members present were:**

Joe Reverman, Planning Assistant Director  
Brian Davis, Planning Manager  
Joe Haberman, Planning Manager  
Julia Williams, Planning Supervisor  
Jay Lockett, Planner II  
Laura Ferguson, Legal Counsel  
Pamela M. Brashear, Management Assistant

**Others present:**

Beth Stuber, Transportation

The following matters were considered:

**DEVELOPMENT REVIEW COMMITTEE**  
**August 31, 2022**

**APPROVAL OF MINUTES**

**AUGUST 17, 2022 DRC MEETING MINUTES**

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

**RESOLVED**, that the Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on August 17, 2022.

**The vote was as follows:**

**YES: Commissioners Price and Carlson**

**ABSTAINING: Commissioners Brown, Cheek and Clare**

## **DEVELOPMENT REVIEW COMMITTEE**

**August 31, 2022**

### **NEW BUSINESS**

#### **CASE NO. 22-WAIVER-0124**

|                   |                                             |
|-------------------|---------------------------------------------|
| Request:          | Landscape Waiver and Building Façade Waiver |
| Project Name:     | Proposed Warehouse Addition                 |
| Location:         | 3910 Oaklawn Dr                             |
| Owner:            | Louisville Commercial, LLC                  |
| Applicant:        | Land Development and Design INC.            |
| Representative:   | Land Development and Design INC.            |
| Jurisdiction:     | Louisville Metro                            |
| Council District: | 24 – Madonna Flood                          |
| Case Manager:     | Molly Clark, Planner II                     |
| Presented By:     | Jay Lockett, Planner II                     |

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

#### **Agency Testimony:**

00:05:07 Jay Lockett discussed the case summary, standard of review and staff analysis from the staff report (see recording for detailed presentation).

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

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

John Thornton, 7615 Evans Estate Lane, Louisville, Ky.

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

00:08:24 Ann Richard gave a power point presentation. The proposed building will be all warehouse area.

Ann Richard discussed the necessity of the waivers and said 4 trees will be provided (see recording for detailed presentation).

00:16:24 John Thornton stated there will be no truck idling and there will only be 1-2 trucks at the site per week (see recording for detailed presentation).

#### **Deliberation**

00:17:37 Development Review Committee deliberation.

## **DEVELOPMENT REVIEW COMMITTEE**

**August 31, 2022**

### **NEW BUSINESS**

#### **CASE NO. 22-WAIVER-0124**

**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.**

#### **Waivers:**

##### **1. Waiver from 5.5.4.B.1 to allow a proposed drive to encroach into the rear 50 ft property perimeter landscape buffer (22-WAIVER-0124)**

**WHEREAS**, the waiver will not adversely affect adjacent property owners since the applicant is still providing all the required plantings; and

**WHEREAS**, 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 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. The applicant is still going to provide all the required plantings as well as not disturb the existing vegetation along the property line adjacent to the apartment complex; and

**WHEREAS**, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the applicant is providing all the required plantings; and

**WHEREAS**, the Louisville Metro Development Review Committee further finds 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.

## DEVELOPMENT REVIEW COMMITTEE

August 31, 2022

### NEW BUSINESS

#### CASE NO. 22-WAIVER-0124

#### **2. Waiver from 5.5.2 & 5.7.1 for the proposed facades to not have 60 percent variation in materials for the front and rear required for the form district transition zone (22-WAIVER0125)**

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

**WHEREAS**, the requested waiver will not adversely affect adjacent property owners since the applicant will be providing all the required plantings that will still screen the proposed rear and front façade; and

**WHEREAS**, 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. The applicant is proposing to provide all the required plantings in the 50 FT buffer along the property line adjacent to the existing apartment complex in the rear. The applicant is also going to keep the existing mature vegetation along the same property line. The existing and new plantings will screen the existing and proposed warehouse; and

**WHEREAS**, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant since the applicant is proposing to provide all the required plantings in the 50 FT buffer along the property line adjacent to the existing apartment complex in the rear. The applicant is also going to keep the existing mature vegetation along the same property line. The existing and new plantings will screen the existing and proposed warehouse; and

**WHEREAS**, the Louisville Metro Development Review Committee further finds the strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land or would create an unnecessary hardship on the applicant because the applicant is proposing to provide all the required plantings in the 50 FT buffer along the property line adjacent to the existing apartment complex in the rear. The applicant is also going to keep the existing mature vegetation along the same property line. The existing and new plantings will screen the existing and proposed warehouse.

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Waiver from 5.5.4.B.1 to allow a proposed drive to encroach into the rear 50 ft property perimeter landscape buffer (22-WAIVER-0124) and Waiver from

**DEVELOPMENT REVIEW COMMITTEE**  
**August 31, 2022**

**NEW BUSINESS**

**CASE NO. 22-WAIVER-0124**

5.5.2 & 5.7.1 for the proposed facades to not have 60 percent variation in materials for the front and rear required for the form district transition zone (22-WAIVER0125) **ON CONDITION** that the applicant plant 4 Type A trees along the property frontage at the warehouse addition.

**The vote was as follows:**

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

## **DEVELOPMENT REVIEW COMMITTEE**

**August 31, 2022**

### **NEW BUSINESS**

#### **CASE NO. 22-DDP-0079**

|                   |                                                                           |
|-------------------|---------------------------------------------------------------------------|
| Request:          | Revised Detailed District Development Plan with Existing Binding Elements |
| Project Name:     | Proposed Warehouse Addition                                               |
| Location:         | 2055 Nelson Miller Pkwy                                                   |
| Owner:            | Thomas Dev Co                                                             |
| Applicant:        | Land Development and Design INC.                                          |
| Representative:   | Land Development and Design INC.                                          |
| Jurisdiction:     | Louisville Metro                                                          |
| Council District: | 17 – Markus Winkler                                                       |
| Case Manager:     | Molly Clark, Planner II                                                   |
| Presented By:     | Jay Lockett, Planner II                                                   |

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

#### **Agency Testimony:**

00:20:02 Jay Lockett discussed the case summary, standard of review and staff analysis from the staff report (see recording for detailed presentation).

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

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

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

00:22:36 Ann Richard said she's here to answer questions. Commissioner Brown asked if there are existing sidewalks. Ms. Richard said yes (see recording for detailed presentation).

#### **Deliberation**

00:24:57 Development Review Committee deliberation.

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

## DEVELOPMENT REVIEW COMMITTEE

August 31, 2022

### NEW BUSINESS

#### CASE NO. 22-DDP-0079

#### **Revised Detailed District Development plan with existing Binding Elements**

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

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

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

**WHEREAS**, there are no open space requirements pertinent to the current proposal. Future multifamily development proposed on the subject site will be required to meet Land Development Code requirements; and

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

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

**WHEREAS**, the Louisville Metro Development Review Committee further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Revised Detailed District Development Plan, **SUBJECT** to the following Binding Elements:

1. The development shall be in accordance with the approved district development plan and 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

## **DEVELOPMENT REVIEW COMMITTEE**

**August 31, 2022**

### **NEW BUSINESS**

#### **CASE NO. 22-DDP-0079**

Planning Commission or the Planning Commission's designee for review and approval any changes/additions/alterations not so referred shall not be valid.

2. 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 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.

3. 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 Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.

b. A minor subdivision plat or legal instrument shall be recorded to modify the recorded conservation easement area as shown on the plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.

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. 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.

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 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

**DEVELOPMENT REVIEW COMMITTEE**  
**August 31, 2022**

**NEW BUSINESS**

**CASE NO. 22-DDP-0079**

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, Clare, Price and Carlson**

## **DEVELOPMENT REVIEW COMMITTEE**

**August 31, 2022**

### **NEW BUSINESS**

#### **CASE NO. 22-DDP-0054**

Request: Detailed District Development Plan with waivers  
Project Name: Mike's Car Wash  
Location: 10501/10511 Preston Highway  
Owner: 291 Harbison LLC  
Applicant: Mike's Car Wash  
Representative: Dinsmore & Shohl, LLP.  
Jurisdiction: Louisville Metro  
Council District: 23- James Peden  
Case Manager: Julia Williams, AICP, Planning Supervisor

**NOTE: SUZANNE CHEEK RECUSED HERSELF BECAUSE SHE WAS THE REAL ESTATE AGENT THAT REPRESENTED THE LAND OWNER IN THIS TRANSACTION.**

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

#### **Agency Testimony:**

00:26:52 Julia Williams discussed the case summary, standard of review and staff analysis from the staff report (see recording for detailed presentation).

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

Cliff Ashburner, Dinsmore and Shohl, 101 South 5<sup>th</sup> Street, Louisville, Ky. 40202  
Brad Smith, 1471 (inaudible) NW, Atlanta, Ga.

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

00:38:05 Cliff Ashburner gave a power point presentation explaining the proposal (see recording for detailed presentation).

00:47:57 Brad Smith discussed the LBA waiver and KYTC approval to come soon (see recording for detailed presentation).

00:58:58 Cliff Ashburner discussed access roads and will agree to emergency access to the driveway on the south side adjacent to the Thornton's if the committee wants it done (see recording for detailed presentation).

#### **Deliberation**

## **DEVELOPMENT REVIEW COMMITTEE**

**August 31, 2022**

### **NEW BUSINESS**

#### **CASE NO. 22-DDP-0054**

01:04:50 Development Review Committee deliberation. Commissioner Brown said he's not comfortable granting a waiver for this connectivity while the other 2 site plans are not in the application stage yet (see recording for detailed presentation).

**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.**

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

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **CONTINUE** this case to the October 5, 2022 DRC meeting to give the applicant an opportunity to submit applications for the other 2 abutting sites and resolve any other questions that came up during today's meeting.

**The vote was as follows:**

**YES: Commissioners Brown, Clare, Price and Carlson**

**NOT PRESENT AND NOT VOTING: Commissioner Cheek**

## **DEVELOPMENT REVIEW COMMITTEE**

**August 31, 2022**

### **NEW BUSINESS**

#### **CASE NO. 22-DDP-0106**

Request: Revised Detailed District Development Plan with amendment to binding elements and waivers  
Project Name: Proposed Grocery Store with 2 outlots  
Location: 16411 Shelbyville Road and 100 Flat Rock Road  
Owner: Shoppes At Gardiner Park, LLC  
Applicant: Gresham Smith / Dinsmore & Shohl, LLP.  
Representative: Gresham Smith / Dinsmore & Shohl, LLP.  
Jurisdiction: Louisville Metro  
Council District: 19 – Anthony Piagentini  
Case Manager: Molly Clark, Planner II  
Presented By: Julia Williams, Planning Supervisor

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

#### **Agency Testimony:**

01:11:38 Julia Williams discussed the case summary, standard of review and staff analysis from the staff report (see recording for detailed presentation).

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

Cliff Ashburner, Dinsmore and Shohl, 101 South 5<sup>th</sup> Street, Louisville, Ky. 40202  
Joseph Richardson, 1512 Lincoln Hill Way, Louisville, Ky. 40245

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

01:24:17 Cliff Ashburner gave a power point presentation and discussed the history of the site. The proposal is needed and justified (see recording for detailed presentation).

01:50:11 Joseph Richardson said he's in full support of the proposal. The nearest grocery store is in Middletown (see recording for detailed presentation).

#### **The following spoke in opposition to this request:**

Paul Deines, 16601 Chestnut Glen Place, Louisville, Ky. 40245  
Ralph Langdon, 16602 Chestnut Glen Place, Louisville, Ky. 40245

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

## **DEVELOPMENT REVIEW COMMITTEE**

**August 31, 2022**

### **NEW BUSINESS**

#### **CASE NO. 22-DDP-0106**

02:12:10 Paul Deines is concerned about connectivity and he discussed binding elements (see recording for detailed presentation).

02:23:21 Ralph Langdon said his main concern is traffic (see recording for detailed presentation).

#### **The following spoke neither for nor against the request:**

Neil Baine, 10200 Forest Green Boulevard, Suite 602, Louisville, Ky. 40223  
Bob Federico, 17007 Ash Hill Drive, Louisville, Ky. 40245

#### **Summary of testimony of those neither for nor against:**

01:58:11 Neil Baine represents Gardner Park Homeowners' Association. He has previously submitted documents/concerns and they have been addressed in binding elements. There are no objects to most of the waivers and he wants the project to move forward after finalizing the agreement concerning a road they own (see recording for detailed presentation).

02:03:21 Bob Federico said he is currently Chairman of the Eastwood Village Council. They are in favor of the proposal with some concerns (see recording for detailed presentation).

#### **Rebuttal:**

02:26:18 Cliff Ashburner stated this proposal has been in the process for 10 months and almost every iteration of this plan will work for the eventual owner/operator of a proposed grocery store. It's been done in conjunction with the traffic engineer, KYTC and Metro Public Works. He also discussed binding elements (see recording for detailed presentation).

#### **Deliberation**

02:42:00 Development Review Committee deliberation. Commissioner Brown said he's concerned about the Windover Trace connection (see recording for detailed presentation). Commissioner Cheek said this grocery store will serve a lot of subdivisions and she thinks the access is sufficient (see recording for detailed presentation). Cliff Ashburner said he would prefer that this case be heard at the next Planning Commission meeting (see recording for detailed presentation).

**DEVELOPMENT REVIEW COMMITTEE**  
**August 31, 2022**

**NEW BUSINESS**

**CASE NO. 22-DDP-0106**

**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.**

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

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **CONTINUE** this case to the September 15, 2022 Planning Commission meeting.

**The vote was as follows:**

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

**DEVELOPMENT REVIEW COMMITTEE**  
**August 31, 2022**

**ADJOURNMENT**

The meeting adjourned at approximately 3:57 p.m.

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**Chair**

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**Planning Director**