

**MINUTES OF THE MEETING
OF THE
DEVELOPMENT REVIEW COMMITTEE
December 14, 2022**

A meeting of the Development Review Committee was held on December 14, 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
Glenn Price
Michelle Pennix
Jeff Brown

Committee Members absent were:

Patti Clare, Vice Chair

Staff Members present were:

Emily Liu, Director
Brian Davis, Assistant Director
Julia Williams, Planning Supervisor
Beth Stuber, Engineer Supervisor
Travis Fiechter, Assistant County Attorney
Sean McDowell, Management Assistant
Clara Schweiger, Planner I
Dante St. Germain, Planner II
Molly Clark, Planner II

The following matters were considered:

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APPROVAL OF MINUTES

NOVEMBER 30, 2022 DRC MEETING MINUTES

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

RESOLVED, that the Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on November 30, 2022.

The vote was as follows:

YES: Commissioners Brown, Pennix, Price, and Carlson

ABSENT: Commissioner Clare

DEVELOPMENT REVIEW COMMITTEE
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NEW BUSINESS

CASE NO. 22-MPLAT-0162

Request:	Record Plat Amendment for Plat Book: 60 Page: 68
Project Name:	Acton – Lewis Minor Plat
Location:	1919 Scenic Lakes Dr.
Owner:	David Acton and Helen Lewis
Applicant:	David Acton
Representative:	Rick Williamson Jr.
Jurisdiction:	Louisville
Council District:	19 – Anthony Piagentini
Case Manager:	Julia Williams, AICP, Planning Supervisor

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

Agency Testimony:

00:04:00 Julia Williams stated that the applicant is requesting to release a portion of the conservation easement. Williams explained that on the approved subdivision plan, there was a conservation easement added to the area despite there being no information to indicate the reasoning for it. She elaborated that the applicant is proposing a pool that would encroach on that easement, which is the purpose for this request.

00:06:17 Commissioner Brown asked if the Homeowner’s Association (HOA) received notice. Julia Williams responded that she does not believe the HOA has been set up. Williams confirmed that all those in Council District 19 were given notice.

00:06:51 Commissioner Carlson asked what a conservation easement is and how it comes to be. Julia Williams explained that conservation easements can be found where there are environmental constraints, such as a river or a stream. Williams stated that conservation easements are brought forth from the developer, not through regulation.

Deliberation

00:08:40 Commissioner Brown stated that since all the land development requirements are being met, he supports the amendment to the record plat.

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CASE NO. 22-MPLAT-0162

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.

00:08:56 On a motion by Commissioner Brown, seconded by Commissioner Price, based on the staff report and testimony, the following resolution was adopted.

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Record Plat Amendment to release a portion of a conservation easement within the Twin Lakes Subdivision in Plat Book 60, Page 68.

The vote was as follows:

YES: Commissioners Brown, Pennix, Price, and Carlson.

ABSENT: Commissioner Clare

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NEW BUSINESS

CASE NO. 22-DDP-0110

Request: Revised Detailed District Development Plan with land disturbing activity on steep slopes, and associated Binding Elements and Waivers

Project Name: Locust Creek Apartments

Location: 18501 Shelbyville Road

Owner: Sweeney Family Farm

Applicant: Hagan Properties

Representative: Bardenwerper, Talbott & Roberts

Jurisdiction: Louisville Metro

Council District: 20 – Stuart Benson

Case Manager: Dante St. Germain, AICP, Planner II

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

Agency Testimony:

00:10:04 Dante St. Germain presented the waivers associated with the case. St. Germain explained that in the second waiver, the required plantings will be provided outside of the buffer instead of inside. The reason being that there is an easement located on the front of the site. She stated that the approved plan in 1998 proposed 312 units, while the current one calls for 370.

00:15:38 Commissioner Brown asked if the binding elements were from the original rezoning in 1998 or the changes made in 2002. Dante St. Germain clarified that there were no changes made to the binding elements in 2002, just an ordinance to resolve the 1998 ordinance, which listed the wrong acreage and referenced too much land.

00:16:03 Commissioner Carlson asked who will maintain the mulch path as stated in binding element number 7. Dante St. Germain answered that the owner will be responsible for maintaining the mulch path.

00:17:00 Commissioner Carlson asked if a maintenance component concerning the mulch path should be added to the binding element. Dante St. Germain stated that she can add a maintenance component but did not feel it was needed since it is shown on the development plan.

The following spoke in favor of this request:

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John Talbott, 1000 North Hurstbourne Parkway, 2nd Floor, Louisville, KY 40223
Maurice Sweeney, 18501 Locust Creek Place, Louisville, KY 40245
Scott Hagan, 12911 Reamers Road, Louisville, KY 40245

Summary of testimony of those in favor:

00:17:32 John Talbott explained that the site can have more units but the same square footage by making the rooms smaller. Even though the number of units and parking had increased since 1998, Talbott stated that the structure is well below the R6 zoning potential.

00:25:54 Maurice Sweeney spoke about his father, who bought the land in 1947 and went on to become both the president of the Louisville NAACP and the Louisville Urban League. In 1997, Sweeney and his brother acquired ownership and met with several developers, who had it rezoned to R6. He maintained that he did not want the development to be just another subdivision; he wants to make the neighborhood proud.

00:33:41 Scott Hagan addressed neighborhood complaints concerning the 35-foot height limitation by presenting the projected elevation at 34 feet and 9 inches. Hagan stated that no road improvements were needed.

00:43:19 Dante St. Germain added that the applicant is requesting binding element number 2 to be modified so 'for lease' signage can be placed in front of the site.

The following spoke neither for nor against the request:

Angela Webster, 601 West Jefferson Street, Louisville, KY 40202
Charles Melander, 18919 Long Grove Way, Louisville, KY 40245
Zack Wildman, 18708 Weatherford Circle, Louisville, KY 40245

Summary of testimony of those neither for nor against:

00:44:19 Angela Webster stated she was here on behalf of Councilman Stuart Benson requesting that the case be continued so that the developers and residents can come to an amicable agreement on binding element number 2.

00:44:48 Commissioner Carlson asked if there is opposition to binding element number 2. Angela Webster replied that there is quite a bit of opposition.

00:45:11 Charles Melander said that he is speaking on behalf of the Locust Creek Homeowner's Association. Melander stated that what is most concerning is the binding element from 1998. He argued that there was no reason to change it then and does not want to make more changes to it now. Charles Melander noted that economics and the

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need for housing are listed as reasons for changing the binding element and said that should not be of concern. Melander suggested that 312 units was an appropriate number in 1998 and should be considered now. He asked for a continuance so the HOA can speak with Scott Hagan and agree on an amenable solution.

00:58:23 Zack Wildman requested that if a continuance cannot be made that the binding elements are reviewed, and more are added. Wildman referenced Scott Hagan using the word 'should' when speaking about using stone. He explained that this area is serene and wants to keep it as such. Zack Wildman said he would like the binding element concerning signage to remain the same so large signs cannot be placed. Wildman stated that he agrees Scott Hagan will put forth a great product, he just wants the neighborhood to work with him to bring that product to life.

00:59:54 Commissioner Carlson asked Angela Webster which binding element she is concerned about. Angela Webster answered that she is concerned about the binding element regarding 312 units.

Rebuttal

01:00:34 John Talbott explained that neighborhood meetings were held on both September 7th and September 14th. Talbott argued that this was months ago, and he has not heard from the neighborhood since. He claimed the binding element from 1998 is not as critical as has been represented. John Talbott stated that he has not heard one reason for opposing the increase of units from 312 to 370. Talbott reiterated that the size is not increasing, and the road assessment shows minimal differences. He encouraged the Commissioners to approve the plan.

01:05:20 Commissioner Carlson asked if there is room for compromise or negotiation on the binding element. John Talbott stated that if the number of units is dropped down to 312, the structure will not be built. John Talbott maintained that there is no proof that 370 units creates additional impact to the neighbors in this area.

Deliberation

01:06:35 Commissioner Brown stated that because it has been demonstrated that the infrastructure can accommodate the change in units and zoned R6, he supports the development plan and both waivers.

01:07:15 Commissioner Price said he agreed.

01:07:39 Commissioner Carlson asked if the basis for the traffic assessment is appropriate.

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01:07:52 Commissioner Brown explained that the rates used lead to a higher number of trips being distributed. Brown claimed that it is conservative, as it proposes a worst-case scenario.

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:

(Waiver #1) – Waiver from 10.2.4.B.3 to permit an easement to overlap a required Landscape Buffer Area by more than 50% (22-WAIVER-0222).

(Waiver #2) – Waiver from Table 10.3.1 to omit required plantings within the Shelbyville Road parkway buffer and provide them outside the buffer (22-WAIVER-0234).

01:08:53 On a motion by Commissioner Brown, seconded by Commissioner Price, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

(Waiver #1) WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners as the easement already exists and the LBAs along property lines adjoining adjacent properties will be provided; and

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not violate specific guidelines of Plan 2040 as Plan 2040 recommends protection of the viewsheds along designated parkways. The necessary plantings to preserve the viewshed will be provided outside the parkway buffer area; and

WHEREAS, the Louisville Metro Development Review Committee finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the easement already exists and unavoidably overlaps the parkway buffer area; and

WHEREAS, the Louisville Metro Development Review Committee finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant as providing the required parkway buffer behind the easement would result in much of the front area of the property being unusable; and

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(Waiver #2) WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners as the required plantings will be provided outside the parkway buffer; and

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not violate specific guidelines of Plan 2040 as Plan 2040 recommends protection of the viewsheds along designated parkways. The necessary plantings to preserve the viewshed will be provided outside the parkway buffer area; and

WHEREAS, the Louisville Metro Development Review Committee finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the easement already exists and unavoidably overlaps the required parkway buffer area; and

WHEREAS, the Louisville Metro Development Review Committee finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant as providing the required parkway buffer area behind the easement would require much of the area in the front of the lot to be unusable.

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested **(Waiver #1)** Waiver from 10.2.4.B.3 to permit an easement to overlap a required Landscape Buffer Area by more than 50% (22-WAIVER-0222) **AND** the requested **(Waiver #2)** Waiver from Table 10.3.1 to omit required plantings within the Shelbyville Road parkway buffer and provide them outside the buffer (22-WAIVER-0234).

The vote was as follows:

YES: Commissioners Brown, Pennix, Price, and Carlson.

ABSENT: Commissioner Clare

Revised Detailed District Development Plan with Proposed Binding Elements

01:10:00 On a motion by Commissioner Brown, seconded by Commissioner Price, 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 steep slopes and an intermittent stream exist on the site. The stream is being preserved. The slopes are being avoided where possible. Tree canopy is being preserved and required tree canopy will be provided; and

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

WHEREAS, the Louisville Metro Development Review Committee finds that required open space is being provided; and

WHEREAS, the Louisville Metro Development Review Committee 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 Louisville Metro Development Review Committee finds that the overall site design and land uses would be compatible with the existing and future development of the area as the proposal is not significantly higher density than the previously approved plan; and

WHEREAS, the Louisville Metro Development Review Committee finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code. The proposal would increase the variety of housing and the amount of housing in the neighborhood.

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested **Revised Detailed District Development Plan** with land disturbing activity on steep slopes and revised Binding Elements with a revision to Binding Element 2 to include the exception as allowed under the Louisville Metro Code of Ordinance 155.22, **SUBJECT** to the following binding elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site except as permitted by Louisville Metro Code of Ordinances 155.22.
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

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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 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 certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter. The landscape plan shall include, at a minimum, the landscaping shown at the December 14, 2022 Development Review Committee meeting for screening along Shelbyville Road, and as located in the case file as Exhibit 1.
 - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - d. The materials and design of proposed multi-family structures shall be substantially the same as depicted in the rendering as presented at the December 14, 2022 Development Review Committee meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
7. The mulch path shown on the plan shall be field located upon construction in order to minimize tree removal and disturbance of the underbrush.

The vote was as follows:

YES: Commissioners Brown, Pennix, and Price.

ABSENT: Commissioner Clare

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ABSTAIN: Commissioner Carlson

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NEW BUSINESS

CASE NO. 22-WAIVER-0209

Request:	Building Design Waiver
Project Name:	TK Silver Ice Storage
Location:	1200 Logan Street
Owner:	TK Silver, LLC
Applicant:	TK Silver, LLC
Representative:	Marv Blomquist
Jurisdiction:	Louisville Metro
Council District:	6 – David James
Case Manager:	Molly Clark, Planner II

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

Agency Testimony:

01:11:18 Molly Clark stated that when the previous building was demolished, so had the mural on it, which upset the neighbors. Clark said that the applicant is working with the neighborhood to replace the mural.

01:13:55 Commissioner Brown asked if the mural could be made a condition of approval because it can be used to mitigate not having the required number of windows. Molly Clark agreed that it would ensure the mural is replaced.

01:14:33 Commissioner Carlson said he presumed the reason for the waiver is because the building will be used for ice storage.

The following spoke in favor of this request:

Marv Blomquist, 10529 Timberwood Circle, Suite D, Louisville, KY 40223

Summary of testimony of those in favor:

01:14:56 Marv Blomquist explained that he had wanted to renovate the site, but the structure would not allow for it. Blomquist stated that the inside of the building will be coolers and freezers, making the need for windows obsolete. Marv Blomquist maintained that the mural was not an issue, as his intent is to do what the neighborhood wants.

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NEW BUSINESS

CASE NO. 22-WAIVER-0209

01:16:27 Commissioner Carlson asked if the neighborhood would be involved with the mural design. Marv Blomquist agreed.

Deliberation

01:17:07 Commissioner Brown said he knew the area well and that the neighborhood is strong on murals. Brown stated that given the location, the building needs presence and a mural with lighting will mitigate the waiver.

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:

Waiver from Land Development Code Section 5.6.1.C.1 to permit the structure to have less than 50% clear windows and doors at the street level.

01:17:50 On a motion by Commissioner Brown, seconded by Commissioner Price, 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 requested waiver will not adversely affect adjacent property owners the applicant is working with the Smoketown Neighborhood Association to replace the mural that was torn down on the previous building. The blank wall allows space for the proposed mural; and

WHEREAS, the Louisville Metro Development Review Committee 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. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Encourage the placement of parking lots and garage doors behind or beside the building rather than facing the street. The use of alleys for access to parking lots is encouraged, especially in Downtown Louisville,

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NEW BUSINESS

CASE NO. 22-WAIVER-0209

Urban Center Neighborhoods, Traditional Neighborhoods and Traditional Marketplace Corridors. Encourage elimination or reduction of parking minimums in areas readily accessible to transit routes. Community Form Goal 2, Policy 11 calls for ensuring appropriate placement, design and scale of centers in Traditional Neighborhood, Neighborhood and Village Form Districts to ensure compatibility with nearby residences. Community Form Goal 2, Policy 15 calls for parking in activity centers should reflect the area's associated Form District standards to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations; and

WHEREAS, the Louisville Metro Development Review Committee finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the applicant is working with the Smoketown Neighborhood Association to replace the mural that was torn down on the previous building. The blank wall allows space for the proposed mural; and

WHEREAS, the Louisville Metro Development Review Committee finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant since the applicant is working with the Smoketown Neighborhood Association to replace the mural that was torn down on the previous building. The blank wall allows space for the proposed mural.

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested waiver from Land Development Code section 5.6.1.C.1 to permit the structure to have less than 50% clear windows and doors at the street level **ON CONDITION** that a mural with lighting be provided to enhance the aesthetic.

The vote was as follows:

YES: Commissioners Brown, Pennix, Price, and Carlson.

ABSENT: Commissioner Clare

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NEW BUSINESS

CASE NO. 22-WAIVER-0160

Request: Building Design Waiver
Project Name: Klondike Lane Retail
Location: 3606 ½ Klondike Lane
Owner: Alvarado Raul Magallanes
Garcia Floric Magallanes
Applicant: Charles Podgursky
Representative: Charles Podgursky
Jurisdiction: Louisville Metro
Council District: 26 – Brent Ackerson
Case Manager: Molly Clark, Planner II

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

Agency Testimony:

01:18:58 Molly Clark stated that the applicant is proposing a retail building that will be in line with the rest of the existing shopping center. Clark acknowledged that the site is vacant as it had to be demolished due to a fire.

01:20:55 Commissioner Pennix asked what percentage of windows the proposal was at. Molly Clark answered that it was at 33%.

01:21:08 Commissioner Carlson clarified that the reason for raising the windows up was due to flooding. Molly Clark elaborated that the building is in the floodplain, which is the reason for not having full length windows.

The following spoke in favor of this request:

Charles Podgursky, 7321 New LaGrange Road, Suite 111, Louisville, KY 40222

Summary of testimony of those in favor:

01:22:05 Charles Podgursky said the reason for the short windows is because flood doors will be used. Podgursky stated that MSD has given approval and therefore, the windows must be the same height as the flood doors.

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NEW BUSINESS

CASE NO. 22-WAIVER-0160

01:22:52 Commissioner Carlson asked to describe what a flood door was. Podgursky explained that it is a metal wall that slides closed and insulates the inside of the building, keeping the flood water from coming in.

Deliberation

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

Waiver:

Waiver from 5.6.1.C.1 to permit the structure to have less than 50% clear windows and doors at the street level.

01:24:55 On a motion by Commissioner Brown, seconded by Commissioner Price, 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 requested waiver will not adversely affect adjacent property owners as the building provides enough articulation along the facades to compensate for not having all clear windows and doors; and

WHEREAS, the Louisville Metro Development Review Committee 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 de-sign 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. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Encourage the placement of parking lots and garage doors behind or beside the building rather than facing the street. The use of alleys for access to parking lots is encouraged, especially in Downtown Louisville, Urban Center Neighborhoods, Traditional Neighborhoods and Traditional Marketplace Corridors. Encourage elimination or reduction of parking minimums in areas readily accessible to transit routes. Community Form Goal 2, Policy 11 calls for ensuring appropriate placement, design and scale of centers in Traditional Neighborhood,

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Neighborhood and Village Form Districts to ensure compatibility with nearby residences. Community Form Goal 2, Policy 15 calls for parking in activity centers should reflect the area's associated Form District standards to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations. There are some variations in materials and some clear glass at the street level but not enough to meet the 50% requirement. The applicant is providing all the required ILA's to give the site visual interest; and

WHEREAS, the Louisville Metro Development Review Committee finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the proposed retail land use is located in the floodplain. According to the applicant, if the full 50% was provided they would need to raise the ground by 3 ft; and

WHEREAS, the Louisville Metro Development Review Committee finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant since the proposed retail land use being located in the floodplain. According to the applicant, if the full 50% was provided they would need to raise the ground by 3 ft.

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested waiver from Land Development Code Section 5.6.1.C.1 to permit the structure to have less than 50% clear windows and doors at the street level.

The vote was as follows:

YES: Commissioners Brown, Pennix, Price, and Carlson.

ABSENT: Commissioner Clare

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NEW BUSINESS

CASE NO. 22-DDP-0041

Request: Revised Detailed District Development Plan with Binding Elements
Project Name: Chick-Fil-A Drive Thru Restaurant
Location: 962 Breckenridge Lane
Owner: RNMC Breckenridge, LLC
Applicant: Chick-Fil-A, INC
Representative: Allen Wiley, GBC Design, INC.
Jurisdiction: St. Matthews
Council District: 26 – Brent Ackerson
Case Manager: Molly Clark, Planner II

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

Agency Testimony:

01:25:50 Molly Clark explained that the applicant is proposing to demolish the building and construct a Chick-fil-A in its place. Clark disclosed that she received last minute comments from KYTC, who had issues with the plan. She stated that she received an email from them outlining what changes need to be made to the Dupont area, including adding another lane and increasing the road width. Molly Clark suggested a binding element be added to address and ensure these road improvements are made.

The following spoke in favor of this request:

Allen Wiley, 565 White Pond Drive, Akron, Ohio 44320

Summary of testimony of those in favor:

01:30:27 Allen Wiley stated that his traffic consultant has done several studies in the area, including newer locations like this one. Wiley explained that the new models have dual drive-through lanes with canopies overhead and much larger kitchens that are more efficient. He claimed that due to these efficiencies, Chick-fil-A can push more cars through in a faster fashion.

01:32:24 Commissioner Pennix asked to name one of the new locations in Louisville. Allen Wiley responded that Blankenbaker is the newest location with the most current innovations.

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01:32:42 Commissioner Pennix asked to describe the rendering. Allen Wiley described and pointed out the features of the rendering (see Staff Report and video recording for further details).

01:35:20 Commissioner Brown asked Allen Wiley if he can make the proposed changes to Dupont Road. Wiley explained that it was a private road and he did not have the right to change it. Commissioner Brown asked if this is an option he is willing to explore. Allen Wiley replied that he will have to reach out and see if it can be done and he does not oppose the request if the committee believes it is needed.

01:37:35 Commissioner Carlson asked if Chick-fil-A has more drive-through business than walk-in. Allen Wiley agreed that people are not coming in because of Covid-19.

01:38:00 Commissioner Carlson asked if the state wants to add another lane. Commissioner Brown clarified that the state wants to dedicate a left lane from Dupont Road to the Chick-fil-A drive-through.

01:38:28 Commissioner Carlson wondered if getting people out will be difficult. Allen Wiley explained that there will be 2 lanes used to leave the site.

Deliberation

01:39:33 Commissioner Price asked Commissioner Brown how this situation is different from the one on Hurstbourne Parkway. Commissioner Brown answered that the applicant could not demonstrate how the drive-through would look and what impact it would have, as there was not site plan shown.

01:40:29 Commissioner Price asked if the impact of traffic coming from Breckinridge Lane has been resolved. Commissioner Brown stated that the applicant prepared a traffic assessment that he has faith in. Brown reiterated that it was the state who raised concerns and that their proposed solution can work so long as the applicant makes the required changes.

01:42:04 Commissioner Carlson stated that even if the plan is approved and KYTC denies it, that will be Chick-fil-A's problem.

01:43:09 Molly Clark read an email from KYTC that states if Chick-fil-A adds a binding element to make road improvements, the state will be comfortable with their proposal.

DEVELOPMENT REVIEW COMMITTEE
December 14, 2022

NEW BUSINESS

CASE NO. 22-DDP-0041

01:43:31 Commissioner Carlson asked if Chick-fil-A is agreeable to the binding element being added. Allen Wiley agreed.

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 with Amendment to Binding Elements

01:43:51 On a motion by Commissioner Brown, seconded by Commissioner Price, 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 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 Louisville Metro Development Review Committee finds provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan; and

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

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

DEVELOPMENT REVIEW COMMITTEE
December 14, 2022

NEW BUSINESS

CASE NO. 22-DDP-0041

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

1. The development shall be in accordance with the approved district development plan, land use 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 and the City of St. Matthews. The City of St. Matthews must approve the development plan prior to the issuance of a building permit. All binding elements contained on the General District Development Plan shall remain in effect for the detailed plan.
2. The development shall not exceed 7,100 square feet of gross floor area.
3. Before a building or alteration permit and/or certificate of occupancy is requested:
 - a. The development plan must be reapproved by the Jefferson County 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 Article 12. Such plan shall be implemented prior to requesting a certificate of occupancy and maintained thereafter.
4. The only freestanding sign shall be similar in design/dimensions to existing signs off Board of Realtors and the sign of CNB Bank but must be approved by the City of St. Matthews as an amendment to these binding elements. A sign permit shall be secured from the City of St. Matthews. No outdoor advertising signs (billboards), small freestanding (temporary) signs, pennants or banners shall be permitted on the site.
5. If a building permit is not issued within one year of the date of approval of the plan, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission and the City of St. Matthews.
6. A certificate of occupancy must be received from the appropriate code enforcement office for the change in land use 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 and the City of St. Matthews.
7. The binding elements originally attached to the approved general district development plan, as amended, shall still apply, except as inconsistent herewith. In the event of any conflict between such binding elements, the more strict shall apply.
8. The above binding elements may be amended as provided for in the Zoning District Regulations, upon approval by the City of St. Matthews.

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NEW BUSINESS

CASE NO. 22-DDP-0041

9. Kentucky Transportation Cabinet permit will be required for work within the Breckinridge Lane right-of-way. Additional improvements may be required to accommodate the proposed use.

The vote was as follows:

YES: Commissioners Brown, Pennix, Price, and Carlson.

ABSENT: Commissioner Clare

DEVELOPMENT REVIEW COMMITTEE
December 14, 2022

NEW BUSINESS

CASE NO. 22-MPLAT-0076

Request:	Record Plat Amendment for Plat Book: 42 Page: 51
Project Name:	4106 Old Heady Road
Location:	4106 Old Heady Road
Owner:	David B. George
Applicant:	David B. George
Representative:	CRP and Associates Inc.
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson
Case Manager:	Clara Schweiger, Planner I

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

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

Agency Testimony:

01:45:12 Clara Schweiger presented the case and showed a Power Point presentation (see Staff Report and video recording for further details).

01:47:02 Commissioner Brown asked if the HOA received notice. Clara Schweiger said she was not aware of an existing HOA in that subdivision but that notices were sent out to all those in Council District 20.

The following spoke in favor of this request:

Charles Podgursky, 7321 New La Grange Road, Suite 111, Louisville, KY 40222

Summary of testimony of those in favor:

01:47:29 Charles Podgursky stated that his client owns the home on Old Heady Road and wants to build a house for his daughter facing Willow Glen Road (see Staff Report and video recording for further details).

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.

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NEW BUSINESS

CASE NO. 22-MPLAT-0076

01:50:14 On a motion by Commissioner Brown, seconded by Commissioner Price, 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 **APPROVE** the requested Record Plat Amendment to create three lots from two within the Old Heady Court Subdivision in Plat Book 42, Page 51.

The vote was as follows:

YES: Commissioners Brown, Pennix, Price, and Carlson.

ABSENT: Commissioner Clare

DEVELOPMENT REVIEW COMMITTEE
December 14, 2022

NEW BUSINESS

CASE NO. 22-DDP-0118

Request: Revised Detailed District Development Plan
Project Name: Taylorsville Road Townhomes
Location: 4115 & 4117 Taylorsville Road
Owner: Greenberg Enterprises LLC
Applicant: Greenberg Enterprises LLC
Representative: Bardenwerper Talbott & Roberts PLLC
Jurisdiction: Louisville Metro
Council District: 18 - Marylin Parker
Case Manager: Clara Schweiger, Planner I

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

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

Agency Testimony:

02:00:19 Clara Schweiger explained that this is the same proposal that was approved in 2018 under case number 18-ZONE-1048. Schweiger stated that the plan expired before construction could start.

The following spoke in favor of this request:

Nick Pregliasco, 1000 North Hurstbourne Parkway, 2nd Floor, Louisville, KY 40223

Summary of testimony of those in favor:

02:03:59 Nick Pregliasco clarified that the sidewalk will not end in the drainage ditch in front of Robert Hornung's house. He stated that the applicant was open to changing the proposed wooden fence to an aluminum, see through one.

The following spoke neither for nor against the request:

Robert Hornung, Jr., 2907 McMahan Boulevard, Louisville, KY 40220
Sherry Tyler, 2912 Cambridge Road, Louisville, KY 40220
Steve Porter, 2406 Tucker Station Road, Louisville, KY 40299

Summary of testimony of those neither for nor against:

02:13:45 Robert Hornung, Jr. stated that he is concerned with water drainage. Due to the change in elevation from the road to the ditch in front of his house, he is worried

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CASE NO. 22-DDP-0118

the water will flood his yard. Robert Hornung, Jr. requested to see the projected elevation of the garages as those will be the view from his back porch. He asked if there is a plan to connect the fence to the units, so people do not cut through the back of the development into the neighborhood.

02:20:19 Sherry Tyler said she wants to know if there are plans to purchase and develops lots 4115 and 4117. Tyler requested that the units be called condominiums.

02:22:25 Steve Porter stated that if Robert Hornung, Jr. is satisfied with the fence and sidewalk and landscaping complies with the binding elements, then he has no problem with the development.

Rebuttal

02:24:43 Nick Pregliasco suggested that a binding element be added that states the applicant agrees to replace the wooden fence with a decorative, aluminum one. Pregliasco stated that after speaking with MSD, a swale will be installed to address water drainage. He assured Robert Hornung, Jr. that enhanced landscaping will be provided to help with his view. Nick Pregliasco said that there is no intention to include more lots. Pregliasco concluded that the applicant will work with Public Works to locate the sidewalk.

02:29:36 Commissioner Carlson asked to elaborate on the sidewalk situation.

02:29:45 Nick Pregliasco explained that there is a drainage ditch that runs parallel to the road. Pregliasco stated that the sidewalk will not end in the middle of the ditch but inside it.

02:31:08 Commissioner Brown clarified that the elevations did not show the garages. Nick Pregliasco answered that the elevations show the main building with a garage and patio. Pregliasco elaborated that the garages will face Taylorsville Road, rather than the rears. He explained that the reason for adding enhanced landscaping is to address this.

02:31:47 Commissioner Brown stated that there will be work done to extend the sewer and provide stubs. Nick Pregliasco agreed. Pregliasco explained that there is an agreement between the applicant and one of the neighbors to allow a sewer easement.

Deliberation

02:32:52 Clara Schweiger suggested binding element 11 be replaced with binding element 13.

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CASE NO. 22-DDP-0118

02:33:44 Steve Porter recommended to keep binding element 11 and add binding element 13. Porter reasoned that binding element 11 mentions the height of the planting, which binding element 13 does not.

02:35:00 Commissioner Brown asked if a binding element concerning the fence should be added.

02:35:23 Clara Schweiger stated that it can be added to the binding element on landscaping as part of the buffering.

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 and Amendment to Binding Elements

02:36:00 On a motion by Commissioner Brown, seconded by Commissioner Price, 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 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 Louisville Metro Development Review Committee finds provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan; and

WHEREAS, the Louisville Metro Development Review Committee finds sufficient open space to meet the needs of the development is provided; and

WHEREAS, the Louisville Metro Development Review Committee 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 Louisville Metro Development Review Committee finds that the overall site design and land uses are compatible with the existing and future development of the area. Buildings have been oriented toward McMahan Blvd and garages are oriented

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internally towards roadways. There is pedestrian connectivity throughout the site to open spaces. This use is no more intense than an R-5, single family zoning district; and

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

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. 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:
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site shall be responsible for compliance with these binding elements.
7. Covenants, Conditions, and Restrictions ("CCRs") shall be prepared by the developer to be submitted to and reviewed and approved by Planning

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Commission legal counsel, prior to recording of the subdivision's Record Plat for consistency with any binding elements that mandate inclusion in the CCRs, as well as the inclusion of the following requirements: (a) all road, drainage, sanitary sewer, water, other necessary infrastructure and other required landscaping and facilities shall be installed by the developer prior to turn-over of maintenance responsibilities to the Home Owners Association ("HOA"); (b) any shared water meters and property service connections for sanitary sewers shall be the sole responsibility of the HOA; (c) any water, sewer, and drainage facilities that cross lot lines shall be included in blanket easements for purposes of both lot owner and HOA access and maintenance; and (d) where attached residences are proposed, easements shall be provided to provide for incidental encroachments, property maintenance and repair.

8. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
9. Open Space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity, unless approved by the Louisville Metro Planning Commission. A note to this effect shall be placed on the record plat.
10. Landscaping shall be substantially similar to that proposed at the December 14, 2022 Development Review Committee meeting, with material to be 8-10 feet high at time of planting. A six-foot fence shall be extended along the northern property line and connect to a building as discussed at the December 14, 2022 DRC meeting.
11. Applicant shall provide an 11-foot wide dedicated left turn lane into the site, with a 75 foot storage length, and 50 foot bay taper length prior to the timing of issuance of the first certificate of occupancy. Construction plans, bond and permit for work in the right of way required prior to the issuance of any building permit.
12. (a) All exterior lighting, whether freestanding or attached to any structure, including streetlights, parking lot lights, and lighting for any signage, shall be fully shielded, shall utilize flat or hidden lenses, and shall be pointed directly to the ground.

The following exceptions to this requirement:

- i. A partly shielded or unshielded decorative wall sconce(s) shall be allowed at a front entry to a residence if the total output in lumens does not exceed 2000 lumens.
- ii. Open flame gas lamps.
- iii. Lighting installed with a vacancy sensor where the sensor extinguishes the lights no more than 15 minutes after the area is vacated.
- iv. Low voltage landscape lighting aimed away from adjacent properties and not exceeding 2000 lumens in output.

(b) No lighting shall have a correlated color temperature (CCT) exceeding 2700 degrees Kelvin.

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(c) These lighting restrictions shall also be included in the subdivision Covenants, Conditions and Restrictions (CCRs) which are recorded and shall be provided to every purchaser of property in the subdivision.

13. Applicant shall install enhanced landscaping on the northern and southern property lines as shown at the 12/14/2022 DRC meeting.

The vote was as follows:

YES: Commissioners Brown, Pennix, Price, and Carlson.

ABSENT: Commissioner Clare

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NEW BUSINESS

CASE NO. 22-WAIVER-0172

Request: Waiver of Section 5.5.1.A.3.a to allow parking in front of the proposed building
Project Name: Urban League Apartments
Location: 1521 W. Broadway
Owner: The Urban League of Louisville
Applicant: The Urban League of Louisville
Representative: Blomquist Design Group, LLC
Jurisdiction: Louisville Metro
Council District: 4 – Jecorey Arthur
Case Manager: Clara Schweiger, Planner I

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

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

Agency Testimony:

02:37:23 Clara Schweiger stated that the site is adjacent to the Louisville Urban League. Schweiger explained that the proposal is for a mixed-use building with 3 floors.

02:41:07 Commissioner Brown asked if screening is required or if it is up to the Committee Members to discuss the mitigation. Clara Schweiger clarified that it is up to the Committee Members to decide. Schweiger stated that the applicant is meeting the requirement for the landscape buffer area and providing plantings.

02:41:26 Commissioner Brown asked if staff recommends a screening wall. Clara Schweiger replied that she would not recommend a wall but to exceed planting requirements.

The following spoke in favor of this request:

Marv Blomquist, 10529 Timberwood Circle, Suite D, Louisville, KY 40223

Summary of testimony of those in favor:

02:42:07 Marv Blomquist stated that the Louisville Urban League was founded in 1922 with their headquarters built in 1990. Blomquist detailed how their staff has grown from 26 to 92. He explained the need for affordable housing and office space in the area. Marv Blomquist said Public Works recommended connecting the development to the bank next door, which he is prepared to do.

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NEW BUSINESS

CASE NO. 22-WAIVER-0172

Deliberation

02:46:45 Commissioner Brown asserted that there needs to be screening. Brown asked if the applicant or staff have recommendations. Marv Blomquist stated that the intent is to hide the parking lot with shrubs.

02:48:15 Julia Williams asked if there are power lines along the frontage and made a recommendation. Marv Blomquist responded that the plantings must adhere to a certain height as to not reach the power lines.

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:

Waiver of section 5.5.1.A.3.a to allow parking in front of the proposed building.

02:51:00 On a motion by Commissioner Brown, seconded by Commissioner Price, 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 as both adjacent property owners have parking in front of buildings; and

WHEREAS, the Louisville Metro Development Review Committee finds 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 de-sign 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. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Encourage the placement of parking lots and garage doors behind or beside the building rather than facing the street. The use of alleys for access to parking lots is encouraged, especially in Downtown Louisville, Urban Center Neighborhoods, Traditional Neighborhoods and Traditional Marketplace

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NEW BUSINESS

CASE NO. 22-WAIVER-0172

Corridors. Encourage elimination or reduction of parking minimums in areas readily accessible to transit routes. Community Form Goal 2, Policy 15 calls for parking in activity centers should reflect the area's associated Form District standards to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations; and

WHEREAS, the Louisville Metro Development Review Committee finds that the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since there is already a pattern of development along the block. This is an infill development and there is existing parking in front of buildings on either side of the proposal. There are no physical restraints preventing compliance with the regulations to be waived; and

WHEREAS, the Louisville Metro Development Review Committee finds that the applicant has not incorporated other design measures that exceed the minimums of the district to compensate for non-compliance with the requirements to be waived. The strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant since the proposed development can be built on the site while complying with the requirements requested to be waived.

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested waiver of Section 5.5.1.A.3.a to allow parking in front of the proposed building **ON CONDITION** that shrubs and street trees be provided within the landscape buffer area as discussed in today's meeting (to be reviewed during review of the landscape plan).

The vote was as follows:

YES: Commissioners Brown, Pennix, Price, and Carlson.

ABSENT: Commissioner Clare

DEVELOPMENT REVIEW COMMITTEE
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ADJOURNMENT

The meeting adjourned at approximately 3:52 p.m.

Chair

Planning Director

DEVELOPMENT REVIEW COMMITTEE MINUTES
December 14, 2022

APPROVAL OF MINUTES