

**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE MEETING  
December 1, 2021**

A meeting of the Louisville Metro Development Review Committee was held on Wednesday, December 1, 2021 at 1:00 p.m. via Cisco Webex Video Teleconferencing.

**Commissioners present:**

Rich Carlson, Chair  
Jim Mims, Vice Chair  
Jeff Brown  
Patti Clare  
Pat Seitz

**Commissioners absent:**

None.

**Staff members present:**

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

**Other staff present:**

Beth Stuber, Transportation Planning Supervisor  
Tony Kelly, MSD

The following matters were considered

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**December 1, 2021**

**APPROVAL OF MINUTES**

**Minutes of the November 17, 2021 Development Review Committee meeting.**

00:04:20        On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution was adopted:

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on November 17, 2021.

**The vote was as follows:**

**YES: Commissioners Brown, Clare, Mims, and Carlson.**

**NO: No one.**

**ABSENT: Commissioner Seitz.**

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
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**OLD BUSINESS**

**CASE NUMBER 21-DDP-0091**

Request: Revised Detailed District Development Plan for mixed-use structure with Revised Binding Elements (Continued from 11/17 DRC)

Project Name: Bourbon House 3

Location: 2076 S Shelby Street

Owner: Anthony & Debra Seadler

Applicant: Steve Smith Homes

Representative: Steve Smith

Jurisdiction: Louisville Metro

Council District: 15 – Kevin Triplett

**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. 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:**

00:09:10 Dante St. Germain presented the case and showed a PowerPoint presentation (see staff report and recording for detailed presentation.)

Dante St. Germain explained why variances will be requested to the Board of Zoning Adjustment for this case instead of the initial waiver request heard at the November 17 Development Review Committee meeting.

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

Steve Smith, 8208 Camberley Drive, Louisville, KY 40222

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

00:16:06 Steve Smith discussed revisions to the plan and the landscaping and how they are improvements from the original plan.

**00:20:35 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.**

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**OLD BUSINESS**

**CASE NUMBER 21-DDP-0091**

On a motion by Commissioner Brown, seconded by Seitz, the following resolution was adopted:

**Revised Detailed District Development Plan:**

**WHEREAS**, there do not appear to be any environmental constraints or natural resources on the site. No historic assets are evident on the site.

**WHEREAS**, 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.

**WHEREAS**, no open space provisions are relevant to the proposal.

**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.

**WHEREAS**, the overall site design and land uses are compatible with the existing and future development of the area. The scale of the proposed structure is similar to the scale of adjacent structures and the existing structure on the site. The proposed use would be compatible with the existing development along S Shelby Street.

**WHEREAS**, the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code, with the exception of a requested waiver.

**Existing Binding Elements (to be replaced on subject site only):**

1. There will be no further development of the site unless a revised district development plan is approved by the Planning Commission.
2. ~~There will be no business identification signs on the property.~~ The property may be occupied by one, freestanding, building identification sign. No business identification signs shall be permitted. The sign may not be located in any required yard and shall not exceed 16 square feet in area. Proper sign permits shall be obtained.
3. Before a certificate of occupancy is issued the developer shall obtain construction approval of the Plan from the Water Management Section of the Jefferson County Department of Public Works and Transportation and the City of Louisville Department of Traffic Engineering and Public Works Department.

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4. Unless use in accordance with the approved plan and binding elements has been substantially established within one year from the date of approval of the plan or rezoning whichever is later, the property may not be used in any manner until such time as a district development plan has been approved by the Planning Commission.
5. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of a structure or land for the proposed use. All binding elements must be implemented prior to issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.

**Proposed Binding Elements:**

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Public Works, the Metropolitan Sewer District and Construction Review.
  - 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.

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- 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 structures shall be substantially the same as depicted in the rendering as presented at the December 1, 2021 Development Review Committee meeting.
  - e. Prior to requesting any permit, the applicant shall request and obtain the required variances for front yard, side yard, and street side yard setback from the Board of Zoning Adjustment. Should these variances not be granted, the applicant shall revise the plan and return to the Development Review Committee for approval of the revised plan.
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.
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.

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Revised Detailed District Development Plan for 21-DDP-0091 and the revisions to the Binding Elements on pages six and seven of the staff report with the revision to Binding Element 4d to state today's date December 1, 2021 and the addition of Binding Element 4e regarding the BOZA approval of the variances prior to the issuance of building permits, based on the staff report and testimony heard today.

**The vote was as follows:**

**YES: Commissioners Brown, Clare, Seitz, Mims and Carlson.**

**NO: No one.**

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**OLD BUSINESS**

**CASE NUMBER 21-DDP-0002**

Request: Revised Detailed District Development Plan  
Project Name: Swiss Village Garage Addition  
Location: 719 Lynn Street  
Owner: Swiss Village, LLC.  
Applicant: John Campbell, Heritage Engineering  
Jurisdiction: Louisville Metro  
Council District: 15 – Kevin Triplett  
**Case Manager: Molly Clark, Planner I**

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

The staff report prepared for this case was incorporated into the record. The 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:**

00:23:38 Molly Clark presented the case and showed a PowerPoint presentation (see staff report and recording for detailed presentation.)

Molly Clark presented clarification on the sight triangle requirements as they do not apply to this site.

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

Scott Hannah, 3105 Grand Lakes Drive, Louisville, KY 40299

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

00:26:25 Scott Hannah explained that they looked into moving the garage but could not because it would be in the Louisville Water Company easement.

**00:30:58 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.**

On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution was adopted:

**Revised Detailed District Development Plan:**

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**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.

**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.

**WHEREAS**, there are no changes to the open space from when it was originally approved in 19ZONE1015.

**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.

**WHEREAS**, 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.

**WHEREAS**, the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

**Existing Binding Elements (19ZONE1015):**

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agree 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. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property lines. 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.

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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. 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. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any certificates of occupancy.
  - 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.
  - f. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the June 6th 2019 Planning Commission hearing. A copy of the approved rendering is 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 the 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.

**Proposed 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 agree

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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. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property lines. 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.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
  - g. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - h. Encroachment Permits must be obtained from the Kentucky Transportation Cabinet.
  - i. 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.
  - j. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any certificates of occupancy.
  - k. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
  - l. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the June 6th, 2019 Planning Commission hearing. *The design of the proposed garage shall be substantially the same as depicted in the rendering as presented at the November 17th, 2021 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.
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.

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7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors, and other parties engaged in the 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.

**Condition(s) of Approval:**

**ON CONDITION** that the rear yard **VARIANCE** under case number 20-VARIANCE-0173 is **APPROVED** at the November 15th, 2021 Board of Zoning Adjustment meeting.

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Revised Detailed District Development Plan for 21-DDP-0002 with the amendments to the Binding Elements on pages six and seven of the staff report, based on the staff report and testimony heard today.

**The vote was as follows:**

**YES: Commissioners Brown, Clare, Seitz, Mims and Carlson.**

**ABSTAIN: No one.**

**NO: No one.**

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**NEW BUSINESS**

**CASE NUMBER 21-AMEND-0006**

Request: Binding Element Amendment  
Project Name: Drive-thru Binding Element Amendment  
Location: 421, 615, and 617 S Hurstbourne Pkwy  
Owner: RD Thurman LLC  
Applicant: RD Thurman LLC  
Representative: Bardenwarper, Talbott, and Roberts  
Jurisdiction: Jeffersontown  
Council District: 18 – Marilyn Parker  
**Case Manager: Jay Lockett, 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. 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:**

00:05:42 Jay Lockett explained the case needed to be continued to ensure all proper notices are given.

**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 Clare, the following resolution was adopted:

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **CONTINUE** 21-AMEND-0006 to the **January 5, 2022** Development Review Committee meeting.

**The vote was as follows:**

**YES: Commissioners Brown, Clare, Mims and Carlson.**

**NO: No one.**

**ABSTAIN: No one.**

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**NEW BUSINESS**

**CASE NUMBER 21-DDP-0105**

Request: Revised Detailed District Development Plan with Revisions to Binding Elements  
Project Name: Mike's Car Wash  
Location: 13310 Shelbyville Road  
Owner: Midcore LLC  
Applicant: Midcore LLC  
Representative: KBA Inc. Architects  
Jurisdiction: Middletown  
Council District: 19 – Anthony Piagentini  
**Case Manager: Jay Luckett, 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. 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:**

00:33:17 Jay Luckett presented the case and showed a PowerPoint presentation (see staff report and recording for detailed presentation.)

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

Cliff Ashburner, 101 S. 5th Street #2500, Louisville, KY 40202

Eddie Krieger, 100 Northeast Drive, Loveland, OH 45140

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

00:37:05 Cliff Ashburner, the applicant's representative, went into more detail on the site and the proposed plan (see video for detailed recording.)

Commissioner Mims' asked if there were any residential properties adjacent to this site. Jay Luckett explained there was residential zoning across Urton Lane, but it does not appear to be residentially used. Cliff Ashburner explained it was the Middletown Fire Department.

Commissioner Brown asked if the existing pylon sign was in the right-of-way. Eddie Krieger explained that they will be removing the EMC sign and will be using a smaller, monument sign and can pull it out of the right-of-way.

**00:50:35 Commissioners' deliberation.**

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**NEW BUSINESS**

**CASE NUMBER 21-DDP-0105**

**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 Clare, the following resolution was adopted:

**Revised Detailed District Development Plan:**

**WHEREAS**, there do not appear to be any environmental constraints or historic resources on the subject site.

**WHEREAS**, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Transportation Planning Staff has approved the preliminary development plan.

**WHEREAS**, there are no open space requirements pertinent to the current proposal.

**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.

**WHEREAS**, the overall site design and land uses are compatible with the existing and future development of the area.

**WHEREAS**, the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

**Proposed 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. Any changes, additions or alterations of any binding element(s) shall be submitted to the Planning Commission (and to the city Middletown) for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 4,350 square feet of gross floor area for Lot No. 2 and 12,000 square feet of gross floor area for Lot No. 1. No individual

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business (tenant) located on Lot No. 1 shall occupy more than 3,000 square feet of gross floor area without the prior consent of the City of Middletown.

3. The only permitted freestanding signs shall be located as shown on the district development plan. The sign on Urton Lane shall be a monument type sign not to exceed 30 square feet in area and six feet in height. The sign on Shelbyville Road shall not exceed 64 square feet in area and 20 feet in height for lot 1 and shall be a monument style sign 64 square feet in area and 16 feet high maximum, design to be approved by staff for lot 2 (carwash). No sign shall have more than two sides. All other signage shall be limited to attached signage in conformance with the Middletown Sign Ordinance.
4. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.
5. There shall be no outdoor storage, display or sales permitted on the site.
6. Upon request of the City of Middletown, the applicant or then owner of the subject property shall construct and maintain sidewalks within the public right-of-way adjacent to the subject property.
7. Outdoor lighting (for parking lot illumination and security) 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 off-site. Light levels due to lighting on the subject site shall not exceed 0.5 foot candles measured at the property line.
8. The following uses (or conditional uses) shall NOT be allowed on the subject property:
  - a. Automobile service stations
  - b. Beer Depots where alcoholic beverages are not consumed on the premises
  - c. Bowling alleys
  - d. Business Schools
  - e. Clubs, private, non-profit or proprietary
  - f. Day care centers, day nurseries, nursery schools and kindergartens
  - g. Health spas
  - h. Hotels and Motels
  - i. Laundries or laundrettes (drop off point permitted)
  - j. Package liquor stores
  - k. Restaurants with drive-through windows or other uses with drive through windows
  - l. Restaurant with outdoor seating or outside service

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- m. Tanning salons
  - n. Temporary buildings
  - o. Towers (radio/tv Receiving or Transmitting) including microwave towers
  - p. Airports, heliports
  - q. Camping areas, public and private
  - r. Commercial kennels
  - s. Excavations
  - t. Hospitals, institutions, nursing homes and homes for the infirmed and aged
  - u. Social rehabilitation residences
9. All commercial trash receptacles shall be enclosed by a brick structure (wall) (except entrance gate which shall be of compatible material) to a height greater than the height of the commercial trash receptacle and permanently maintained.
10. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
11. 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.
12. Any public address system shall be designed to be inaudible offsite.
13. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
- a. The development plan must receive full construction approval from The Louisville Metro Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - c. A minor subdivision plat shall be recorded (creating the lot lines as shown on the development plan/dedicating additional right-of-way to Urton Lane to provide a total of 45 feet from the centerline). A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
  - d. The property owner/developer must obtain approval by the Planning Commission and the City of Middletown of a detailed plan for screening

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(buffering/landscaping) as described in Article 12 (and in conformance with the Parkway Policy) prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

- e. An access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be secured from the adjoining property owner-and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services; transmittal of approved plan to the office responsible for permit issuance will occur only after receipt of said instrument.
14. The development plan is referred back to the Louisville and Jefferson County Planning Commission in accordance with this ordinance and the Provisions of the development code.
15. 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.
16. A certificate of occupancy must be received from the appropriate wde 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 and the City of Middletown.
17. 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. There 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.
18. 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.
19. The dumpster shall not be emptied between the hours of 10 p.m. and 7 a.m.

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20. The materials and design of proposed carwash shall be substantially the same as depicted in the rendering as presented at December 1, 2021 Development Review Committee meeting.
21. The above binding elements may be amended as provided for in the Zoning District Regulations, upon approval of the City Commission.

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **RECOMMEND** the city of Middletown **APPROVE** the Revised Detailed District Development Plan for 21-DDP-0105 with the revisions to the Binding Elements on pages nine through eleven of the staff report on the condition that the existing sign within the Urton Lane right-of-way is removed prior to the certificate of occupancy, based on the staff report and testimony heard today.

**The vote was as follows:**

**YES: Commissioners Brown, Clare, Seitz, Mims and Carlson.**

**NO: No one.**

**ABSTAIN: No one.**

## DEVELOPMENT REVIEW COMMITTEE MINUTES

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### NEW BUSINESS

#### CASE NUMBER 21-WAIVER-0132 and 21-WAIVER-0145

Request: Sidewalk Waiver and a Waiver of pedestrian connection requirements  
Project Name: Quantum Ink Expansion  
Location: 4649 and 4651 Melton Ave; 4628 and 4630 Knopp Ave  
Owner: Doubl B Triple S, LLC  
Applicant: Allegiant Construction LLC  
Representative: Prism Engineering  
Jurisdiction: Louisville Metro  
Council District: 13 – Mark Fox  
**Case Manager: Jay Lockett, 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. 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:**

00:53:40 Jay Lockett presented the case and showed a PowerPoint presentation (see staff report and recording for detailed presentation.) Staff explained why the pedestrian waiver is adequately justified but the sidewalk waiver is not.

In response to Commissioner Mims' question, Molly Clark explained how the sidewalks were handled at this site in the past.

In response to Commissioner Brown's question if access was getting cleaned up on Melton and Knopp, Beth Stuber explained that it was her understanding that they were going to consolidate the entrances.

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

Jason Hall, 2309 Watterson Trail #200, Louisville, KY 40299

Chris Guffey, 15505 Crystal Valley Way, Louisville, KY 40229

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

01:02:35 Jason Hall went into more detail on the waiver requests (see recording for detailed presentation.)

01:08:28 Chris Guffey wanted to reiterate the points that Mr. Hall made and explained that they would like to move forward with the process.

## DEVELOPMENT REVIEW COMMITTEE MINUTES

December 1, 2021

### NEW BUSINESS

#### CASE NUMBER 21-WAIVER-0132 and 21-WAIVER-0145

In response to Commissioner Brown's question if there were any off-site locations considered for compliance with the sidewalk requirement, Jason Hall responded no.

Commissioner Clare asked when the adjacent waivers were made. Jay Lockett responded 2018 and 2015, and the standards of review and compliance options have changed since then.

Commissioner Carlson asked when Metro Council revised the sidewalk ordinance, Joe Reverman responded it was July 2019 and gave further explanation on Metro Council sidewalk requirements and expectations.

#### **01:14:50 Commissioners' deliberation.**

The committee and staff did not find the sidewalk waiver was adequately justified as the applicant could reasonably comply with one of the options for compliance found in section 6.2.6.C of the Land Development Code, such as fee-in-lieu or offsite construction. The request for 21-WAIVER-0132 was withdrawn.

**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 Seitz, the following resolution was adopted:

#### **21-WAIVER-0145:**

**WHEREAS**, the waiver will not adversely affect adjacent property owners, as the site is unlikely to generate significant pedestrian traffic, and sidewalks are unlikely to be constructed in the area.

**WHEREAS**, the waiver will not violate the comprehensive plan, as the site is not served by transit, and the industrial character of the area and the site are unlikely to generate significant pedestrian traffic.

**WHEREAS**, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.

**WHEREAS**, the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, there are no sidewalks in the area, and they are unlikely to be constructed.

**DEVELOPMENT REVIEW COMMITTEE MINUTES**

**December 1, 2021**

**NEW BUSINESS**

**CASE NUMBER 21-WAIVER-0132 and 21-WAIVER-0145**

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** 21-WAIVER-0145 of Land Development Code section 5.9.2.A.1.b.i to not provide pedestrian connections to the adjacent rights-of-way, based on the staff report and testimony heard today.

**The vote was as follows:**

**YES: Commissioners Brown, Clare, Seitz, Mims and Carlson.**

**NO: No one.**

**ABSENT: No one.**

**DEVELOPMENT REVIEW COMMITTEE MINUTES**

**December 1, 2021**

**NEW BUSINESS**

**CASE NUMBER 21-EXTENSION-0019**

Request: Extension of Expiration Date  
Project Name: Oxmoor Center East Out Parcel  
Location: 7900 Shelbyville Road  
Owner: WMB 2 LLC  
Applicant: WMB 2 LLC  
Representative: Frost Brown Todd  
Jurisdiction: Louisville Metro  
Council District: 18 – Marilyn Parker  
**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. 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:**

01:27:20 Dante St. Germain presented the case and explained the reasoning for the extension request (see staff report and recording for detailed presentation.)

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

Tim Martin, 400 W Market Street, Louisville, KY 40202

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

01:29:13 Tim Martin said he was available for questions.

**01:30:29 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.**

On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution was adopted:

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the extension to December 4, 2022 in case 21-EXTENSION-0019.

**The vote was as follows:**

**YES: Commissioners Brown, Clare, Seitz, Mims, and Carlson.**

**NO: No one.**

## DEVELOPMENT REVIEW COMMITTEE MINUTES

December 1, 2021

### NEW BUSINESS

#### CASE NUMBER 21-DDP-0103

Request: Revised Detailed District Development Plan with revised Binding Elements and Waivers  
Project Name: Ace Hardware Store  
Location: 14004 Shelbyville Road  
Owner: Beckshell, LLC  
Applicant: Brian Shirley, Arnold Consulting Engineering  
Representative: Brian Shirley, Arnold Consulting Engineering  
Jurisdiction: Louisville Metro  
Council District: 20 – Stuart Benson  
**Case Manager: Molly Clark, Planner I**

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

The staff report prepared for this case was incorporated into the record. The 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:**

01:31:55 Molly Clark presented the case and showed a PowerPoint presentation (see staff report and recording for detailed presentation.)

Commissioner Brown asked if there was a pedestrian connection between the site and the South Beckley Station sidewalk. Molly Clark said they have sidewalks along Shelby Station but there is not direct connection from South Beckley Station. Commissioner Brown asked if it was required due to the frontage on Beckley Station. Molly Clark found that it was required on the previous plan so it would be required now.

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

Brian Shirley, 1136 South Park Drive, Bowling Green, KY 42103

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

01:47:13 Brian Shirley discussed the landscaping in detail in response to Commissioner Brown's question if they were going to provide additional landscaping. Mr. Shirley went into more detail on the site (see recording for detailed presentation.)

There was detailed discussion about sidewalks and pedestrian connection from South Beckley Station Road. It was determined the pedestrian connection from South Beckley Station Road, or a sidewalk waiver would be required.

There was discussion about pedestrian connection from Shelby Station Drive.

## DEVELOPMENT REVIEW COMMITTEE MINUTES

December 1, 2021

### NEW BUSINESS

#### CASE NUMBER 21-DDP-0103

#### **02:01:01 Commissioners' deliberation.**

The committee would like to see pedestrian connection to the site from Shelby Station Drive and South Beckley Station Road similar to what was shown on the original plan.

Brian Shirley said if the sidewalk were to be put in on Shelby Station, they would lose the current landscaping and have to replant.

A continuance was decided to see what details could be worked out with the pedestrian connection.

**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 Mims, the following resolution was adopted:

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **CONTINUE** 21-DDP-0103 to the **December 15, 2021** Development Review Committee meeting.

**The vote was as follows:**

**YES: Commissioners Brown, Clare, Seitz, Mims and Carlson.**

**NO: No one.**

**DEVELOPMENT REVIEW COMMITTEE MINUTES  
December 1, 2021**

**ADJOURNMENT**

**The meeting adjourned at approximately 3:24 p.m.**

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**Chairman**

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**Division Director**