

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE MEETING
October 4, 2023**

A meeting of the Development Review Committee was held on October 4, 2023, at 1:00 p.m. in the Old Jail building court room, located at 514 West Liberty Street, Louisville, Kentucky 40202.

Committee Members present were:

Rich Carlson, Chair
Jennifer Caummisar-Kern
Michelle Pennix
Bill Fischer

Committee Members absent were:

Patti Clare, Vice Chair

Staff Members present were:

Brian Davis, Assistant Director
Julia Williams, Planning Manager
Sam Graber, Engineer II
Laura Ferguson, Assistant County Attorney
Mary Willis, Management Assistant
Jay Lockett, Planning Supervisor
Molly Clark, Planner II
John Michael Lawler, Planner I
Lucia Rodriguez, Planner I
Ethan Lett, Planner I

Others Present:

The following matters were considered:

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APPROVAL OF MINUTES

September 20, 2023, DRC MEETING MINUTES

On a motion by Commissioner Fischer, seconded by Commissioner Pennix, the following resolution was adopted:

RESOLVED, that the Development Review Committee does hereby **APPROVE** the Minutes of its meeting conducted on September 20, 2023.

The vote was as follows:

YES: Commissioners Pennix, Fischer, and Carlson

ABSENT: Commissioner Clare

ABSTAIN: Commissioner Kern

DEVELOPMENT REVIEW COMMITTEE MINUTES

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OLD BUSINESS

CASE NUMBER 23-WAIVER-0092

Request:	Waiver from LDC Section 5.4.2.C.1 to allow the footprint of a proposed accessory structure to exceed the footprint of the principal structure
Project Name:	Garage Waiver
Location:	6135 Overhill Drive
Owner:	Miguel Hernandez
Applicant:	Miguel Hernandez
Representative:	N/A
Jurisdiction:	Louisville Metro
Council District:	24 – Madonna Flood
Case Manager:	Ethan Lett, Planner I

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

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

00:04:53 Ethan Lett requested that the case be continued to a date uncertain due to the applicant changing the dimensions of the garage (see staff report and recording for detailed presentation.)

The following spoke in support of the proposal:

None

The following spoke in opposition to the proposal:

None

Deliberation:

00:06:22 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 23-WAIVER-0092

Waiver from LDC Section 5.4.2.C.1 to allow the footprint of a proposed accessory structure to exceed the footprint of the principal structure

00:06:22 On a motion by Commissioner Pennix, seconded by Commissioner Fischer, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby **CONTINUE** the requested Waiver from LDC Section 5.4.2.C.1 to allow the footprint of a proposed accessory structure to exceed the footprint of the principal structure to a date uncertain.

The vote was as follows:

YES: Commissioners Pennix, Fischer, Kern, and Carlson

ABSENT: Commissioner Clare

ABSTAIN: None

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NEW BUSINESS

CASE NUMBER 23-WAIVER-0146

Request:	Tree Preservation Waiver
Project Name:	5710 Cane Run Road
Location:	5710 Cane Run Road
Owner:	Riverport Property Owner LLC
Applicant:	Riverport Property Owner LLC
Representative:	Kleingers Group
Jurisdiction:	Louisville Metro
Council District:	12 – Rick Blackwell
Case Manager:	Lucia Rodriguez, 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:

00:07:52 Lucia Rodriguez presented the case and produced a Power Point presentation. Rodriguez responded to questions from Committee Members (see staff report and recording for detailed presentation.)

The following spoke in support of the proposal:

None

The following spoke in opposition to the proposal:

None

Deliberation:

00:12:22 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.

Waiver from 10.1.4 (23-Waiver-0146) to not preserve 20% of the existing canopy

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NEW BUSINESS

CASE NUMBER 23-WAIVER-0146

00:12:22 On a motion by Commissioner Pennix, seconded by Commissioner Fischer, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, in accordance with the comprehensive plan, reasonable consideration has been made to meet requirements. The applicant has made a good faith effort to replace trees within the area of removal in accordance with 10.1.15, however, crowding trees together too much could lead to low survival rates, which would not be in keeping with the spirit of the requirements, and

WHEREAS, the applicant has made a good faith effort to provide as many trees as possible on site by planting 142 3" caliper trees to replace the removed trees. In an effort to assure each tree's highest chance of survival, the applicant will be planting them on 12' centers, and

WHEREAS, after the review process for landscape plan associated with this waiver, staff has found that the area where trees were removed will not adequately fit the required number of trees for remediation; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver from 10.1.4 (23-Waiver-0146) to not preserve 20% of the existing canopy on condition that the preservation is as shown on the landscape plan.

The vote was as follows:

YES: Commissioners Pennix, Fischer, Kern, and Carlson

ABSENT: Commissioner Clare

ABSTAIN: None

Request for approval of a Tree Mitigation Plan.

00:14:29 On a motion by Commissioner Pennix, seconded by Commissioner Fischer, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

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CASE NUMBER 23-WAIVER-0146

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested approval of a tree mitigation plan.

The vote was as follows:

YES: Commissioners Pennix, Fischer, Kern, and Carlson

ABSENT: Commissioner Clare

ABSTAIN: None

**DEVELOPMENT REVIEW COMMITTEE MINUTES
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NEW BUSINESS

CASE NUMBER 23-WAIVER-0125

Request:	Waiver from LDC Section 10.2.4 to allow the existing pavement to encroach into the Landscape Buffer Area
Project Name:	Vanaire Building Expansion
Location:	10090 Bunsen Way
Owner:	Guillermo Vanegas, LLC
Applicant:	Guillermo Vanegas, LLC
Representative:	LJB Inc.
Jurisdiction:	City of Jeffersontown
Council District:	11 – Kevin Kramer
Case Manager:	Ethan Lett, Planner I

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

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

00:15:33 Ethan Lett presented the case and produced a Power Point presentation (see staff report and recording for detailed presentation.)

The following spoke in support of the proposal:

Karl Lentz, 12800 Townepark Way Suite 201, Louisville, KY 40243

Summary of testimony of those in support:

00:17:41 Karl Lentz spoke in support of the proposal and responded to questions from Committee Members (see recording for detailed presentation)

The following spoke in opposition to the proposal:

None

Deliberation:

00:21:40 Commissioners' deliberation.

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NEW BUSINESS

CASE NUMBER 23-WAIVER-0125

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

Waiver from Land Development Code Section 10.2.4 to allow existing pavement to encroach into the Landscape Buffer Area

00:21:42 On a motion by Commissioner Pennix, seconded by Commissioner Fischer, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the waiver will not adversely affect adjacent property owners since the noncompliant pavement has been in place for at least 15 years, and a wooded buffer along the adjacent property provides substantial screening from any potential impacts, and

WHEREAS, Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. The surrounding area is an established employment center characterized by uses and site design of similar layout and intensity, and

WHEREAS, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant because the nonconformance is preexisting and no additional encroachments are being proposed, and

WHEREAS, the strict application of the provisions of the regulation would deprive applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the encroachment is an existing condition, and the applicant has proposed to provide additional interior landscape area beyond the minimum required to compensate for noncompliance with the requirements to be waived; now, therefore be it

RESOLVED the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the City of Jeffersontown to **APPROVE** the requested Waiver from Land Development Code Section 10.2.4 to allow existing pavement to encroach into the Landscape Buffer Area.

The vote was as follows:

YES: Commissioners Pennix, Fischer, Kern, and Carlson

ABSENT: Commissioner Clare

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CASE NUMBER 23-WAIVER-0125

ABSTAIN: None

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NEW BUSINESS

CASE NUMBER 22-CAT3-0008

Request:	Category 3 Plan for Two Proposed Warehouses
Project Name:	Camp Ground Road Proposed Warehouses
Location:	5355 Camp Ground Road
Owner:	Camp Ground Park, LLC
Applicant:	Land Design and Development, INC
Representative:	Land Design and Development, INC
Jurisdiction:	Louisville Metro
Council District:	1 – Tammy Hawkins
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. 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:

00:22:40 Molly Clark presented the case and produced a Power Point presentation (see staff report and recording for detailed presentation.)

The following spoke in support of the proposal:

Ann Richard, Land Design & Development, 503 Washburn Ave., Louisville, KY 40222

Summary of testimony of those in support:

00:24:49 Ann Richard spoke in support of the proposal and presented a PowerPoint presentation. Richard responded to questions from Committee Members (see recording for detailed presentation)

The following spoke in opposition to the proposal:

None

Deliberation:

00:26:36 Commissioners' deliberation

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NEW BUSINESS

CASE NUMBER 22-CAT3-0008

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.

Category 3 Development Plan

00:26:45 On a motion by Commissioner Pennix, seconded by Commissioner Kern, 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 Category 3 Development Plan.

The vote was as follows:

YES: Commissioners Pennix, Fischer, Kern, and Carlson

ABSENT: Commissioner Clare

ABSTAIN: None

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NEW BUSINESS

CASE NUMBER 23-DDP-0033

Request:	Revised Detailed District Development Plan for a Proposed RV Park
Project Name:	Derby Park RV Resort
Location:	2900 S 7 th Street Road
Owner:	Louisville 2900, LLC
Applicant:	Frost Brown and Todd, LLP Bowman Consulting Group, LTD
Representative:	Frost Brown and Todd, LLP Bowman Consulting Group, LTD
Jurisdiction:	City of Shively
Council District:	3 – Kumar Rashad
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. 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:

00:27:34 Molly Clark presented the case and produced a Power Point presentation. Clark responded to questions from the Committee Members (see staff report and recording for detailed presentation.)

The following spoke in support of the proposal:

Pierce Stevenson, 400 W Market Street, Suite 3200, Louisville, KY 40202

Summary of testimony of those in support:

00:30:57 Pierce Stevenson spoke in support of the proposal and presented a PowerPoint presentation. Stevenson responded to questions from Committee Members (see recording for detailed presentation)

The following spoke in opposition to the proposal:

None

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NEW BUSINESS

CASE NUMBER 23-DDP-0033

Deliberation:

00:37:10 Commissioners' deliberation.

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

Revised Detailed District Development Plan with proposed binding elements

00:38:12 On a motion by Commissioner Pennix, seconded by Commissioner Fischer, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, there do not appear to be any historic resources on the subject site, and

WHEREAS, provisions for safe and efficient pedestrian connection within and around the development and the community has been provided. Transportation Planning has preliminarily approved the plan, and

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

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

WHEREAS, the 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 roadways. Buildings and parking lots will meet all required setbacks, and

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

RESOLVED the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the City of Shively to **APPROVE** the requested Revised Detailed District Development Plan with proposed binding elements **SUBJECT** to the following Binding Elements:

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1. The development shall be in accordance with the approved district development plan, all applicable sections of the Shively 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 (and to the City of Shively) for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
 - c. The appropriate conditional use permit shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
 - d. 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.
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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
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

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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. This site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board of Zoning Adjustment.
8. The conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Boards vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for a Camping and Recreational Vehicle (RV) park until further review and approval by the Board of Zoning Adjustment.
9. No property, camp, or individual camp site shall be leased for a period greater than 30 days.
10. Travel lanes shall be maintained as stated in the standards of the conditional use permit
 1. one-way travel lane – 18 feet
 2. Two-way Travel Lane – 24 feet
 3. Cul-de-sac Diameter – 80 feet
11. The applicant is permitted to allow camping and RV parking in the grassy areas within the development site during the period of April 24th to May 24th and September 1st to September 30th annually. Should any damage to the grounds occur in these areas, the ground shall be reseeded within 2 weeks and brought back to its original condition, unless otherwise approved by the Board of Zoning Adjustment.
12. The number of campsites permitted on the Property will be limited to 250 campsites.
13. Trees and landscaping shall be provided as presented by the applicant at the Board of Zoning Adjustment public hearing on September 11, 2023
14. Any recreational burning shall be approved and reviewed by Air Pollution Control District and Shively Fire Department.

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NEW BUSINESS

CASE NUMBER 23-DDP-0033

The vote was as follows:

YES: Commissioners Pennix, Fischer, Kern, and Carlson

ABSENT: Commissioner Clare

ABSTAIN: None

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NEW BUSINESS

CASE NUMBER 23-CAT3-0015

Request:	Category 3 Development Plan with Review of Outdoor Amenity Area Design
Project Name:	Goodwill Opportunity Campus
Location:	2820 W Broadway
Owner:	Goodwill Industries of Louisville
Applicant:	Goodwill Industries of Louisville
Representative:	Land Design and Development
Jurisdiction:	Louisville Metro
Council District:	4 – Jecorey Arthur
Case Manager:	Jay Luckett, 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. 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:

00:39:54 Jay Luckett presented the case and produced a Power Point presentation (see staff report and recording for detailed presentation.)

The following spoke in support of the proposal:

Derek Triplett, Land Design & Development, 503 Washburn Ave, Louisville, KY 40222

Summary of testimony of those in support:

00:42:32 Derek Triplett spoke in support of the proposal and presented a PowerPoint presentation (see recording for detailed presentation)

The following spoke in opposition to the proposal:

None

Deliberation:

00:45:16 Commissioners' deliberation.

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NEW BUSINESS

CASE NUMBER 23-CAT3-0015

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.

Outdoor Amenity Area Design

00:45:28 On a motion by Commissioner Pennix, seconded by Commissioner Kern, 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 Outdoor amenity area.

The vote was as follows:

YES: Commissioners Pennix, Fischer, Kern, and Carlson

ABSENT: Commissioner Clare

ABSTAIN: None

Category 3 Development Plan

00:46:29 On a motion by Commissioner Pennix, seconded by Commissioner Kern, 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 Category 3 Development Plan with Review of Outdoor Amenity Area Design standards.

The vote was as follows:

YES: Commissioners Pennix, Fischer, Kern, and Carlson

ABSENT: Commissioner Clare

ABSTAIN: None

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NEW BUSINESS

CASE NUMBER 23-DDP-0024

Request:	A Revised Detailed District Development Plan for a proposed 38-unit apartment complex
Project Name:	PortShaw Apartments
Location:	3825 W Market Street
Owner:	PortShaw Community Development
Applicant:	PortShaw Community Development
Representative:	Michael Gardener
Jurisdiction:	Louisville Metro
Council District:	5 – Donna Purvis
Case Manager:	John Michael Lawler, 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:

00:47:27 John Michael Lawler presented the case and produced a Power Point presentation. Lawler responded to questions from Committee Members (see staff report and recording for detailed presentation.)

The following spoke in support of the proposal:

None

The following spoke in opposition to the proposal:

None

Deliberation:

00:51:06 Commissioners' deliberation.

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

Revised Detailed District Development Plan

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NEW BUSINESS

CASE NUMBER 23-DDP-0024

00:51:06 On a motion by Commissioner Pennix, seconded by Commissioner Kern, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, there do not appear to be any environmental constraints or historic resources on the subject site. There are no tree canopy requirements for the subject site because it is located in the Traditional Neighborhood Form District, and

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

WHEREAS, the current proposal meets the requirements for open space on the lot, and

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

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

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

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

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be

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submitted to the Planning Commission 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 (NOTE: Alteration and demolition to be used for sites within an historic preservation district, national register site, or other historic building) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
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.

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CASE NUMBER 23-DDP-0024

The vote was as follows:

YES: Commissioners Pennix, Fischer, Kern, and Carlson

ABSENT: Commissioner Clare

ABSTAIN: None

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NEW BUSINESS

CASE NUMBER 23-DDP-0050

Request:	Revised Detailed District Development Plan
Project Name:	Casualwood Apartments
Location:	8314 Casualwood Way
Owner:	Casualwood Development LLC.
Applicant:	Casualwood Development LLC
Representative:	Mindel Scott
Jurisdiction:	Louisville Metro
Council District:	23 – Jeff Hudson
Case Manager:	Ethan Lett, Planner I

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

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

00:52:04 Ethan Lett presented the case and produced a Power Point presentation. Lett responded to questions from Committee Members (see staff report and recording for detailed presentation.)

The following spoke in support of the proposal:

Emily Hill, Mindel Scott, 5151 Jefferson Blvd, Louisville, KY 40219

David Mindel, 5151 Jefferson Blvd, Louisville, KY 40219

Matthew Tole, 1736 E. Main Street, New Albany, IN 47150

Diane Zimmerman, 12803 High Meadows Pike, Prospect, KY 40051

Summary of testimony of those in support:

00:59:51 Emily Hill spoke in support of the proposal and presented a PowerPoint Presentation. Hill responded to questions from Committee Members (see recording for detailed presentation)

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CASE NUMBER 23-DDP-0050

01:06:12 Jay Lockett responded to Member Carlson question (see recording for details)

The following spoke in opposition to the proposal:

Ebony Davis, 7708 Gainsborough Ct., Louisville, KY 40251

John Torksy, 601 W Jefferson St., Louisville, KY 40202

Garry Brutschen, 8300 Zelma Fields Ave., Louisville, KY 40228

Sandra Davies, 8003 Casualwood Ct., Louisville, KY 40228

Summary of testimony of those in opposition:

01:09:17 Garry Brutschen spoke in opposition to the proposal. Brutschen stated the roads surrounding the development site are not equipped to handle a large amount of traffic. Brutschen feels the traffic will become a nuisance (see recording for details)

01:11:40 John Torsky, representative for Jeff Hudson spoke in opposition to the proposal. Torksy mentioned a previous development plan that was suggested for this area and that plan was shut down. Torksey is concerned about the density, compatibility, and the square footage from the property line (see recording for details)

01:18:51 Ebony Davis spoke in opposition to the request. Davis is concerned about how the apartments will look if they are close to her home and how the construction equipment will be used with it being such a dense area (see recording for details)

01:22:01 Sandra Davies spoke in opposition to the request. Davies believes the development does not go with the characteristics of the neighborhood. Davies also stated that the traffic will become an issue and will cause more physical damage to the pavement (see recording for details)

Rebuttal:

01:26:27 Emily Hill spoke in rebuttal along with David Mindel and Matthew Tole. Emily requested that Diane Simmerman speak about the traffic study that was done. Zimmerman stated a traffic study was completed that generated 66 peak hour morning trips and 79 peak hour evening trips. Mindel responded to questions from Committee Members. Matthew Tole elaborated on the designs of the apartments and homes that

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would be built. Tole responded to questions from Committee Members (see recording for detailed presentation)

01:39:13 Garry Brutschen continued his discussion about the traffic and issues that would occur if the development was approved.

01:41:04 Ethan Lett responded to Committee Member Kern's question (see recording for details)

Deliberation:

01:42:40 Commissioners' deliberation.

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

Revised Detailed District Development Plan

01:48:48 On a motion by Commissioner Kern, seconded by Commissioner Pennix, the following resolution, was adopted:

RESOLVED the Louisville Metro Development Review Committee does hereby **CONTINUE** the requested Revised Detailed District Development Plan to the Planning Commission Meeting October 5.

The vote was as follows:

YES: Commissioners Pennix, Fischer, Kern, and Carlson

ABSENT: Commissioner Clare

ABSTAIN: None

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CASE NUMBER 23-DDP-0066

Request:	Revised Detailed District Development Plan with Waivers and a Parking Waiver
Project Name:	JPMorgan Chase Bank
Location:	5907 Timber Ridge Drive
Owner:	Kroger Limited Partnership I
Applicant:	JPMorgan Chase
Representative:	Mannik Smith Group
Jurisdiction:	City of Prospect
Council District:	16 – Scott Reed
Case Manager:	Ethan Lett, Planner

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:

01:51:18 Ethan Lett presented the case and produced a Power Point presentation (see staff report and recording for detailed presentation.)

The following spoke in support of the proposal:
None

The following spoke in opposition to the proposal:
None

Deliberation:

01:54:17 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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Waiver from LDC Section 5.5.1.A.1.a to allow the proposed building to not face the primary street serving the development (23-WAIVER-0127)

Waiver from LDC Section 5.6.1.C.1 to provide less than 50% clear glazing along the front façade of the proposed building facing Timber Ridge Drive (23-WAIVER-0128)

Waiver from LDC Section 5.5.1.A.5 to allow a drive lane between the principal structure and the street (23-WAIVER-0129)

01:55:25 On a motion by Commissioner Fischer, seconded by Commissioner Pennix, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

(WAIVER 1) WHEREAS, the waiver will not adversely affect adjacent property owners since the proposed bank will be screened from the roadway. The adjacent commercial properties do not rely on the orientation of adjacent structures as access is provided through the shared parking lot, and

WHEREAS, Community Form Goal 1, Policy 4 calls 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 2, Policy 2 encourages development of non-residential and mixed uses in designated activity centers provided that proposed uses, density and design are compatible with adjacent uses and meets Form District guidelines. The area in the vicinity of the subject site is characterized by a mix of commercial, office, and residential uses with a variety of site layouts to accommodate their respective uses. The proposed layout is the most efficient means of accommodating vehicular and pedestrian traffic to the subject site while also enhancing the aesthetic appearance of the site as it relates to adjacent properties within the shopping center, and

WHEREAS, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since compliance with the regulation would result in a reconfiguration of the drive through and queuing lanes which would require separate relief, and

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WHEREAS, 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. The drive aisles in the shopping center parking lot provide the only access to this site and in this instance serve as the primary street. Compliance with the regulation would require the applicant to provide additional screening along the northern property boundary to reduce the potential visual impact of the back of the building facing the shopping center, and

(WAIVER 2) WHEREAS, the requested waiver will not adversely affect adjacent property owners since the applicant is providing additional mitigation in the form of landscaping and screening treatments, and

WHEREAS, Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. The proposed orientation of the structure allows the building to enhance the aesthetic appearance of the subject site as it would be viewed from both the primary access point and from adjacent properties, and

WHEREAS, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since providing the windows would require the applicant to change the layout and orientation of the structure, and

WHEREAS, the applicant has incorporated other design measures that compensate for non-compliance by providing additional screening treatments between the structure and the adjacent roadway. The strict application of the provisions of the regulation would create an unnecessary hardship by requiring the applicant to alter the building layout and orientation of the structure, and

(WAIVER 3) WHEREAS, the waiver will not adversely affect adjacent property owners since the applicant is providing additional landscaping treatments to screen the drive lane from the adjacent roadway, and

WHEREAS, Community Form Goal 1, Policy 4 calls 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 2, Policy 2

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encourages development of non-residential and mixed uses in designated activity centers provided that proposed uses, density and design are compatible with adjacent uses and meets Form District guidelines. The area in the vicinity of the subject site is characterized by a mix of commercial, office, and residential uses with a variety of site layouts to accommodate their respective uses. The proposed layout is the most efficient means of accommodating vehicular and pedestrian traffic to the subject site while also enhancing the aesthetic appearance of the site as it relates to adjacent properties within the shopping center, and

WHEREAS, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since the proposed layout of the drive aisles is the most practical means of accommodating a drive-through facility on this site, and

WHEREAS, the applicant has incorporated other design measures that compensate for non-compliance by providing additional landscaping treatments to screen the drive aisle from the adjacent roadway. The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because drive-through traffic circulation would not be feasible or efficient without a drive aisle around the structure; now, therefore be it

RESOLVED, that the Development Review Committee does hereby **RECOMMEND** to the City of Prospect to **APPROVE** the requested Waiver **(1)** from LDC Section 5.5.1.A.1.a to allow the proposed building to not face the primary street serving the development **(23-WAIVER-0127)** Waiver **(2)** from LDC Section 5.6.1.C.1 to provide less than 50% clear glazing along the front façade of the proposed building facing Timber Ridge Drive **(23-WAIVER-0128)** Waiver **(3)** from LDC Section 5.5.1.A.5 to allow a drive lane between the principal structure and the street **(23-WAIVER-0129)**

The vote was as follows:

YES: Commissioners Pennix, Fischer, Kern, and Carlson

ABSENT: Commissioner Clare

Parking Waiver to reduce the required number of parking spaces from 620 to 586 spaces

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01:57:06 On a motion by Commissioner Fischer, seconded by Commissioner Pennix, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

WHEREAS, Plan 2040 states that parking requirements should take into account the density and relative proximity of residences to businesses in the market area, the availability and use of alternative modes of transportation, and the character and pattern of the form district. Additional considerations including hours of operation and opportunities for shared parking may be factored on a site-by-site basis. On-site parking standards should reflect the availability of on-street and public parking. Plan 2040 further promotes parking reductions to support transit-oriented development and encourages adjacent development sites to share entrance and parking facilities in order to reduce the number of curb cuts and the amount of surface parking. The existing shopping center provides shared parking with a surplus of available spaces even during peak activity hours, and

WHEREAS, the applicant made a good faith effort to provide as many parking spaces as possible on the site, on other property under the same ownership, or through joint use provisions because the applicant completed a parking study that demonstrated the appropriate amount of parking needed while analyzing setbacks, landscape buffers, and site circulation to efficiently located parking spaces, and

WHEREAS, the requested waiver is the minimum reduction of parking spaces necessary to accommodate the proposed use, and

WHEREAS, Adjacent or nearby properties will not be adversely affected because the shopping center has a surplus of parking spaces to meet demand during peak hours of activity, and adjacent properties provide additional parking on their own respective lots, and

WHEREAS, the requirements found in Table 9.1.2 do not accurately depict the parking needs of the proposed use and the requested reduction will accommodate the parking demand to be generated by the proposed use because the parking study demonstrated that the availability of open parking spaces in the shopping center exceeds the demand for parking spaces during peak hours of activity, and

WHEREAS, while there is not a surplus of on-street or public spaces in the area, the parking study demonstrated that the parking demand does not exceed the capacity of the shopping center parking lot to accommodate parking needs; now, therefore be it

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RESOLVED, that the Development Review Committee does hereby **RECOMMEND** to the City of Prospect to **APPROVE** the requested Parking Waiver to reduce the required number of parking spaces from 620 to 586 spaces.

The vote was as follows:

YES: Commissioners Pennix, Fischer, Kern, and Carlson

ABSENT: Commissioner Clare

Revised Detailed District Development Plan

01:57:48 On a motion by Commissioner Fischer, seconded by Commissioner Pennix, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

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

WHEREAS, Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan, and

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

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

WHEREAS, the overall site design and land uses are compatible with the existing and future development of the area. The area in the vicinity of the subject site is characterized by a mix of commercial, office, and residential uses with a variety of site layouts to accommodate the different activities. Appropriate landscape buffering and

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

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

RESOLVED, that the Development Review Committee does hereby **RECOMMEND** to the City of Prospect to **APPROVE** the requested Revise 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:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the October 4, 2023

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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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

The vote was as follows:


YES: Commissioners Pennix, Fischer, Kern, and Carlson


ABSENT: Commissioner Clare

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ADJOURNMENT

The meeting adjourned at approximately 3:10 p.m.

 10/18/23
Chairman


Division Director