

**MINUTES OF THE MEETING
OF THE
DEVELOPMENT REVIEW COMMITTEE
May 19, 2021**

A meeting of the Louisville Metro Development Review Committee was held on Wednesday, May 19, 2021 at 1:00 p.m. via Cisco Webex Video Teleconferencing.

Committee Members present were:

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

Committee Members absent were:

Pat Seitz

Staff Members present were:

Joe Reverman, Assistant Director, Planning and Design Services
Brian Davis, Planning and Design Manager
Julia Williams, AICP, Planning Supervisor
Joel Dock, Planner II
Molly Clark, Planner I
Jay Lockett, Planner I
Travis Fiechter, Legal Counsel
Beth Stuber, Engineering Supervisor

Others present:

Tony Kelly, MSD

The following matters were considered:

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APPROVAL OF MINUTES

MAY 5, 2021 DRC MEETING MINUTES

00:05:10 On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution was adopted.

RESOLVED, that the Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on May 5, 2021.

The vote was as follows:

YES: Commissioners Brown and Carlson

NOT PRESENT: Commissioner Seitz

ABSTAINING: Commissioners Clare and Mims

DEVELOPMENT REVIEW COMMITTEE
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NEW BUSINESS

CASE NO. 21-DDP-0009

Request: Revised Detailed District Development Plan
Project Name: Todd's Place Lot 2
Location: 4409 Bardstown Rd
Owner(s): AD Properties, LLC
Applicant: AD Properties, LLC
Representative: Charles Podgursky
Jurisdiction: Louisville
Metro Council District: 2 – Barbara Shanklin
Case Manager: **Jay Luckett, AICP, Planner I**

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

Agency Testimony:

00:06:25 Jay Luckett discussed the case summary, standard of review and staff analysis from the staff report (see video for detailed presentation.)

In response to Commissioner Brown's question about traffic concerns with the shared driveway, Jay Luckett responded that it was mentioned they may put out cones to direct traffic around their site. Luckett said the proposal was reviewed by Transportation and Planning staff and found it to be safe and reasonable.

Commissioner Clare asked if they were not altering the existing curb cut at all and just using it as is. Jay Luckett responded that there might be some changes to the striping and pedestrian walk, but they were not altering the location or size.

The following spoke in favor of this request:

Charles Podgursky, CRP & Associates Inc., 7321 New Lagrange Road, Suite 111, Louisville, KY 40222

Summary of testimony of those in favor:

Charles Podgursky explained that the owner of the carwash owns that lot and is working with them on the traffic entering and exiting the site.

In response to Commissioner Mims' concern about the outdoor storage area becoming cluttered, Charles Podgursky said he hadn't talked to the shop owner about this concern but believes that the shop would be well kept.

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In response to Commissioner Mims' question about the expectations of outdoor storage areas, Jay Lockett responded that the outdoor storage areas were accurately delineated and properly screened.

Commissioners Carlson and Mims discussed if it would be beneficial to add a Binding Element to prevent the storage concerns. Jay Lockett and Travis Fiechter explained existing codes already in place to prevent this and what a potential Binding Element could do for this situation.

The following spoke in opposition to this request:

No one spoke.

The following spoke neither for nor against the request:

No one spoke.

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 revisions to binding elements

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

WHEREAS, there do not appear to be any environmental constraints or historic resources 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 Transportation Planning Staff 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

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order to prevent drainage problems from occurring on the subject site or within the community; and

WHEREAS, the Louisville Metro Development Review Committee finds the overall site design and land uses are compatible with the existing and future development of the area. Buildings and parking lots will meet all required setbacks except where a variance has been requested. All required screening will be provided on the subject site; and

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

RESOLVED, that the Louisville Metro Development Review Committee, based on the testimony heard at today's meeting and the staff report, does hereby **APPROVE** the Revised Detailed District Development Plan **SUBJECT** to the following Binding Elements:

1. The development shall be in accordance with the approved district development plan, 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. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of 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. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

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- d. A minor subdivision plat shall be recorded creating the lot lines as shown on the development plan.
 - e. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
 - f. The appropriate variance shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
3. 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.
 4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
 5. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
 6. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90-degree cutoff and height of the light standard shall be set so that no light source is visible off-site.
 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.

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8. No storage of junk or inoperable vehicles allowed on the subject's site. Vehicles in process of being repaired may only be stored in the delineated area in the rear of the site as shown on the approved plan.

The vote was as follows:

YES: Commissioners Brown, Clare, Mims, Carlson

NOT PRESENT AND NOT VOTING: Commissioner Seitz

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NEW BUSINESS

CASE NO. 21-DDP-0018

Request: Revised Detailed District Development Plan
Project Name: Ready Electric
Location: 3300 Gilmore Industrial Blvd
Owner(s): RE Holdings, LLC
Applicant: RE Holdings, LLC
Representative: BTM Engineering
Jurisdiction: Louisville Metro
Council District: 21 – Nicole George
Case Manager: **Jay Lockett, AICP, Planner I**

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

Agency Testimony:

00:26:45 Jay Lockett discussed the case summary, standard of review and staff analysis from the staff report (see video for detailed presentation.)

In response to Commissioner Mims' question about trees being used for screening the building, Jay Lockett responded explaining the placement of the trees for buffering from the view of the public streets. Commissioner Mims asked if there were any waivers for that particular matter, in which Lockett responded that there was not.

The following spoke in favor of this request:

Chris Brown, BTM Engineering, 3001 Taylor Springs Drive, Louisville, KY 40220

Summary of testimony of those in favor:

Chris Brown expanded on the site information and development plan via PowerPoint presentation (see video for detailed presentation.)

The following spoke neither for nor against the request:

Rachel Roarx, Metropolitan District 21 Legislative Aide, 601 W Jefferson Street, Louisville, KY 40202

Summary of testimony of those neither for nor against:

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Rachel Roarx asked about the time frame of the construction of the addition and what the neighbors could expect in terms of the construction. Chris Brown responded that construction would begin sometime in late summer to early fall and they will be following all requirements of Louisville Metro to mitigate any nuisance of construction activity.

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 revisions to binding elements

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

WHEREAS, there do not appear to be any environmental constraints or historic resources 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 Transportation Planning Staff 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 Louisville Metro Development Review Committee finds the overall site design and land uses are compatible with the existing and future development of the area. Buildings and parking lots will meet all required setbacks. All required screening will be provided on the subject site; and

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

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RESOLVED, that the Louisville Metro Development Review Committee, based on the testimony heard at today's meeting and the staff report, does hereby **APPROVE** the Detailed District Development Plan **SUBJECT** to the following Binding Elements:

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

1. The development shall be in accordance with the approved district development plan, land use and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission.
2. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
3. No outdoor advertising signs (billboards), small freestanding (temporary) signs, pennants or banners shall be permitted on the site.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10. Such plan shall be implemented prior to requesting a certificate of occupancy and maintained thereafter.
 - 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.
5. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.

The vote was as follows:

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YES: Commissioners Brown, Clare, Mims, Carlson
NOT PRESENT AND NOT VOTING: Commissioner Seitz

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NEW BUSINESS

CASE NO. 21-MPLAT-0058

Request:	Record Plat Amendment
Project Name:	Meremont Section 2 Lot 52
Location:	1516 Lincoln Hill Way
Owner:	Boland Maloney Realty
Applicant:	Boland Maloney Realty
Representative:	Mindel, Scott and Associates
Jurisdiction:	Louisville Metro
Council District:	19 – Anthony Piagentini
Case Manager:	Jay Lockett, AICP, Planner I

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

Agency Testimony:

00:42:07 Jay Lockett discussed the case summary, standard of review and staff analysis from the staff report (see video for detailed discussion.)

In response to Commissioner Mims' question about reasonable notice being provided, Jay Lockett responded that notice was given to all first-tier property owners as well as property owners in the council district that signed up for electronic notices.

In response to Commissioner Carlson's question about sending out proper notice and if there were any issues, Jay Lockett responded that there were none that he was aware of and he had someone reach out for information, indicating that notices were sent out.

The following spoke in favor of this request:

Scott Corrick, Mindel, Scott & Associates, 5151 Jefferson Blvd, Louisville, KY 40219

Summary of testimony of those in favor:

Scott Corrick said Middletown Fire Department did a review and approved the Minor Plat as is.

Commissioners' Deliberation

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NEW BUSINESS

CASE NO. 21-MPLAT-0058

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.

Record Plat Amendment to shift property lines within the Meremont at Long Run Subdivision in Plat Book 58, Page 40

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

RESOLVED, that the Louisville Metro Development Review Committee, based on staff report and the testimony heard at today's meeting, does hereby **APPROVE** the Record Plat Amendment to shift property lines within the Meremont at Long Run Subdivision in Plat Book 58, Page 40.

The vote was as follows:

YES: Commissioners Brown, Clare, Mims, Carlson

NOT PRESENT AND NOT VOTING: Commissioner Seitz

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NEW BUSINESS

CASE NO. 20-DDP-0054

Commissioner Brown left the meeting at approximately 2:30PM.

Request: Revised Detailed District Development Plan with parking waiver and parkway buffer waiver
Project Name: Cedar Creek Crossing
Location: 7704-7718 Bardstown Road & 7509 Cedar Creek Road
Owner: Real Properties Plus II, LLC; Park Community Credit Union; Cindy Sue daily
Applicant: Hogan Real Estate
Representative: Dinsmore & Shohl, LLP – Cliff Ashburner
Jurisdiction: Louisville Metro
Council District: 22 – Robin Engel
Case Manager: **Joel P. Dock, AICP, Planner II**

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

Agency Testimony:

00:49:50 Joel Dock discussed the case summary, standard of review and staff analysis from the staff report (see video for detailed presentation.)

In response to Commissioner Mims' question about suggestions from staff to the applicant in relation to the parking buffer encroachment, Joel Dock explained that the applicant was aware of the matters discussed.

Commissioner Brown stated there were some concerns about the Cedar Creek Road access and said they were working on a resolution. Commissioner Brown asked about the Bardstown Road access and if the state was requiring a traffic study or conditions on the access. Joel Dock responded that he didn't believe that KYCT had specifically objected to the access.

The following spoke in favor of this request:

Cliff Ashburner, Dinsmore & Shohl, 101 South 5th Street, Suite 2500, Louisville, KY 40202

Justin Phelps, Hogan Real Estate, 9300 Shelbyville Road, Suite 1300, Louisville, KY 40222

Tom Kargl, DKN Architects, 716 E Market Street, Louisville, KY 40202

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NEW BUSINESS

CASE NO. 20-DDP-0054

Diane Zimmerman, 12803 High Meadows Pike, Prospect, KY 40059

Summary of testimony of those in favor:

Cliff Ashburner gave an overview of the subject property and proposed via PowerPoint (see video for detailed presentation.)

Justin Phelps presented a previous project at Veterans Crossing that is similar to this project to give insight into the building of this development (see video for detailed presentation.)

Tom Kargl gave an overview of the design of the site from the architect's perspective (see video for detailed presentation.) He discussed the decision behind the placement of the dumpsters as well.

Diane Zimmerman explained the traffic study done in the area. She also explained the analysis done regarding the Cedar Creek Road access point (see video for detailed presentation.)

Cliff Ashburner continued his presentation by explaining the road improvements they would make to the area.

In response to Commissioner Clare's concerns about the parkway waiver and pedestrian movement, Justin Phelps responded by explaining that they have worked very carefully with the customer first experience in mind. They believe having the pedestrian connectivity was better for the site and that part was adequately addressed. Cliff Ashburner also explained the parkway buffer in more detail.

In response to Commissioner Carlson's question about issues at Brentlinger Road, Diane Zimmerman said there was really no solution and explained the options they had.

In response to Commissioner Mims' question about adding the right turn lane, Diane Zimmerman responded that it was in the traffic study.

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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NEW BUSINESS

CASE NO. 20-DDP-0054

On a motion by Commissioner Mims, seconded by Commissioner Clare, the following resolution was adopted.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **CONTINUE** this case to the June 3, 2021 Planning Commission meeting.

The vote was as follows:

YES: Commissioners Clare, Mims, and Carlson

NOT PRESENT AND NOT VOTING: Commissioners Brown and Seitz

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NEW BUSINESS

CASE NO. 21-MPLAT-0042

Request:	Waiver from Table 5.2.2 to not provide the minimum lot width and to not meet the minimum lot area
Project Name:	Mary Street Minor Subdivision Plat
Location:	1034 and 1040 Mary Street
Owner:	Montgomery Realtors, LLC
Applicant:	Montgomery Realtors, LLC
Representative:	Mark Willmoth
Jurisdiction:	Louisville Metro
Council District:	4 – Jecorey Arthur
Case Manager:	Molly Clark, Planner I

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

Agency Testimony:

02:10:40 Molly Clark discussed the case summary, standard of review and staff analysis from the staff report (see video for detailed presentation.)

The following spoke in favor of this request:

Mark Willmoth, 4783 Dixie Highway, Louisville, KY 40216

Summary of testimony of those in favor:

Mark Willmoth went into more detail about the project including the sizing of the lots (see video for detailed presentation.)

In response to Commissioner Clare’s question about the historic stone wall that faces Oak Street, the applicant responded that he wasn’t sure, but it would probably be beneficial to the houses if the wall remained.

The following spoke in opposition to this request:

Lindsay Jones, 1025 Mary Street, Louisville, KY 40204

Summary of testimony of those in opposition:

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NEW BUSINESS

CASE NO. 21-MPLAT-0042

Lindsay Jones shared concerns about the density of the parking in the area. She explained most residences must use street parking already and adding new homes in the area would add to that problem.

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.

A proposed minor plat to create 7 substandard lots within the Traditional Neighborhood Form District through section 7.8.12.G of the Land Development Code (LDC)

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

WAIVER OF SECTION 5.2.2 TO ALLOW 2 PROPOSED LOTS TO HAVE REDUCED LOT WIDTHS LESS THAN THE REQUIRED 35 FEET

WHEREAS, the waiver will not adversely affect adjacent property owners as the proposed lots are similar to other lots in the neighborhood. The existing lots have double frontage on Mary St. and E. Oak St. so the proposed lots will have access to public right of way and street parking; and

WHEREAS, with the proposed minor plat creating a new lot that would allow for new single-family homes in an existing neighborhood with existing infrastructure only supports guideline 10 policy 5 of the Comprehensive Plan which is to evaluate developments for their impact on the transportation network and air quality. These proposed lots are close to TARC lines as well as existing sidewalk networks and utility connections. The easy access to utility connections also support guideline 15 policy 1 which is to locate development in areas served by existing utilities or capable of being served by public or private utility extensions. The waiver will not violate specific guidelines of Cornerstone 2040 as the proposed subdivision will accommodate single-family residences and traffic will be the minimum necessary to serve them; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. The new proposed lots would be in character with the neighborhood seeing as there are

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CASE NO. 21-MPLAT-0042

other lots subdivided in a similar fashion. The existing neighborhood has lots that do not meet the current regulations; and

WHEREAS, the Louisville Metro Development Review Committee further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land because the lot has double street frontage that allows for a second lot to also have access. The regulations are restricting the applicant from creating a lot pattern that matches the surrounding neighborhood.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the proposed minor plat to create 7 substandard lots within the Traditional Neighborhood Form District through section 7.8.12.G of the Land Development Code (LDC).

The vote was as follows:

YES: Commissioners Clare, Mims, and Carlson

NOT PRESENT AND NOT VOTING: Commissioners Brown and Seitz

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NEW BUSINESS

CASE NO. 21-FFO-0003

Request: Floyds Fork Overlay for Single Family Home Construction
Project Name: Floyds Fork Overlay DRO Review – Single Family
Construction
Location: 1430 Piercy Mill Trace
Owner: Tannis Smith
Applicant: Vince Kimbel, Kimbel Construction
Representative: Vince Kimbel, Kimbel Construction
Jurisdiction: Louisville Metro
Council District: 19 – Anthony Piagentini
Case Manager: **Molly Clark, Planner I**

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

Agency Testimony:

02:29:00 Molly Clark discussed the case summary, standard of review and staff analysis from the staff report (see video for detailed presentation.) Molly Clark presented cases 21-FFO-0003, 21-FFO-0004, and 21-FFO-0005 together.

In response to Commissioner Mims' question if this project meets the Floyds Fork Overlay guidelines, Molly Clark responded that she feels it does meet the regulations and they received all the necessary pre-approvals.

The following spoke in favor of this request:

Vince Kimbel, Kimbel Construction, 13706 Windy Haven Way, Louisville, KY 40299

Summary of testimony of those in favor:

Vince Kimbel said there were mostly clear lots to begin with and they were having minor disturbances, if any at all.

Commissioner's Deliberation

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

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NEW BUSINESS

CASE NO. 21-FFO-0003

Floyds Fork Development Review Overlay

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

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Floyds Fork Development Review Overlay for Case Number 21-FFO-0003.

The vote was as follows:

YES: Commissioners Clare, Mims, and Carlson

NOT PRESENT AND NOT VOTING: Commissioners Brown and Seitz

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NEW BUSINESS

CASE NO. 21-FFO-0004

Request: Floyds Fork Overlay for Single Family Home Construction
Project Name: Floyds Fork Overlay DRO Review – Single Family
Construction
Location: 1440 Piercy Mill Trace
Owner: Shiloh Five, LLC
Applicant: Vince Kimbel, Kimbel Construction
Representative: Vince Kimbel, Kimbel Construction
Jurisdiction: Louisville Metro
Council District: 19 – Anthony Piagentini
Case Manager: Molly Clark, Planner I

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

Agency Testimony:

02:29:00 Molly Clark discussed the case summary, standard of review and staff analysis from the staff report (see video for detailed presentation.) Molly Clark presented cases 21-FFO-0003, 21-FFO-0004, and 21-FFO-0005 together.

The following spoke in favor of this request:

Vince Kimbel, Kimbel Construction, 13706 Windy Haven Way, Louisville, KY 40299

Summary of testimony of those in favor:

Vince Kimbel said there were mostly clear lots to begin with and they were having minor disturbances, if any at all.

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.

Floyds Fork Development Review Overlay

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NEW BUSINESS

CASE NO. 21-FFO-0004

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

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Floyds Fork Development Review Overlay for Case Number 21-FFO-0004.

The vote was as follows:

YES: Commissioners Clare, Mims, and Carlson

NOT PRESENT AND NOT VOTING: Commissioners Brown and Seitz

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NEW BUSINESS

CASE NO. 21-FFO-0005

Request: Floyds Fork Overlay for Single Family Home Construction
Project Name: Floyds Fork Overlay DRO Review – Single Family
Construction
Location: 1444 Piercy Mill Trace
Owner: SBR Recipient Trust
Applicant: Clayton Langan – Karzen Langan & James Construction
Representative: Clayton Langan – Karzen Langan & James Construction
Jurisdiction: Louisville Metro
Council District: 19 – Anthony Piagentini
Case Manager: **Molly Clark, Planner I**

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

Agency Testimony:

02:29:00 Molly Clark discussed the case summary, standard of review and staff analysis from the staff report (see video for detailed presentation.) Molly Clark presented cases 21-FFO-0003, 21-FFO-0004, and 21-FFO-0005 together.

The following spoke in favor of this request:

Steve Bachman, 2106 Krogen Cross, Louisville, KY 40207

Summary of testimony of those in favor:

Steve Bachman said they bought the property over a year ago and they've made a lot of progress so far.

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.

Floyds Fork Development Review Overlay

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CASE NO. 21-FFO-0005

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

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Floyds Fork Development Review Overlay for Case Number 21-FFO-0005.

The vote was as follows:

YES: Commissioners Clare, Mims, and Carlson

NOT PRESENT AND NOT VOTING: Commissioners Brown and Seitz

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NEW BUSINESS

CASE NO. 21-DDP-0007

Request:	Revised Detailed District Development Plan
Project Name:	Newburg Gas Station
Location:	3905 Newburg Road
Owner:	Seven Star Group, LLC
Applicant:	Mike Hill, LD&D
Representative:	Mike Hill, LD&D
Jurisdiction:	Louisville Metro
Council District:	2 – Barbara Shanklin
Case Manager:	Molly Clark, Planner I

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

Agency Testimony:

02:43:55 Molly Clark discussed the case summary, standard of review and staff analysis from the staff report (see video for detailed presentation.)

In response to Commissioner Clare's question about the storage building, Molly Clark responded that it was an accessory to the liquor store and gas station.

In response to Commissioner Mims' question about the justification of the waiver, Molly Clark responded that the storage building was not going to be windowless as originally thought and the applicant is going to put landscaping and planting around it along with providing renderings.

The following spoke in favor of this request:

Mike Hill, Land Design & Development, 503 Washburn Ave Suite 101, Louisville, KY 40222

Summary of testimony of those in favor:

Mike Hill gave an overview of the proposed gas station and the development plan (see video for detailed presentation.)

Due to staff not being aware of spandrel windows and not being able to accurately justify the waiver for those renderings, this case was recommended to be continued.

DEVELOPMENT REVIEW COMMITTEE

May 19, 2021

NEW BUSINESS

CASE NO. 21-DDP-0007

Commissioner's 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 Clare, seconded by Commissioner Mims, the following resolution was adopted.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **CONTINUE** this case to the June 2, 2021 Development Review Committee meeting based on staff recommendation.

The vote was as follows:

YES: Commissioners Clare, Mims, and Carlson

NOT PRESENT AND NOT VOTING: Commissioners Brown and Seitz

DEVELOPMENT REVIEW COMMITTEE

May 19, 2021

NEW BUSINESS

CASE NO. 21-DDP-0028

Request: Revised Detailed District Development Plan
Project Name: Poplar Marketplace
Location: 5074 Poplar Level Road
Owner: Red Brick, LLC
Applicant: John Miller, Miller Wihry MWG, LLC
Representative: John Miller, Miller Wihry MWG, LLC
Jurisdiction: Louisville Metro
Council District: 2 – Barbara Shanklin
Case Manager: **Molly Clark, Planner I**

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

Agency Testimony:

03:13:22 Molly Clark discussed the case summary, standard of review and staff analysis from the staff report (see video for detailed presentation.)

The following spoke in favor of this request:

John Miller, Miller Wihry MWG, 1387 South 4th Street, Louisville, KY 40208

Summary of testimony of those in favor:

John Miller gave an overview of the project area and site (see video for detailed presentation.)

In response to Commissioner Carlson's question about the blank wall facing Roederer Drive, John Miller responded that there would be glass on that side, and they would be planting more evergreen trees there. Commissioner Clare explained she would like to see more architectural articulation on the rear elevation to break up the brick wall.

Commissioners' Deliberation

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

DEVELOPMENT REVIEW COMMITTEE
May 19, 2021

NEW BUSINESS

CASE NO. 21-DDP-0028

Waivers:

Waiver from 5.5.2.B.1 & 5.5.2.C.1 to not provide 50% clear windows and doors for facades facing public streets as well as not provide 60% variety of detail for a façade facing a public street. (20-WAIVER-0041)

On a motion by Commissioner Mims, seconded by Commissioner Clare, the following resolution was adopted.

WHEREAS, the requested waiver will not adversely affect adjacent property owners, the applicant is meeting all the other requirements. They are providing all the landscaping plantings in the remaining landscape buffers that will provide visual interest and screening for the facades that do not meet the Land Development Code; and

WHEREAS, Guideline 1, policy 4 of Plan 2040 mentions that new development should be compatible with scale and site design of nearby existing development. They are asking for the building design waiver regarding windows being less than 50% but will still be providing some clear windows and doors for the front façade that will have all the primary customer entrances. They are meeting the non-residential building design requirements for the primary façade. The primary façade is facing the most used road which is Poplar Level with pedestrian connections leading up to the front entrance of the store fronts. The applicant is also providing all the required plantings in the remaining landscape buffers that will provide visual interest and screening to the site; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since they are proposing to keep the existing building but with additions. The current car wash structure would not be able to serve the proposed commercial development/convenience store without alterations to the existing building; and

WHEREAS, the Louisville Metro Development Review Committee further finds the applicant has incorporated other design measures that compensate for non-compliance with the requirements to be waived but providing all the required plantings in the remaining landscape buffers that will help screen and provide visual interest to the rear and side building façade that doesn't meet the Land Development Code.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** 20-WAIVER-0041 based on testimony heard today and the staff report, that the Waiver from 5.5.2.B.1 & 5.5.2.C.1 to not provide 50% clear windows and doors for facades facing public streets as well as not provide 60% variety of detail for a façade facing a public street.

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NEW BUSINESS

CASE NO. 21-DDP-0028

The vote was as follows:

YES: Commissioners Clare, Mims, and Carlson

NOT PRESENT AND NOT VOTING: Commissioners Brown and Seitz

Waiver from table 10.2.3 &10.2.10 to allow vehicular maneuvering/pavement within the required 25 ft rear LBA and 10 ft VUA/LBA. (20-WAIVER-0042)

On a motion by Commissioner Mims, seconded by Commissioner Clare, the following resolution based on the fact they already exist, the Standard or Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, the waiver will not adversely affect adjacent property owners since the applicant is providing a majority of the landscaping requirements. The redevelopment will still be properly screened from adjacent residential lots; and

WHEREAS, Plan 2040 calls for protection of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate, appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances, that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered and ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter airborne and waterborne pollutants. The applicant has indicated that all buffer and screening requirements will be met that is required by Chapter 10 of the Land Development Code; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the applicant is redeveloping an existing building without demolition and proposing to keep the existing pavement/parking lot. This will create minimal site disturbance which

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is encouraged by Plan 2040. The applicant will also be providing all the required plantings and screening within the remaining landscape buffers; and

WHEREAS, the Louisville Metro Development Review Committee further finds the strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land. The applicant is proposing to use the existing building and existing pavement for their redevelopment. In order to meet the current code, they would have to tear down a building or tear up existing pavement. The applicant is providing all the required plantings and screening in the remaining landscape buffers on the site.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Waiver from table 10.2.3 & 10.2.10 to allow vehicular maneuvering/pavement within the required 25 ft rear LBA and 10 ft VUA/LBA.

The vote was as follows:

YES: Commissioners Clare, Mims, and Carlson

NOT PRESENT AND NOT VOTING: Commissioners Brown and Seitz

Revised Detailed District Development plan with Amendment to Binding Elements

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

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

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

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

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order to prevent drainage problems from occurring on the subject site or within the community; and

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

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

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Detailed District Development Plan **SUBJECT** to the following 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/alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. There shall be no freestanding sign permitted on site without prior approval. Monument style signs that meet the size and height limits established in "Policies for Future Development Along Designated Parkways" may be approved by DPDS staff. Signs that exceed those limits are permitted only if approved by LD&T or the Commission. LD&T or the Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations.
3. 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.
4. 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.
5. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:

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CASE NO. 21-DDP-0028

- a. The development plan must receive full construction approval from the Jefferson County Department of Public Works and the Metropolitan Sewer District (700 West Liberty).
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
6. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, 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.
 7. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action an approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
 8. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements.
 9. 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.
 10. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the May 19th, 2021 Planning Commission meeting.

The vote was as follows:

YES: Commissioners Clare, Mims, and Carlson

NOT PRESENT AND NOT VOTING: Commissioners Brown and Seitz

DEVELOPMENT REVIEW COMMITTEE

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NEW BUSINESS

CASE NO. 21-DDP-0010

Commissioner Carlson left the meeting at approximately 4:50PM. Commissioner Mims took over as temporary Chair for the remainder of the meeting.

Request:	Revised Detailed District Development Plan
Project Name:	Proposed Office Building
Location:	1800 Elite Drive
Owner:	HJI Solutions
Applicant:	Mike Hill, LD&D
Representative:	Mike Hill, LD&D
Jurisdiction:	Louisville Metro
Council District:	19 – Anthony Piagentini
Case Manager:	Molly Clark, Planner I

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

Agency Testimony:

03:50:17 Molly Clark discussed the case summary, standard of review and staff analysis from the staff report (see video for detailed presentation.)

In response to Commissioner Clare's question if the lot had been subdivided already, Molly Clark responded that they were not able to yet.

The following spoke in favor of this request:

Mike Hill, Land Design & Development, 503 Washburn Ave Suite 101, Louisville, KY 40222

Summary of testimony of those in favor:

Mike Hill gave an overview of the proposed office building and the development plan (see video for detailed presentation.)

In response to Commissioner Mims' question if there was a sidewalk wavier, Molly Clark responded no there was not, but they paid a fee in lieu for the frontage on New English Station Road. Mike Hill said there will be a sidewalk connecting the buildings.

Commissioners' Deliberation

DEVELOPMENT REVIEW COMMITTEE
May 19, 2021

NEW BUSINESS

CASE NO. 21-DDP-0010

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.

No Quorum - By general consensus, this case will be continued to Business Session at the May 20, 2021 Planning Commission meeting.

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NEW BUSINESS

CASE NO. 21-DDP-0027

Request: Detailed District Development Plan
Project Name: Medical Office
Location: Terra Crossing Blvd
Owner: JDG 1849, LLC
Applicant: Marv Blomquist
Representative: Marv Blomquist
Jurisdiction: Louisville Metro
Council District: 19 – Anthony Piagentini
Case Manager: Molly Clark, Planner I

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

Agency Testimony:

04:10:40 Molly Clark discussed the case summary, standard of review and staff analysis from the staff report (see video for detailed presentation.)

The following spoke in favor of this request:

Marv Blomquist, Blomquist Design Group, 10529 Timberwood Circle Suite 3, Louisville, KY 40223

John Pacyga, Jefferson Development Group, 2650 Technology Drive, Louisville, KY 40299

Summary of testimony of those in favor:

Marv Blomquist discussed some elements of the project and what else the developers have left to do in terms of a Record Plat. He explained that there would not be any waivers.

In response to Commissioner Mims' question about the elevations of the side facing the Snyder Freeway, Marv Blomquist showed those elevations.

John Pacyga added that they had real glass on all four sides of the building, and they were going to meet all the landscape codes.

Commissioners' Deliberation

DEVELOPMENT REVIEW COMMITTEE
May 19, 2021

NEW BUSINESS

CASE NO. 21-DDP-0027

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.

No Quorum - By general consensus, this case will be continued to Business Session at the May 20, 2021 Planning Commission meeting.

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NEW BUSINESS

CASE NO. 20-CAT2-0035

Request:	A Category 2B with associated Waivers
Project Name:	CVS Pharmacy
Location:	7845 & 7847 Preston Highway
Owner:	The Nance Realty Company / Foresite Group
Applicant:	The Nance Realty Company / Foresite Group
Representative:	
Jurisdiction:	Louisville Metro
Council District:	24 – Madonna Flood
Case Manager:	Molly Clark, Planner I

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

This plan was heard out of order due to loss of Quorum after Commissioner Carlson left the meeting.

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.

03:44:26 On a motion by Commissioner Clare, seconded by Commissioner Mims, the following resolution was adopted.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **CONTINUE** this case to the June 2, 2021 Development Review Committee.

The vote was as follows:

YES: Commissioners Clare, Mims, and Carlson

NOT PRESENT AND NOT VOTING: Commissioners Brown and Seitz

DEVELOPMENT REVIEW COMMITTEE
May 19, 2021

NEW BUSINESS

CASE NO. 20-MPLAT-0188

Request:	Record Plat Amendment
Project Name:	1402 Hines Road
Location:	1402 Hines Road
Owner:	Robin Wesley and Lillian Wesley
Applicant:	Robin Wesley and Lillian Wesley
Representative:	Garber Chilton Engineers and Surveyors
Jurisdiction:	Louisville Metro
Council District:	19 – Anthony Piagentini
Case Manager:	Julia Williams, AICP, Planning Supervisor

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

Agency Testimony:

04:28:10 Julia Williams discussed the case summary, standard of review and staff analysis from the staff report (see video for detailed presentation.)

In response to Commissioner Mims' question if reasonable notice was given, Julia Williams said she felt she adequately notified all interested parties.

In response to Commissioner Clare's question if there were any issues she could see, Julia Williams said there were not.

The following spoke in favor of this request:

Walter Denham, Garber Chilton Engineers and Surveyors, 249 Commerce Parkway, LaGrange, KY

Summary of testimony of those in favor:

Walter Denham said he was available to take questions.

In response to Joe Reverman's question about the dedication of right-of-way on Hines Road and widening the road, Beth Stuber explained they did dedicate some additional right-of-way and expanded on the road widening. She said it would not affect the sidewalk on tract one.

Commissioners' Deliberation

DEVELOPMENT REVIEW COMMITTEE
May 19, 2021

NEW BUSINESS

CASE NO. 20-MPLAT-0188


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.


No Quorum - By general consensus, this case will be continued to Business Session at the May 20, 2021 Planning Commission meeting.

DEVELOPMENT REVIEW COMMITTEE
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ADJOURNMENT

The meeting adjourned at approximately 5:45 p.m.

DocuSigned by:

Chair 2278D0B0C6D04AA...

DocuSigned by:

Planning Director