

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE MEETING
October 14, 2020**

A meeting of the Louisville Metro Development Review Committee was held on Wednesday, September 30, 2020 at 1:00 p.m. via Cisco Webex Video Teleconferencing. On the recommendation of the Louisville Metro Department of Health and Wellness regarding congregate events and social distancing, the Development Review Committee meeting set for today was held online.

Commissioners present:

Richard Carlson, Chair
Jim Mims, Vice Char
Marilyn Lewis
Jeff Brown
Pat Seitz

Commissioners absent:

None.

Staff members present:

Emily Liu, Director, Planning & Design Services
Joe Reverman, Assistant Director, Planning & Design Services
Brian Davis, Planning & Design Manager
Julia Williams, Planning & Design Supervisor
Jay Lockett, AICP, Planner I
Zach Schwager, Planner I
Lacey Gabbard, AICP, Planner I
Beth Stuber, Transportation & Planning
Travis Fiechter, Legal Counsel
Rachel Dooley, Management Assistant (minutes)

The following matters were considered

DEVELOPMENT REVIEW COMMITTEE MINUTES
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APPROVAL OF MINUTES

Minutes of the September 30, 2020 Development Review Committee meeting

00:04:15 On a motion by Commissioner Brown, seconded by Commissioner Mims, the following resolution was adopted:

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on September 30, 2020.

The vote was as follows:

YES: Commissioners Lewis, Brown, Mims, Seitz, and Carlson

NO: No one.

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NEW BUSINESS

CASE NUMBER 20-MPLAT-0128

Request: Amendment to Record Plat
Project Name: Barbour Manor Minor Plat
Location: 7909 Barbour Manor Drive
Owner: Barbour Manor, LLC
Applicant: Kendall Cogan
Representative: Chris Crumpton
Jurisdiction: Louisville Metro
Council District: 16 – Scott Reed
Case Manager: Zach Schwager, 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:

00:05:15 Zach Schwager presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) Mr. Schwager detailed the applicant's request, proposed site plan, related variance, and the preliminary approval from Transportation Planning and Metro Sewer District (MSD). He noted on the site plan the review of the variance and the proposed single family home with garage.

00:06:49 Commissioner Mims asked if the variance was related to the yard and if it has been approved. Zach Schwager replied the variance for the rear yard set back will be heard at the Board of Zoning Adjustment (BOZA) on November 2, 2020. Commissioner Mims noted actions taken for this site today would be provisional until the variance is granted. Zach Schwager replied yes, if the variance would fall through this site would still be considered as a buildable lot. Commissioner Mims asked how have the notified neighbors reacted to this request. Zach Schwager replied neighbors were ok with the proposal when informed the site will only have one single family home.

00:08:51 Commissioner Brown asked if this site will be included in the Barbour Manor HOA or the neighboring HOA. Zach Schwager replied in terms of the original record plat for Barbour Manor it's shown as open space. Mr. Schwager stated the applicant representative can answer in more detail for their testimony. Commissioner

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Brown asked if the neighboring HOA's have been notified. Zach Schwager replied that first tier property owners received notice and the notice was sent electronically via GovDevliery.

The following spoke in favor of this request:

Chris Crumpton, 3703 Taylorsville Road, Louisville, Kentucky, 40220

Summary of testimony of those in favor:

00:11:10 Chris Crumpton, representing the applicant, presented a Power Point slide show (see recording for detailed presentation.) Chris clarified that this lot has always been privately owned and not an open space lot owned by the HOA. The home will be part of the HOA and the lot will never be subdivided. Mr. Crumpton detailed the rendering of the single family home, location of the site,

00:13:38 Committee lost connection with Chris Crumpton during his testimony. On a motion by Commissioner Brown, seconded by Commissioner Mims, the Committee moved to table 20-MPLAT-0128 until connection to the applicant representative is restored. By general consensus the Committee agreed to table this case.

00:40:36 On a motion by Commissioner Brown, seconded by Commissioner Seitz, the Committee moved to untable 20-MPLAT-0128. By general consensus the Committee agreed to untable this case

00:41:07 Chris Crumpton stated this site was planned to be a waste water treatment plant and it will now be intended for single family use. The Minor Plat will help amend the plat for single family use and to prevent the site from being subdivided in the future. The applicant will be utilizing the existing entrance. Mr. Crumpton detailed the access drive, variance plan, location of the home, and proximity to adjacent properties (see recording for detailed presentation.) Chris noted the utility easements approved by MSD.

00:46:24 Commissioner Mims asked if this site is not apart of the adjoining subdivisions before those where construction. Chris Crumpton replied this site was separate lot within the subdivision, not as a residential lot and not added to the HOA. Commissioner Mims and Chris Crumpton discussed the site becoming a residential lot via the Minor plat and the HOA approval for construction (see recording for detailed presentation.)

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00:50:05 Commissioner Carlson asked if this lot will never be subdivided. Chris Crumpton replied yes, this lot will never be subdivided due to the deed of restrictions in the subdivision. Commissioner Carlson asked if the dirt walls on the site are due to construction digging or erosion. Chris Crumpton replied it is construction digging for the house pad and there will be a retaining wall as part of the house to prevent erosion.

The following spoke against of this request:
No one spoke.

The following spoke in neither for nor against this request:
Mark Carter, 3907 Jenica Way, Louisville, Kentucky, 40241

Summary of testimony of those in neither for nor against:

00:52:34 Mark Carter, adjacent property owner, expressed concerns with subdividing the lot and is ok with the proposed single family home. Mr. Carter asked that this lot not be subdivided in the future.

Rebuttal:

00:56:18 Chris Crumpton detailed the site that adjacent properties are established and there cannot be subdividing of those lots. The house is position where there cannot be further development behind the house. Mark Carter and Chris Crumpton discussed the driveway from the home to Barbour Manor Drive (see recording for detailed presentation.).

Commissioner Deliberation

01:02:18 Commissioner Deliberation (see recording for detailed presentation.)

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

01:06:48 On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution, based on the Standard of Review and Staff Analysis, testimony heard today, was adopted:

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CASE NUMBER 20-MPLAT-0128

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** Record Plat Amendment to change an open space lot to a buildable lot (PB 27 X 19).

The vote was as follows:

YES: Commissioners Lewis, Brown, Mims, Seitz, and Carlson.

NO: none.

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NEW BUSINESS

CASE NUMBER 20-WAIVER-0089

Request: Waiver of a property perimeter landscape buffer area
Project Name: 3410 Frankfort Ave Waiver
Location: 3410 Frankfort Ave
Owner: Donna Martin
Applicant: 5101 Gemma Way Land Trust
Representative: QK4
Jurisdiction: Louisville Metro
Council District: 9 – Bill Hollander
Case Manager: Jay Lockett, AICP, 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:

00:15:52 Jay Lockett presented the case via Power Point slide show (see staff report and recording for detailed presentation.) Jay detailed the applicant's request for a waiver of 10.2.4 to not provide the 25-foot property perimeter landscape buffer. He noted the expansion of the existing commercial structure, the removal of non conforming parking, and the removal of the landscape buffer area (LBA). Mr. Lockett clarified the use of the unnamed alley for the adjacent business and residential homes.

00:18:20 Commissioner Mims asked for clarification of the area in question and parking removal. Jay Lockett replied there will be 2 parking spaces removed from the R-5 Zoning area and only the parking area will be affected. The applicant can give more detail regarding the buffer area.

The following spoke in favor of this request:

Ashley Bartley, 1046 East Chestnut Street, Louisville, Kentucky, 40204

Summary of testimony of those in support of the proposal:

00:20:15 Ashley Bartley, representing the applicant, presented a Power Point slide show (see recording for detailed presentation.) Ms. Bartley detailed the aerial views of the site, development plan, zoning map, landscape buffer area, and the proposed use of

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the site. She noted the unnamed alley way behind the LBA connecting to an adjacent parking lot. Ashley stated the applicant will be providing landscape screening for rear parking on the site.

00:24:55 Commissioner Lewis asked if the alley is part of Ingle Avenue. Ashley Bartley replied the alley is a public right of way as but it is unnamed and not part of Ingle Avenue. Commissioner Lewis and Ashley Bartley discussed Ingle Avenue (see recording for detailed presentation.)

00:25:58 Commissioner Mims asked if this request is to resolve the existing condition. Ashley Bartley replied yes and this waiver is to resolve the house keeping issue.

00:26:40 Commissioner Brown asked if the applicant plans to expand the existing structure and it is what triggered this requirement. Ashley Bartley replied yes.

The following spoke in opposition:
No one spoke.

The following spoke in neither for nor against:
No one spoke.

Commissioner Deliberation

00:27:47 Commissioner Deliberation (see recording for detailed presentation.)

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

00:29:04 On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners, as the buffer area is internal to the existing developed site; and

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WHEREAS, the Committee further finds that the waiver will not violate the comprehensive plan, as it will allow for continued use of an existing commercial site within an established activity center. The waiver will not allow an unreasonable circumvention of the regulations or cause a hazard to the public; and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. No other buffer requirements are triggered by this proposal; and

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as it would require removal of existing parking areas; now, therefore be it:

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver of Land Development Code Section 10.2.4 to not provide the 25-foot property perimeter landscape buffer.

The vote was as follows:

YES: Commissioners Lewis, Brown, Mims, Seitz, and Carlson.

NO: none.

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NEW BUSINESS

CASE NUMBER 20-CAT3-0012

Request:	Category 3 Development Plan
Project Name:	Stallings Ave Multifamily
Location:	1701 Stallings Ave
Owner:	5101 Gemma Way Land Trust
Applicant:	5101 Gemma Way Land Trust
Representative:	Milestone Design
Jurisdiction:	Shively
Council District:	3 – Keisha Dorsey
Case Manager:	Jay Lockett, AICP, 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:

00:32:35 Jay Lockett presented the case via Power Point slide show (see staff report and recording for detailed presentation.) Mr. Lockett noted the proposed plan will have 24 units across three multi family buildings. He detailed aerial views of the site, elevations, and staff findings.

00:32:34 Commissioner Brown asked how this site is different between this plan and the previously proposed plan. Jay Lockett replied there was a reduction in proposed units, and it is a similar proposed use for the site. Commissioner Brown asked if the road expansion will be included in this request. Jay Lockett replied Transportation has approved and the City of Shively will have input for the road expansion.

The following spoke in favor of this request:

Mark Madison,

Summary of testimony of those in support of the proposal:

00:34:55 Mark Madison, representing the applicant, presented a Power Point slide show (see recording for detailed presentation.) Mark detailed the previous Category 3 plan, the proposed above ground water retention area, and the reduction of 32 to 24 units. The road expansion plan is still in place for this site.

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00:36:04 Commissioner Carlson asked if the road expansion plan will be done. Mark Madison replied they will widen the road as per the previous plan and Metro Public works and the City of Shively are reviewing the road expansion plan.

00:36:40 Commissioner Mims asked if the road expansion will be at the intersection of Walnut Grove and Dixie Highway. Mark Madison replied the expansion will be just past the first section of the lot towards Dixie Highway.

**The following spoke in opposition:
No one spoke.**

**The following spoke in neither for nor against:
No one spoke.**

Commissioner Deliberation

00:37:47 Commissioner Deliberation (see recording for detailed presentation.)

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

00:39:15 On a motion by Commissioner Brown, seconded by Commissioner Lewis, 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 **RECOMMEND** the City of Shively to **APPROVE** the requested Category 3 Development Plan.

The vote was as follows:

YES: Commissioners Lewis, Brown, Mims, Seitz, and Carlson.
NO: none.

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NEW BUSINESS

CASE NUMBER 20-DDP-0047

Request:	Revised Detailed District Development Plan with a Waiver
Project Name:	BAE Systems
Location:	105 Rochester Dr
Owner:	Louisville and Jefferson County Redevelopment
Applicant:	Titan R&D Louisville II, LLC
Representative:	QK4
Jurisdiction:	Louisville Metro
Council District:	21 – Nicole George
Case Manager:	Jay Lockett, AICP, Planner I

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

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

Agency Testimony:

01:07:58 Jay Lockett presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) Mr. Lockett detailed the requested waiver, revised detailed district development plan, landscape, and history of the site. Jay noted the landscape detail for the buffer requirements that includes a 8' wooden privacy fence and landscape screening.

01:13:04 Commissioner Lewis asked if the adjacent multi-family use site will be proposed to be built or is it existing. Jay Lockett replied the multi-family homes are existing, while the buildings are mostly vacant they are currently being redevelopment for multi-family use.

01:14:25 Nicole George, Council representative, expressed concerns with the encroachment of this building expansion into a landscape buffer that is adjacent residential area. Ms. George stated that noise and light could affect future residents in the multi-family homes.

The following spoke in favor of this request:

Ashley Bartley, 1046 East Chestnut Street, Louisville, Kentucky, 40204

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CASE NUMBER 20-DDP-0047

Shane James, 163 Rochester Drive, Louisville, Kentucky, 40214

Cheryl Tyndall, 220 Saddle Road, Atlanta, Georgia, 30009

Summary of testimony of those in favor:

01:16:45 Ashley Bartley, representing the applicant, presented a Power Point slide show (see recording for detailed presentation.) Ms. Bartley detailed the history of the site, current state of the adjacent multi-family apartments, enhanced landscape buffering/screening, and the proposed building expansion. She noted the change of a chain link fence to an 8 foot privacy fence with a continuous screen of evergreen plantings. Ashley stated MSD has approved of the encroachment of an existing sewer utility easement. She noted that MSD would like there be a dedicated easement around the building addition in case of future development. She stated there will be 20' of landscape buffer area that will contain the new fence and landscaping.

01:22:53 Commissioner Mims asked if there will be a dedication for the sewer easement. Ashley Bartley replied yes, and the utility will be assessed and reinforced as needed before, during, and after construction. Commissioner Mims noted the existing building is over the sewer easement. Ashley Bartley replied yes. Commissioner Mims and Ashley Bartley discussed future locations of the utility easement (see recording for detailed presentation.)

01:25:48 Commissioner Brown asked why the addition is not as wide as the existing structure. Ashley Bartley replied the addition is process specific to the site that required it.

01:26:36 Commissioner Carlson asked why the addition couldn't be wider rather than longer to avoid the encroachment of the LBA. Ashley Bartley replied the longer shape of the building is to accommodate the existing layout of the existing building. Commissioner Carlson and Ashley discussed expanding the landscape plantings to either end of the privacy that would equal the width of the existing building (see recording for detailed presentation.)

01:29:20 Shane James, director of operations and site executive, stated that expanding the landscape past the privacy fence line to accommodate the width of the existing building is possible. Mr. James detailed the orientation of the addition that would be conducive strategy for the painting process in the facility (see recording for detailed presentation.)

01:30:40 Commissioner Brown asked what type of machinery would be used with the addition of building such as ventilation and HVAC equipment attached to the facility.

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Shane James replied yes there will be equipment as the addition would host the prep and paint process of the facility. Commissioner Brown and Shane James discussed the impact of noise and fumes to the adjacent multi-family homes (see recording for detailed presentation.)

01:34:55 Ashley Bartley stated the building will be insulated on the inside to help with noise reduction.

01:35:10 Commissioner Seitz noted the proposed landscape plantings are interior to the improved fence line. Ashley Bartley stated landscaping is located on the inside of the fence line. Ms. Bartley noted while extra landscaping could be provided the applicant and adjacent property owners would have to agree on maintaining the landscaping. Commissioner Seitz and Ashley Bartley discussed securing the fence line and long term maintenance of the landscaping (see recording for detailed presentation.)

01:37:16 Shane James stated the fence line exists today and the proposed landscaping within the fence line is for ease of maintenance and to comply with secret security clearance of the site. Planting outside of the fence line would require a more robust security fence line to prevent trespassing.

01:38:22 Nicole George asked for clarification for the final height of the landscaping and the notification process for a development plan. Jay Lockett detailed the development plan notification process (see recording for detailed presentation.) Ashley Bartley stated that the affidavit shows that the adjacent property owners were notified. Nicole George expressed concern for future residents living near the building addition. Ashley Bartley detailed the notification process to adjacent property owners and comments received (see recording for detailed presentation.)

01:42:04 Commissioner Carlson asked Nicole George if she is expressing concern with the people who own the apartment or future resident. Nicole George replied it is for future residents and if any current residents in that neighborhood have been properly notified of this expansion.

01:43:23 Cheryl Tyndall, acting project management representative, stated the property owner of this building sent notifications out prior and there have been multiple attempts to contact adjacent property owners.

01:44:43 Commissioner Mims asked Ashley Bartley when the applicant provides adjacent property owners list who sends the physical copy notification. Ashley Bartley replied she sends out half sheet post card sized notifications by regular mail and Planning and Design services send an electronic notice through GovDelivery. There have been no comments received from those notices.

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The following spoke against of this request:
No one spoke.

The following spoke in neither for nor against this request:
No one spoke.

Commissioner Deliberation

01:46:38 Commissioner Deliberation (see recording for detailed presentation.)

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

Waiver Waiver of Land Development Code sections 5.5.4.B.1, 5.7.1 and 10.2.4 to encroach into the required 50' property perimeter landscape buffer area.

01:56:02 On a motion by Commissioner Mims, seconded by Commissioner Seitz, the following resolution, based on the Standard of Review and Staff Analysis, testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners as landscaping and screening will still be provided in the area of new expansion; and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of the Comprehensive Plan. A sufficient landscape buffer in the form of an 8 foot privacy fence with columnar evergreen trees; and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as all required screening and plantings will be provided except for the waiver areas; and

WHEREAS, the Committee further finds that the applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived as sufficient screening in the form of the additional evergreen trees is to be provided; now, therefore be it:

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RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver of Land Development Code sections 5.5.4.B.1, 5.7.1 and 10.2.4 to encroach into the required 50' property perimeter landscape buffer area

The vote was as follows:

YES: Commissioners Lewis, Mims, Seitz, and Carlson.

NO: none.

ABSTAIN: Commissioner Brown

Revised Detail District Development Plan

01:58:43 On a motion by Commissioner Mims, seconded by Commissioner Seitz, the following resolution, based on the Standard of Review and Staff Analysis, testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that there are no natural or historic resources on the subject site impacted by this development; and

WHEREAS, the Committee further finds that the proposed addition utilizes existing access to the site and does not alter pedestrian or vehicular access. The preliminary development plan has been approved by Louisville Metro Public Works; and

WHEREAS, the Committee further finds that there are no open space requirements for this proposal; and

WHEREAS, the Committee further finds that the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions 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 Committee further finds that the proposal is compatible with the existing development on the site and surrounding area. Adequate screening will be provided in the area of expansion; and

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WHEREAS, the Committee further finds that the proposed development plan conforms to the Comprehensive Plan as it is an existing industrial site in an established industrial activity center; now, therefore be it:

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Revised Detailed District Development Plan with revisions **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. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.
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 permit is requested:
 - 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.
5. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and

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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.

6. The applicant shall provide documentation showing that the development complies with all the regulations from Chapter 4, Part 1, Section 3, Lighting, prior to the issuance of a construction permit. These regulations include the following items:
 - a. Mounting Height Limit
 - b. Luminaire Shielding
 - c. Canopy Lighting Level
 - d. Light Trespass
7. All street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
8. The applicant shall provide screening as shown on the landscaping exhibit presented to the Development Review Committee on October 14, 2020. The final location and type of trees shall be shown on the approved landscape plan and chosen in conference with Planning and Design Services staff landscape architect.

The vote was as follows:

YES: Commissioners Lewis, Mims, Seitz, and Carlson.

NO: none.

ABSTAIN: Commissioner Brown

Committee recessed at 3:03 p.m.

Committee reconvened at 3:10 p.m.

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NEW BUSINESS

CASE NUMBER 20-FFO-0005

Request: Floyds Fork Development Review Overlay
Project Name: Floyds Fork DRO Review – Single Family Construction
Location: 8204 Turkey Run Pky
Owner: Laura Ashley Dillman
Applicant: Laura Ashley Dillman
Representative: None
Jurisdiction: Louisville Metro
Council District: 20 – Stuart Benson

Case Manager: Lacey Gabbard, AICP, 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:

02:04:48 Lacey Gabbard presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) Ms. Gabbard detailed the applicant's request, aerial views of the site, the proposed single family residence, and staff findings.

02:07:43 Commissioner Mims asked if there is a Floyds Fork Overlay Committee presenting this today or Planning and Design. Brian Davis replied there is not a Floyds Fork Overlay Committee.

02:09:01 Commissioner Carlson asked if Turkey Run Parkway has been extended along Floyds Fork. Commission Brown replied there was a street name change, Turkey Run Parkway now intersects with Broad Run Road.

The following spoke in favor of this request:

Laura Smith, 8100 Fenwick Creek Place, Louisville, Kentucky, 40220

Summary of testimony of those in favor:

02:10:10 Laura Smith, applicant, stated she is available for questions.

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CASE NUMBER 20-FFO-0005

The following spoke against of this request:

No one spoke.

The following spoke in neither for nor against this request:

No one spoke.

Commissioner Deliberation

02:10:50 Commissioner Deliberation (see recording for detailed presentation.)

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

02:11:39 On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution, based on the Standard of Review and Staff Analysis, testimony heard today, was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Floyds Fork Development Review Overlay.

The vote was as follows:

YES: Commissioners Lewis, Brown, Mims, Seitz, and Carlson.

NO: none.

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NEW BUSINESS

CASE NUMBER 20-DDP-0016

Request: District Development Plan with a Landscape Waiver
Project Name: ISCO Warehouse Expansion
Location: 10711 Freeport Court
Owner: Mr. Steve Dalton, TJ Mark LLC
Applicant: Keith Messinger, PE, HDR Engineering Inc.
Representative: Keith Messinger, PC, HDR Engineering Inc.
Jurisdiction: Louisville Metro
Council District: 12 – Rick Blackwell
Case Manager: Lacey Gabbard, AICP, 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:

02:12:50 Lacey Gabbard presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) Ms. Gabbard detailed the applicant's request for a waiver and district development plan, aerial views of the site, and case summary. Lacey stated the proposed plan shows the building expansion of 43,600 sf that will face Trade Port Drive, the addition of 20 parking spaces (2 ADA), and a new access drive.

The following spoke in favor of this request:

Keith Messinger, 2517 Sir Barton Way, Lexington, Kentucky, 40509

Summary of testimony of those in favor:

02:17:10 Keith Messinger, representing the applicant, stated the building expansion will be for storage to bring outdoor merchandise inside. Mr. Messinger noted the use of the waiver and the proposed landscaping.

02:18:37 Commissioner Brown asked about the number of curb cuts on that will be used on Johnsontown Road. Keith Messinger replied the site will be utilizing existing curb cuts there will be no new accesses. Commissioner Brown and Keith Messinger

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discussed the access management threshold for the curb cuts and the utilization of the existing entrance on Johnstown Road (see recording for detailed presentation.)

02:23:02 Beth Stuber, Transportation and Planning, stated she will check the access management threshold for this site with the new addition

02:24:54 Commissioner Brown stated the process for lot consolidations that meet the threshold to enforce access management would result in the consolidation of access points. Commissioner Brown, Keith Messinger, and Beth Stuber discussed if this site meets the threshold to enforce access management (see recording for detailed presentation.)

02:28:07 Commissioner Carlson noted if there will be a reserved gated access point for emergency access use only there would be more requirements required from the applicant. Lacey asked for clarification if the reserved access point would be for emergency access only. Keith Messinger replied there will be products stored onsite outside the yard space so an emergency access point would be needed.

02:29:24 Commissioner Mims asked if this plan needed to be revised and heard at a later date or could the access point issue be resolved with a dedicated waiver. Lacey Gabbard replied there are a might be an exception to include a waiver for the access point. Julia Williams, Planning and Design, clarified that access management in Chapter 6 of the Land Development Code cannot be waived.

02:30:27 Keith Messinger received confirmation from the applicant that the west access point on Johnstown Road will be closed.

02:30:52 Lacey Gabbard informed the applicant's representative that a new plan would need to be submitted and a revised plan would need to be reviewed.

02:31:10 Julia Williams stated the Development Review Committee could chose to approve the proposal today on the condition that the applicant will present a revised plan to show the entrance closure.

**The following spoke against of this request:
No one spoke.**

**The following spoke in neither for nor against this request:
No one spoke.**

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Commissioner Deliberation

02:32:20 Commissioner Deliberation (see recording for detailed presentation.)

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

Waiver of Land Development Code section 10.2 to reduce the 50 foot LBA requirement on the west property line to 18 feet for existing conditions (20-WAIVER-0084)

02:33:41 On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution, based on the Standard of Review and Staff Analysis, testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners since there is screening provided per LDC requirements, and the existing conditions are an 18 foot landscape buffer. Additionally, the adjacent property to the west of the subject site is owned by Louisville Metro and does not appear to be developed; and

WHEREAS, the Committee further finds that the Land Use & Development Goal 1, Policy 10 calls for mitigation of the impacts caused when incompatible developments unavoidably occur adjacent to one another. Buffers should be used between uses that are substantially different in intensity or density. Buffers should be variable in design and may include landscaping, vegetative berms and/or walls and should address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Land Use & Development Goal 1, Policy 9 ensures an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements.

The applicant is requesting a waiver to reduce the 50 foot landscape buffer on the west property line to the existing condition of 18 feet. The adjacent property to the west is owned by Louisville Metro and does not appear to be developed; and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the applicant proposes to provide all

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required plantings, and is requesting to reduce the buffer to the width (18 feet) that is existing on the site; and

WHEREAS, the Committee further finds that the now the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant since the applicant proposes to provide all plantings, and is requesting that the landscape buffer be reduced to the existing condition of 18 feet, therefore be it:

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver of Land Development Code section 10.2 to reduce the 50 foot LBA requirement on the west property line to 18 feet for existing conditions (20-WAIVER-0084)

The vote was as follows:

YES: Commissioners Lewis, Brown, Mims, Seitz, and Carlson.

NO: none.

District Development Plan

02:34:33 On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution, based on the Standard of Review and Staff Analysis, testimony heard today, was adopted:

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

WHEREAS, the Committee further finds that the 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. Kentucky Transportation Cabinet approval is required prior to MSD construction plan approval; and

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

WHEREAS, the Committee further finds that the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities

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

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

WHEREAS, the Committee further finds that the now the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code, therefore be it:

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Detail District Development Plan **ON THE CONDITION** that the western entrance on Johnstontown Road is removed and the sidewalk is restored **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 (billboards), small freestanding (temporary) signs, pennants 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 or alteration permit) are requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Public Works and Transportation and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

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- c. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - d. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the October 14, 2020 DRC 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. 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.
 6. 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.
 7. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.
 8. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
 9. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
 10. 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 Lewis, Brown, Mims, Seitz, and Carlson.

NO: none.

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NEW BUSINESS

CASE NUMBER 20-DDP-0044

Request: District Development Plan
Project Name: Logistics Air Park
Location: 5540 Minor Lane
Owner: Jim Calvery, LaGrange LLC
Applicant: Jim Calvery, LaGrange LLC
Representative: Mark Madison, Milestone Design Group
Jurisdiction: Louisville Metro
Council District: 13 – Mark Fox
Case Manager: Lacey Gabbard, AICP, 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:

02:36:03 Lacey Gabbard presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) Ms. Gabbard detailed the applicant's request, aerial view of the site, case summary, and proposed parking area. Lacey noted the currently approved plan 20-DDP-0016 includes all six lots on the subject site. She stated there is an associated variance that will be heard by the Board of Zoning Adjustment on October 26, 2020.

02:41:17 Commissioner Carlson asked to view the aerial photo of the site to clarify where the proposed parking will be located. Lacey Gabbard replied the proposed parking will be for regular vehicles and there is a separate dedicated area for semi parking. Commissioner Carlson noted previous discussions to reduce the number of parking spaces to reduce the noise impact on residents.

02:43:09 Commissioner Brown asked if there were no changes to the binding elements. Lacey Gabbard replied yes.

The following spoke in favor of this request:

Jim Calvery, 6060 Dutchman Lane, Suite 110, Louisville, Kentucky, 40205

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Summary of testimony of those in favor:

02:45:30 Jim Calvery, representing the applicant, stated there have been no change to the access points and separate parking for employees and semi trucks. Mr. Calvery noted some adjacent property owners have expressed concerns during construction due to dust. He stated all proposed berms with appropriate landscaping will be installed as well.

02:49:10 Commissioner Carlson asked if the proposed parking will abut to residential properties. Jim Calvery replied the proposed parking will be adjacent to residential properties and the residents are in agreement with the new parking spaces.

The following spoke against of this request:

No one spoke.

The following spoke in neither for nor against this request:

No one spoke.

Commissioner Deliberation

02:51:06 Commissioner Deliberation (see recording for detailed presentation.)

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

02:53:30 On a motion by Commissioner Brown, seconded by Commissioner Lewis, the following resolution, based on the Standard of Review and Staff Analysis, testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that there do not appear to be any historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site. The applicant is requesting a variance to encroach into the 100 foot waterway buffer which will be heard by the Board of Zoning Adjustment on October 26, 2020; and

WHEREAS, the Committee further finds that the provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided. Public Works and MSD have provided preliminary approvals; and

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WHEREAS, the Committee further finds that this proposal has no Outdoor Amenity Area requirements; and

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

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

WHEREAS, the Committee further finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code, therefore be it:

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested District Development Plan **ON THE CONDITION** that the associated Variance is approved by the Board of Zoning Adjustment **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. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements. The façade elevations submitted at this time shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.

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3. No outdoor advertising signs, small freestanding signs, pennants, balloons, 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) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations, Construction Permits, and Transportation Planning Review and the Metropolitan Sewer District.
 - 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.
 - d. A minor plat shall be approved and recorded creating the lots as shown on the approved development plan.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. 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 the 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. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
8. No deliveries shall be permitted by any commercial use between 10:00pm and 7:00am.

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9. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the development site and the adjoining property owner(s) to the North and recorded prior to development of that site for any non- residential use. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.
10. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between all parcels shown on the approved development. Rights of access shall be retained for the benefit of the public to access the archaeological feature on Lot 2. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services. Such agreement shall be recorded prior to construction plan approval.
11. A unified signage plan shall be created that sets consistent standards for the design, appearance and location of signs within the development. This plan shall be submitted for review and approval by Planning Commission staff prior to issuance of certificate of occupancy.
12. Landscaping shall be provided which is substantially similar to that described on the applicant's landscape exhibit presented at the 2/7/19 public hearing of the Planning Commission.
13. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the 2/7/19 Planning Commission meeting. One tree shall be planted within 15 feet of the building, for each 50 feet of façade length facing public streets or residentially used property. Trees may be clustered but distance between trees shall not exceed 100 feet. Tree species shall be selected from the Preferred Plant List that will equal or exceed the height of the adjacent building, at maturity. This shall be in addition to trees required in parking lot interior landscape areas.
14. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.
15. The following roadway improvement shall be made prior to the occupancy of the subject site:

Outer Loop Road at Minor Lane

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- a. Remove the existing raised median on the west leg of the intersection to provide dual left turns from Outer Loop Road to Minor Lane.
- b. Add an additional southbound lane on the north leg of the intersection to provide 1 right turn lane, 1 shared through-left turn lane and 1 exclusive left turn lane. Widening on this leg will require significant shoulder widening to provide positive off-tracking for heavy making a right turn from Minor Lane to Outer Loop Road.
- c. Widen the northbound approach of Briarcliff Road north of the Old Outer Loop Road to provide full pavement width for two lanes. Reconfigure the northbound lanes to provide 1 exclusive left turn lane and 1 shared through right turn lane.
- d. Provide a westbound right turn lane on Outer Loop Road to Minor Lane.

Minor Lane Extension at Development Drive

Configure the newly created intersection with stop control on the southbound approach of Minor Lane.

Any revision to these recommendations shall be in coordination with KYT and shall be presented to Director of Public Works for review and approval.

16. The following M-2 uses are prohibited unless approved by the Planning Commission in a public hearing. Any application for amendment shall include notification of all those that spoke at the public hearing, as well as 1st and 2nd tier adjoining property owners.

Auction sales, outdoor
Fairgrounds
Flea market
Railroad freight terminal and yards
River terminals
Outdoor storage of materials and equipment
Waterfront shipping
Uses, manufacture, processing, treatment, or storage of the following:
 Aluminum extrusion
 Animal pound
 Coal and coke, storage and sales
 Foundry products
 (electrical only)
 Hosiery mill

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Insecticides, fungicides, disinfectants, and related industrial and household chemical compounds (blending only)
Paint and coating, except manufacturing gun cotton nitro-cellulose lacquers and reactive resin cooking
Poultry or rabbit, packaging or slaughtering (wholesale)
Tire treading and vulcanizing shop

17. The following M-1 uses are prohibited: Uses, manufacture, processing, treatment, or storage of the following: Adhesive, excluding manufacturing of basic components Chemicals (packaging only)
18. The developer shall adhere to LDC section 4.4.6 as it pertains to inactive cemeteries.

The vote was as follows:

YES: Commissioners Lewis, Brown, Mims, Seitz, and Carlson.

NO: none.

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ADJOURNMENT

The meeting adjourned at approximately 4:02 p.m.

Chairman

Division Director