

**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE MEETING  
APRIL 4, 2018**

A meeting of the Louisville Metro Development Review Committee was held on April 4, 2018 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, KY 40202.

**Commissioners present:**

Rich Carlson, Vice chair  
Emma Smith  
Jeff Brown  
Laura Ferguson

**Commissioners absent:**

David Tomes, Chair

**Staff members present:**

Brian Davis, Planning & Design Manager  
Laura Mattingly, Planner II  
Dante St. Germain, Planner I  
Beth Stuber, Transportation Planning  
Travis Fiechter, Legal Counsel  
Kristen Padron, Management Assistant

The following matters were considered:

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**MARCH 28, 2018 DRC MEETING MINUTES**

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

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on March 28, 2018.

**The vote was as follows:**

**YES: Carlson and Smith**

**NOT PRESENT: Tomes**

**ABSTAINING: Brown and Ferguson**

**DEVELOPMENT REVIEW COMMITTEE MINUTES  
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**NEW BUSINESS**

**CASE NUMBER 18DEVPLAN1009**

Project Name: 9310 Taylorsville Road  
Location: 9310 Taylorsville Road  
Owner(s): Otte Family Limited Partnership  
Applicant: William Fowler  
Representative: Nick Pregliasco, Bardenwerper, Talbott & Roberts, PLLC  
Jurisdiction: Jeffersontown  
Council District: 11 – Kevin Kramer  
Case Manager: Laura Mattingly, AICP, Planner II

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

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

**Agency Testimony:**

Laura Mattingly discussed the case summary, standard of review and staff analysis from the staff report.

**The following spoke in favor of this request:**

Nick Pregliasco, 1000 N. Hurstbourne Pkwy., Louisville, KY 40223

**Summary of testimony of those in favor:**

Nick Pregliasco summarized the applicant's proposal and showed a presentation. He responded to questions from the Commissioners.

Kevin Young responded to questions from the Commissioners. He stated there will be a 25' landscape buffer. They will conserve all the trees they can, and landscaping will be compliant with LDC.

**The following spoke in opposition to this request:**

No one spoke.

**Deliberation:**

The Commissioners concur that the proposal is justified.

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

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**WHEREAS**, the Louisville Metro Development Review Committee finds that LOJIC identified Karst Terrain at this location. The applicant conducted a survey and found no Karst features on site. The proposal does not include the preservation of any trees but will be meeting tree canopy requirements with new plantings, and

**WHEREAS**, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community appear to have been provided through the existing roadway connections, a shared access from Taylorsville Road, sidewalks and pedestrian connections, and

**WHEREAS**, the Committee further finds that there is no requirement for open space for this proposal, and

**WHEREAS**, the Committee further finds that the Metropolitan Sewer District must approve 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 appear compatible with the existing and future development of the area. The one-story structures are similar in scale and setbacks are similar to other non-residential development along Taylorsville Road, and

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

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the City of Jeffersontown that the Revised Detailed District Development Plan be **APPROVED, 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. Signs shall be in accordance with Chapter 8 or as presented at the public hearing (80 square feet in area and 10 feet in height).
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.

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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 Develop Louisville, 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.
5. The materials and design of existing/proposed structures shall be substantially the same as depicted in the photos/rendering as presented at the April 5, 2012 Planning Commission public hearing and the April 4, 2018 DRC meeting.
6. There shall be only one shared point of access to Taylorsville Road, despite the fact that the retail-office center is divided in half along Taylorsville Road.
7. No parking spaces shall face Taylorsville Road in order that headlights from parked cars do not shine into Taylorsville Road fronting residential properties.
8. The style and design of the branch bank building shall be substantially as shown on the photographs or elevation renderings presented to neighbors and at the public hearing in this case.
9. No free-standing restaurants with drive-thru shall be permitted.
10. C-1 uses of the property shall also exclude automobile rental agencies, automobile service stations and automobile repair shops, bowling alleys, car washes, hotels and motels, ice storage houses, miniature golf and driving ranges and pawn shops.
11. Hours of operation, except for branch bank ATM machine, shall be limited to 6:00 am to 12:00 midnight.
12. Lighting shall be shoe-box style, directed down and away from adjoining properties.
13. Trash removal and parking lot cleaning may not occur between the hours of 10:00 pm and 7:00 am.

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14. Perimeter and VUA landscaping and screening and buffering shall minimally be as shown on the concept plan presented at the April 4, 2018 DRC meeting.
15. These binding elements and any revised or new detailed district development plan may not be considered by the Planning Commission without a minimum of two weeks advanced mail notice to two tiers of adjoining property owners and all those who appeared at the Planning Commission public hearing.
16. Prior to issuance of any construction permit for the building on Tract 2, a traffic impact study is required to be conducted and approved by KYTC and Transportation staff.

**The vote was as follows:**

**YES: Carlson, Smith, Brown, and Ferguson**

**NOT PRESENT: Tomes**

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**NEW BUSINESS**

**CASE NUMBER 18WAIVER1009**

Project Name: 4620 Spen Lea Road Garage  
Location: 4620 Spen Lea Road  
Owner(s): Stephen & Vickie Fetter  
Applicant: Stephen Fetter  
Jurisdiction: City of Shively  
Council District: 3 – Mary Woolridge  
Case Manager: Dante St. Germain, 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:**

Dante St. Germain discussed the case summary, standard of review and staff analysis from the staff report.

**The following spoke in favor of this request:**

Steve Fetter, 4620 Spen Lea Road, Louisville, KY 40216

**Summary of testimony of those in favor:**

Applicant Steve Fetter spoke about the case. He and his wife are seeking a waiver to construct a storage structure for their vehicles and boat that is larger than the current structure. Security is a concern as the items are currently stored outside and have been vandalized in the past. Mr. Fetter would also like to install heating so that he can perform maintenance on his vehicles inside the garage in the winter. He stated that the Shively Fire Marshall is supportive of the proposal.

**The following spoke in opposition to this request:**

No one spoke.

**Deliberation:**

The Commissioners concur that the proposal is justified.

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

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**CASE NUMBER 18WAIVER1009**

**WHEREAS**, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners as the proposed garage will not be visible from the right-of-way and will be surrounded by an existing privacy fence which will limit its visibility to neighboring properties, and

**WHEREAS**, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020 as Cornerstone 2020 does not address accessory structures except for accessory dwelling units. The proposed garage will be used to store collectable cars and a boat, and not as a dwelling unit, 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 the applicant needs a large garage to store a number of vehicles, 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 by constructing a privacy fence that encloses the rear yard, and which will screen the garage and reduce its apparent mass and scale to neighboring properties; now, therefore be it

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the City of Shively that the waiver from City of Shively Land Development Code section 5.4.2.D.1 to allow the footprint of an accessory structure to exceed the footprint of the principal structure on a lot be **APPROVED**.

**The vote was as follows:**

**YES: Carlson, Smith, Brown, and Ferguson**

**NOT PRESENT: Tomes**



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**NEW BUSINESS**

**CASE NUMBER 18WAIVER1011**

Project Name: New Cut Chiropractic Signage  
Location: 5424 New Cut Road  
Owner(s): Hector & Yoleidis Vazquez  
Applicant: Karla Hill – Smart LED Signs  
Jurisdiction: Louisville Metro  
Council District: 25 – David Yates  
Case Manager: Dante St. Germain, 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:**

Dante St. Germain discussed the case summary, standard of review and staff analysis from the staff report.

**The following spoke in favor of this request:**

Karla Hill, 11441 Bankenbaker Pkwy., Louisville, KY 40299  
Tim Story, 11441 Bankenbaker Pkwy., Louisville, KY 40299

**Summary of testimony of those in favor:**

Karla Hill of Smart LED Signs spoke about the request. The applicant is proposing to replace an existing 20' sign with a 12' sign that will include a static panel above a changing image panel. The messages will change every 20 seconds and will feature an automatic dimmer. The owners would like the sign to be shorter and closer to the road to more effectively advertise their business.

Tim Story of Smart LED Signs stated that many businesses in this location have failed due to lack of proper signage. The current sign is too high and too far from the road.

**The following spoke in opposition to this request:**

No one spoke.

**Deliberation:**

The Commissioners concur that the proposal is justified.

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**NEW BUSINESS**

**CASE NUMBER 18WAIVER1011**

On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution, based on the Standard of Review and Staff Analysis 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 closest residential properties are screened from view of the sign by existing structures, while the multi-family residential property is located across New Cut Road, a major arterial street, and

**WHEREAS**, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020 as Cornerstone 2020 Objective C2.5 Streetscape describes the Town Center form as having a compact mixture of moderately intense uses including shopping, restaurants, offices and residences. In its most traditional form, the Town Center ordinarily includes civic uses, such as libraries, government offices, police or fire stations and religious facilities. The presence of small-scale civic open space is a common but not essential feature. Buildings are generally close to and oriented toward the street. These characteristics strengthen the role of the Town Center as a community focal point. The Town Center should have a high level of pedestrian, roadway, transit and bicycle access, a connected street pattern, shared parking and pedestrian amenities. More intense uses in the town center are located in close proximity to the major thoroughfare, and the intensity of use gradually declines toward the adjacent neighborhoods. Guideline 3 Policy 28 describes signs as compatible with the form district pattern and contributing to the visual quality of their surroundings. Promote signs of a size and height adequate for effective communication and conducive to motor vehicle safety. Encourage signs that are integrated with or attached to structures wherever feasible; limit freestanding signs to monument style signs unless such design would unreasonably compromise sign effectiveness. Give careful attention to signs in historic districts, parkways, scenic corridors, design review districts and other areas of special concern. These guidelines are not violated because the proposed sign is similar to existing signs in the immediate vicinity and is smaller in area than the allowed maximum for the form district, 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 there is no location on the property where a changing image sign could be located which is not within 300 feet of a residential property, 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 requirement to be waived because the applicant has opted to have a relatively small changing image panel which is smaller than the size allowed by the form district maximums, and

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the waiver from Land Development Code section 8.2.1.D.6 to allow a changing image sign to be closer than 300 feet to residentially zoned properties which are being used residentially.

**The vote was as follows:**

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**CASE NUMBER 18WAIVER1011**

**YES: Carlson, Smith, Brown, and Ferguson**

**NOT PRESENT: Tomes**

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ADJOURNMENT

The meeting adjourned at approximately 1:45 p.m.

*Richard Rubin* 4/18/18  
\_\_\_\_\_  
Vice Chairman

*[Signature]*  
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Division Director