

**MINUTES OF THE MEETING OF THE
DEVELOPMENT REVIEW COMMITTEE**

March 6, 2019

A meeting of the Development Review Committee was held on Wednesday, February 20, 2019 at 1:00 PM in the Old Jail Building, located at 514 West Liberty Street, Louisville, Kentucky.

Committee Members present were:

David Tomes, Chair
Richard Carlson, Vice Chair
Jeff Brown

Committee Members absent were:

Emma Smith
Donald Robinson

Staff Members present were:

Joe Reverman, Assistant Director
Chris French, Planning and Design Supervisor
Beth Stuber, Transportation Planning
Lacey Gabbard, Planner I
Molly Clark, Associate Planner
Paul Whitty, Legal Counsel
Rachel Dooley, Management Assistant (minutes)

Others present were:

Tony Kelly, Metropolitan Sewer District

The following matters were considered:

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February 20, 2019 DRC Meeting Minutes

00:02:39 On a motion by Commissioner Carlson, 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 February 20, 2019.

The vote was as follows:

YES: Commissioners Brown, Carlson, and Tomes

NOT PRESENT: Commissioners Robinson and Smith

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New Business

Case No. 18WAIVER1056

Request: Scenic Corridor Setback Waiver and additional single family access to a collector road
Project Name: 18001 Shelbyville Rd
Location: 18001 Shelbyville Rd
Owner/Applicant: Bob Merritt, Creek Partners, LLC
Representative: Kelli Jones - Sabak, Wilson, & Lingo Inc
Jurisdiction: Louisville Metro
Council District: 19 – Anthony Piagentini

Case Manager: **Molly Clark, Associate Planner**
Presented By: **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 DRC meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:03:46 Lacey Gabbard presented the case on behalf of Molly Clark (see staff report and recording for detailed presentation.)

00:06:24 In response to a question from Commissioner Carlson, Lacey Gabbard noted the Scenic Corridor Setback waiver is for 30' instead of the standard 50' setback. Joe Reverman detailed this waiver is to be specifically for the area where the single family home will be built.

Commissioner Carlson inquired if there will be construction on the second tract of land and be developed. Ms. Gabbard replied this question would be best answered by Kelly Jones.

The following spoke in favor of the request:

Kelly Jones, RLA, Sabak, Wilson, & Lingo, INC. 608 S. 3rd St. Louisville, KY, 40202

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Tony Kelly, Metropolitan Sewer District, 700 West Liberty St.

Summary of testimony of those in support:

00:08:56 Kelly Jones, representing the applicant, presented power point (see recording for detailed presentation.) Ms. Jones noted this case has two waivers; waiver to reduce the scenic corridor setback on a portion of the property from 50' to 30' and a waiver to allow direct access to a collector level roadway. She also detailed the minor plat and pointed out the area for the waivers via areal photos.

00:14:58 Joe Reverman and Ms. Jones discussed the possibility of needing a landscape plan to help verify the single family corridor requirement.

00:17:39 Commissioner Carlson inquired about site distances and how the applicant planned to continue to maintain the site distance. Commissioner Brown stated it would be up to the homeowner to maintain the site distance.

The following spoke in opposition to the request:

No one spoke.

An audio/visual recording of the Land Development and Transportation 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.

00:20:28 Commissioners' deliberation

Waiver of Land Development Code section 10.3.2 – to allow a single family residence to encroach 30 feet onto the 50 foot required scenic corridor setback for single family residences.

00:21:35 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

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WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect the public health, safety or welfare because a majority of the property is in the flood plain and houses multiple easements. It is also a fair amount of distance away from other single family homes. Moving the house forward into a portion of the required 50 scenic corridor setback will help the proposed single family residence to avoid flood plain issues and easements; and

WHEREAS, the Committee further finds that the Guideline 5, Policy 33 states that developments should respect the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems. Guideline 3 Policy 18 states that development should generally be compatible with the scale and site design on nearby existing development and with the form district's pattern of development. There are many other single family homes with similar scales and setbacks located directly on Long Run Road. Guideline 4, Policy 32 states that development should integrate natural features into the pattern of development. With the proposed single family structure being closer to Long Run Road, the applicant is working with the natural features of the site and minimizing disturbance; and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is minimum necessary to afford relief to the applicant since the applicant is facing many constraints on this lot; and

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant especially since the lot has a majority of the property in the flood plain and conservation easements; now, therefore be it

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Land Development Code section 10.3.2 – to allow a single family residence to encroach 30 feet onto the 50 foot required scenic corridor setback for single family residences **ON CONDITION** that a minimum of one additional tree per 50 linear feet over what is required by LDC Table 10.3.2 will be provided within the Scenic Corridor Setback for the length of the waiver area. These trees may be existing trees that are preserved or new trees that are planted.

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The vote was as follows:

YES: Commissioners Carlson, Brown, and Tomes.

NOT PRESENT: Commissioner Smith and Robinson.

Waiver from 7.8.60.B.4 – to allow a single family residence to have direct access to major arterial, minor arterials and collector level roadways from individual single-family lots.

00:23:09 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

WHEREAS, the Committee further finds that the requested waiver will not adversely affect the public health, safety or welfare because there are other single family residences on Long Run Road that also have direct access to the roadway; and

WHEREAS, the Committee further finds that the Guideline 5, Policy 33 states that proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems. By allowing the single family residences to access Long Run Road, the proposed single family residences would avoid disturbing Long Run Creek and its surrounding natural habitat. Guideline 5, Policy 35 states that development should be encouraged to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion. By allowing two single family residences to access Long Run Road, development in this area can avoid disturbing the wet and permeable soils that surround Long Run Creek; and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is minimum necessary to afford relief to the applicant. In order to make both lots buildable, the proposed minor subdivision plat needs access to either Shelbyville Rd or Long Run Rd which are both collector level roads; and

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of

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the land and would create an unnecessary hardship on the applicant especially since Long Run Creek runs through a majority of the rear of the property and Long Run Road is the most accessible street frontage. To access Shelbyville Road, the applicant will have to do guardrail modifications and have an engineer study done per KYTC's request.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver from 7.8.60.B.4 to allow a single family residence to have direct access to major arterial, minor arterials and collector level roadways from individual single-family lots.

The vote was as follows:

YES: Commissioners Carlson, Brown, and Tomes.

NOT PRESENT: Commissioners Smith and Robinson.

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ADJOURNMENT

The case hearing ended at approximately 1:28 p.m.

Chairman

Division Director