

**MINUTES OF THE MEETING
OF THE
DEVELOPMENT REVIEW COMMITTEE
December 5, 2018**

A meeting of the Development Review Committee was held on, December 5, 2018 at 1:00 p.m. in the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Committee Members present were:

Rich Carlson, Vice Chair
Jeff Brown
Emma Smith

Committee Members absent were:

David Tomes, Chair
Donald Robinson

Staff Members present were:

Brian Davis, Planning Manager
Jay Lockett, Planner I
Lacey Gabbard, Planner I
John Carroll, Legal Counsel
Beth Stuber, Transportation Planning
Pamela M. Brashear, Management Assistant

The following matters were considered:

DEVELOPMENT REVIEW COMMITTEE
December 5, 2018

APPROVAL OF MINUTES

NOVEMBER 14, 2018 DRC MEETING MINUTES

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

RESOLVED, that the Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on November 14, 2018.

The vote was as follows:

YES: Commissioners Brown, Smith and Carlson

NOT PRESENT FOR THIS CASE: Commissioners Robinson and Tomes

DEVELOPMENT REVIEW COMMITTEE
December 5, 2018

NEW BUSINESS
CASE NO. 18DEVPLAN1026

Request: ****TO BE DEFERRED**** Revised detailed district development plan with landscape and tree canopy waivers
Project Name: Kameri Auto Sales
Location: 8500 National Turnpike
Owner: Sami Kameri
Applicant: Sami Kameri
Representative: Milestone Design Group
Jurisdiction: Louisville Metro
Council District: 13 – Vicki Aubrey Welch
Case Manager: Joel Dock, AICP, Planner II
Presented By: Brian Davis, Planning Manager

Agency Testimony:

00:03:19 Mr. Davis said after the case been docketed, it was realized the case needs to go before the full Planning Commission. Notice has been sent to adjoining property owners and the case has been scheduled for the December 20, 2018 Planning Commission meeting.

Deliberation

00:03:48 Development Review Committee 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 Brown, seconded by Commissioner Smith, the following resolution was adopted.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **DEFER** this case to the December 20, 2018 Planning Commission meeting.

The vote was as follows:

YES: Commissioners Brown, Smith and Carlson

NOT PRESENT AND NOT VOTING: Commissioners Robinson and Tomes

DEVELOPMENT REVIEW COMMITTEE
December 5, 2018

NEW BUSINESS
CASE NO. 18MOD1009

Request: Modification of Binding Element
Project Name: Professional Office Binding Element Modification
Location: 3317 Taylor Boulevard
Owner: The O'Bryan Living Trust
Applicant: The O'Bryan Living Trust
Representative: BTM Engineering
Jurisdiction: Louisville Metro
Council District: 15 – Marianne Butler
Case Manager: Jay Lockett, 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:

00:04:27 Mr. Jay Lockett discussed the case summary, standard of review and staff analysis from the staff report.

00:05:52 Mr. Carroll, legal counsel, asked if the only use at the site will be Professional Office Building. Mr. Lockett said yes.

00:06:00 Acting Chair Carlson asked if Mr. Lockett knows why the binding element was put in place. Mr. Lockett said it seemed to target the auto service facility.

The following spoke in favor of this request:

John Addington, 3001 Taylor Springs Drive, Louisville, Ky. 40220

Summary of testimony of those in favor:

00:08:09 Mr. Addington said he's here to answer questions.

The following spoke in opposition to this request:

Dan Lockett, 601 West Jefferson Street, Louisville, Ky. 40202
Joyce Bliss, 3319 Vetter, Louisville, Ky. 40215

Summary of testimony of those in opposition:

00:08:28 Mr. Dan Lockett works in council district 15 and the neighbors' worries in the past were that the previous owner would have car sales on Sunday. If the use is

DEVELOPMENT REVIEW COMMITTEE
December 5, 2018

NEW BUSINESS
CASE NO. 18MOD1009

office, then there is no issue. The constituents are very concerned about eliminating this binding element.

00:10:10 Ms. Bliss doesn't want anyone parking on her street or opening the gate.

Deliberation

00:11:29 Commissioner Brown agrees with the opposition and doesn't want the binding element stricken, but allow the extended hours with certain uses.

00:12:00 Commissioner Smith and Acting Chair Carlson agree with Commissioner Brown.

00:12:33 Commissioner Brown suggests the following amended binding element: With the exception of Professional Office, business hours shall be from 8:30 a.m. until 8:00 p.m. Monday through Friday, 8:30 a.m. until 6:00 p.m. on Saturday and closed on Sunday.

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.

Modification of Binding Element

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, there do not appear to be any environmental constraints or historic resources on the subject site; and

WHEREAS, there are no changes to existing circulation in and around the subject site associated with this request; and

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

WHEREAS, the Metropolitan Sewer District 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

DEVELOPMENT REVIEW COMMITTEE
December 5, 2018

NEW BUSINESS
CASE NO. 18MOD1009

WHEREAS, the Louisville Metro Development Review Committee finds there are no changes to the site associated with this request; and

WHEREAS, the Louisville Metro Development Review Committee further finds the requested modification of binding elements 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 binding element modification as follows: With the exception of Professional Office, business hours shall be from 8:30 a.m. until 8:00 p.m. Monday through Friday, 8:30 a.m. until 6:00 p.m. on Saturday and closed on Sunday.

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. No further development shall occur without prior approval from the Planning Commission.
2. Use of the property shall be restricted to:
 1. Uses permitted in the C-1 zone which are also permitted in the C-2 zone.
 2. Automobile sales agencies.
 3. Automobile rental agencies.
 4. Automobile repair garages.
 5. Automobile service stations.
 6. Bookbinding.
 7. Dancing instruction.
 8. Equipment rental where all activities are within a building.
 9. Monument sales.
 10. Upholstery and furniture repair shops.
 11. Used car sales areas, provided that no repair or re-conditioning of automobiles or storage of parts shall be permitted except where enclosed in a building.Other C-2 uses shall require the approval of the Board of Aldermen.
3. The only permitted freestanding signs shall be located as shown on the approved development plan. Sign #1 shall not exceed 80 square feet in area per side and 21.5 feet in height. No sign shall have more than two sides.
4. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants balloons, or banners shall be permitted on the site.
5. There shall be no outdoor storage on the site except autos.

DEVELOPMENT REVIEW COMMITTEE
December 5, 2018

NEW BUSINESS
CASE NO. 18MOD1009

6. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff so that no light source is visible off-site.
7. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a. the development plan must receive full construction approval from the City of Louisville Department of Inspections, Permits and Licenses (617 W. Jefferson Street) and the Metropolitan Sewer District (700 West Liberty).
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
8. 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.
9. 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.
10. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project, and shall inform them of the content of these binding elements. Further, the property owner/ developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.
11. There shall be no employee parking permitted on Vetter Avenue.
12. With the exception of Professional Office, business hours shall be from 8:30 a.m. until 8:00 p.m. Monday through Friday, 8:30 a.m. until 6:00 p.m. on Saturday and closed on Sunday.

The vote was as follows:

YES: Commissioners Brown, Smith and Carlson

NOT PRESENT AND NOT VOTING: Commissioners Robinson and Tomes

DEVELOPMENT REVIEW COMMITTEE
December 5, 2018

NEW BUSINESS
CASE NO. 18WAIVER1047

Request: Waiver to allow the existing building to encroach into the 30 foot parkway buffer
Project Name: 2801 North Hurstbourne Parkway
Location: 2801 North Hurstbourne Parkway
Owner: Hurstbourne Storage, LLC
Applicant: Hurstbourne Storage, LLC
Jurisdiction: Louisville Metro
Council District: 17 – Glen Stuckel
Case Manager: Lacey Gabbard, 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:

00:15:25 Ms. Gabbard discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

John Talbott, Bardenwerper, Talbott and Roberts, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223

Summary of testimony of those in favor:

00:16:57 Mr. Talbott gave a power point presentation. The building is already built and encroaching .9 of a foot. The encroachment doesn't interfere with any landscaping or the purpose of the parkway buffers.

Deliberation

00:21:36 Commissioner Brown said it's an unfortunate error. Commissioner Smith said the waiver is justified.

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 10.3.5.A.1 and Table 10.3.1 to allow the existing building to encroach into the 30 foot parkway buffer

DEVELOPMENT REVIEW COMMITTEE
December 5, 2018

NEW BUSINESS
CASE NO. 18WAIVER1047

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

WHEREAS, the waiver will not adversely affect adjacent property owners since the parkway buffer is still intact and providing a screening from neighbors and N Hurstbourne Parkway; and

WHEREAS, Guideline 3, Policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 13, Policy 7 calls for protection of the character of parkways and scenic byways and corridors through standards for buffers, landscape treatment, lighting and signs. The intent of parkway development standards is to protect existing scenic and aesthetic qualities, to ensure a quality visual experience on developing corridors and to protect and improve the visual experience on established corridors. Guideline 8, Policy 10 encourages road designs that should provide sight distances consistent with probable traffic speed, terrain, alignments and climatic extremes. The building is already constructed and will not cause a nuisance to surrounding residents or prevent obstruct sight distances because the parkway buffer is still intact and the encroachment is minimal; 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 as the encroachment is minimal and the parkway buffer still provides the necessary visual buffer; and

WHEREAS, the Louisville Metro Development Review Committee further finds the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because the structure is already constructed; and

WHEREAS, the waiver will not adversely affect adjacent property owners because no impacts are proposed. This is an as-built site where the corner of the building only encroaches into the parkway buffer 1 ft.; and

WHEREAS, The waiver will not violate the Comprehensive Plan for all the reasons set forth in the original justification statement filed and adopted when this property was originally rezoned and because this is an as-built issue, the only Cornerstone 2020 Comprehensive Plan Guidelines and Policies of consequence are those pertaining to building design, landscaping and screening, all of which were addressed at the rezoning hearing in 2016; and

DEVELOPMENT REVIEW COMMITTEE
December 5, 2018

NEW BUSINESS
CASE NO. 18WAIVER1047

WHEREAS, the Louisville Metro Development Review Committee finds the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because, as stated, this is an as-built condition, with the building encroaching only 1 ft into the parkway buffer; and

WHEREAS, the Louisville Metro Development Review Committee further finds 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 because the building is already built and only encroached 1 ft into the parkway buffer and moving the building back 1 ft would be impractical.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the waiver of Land Development Code Section 10.3.5.A.1 and Table 10.3.1 to allow the existing building to encroach into the 30 foot parkway buffer by approximately .9 feet.

The vote was as follows:

YES: Commissioners Brown, Smith and Carlson

NOT PRESENT AND NOT VOTING: Commissioners Robinson and Tomes

DEVELOPMENT REVIEW COMMITTEE
December 5, 2018

NEW BUSINESS
CASE NO. 18DEVPLAN1164

Request: Category 2B plan with additional requests
Project Name: Churchill Downs Entry Gate
Location: 3100 South 4th Street
Owner/Applicant: AQ Properties, LLC
Jurisdiction: Louisville Metro
Council District: 15-Marianne Butler
Staff Case Manager: Lacey Gabbard, 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:

00:23:37 Ms. Gabbard discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Ashley Bartley, QK4, 1046 East Chestnut Street, Louisville, Ky. 40204

Summary of testimony of those in favor:

00:26:06 Ms. Bartley gave a power point presentation. Churchill Downs wants to create a gateway to the track.

Ms. Bartley explained the waivers stating if they have to install internal landscape areas, they won't have vehicular access and may lose 2-4 parking spaces (employee parking).

00:31:19 Commissioner Brown asked if any trees will be removed with the bank demolition. Ms. Barley said maybe 1. How many trees were planted with the parking expansion? Ms. Barley said almost 900. Also, how many parking spaces are on the site, over 2,000? Ms. Bartley said yes.

00:32:16 Acting Chair Carlson asked who owns the parking area across the street and to the right. Ms. Bartley said the city and Churchill Downs.

Deliberation

00:34:21 Commissioner Brown said Churchill Downs has gone above and beyond and is a great neighbor.

00:38:10 Commissioner Smith said every tree counts for the environment.

DEVELOPMENT REVIEW COMMITTEE

December 5, 2018

NEW BUSINESS

CASE NO. 18DEVPLAN1164

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.

1. Waiver of Section 10.2.4 to not provide property perimeter Landscape Buffer Areas on the property line bordering an R-7 zone

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 waiver will not adversely affect adjacent property owners since the R-7 zoned property is owned by Louisville Metro and the use is affiliated with Churchill Downs operations. There are no residential structures located on this property; and

WHEREAS, Guideline 3, Policy 9 of Cornerstone 2020 calls for protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate. Though zoned residential, the neighboring site is not used residentially. Guideline 3, Policies 21 and 22 call for appropriate transitions between uses that are substantially different in scale and intensity or density, and mitigation of 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. The subject site and the neighboring site are not substantially different in scale, intensity or density. Guideline 3, Policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. The parking area on the subject site is contiguous with the neighboring residentially zoned site. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. 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 use of the subject site and the adjacent residential site are not incompatible because they are both part of the Churchill Downs campus; and

DEVELOPMENT REVIEW COMMITTEE
December 5, 2018

NEW BUSINESS
CASE NO. 18DEVPLAN1164

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 adjacent residential site is already used as part of Churchill Downs; 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 or would create an unnecessary hardship on the applicant because the adjacent residentially zoned site is already used as part of Churchill Downs, therefore landscape buffer areas are not necessary to provide screening for the subject site.

2. Waiver of Section 10.2.10 to reduce the Vehicular Use Area Landscape Buffer Area along Central Ave

WHEREAS, the waiver will not adversely affect adjacent property owners since the parking lot will be screened from view along Central Avenue by a 10'-12' masonry wall; and

WHEREAS, the waiver will not violate Guideline 3, Compatibility, of Cornerstone 2020, which calls for the protection of roadway corridors and public areas from visual intrusions, for mitigation of parking areas so as not to negatively impact nearby residents and pedestrians, and for screening and buffering of parking areas adjacent to streets. The waiver will not violate Guideline 13, Landscape Character, which calls for the protection of parkways through standards for buffers, landscape treatment, lighting and signs. Central Avenue is not a parkway or a scenic roadway. The purpose of vehicle use area landscape buffer areas is to improve the appearance of vehicular use areas and property abutting public rights-of way. The masonry wall will serve this function by providing a screen and also connecting to the masonry wall which already exists along Central Avenue to the west; 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 as the interior of the site will be minimally visible to the public; and

WHEREAS, the Louisville Metro Development Review Committee further finds 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 proposing the masonry wall along Central Ave, which provides a cohesive street frontage and compensates for a lack of landscape buffering.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** a waiver of section 10.2.4 to not provide property perimeter landscape buffer

DEVELOPMENT REVIEW COMMITTEE
December 5, 2018

NEW BUSINESS
CASE NO. 18DEVPLAN1164

areas on the property line bordering an R-7 zone and a waiver of section 10.2.10 to reduce the vehicular use area landscape buffer area along Central Ave.

The vote was as follows:

YES: Commissioners Brown, Smith and Carlson
NOT PRESENT AND NOT VOTING: Commissioners Robinson and Tomes

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.

3. Waiver of Section 10.2.12 to waive all Vehicular Use Area Interior Landscape Areas

RESOLVED, that the Louisville Metro Development Review Committee does hereby **DENY** a waiver of Section 10.2.12 to waive all vehicular use area interior landscape areas.

The vote was as follows:

YES: Commissioners Brown, Smith and Carlson
NOT PRESENT AND NOT VOTING: Commissioners Robinson and Tomes

DEVELOPMENT REVIEW COMMITTEE
December 5, 2018

NEW BUSINESS
CASE NO. 18DEVPLAN1163

Request: Floyd's Fork Overlay Review
Project Name: Floyds Fork Single family Home
Location: 7501 Country Squire Lane
Owner: Keith Buckmon
Applicant: Drew Butler
Jurisdiction: Louisville Metro
Council District: 20 – Stuart Benson
Case Manager: Lacey Gabbard, 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:

00:40:40 Ms. Gabbard discussed the case summary, standard of review and staff analysis from the staff report.

00:42:31 Acting Chair Carlson stated there's a 16 – 18 ft. gravel road. If it's servicing five homes will it need to be brought up to code? Commissioner Brown said it depends on when the lots were created. There was approval from the fire department and they could not further subdivide without providing road improvements.

The following spoke in favor of this request:

Keith Buckmon, 121 Barbett Way, Louisville, Ky. 40299

Summary of testimony of those in favor:

00:43:57 Mr. Buckmon is here to answer questions.

Deliberation

00:44:17 Development Review Committee 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 request for a new Single Family Structure

DEVELOPMENT REVIEW COMMITTEE

December 5, 2018

NEW BUSINESS

CASE NO. 18DEVPLAN1163

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.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Floyds Fork Development Review Overlay request for a new single family structure.

The vote was as follows:

YES: Commissioners Brown, Smith and Carlson

NOT PRESENT AND NOT VOTING: Commissioners Robinson and Tomes

DEVELOPMENT REVIEW COMMITTEE
December 5, 2018

ADJOURNMENT

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

Vice Richard A. Carl 12/19/18
Chair

[Signature]
Planning Director