

**MINUTES OF THE MEETING
OF THE
DEVELOPMENT REVIEW COMMITTEE
May 5, 2021**

A meeting of the Louisville Metro Development Review Committee was held on Wednesday, May 5, 2021 at 1:00 p.m. via Cisco Webex Video Teleconferencing.

Committee Members present were:

Rich Carlson, Chair
Jim Mims, Vice Chair
Jeff Brown
Marilyn Lewis

Committee Members absent were:

Patti Clare
Pat Seitz

Staff Members present were:

Joe Reverman, Assistant Director, Planning and Design Services
Brian Davis, Planning and Design Manager
Julia Williams, AICP, Planning Supervisor
Dante St. Germain, Planner II
Joel Dock, Planner II
Molly Clark, Planner I
Jay Lockett, Planner I
Travis Fiechter, Legal Counsel
Pamela M. Brashear, Management Assistant

The following matters were considered:

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APPROVAL OF MINUTES

APRIL 14, 2021 DRC MEETING MINUTES

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

RESOLVED, that the Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on April 14, 2021.

The vote was as follows:

YES: Commissioners Brown, Mims and Carlson

NOT PRESENT FOR THIS CASE: Commissioners Clare and Seitz

ABSTAINING: Commissioner Lewis

DEVELOPMENT REVIEW COMMITTEE
May 5, 2021

NEW BUSINESS

CASE NO. 21-DDP-0013

Request: Revised Detailed District Development Plan
Project Name: Taylor Springs
Location: 3001 Taylor Springs Drive
Owner: Cervelle Realty
Applicant: Taylor Springs Apartments, LLC
Representative: BTM Engineering, Inc.
Jurisdiction: Louisville Metro
Council District: 11 – Kevin Kramer
Case Manager: Joel Dock, AICP, Planner I

00:05:00 **Commissioner Mims Recused.**

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

Agency Testimony:

00:06:07 Joel Dock discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Chris Brown, BTM Engineering, Inc., 3001 Taylor Springs Drive, Louisville, Ky. 40220
Robert Parks, 3532 Norburn Boulevard, Louisville, Ky. 40207

Summary of testimony of those in favor:

00:12:04 Chris Brown gave a power point presentation. There will be 36 units, 59 parking spaces, pedestrian connection along Taylor Springs Dr. and all required landscape buffering.

00:17:02 Robert Parks discussed the owners and their hands-on involvement with the project. The proposal will be a nice housing option.

00:22:43 Mark Sites said he's been in contact with the applicant/representatives concerning the outlet for the drainage. Also, there's a sink hole next to Martha St. The notes on the plan don't make reference to the sink hole. This project, MSD in accordance with the design manual, will be requiring propensitory volume excavation.

The following spoke in opposition to this request:

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NEW BUSINESS

CASE NO. 21-DDP-0013

Angela Greenwell, 4133 Taylorsville Road, Louisville, Ky.

Summary of testimony of those in opposition:

00:28:10 Angela Greenwell said she has the following concerns: drainage; apartments devaluing her property; and why not build town homes or condominiums?

Rebuttal:

00:29:51 Chris Brown explained how the drainage will work as they will follow all requirements made by MSD. The proposed apartments offer a different housing choice for the area.

Deliberation

00:33:34 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.

Revised Detailed District Development Plan

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

WHEREAS, an area outside the immediate area of development contains a sinkhole. The sinkhole is not being disturbed by the proposal. Drainage features are in the area of the sinkhole and MSD approval has been received. Tree canopy and open space is being provided as required by the LDC; and

WHEREAS, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided as sidewalks and connections for vehicles and pedestrians to Taylorsville Road is provided from an existing private roadway; and

WHEREAS, open space is being provided as required by the LDC. A walking path encircling a pond on the property will be provided to serve as an amenity and provide on-site recreation; and

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NEW BUSINESS

CASE NO. 21-DDP-0013

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

WHEREAS, the Louisville Metro Development Review Committee finds the overall site design and land uses are compatible with the existing and future development of the area and meet the requirements of the LDC; and

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

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Revised Detailed District Development Plan with abandonment of the existing binding elements, **SUBJECT** to the following Binding Elements:

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. There shall be no direct vehicular access to Taylorsville Rd.
3. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.
4. Outdoor lighting (for parking lot illumination and security) shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90-degree cutoff and height of the light standard shall be set so that no light source is visible off-site. Light levels due to lighting on the subject site shall not exceed 0.5-foot candles measured at the property line. The applicant shall obtain certification by a qualified expert in measurement of lighting levels prior to requesting a certificate of occupancy. Such certification shall be maintained on site at all times thereafter.
5. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.

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NEW BUSINESS

CASE NO. 21-DDP-0013

6. 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 Construction Review, Louisville Metro Public Works 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 subdivision plat shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance. 7. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
8. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. 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.
9. Dumpster shall not be emptied between the hours of 10 p.m. and 7 a.m.
10. An original stamped copy of the approved Tree Preservation Plan shall be present on site during all clearing, grading, and construction activity and shall be made available to any DPDS inspector or enforcement officer upon request.

The vote was as follows:

YES: Commissioners Brown, Lewis and Carlson

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NEW BUSINESS

CASE NO. 21-DDP-0013

ABSENT: Commissioners Clare and Seitz

DEVELOPMENT REVIEW COMMITTEE
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NEW BUSINESS

CASE NO. 21-AMEND-0003

Request: Amendment to Binding Elements
Project Name: Jacobi Sales Inc. Binding Element Amendment
Location: 9205 Old Bardstown Road
Owner: J&B Louisville
Applicant: J&B Louisville
Representative: Mindel Scott & Associates
Jurisdiction: Louisville Metro
Council District: 22 – Robin Engel
Case Manager: Dante St. Germain, AICP, Planner II

NOTE: COMMISSIONER MIMS RETURNED

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:

00:39:46 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:

Nathan Wright, 5151 Jefferson Boulevard, Louisville, Ky. 40219

Summary of testimony of those in favor:

00:49:15 Nathan Wright gave a power point presentation. The existing use is vacant. Mr. Wright discussed the tree preservation plan, which is currently under review.

Deliberation

00:59:50 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.

Modification of Binding Elements

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NEW BUSINESS

CASE NO. 21-AMEND-0003

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

WHEREAS, no natural resources are evident on the southern portion of the site. An intermittent stream in the northern, M-2 portion of the site is being preserved; and

WHEREAS, the requested grading plan would permit the applicant to install infrastructure necessary for safe and efficient vehicular and pedestrian transportation; and

WHEREAS, there are no open space requirements associated with this request; and

WHEREAS, adequate drainage facilities are being approved by MSD; and

WHEREAS, the Louisville Metro Development Review Committee finds the applicant proposes only to grade the C-1 portion of the site at this time. A full development plan will still need to be provided at a future date to develop the site; and

WHEREAS, the Louisville Metro Development Review Committee further finds the proposal conforms to the Comprehensive Plan and the Land Development Code.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the amendment to binding element 2, **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 LDC. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commissions' designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Prior to development, except for clearing and grading of the C-1-zoned portion of the site, 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 LDC 11.6. Each plan shall be in adequate detail and subject to additional binding elements. Clearing and grading of the C-1 portion of the site shall be limited to that shown on Exhibit 1 of 19-DDP-0046/21-AMEND-0003. All disturbed areas shall be seeded and strawed and shall be in compliance with all

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NEW BUSINESS

CASE NO. 21-AMEND-0003

MSD and APCD regulations. All parkway plantings shall be installed within 6 months of disturbance or at the next planting season, whichever is later.

3. The subject site may not be developed for any manufacture, processing, treatment or storage use, nor as a truck or transfer terminal, freight and motor freight stations use, that is permitted by M-2 Industrial zoning. Notwithstanding the limitations above, this binding element shall not prohibit the repair, storage and light assembly of tractors, mower, loaders, utility vehicles, shredders, excavators, trenchers, backhoes or other equipment and implements for agriculture, construction or lawn and garden uses. This binding element shall not be modified, except after a full Planning Commission public hearing.
4. Signs shall be in accordance with LDC Chapter 8 or as presented at the public hearing.
5. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
6. 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.
7. Prior to any site disturbance permit being issued and prior to any clearing, grading, or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
8. Before any permit is requested, including but not limited to permits for building, parking lot, change of use, site disturbance, alteration or demolition:
 - a. The development plan must receive full construction approval from Louisville Forward, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet, and
 - c. The property owner/developer must obtain approval of a detailed plan for screening/buffering/landscaping as described in LDC 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. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available

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CASE NO. 21-AMEND-0003

in the case file on record in the offices of the Louisville Metro Planning Commission.

9. 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.
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.
11. The property owner shall provide a cross over access easement if the property to the south is ever developed for a nonresidential use. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.
12. No overnight idling of trucks shall be permitted on-site.
13. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with LDC 4.1.3 and shall be maintained thereafter. No building permits shall be issued unless such certification statement is submitted.
14. The business at the development shall restrict the hours of operation from 6 AM to 9 PM.
15. If it is determined by KYTC that a traffic signal at the intersection of Thixton Lane and Bardstown Road is warranted in the future, the developer of this site for docket number 16ZONE1059 shall contribute up to \$7,500 of the total cost toward the installation of the traffic signal.
16. At such a time as sidewalks are constructed along the portion of Old Bardstown Road adjacent to this property, a clearly defined, safe pedestrian access will be

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NEW BUSINESS

CASE NO. 21-AMEND-0003

provided by the owner of the property from the public sidewalk through off-street parking to building entrances.

17. Developer shall be responsible for any required utility relocations, final surface overlay, signage, and striping associated with required road improvements to Bardstown Road and Old Bardstown Road.

The vote was as follows:

YES: Commissioners Brown, Lewis, Mims and Carlson

ABSENT: Commissioners Clare and Seitz

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NEW BUSINESS

CASE NO. 20-CAT2-0035

Project Name: CVS Pharmacy
Location: 7845 and 7847 Preston Hwy
Owner(s): The Nance Realty Group
Applicant: David Norris and John Rhodes, Foresite Group
Jurisdiction: Louisville Metro
Council District: 24 – Madonna Flood
Case Manager: Molly Clark, Planner I

NOTE: COMMISSIONER LEWIS LEFT

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:

01:03:09 Molly Clark discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Kevin Young, Land Design and Development, 503 Washburn Avenue, Louisville, Ky. 40222
Nate Welch,

Summary of testimony of those in favor:

01:09:22 Kevin Young discussed the changes of the plan to address the committee's concerns. The building elevations are CVS' new prototype. The landscaping on Preston Hwy. side (not required) to provide additional buffering to break up the façade. Some pillars or columns can be added on the Preston Hwy. side as well to be reviewed by staff.

01:13:41 Chair Carlson said there needs to be more work/revisions. Mr. Young said they are providing the 30-foot parkway buffer and interior landscaping area to minimize any impacts.

01:18:40 Nate Welch said there are no updated renderings today regarding adding columns on the Preston Hwy. side.

01:28:52 Joe Reverman said a waiver cannot be approved at staff level.

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NEW BUSINESS

CASE NO. 20-CAT2-0035

01:29:12 Mr. Young requests a deferral for 2 weeks. He clarified with the committee on what else needs to be addressed.

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 Mims, the following resolution was adopted.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **CONTINUE** this case to the May 19, 2021 DRC meeting.

The vote was as follows:

YES: Commissioners Brown, Mims and Carlson

ABSENT: Commissioners Clare and Seitz

DEVELOPMENT REVIEW COMMITTEE
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NEW BUSINESS

CASE NO. 21-WAIVER-0036

Request:	Waiver of site design standards and pedestrian connections
Project Name:	2603 S Floyd St. Waiver
Location:	2603 S. Floyd St.
Owner:	Welders Supply Co of Louisville, INC
Applicant:	Welders Supply Co of Louisville, INC
Representative:	Kelli Jones
Jurisdiction:	Louisville Metro
Council District:	15- Kevin Triplett
Case Manager:	Molly Clark, Planner I

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

Agency Testimony:

01:37:13 Molly Clark discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Kelli Jones, Sabak, Wilson and Lingo, 608 South 3rd Street, Louisville, Ky. 40202

Summary of testimony of those in favor:

01:42:14 Kelli Jones gave a power point presentation discussing the following: fee-in-lie; don't want windows for a warehouse; and will have a concrete wall (security purposes).

01:58:48 Molly Clark said she received an email from a U of L representative wanting to know the color of the storage building. Ms. Jones said it should be gray to match the rest of the campus.

Deliberation

02:03:02 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.

DEVELOPMENT REVIEW COMMITTEE
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NEW BUSINESS

CASE NO. 21-WAIVER-0036

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

1. Waiver from 5.5.2.A.1 and 5.6.1.B to not provide widows affording views into the business and to allow a blank wall to face a public roadway.

WHEREAS, the requested waiver will not adversely affect adjacent property owners as this site is adjacent to other industrial uses, including several properties owned by Welders Supply. It is proposed to be accessory storage for the Welders Supply operations; and

WHEREAS, Guideline 1, Policy 4 calls for the compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. The type of building materials may be considered as a mitigation measure and may also be considered in circumstances specified in the Land Development Code. The Land Development Code provides building design standards for non-residential and mixed-use buildings. The purpose of the regulation is to provide visual interest and a human scale that are representative of the form district through the use of windows, columns, pilasters, piers, variation of material, entrances, storefront windows, and other animating features along no less than 60% of their length. This proposed use is storage for welders supplies and is accessory to the principal use on the adjoining properties. The proposed building is not meant to provide visual interest as it's intended to be a secured facility.

Guideline 4, Policy 8. Encourage industries to locate in workplace Form Districts or in areas readily served by infrastructure and transportation facilities, including transit, rather than isolated industrial sites. This site is adjacent to other industrial uses, including several properties owned by Welders Supply.

Guideline 5, Policy 9. Ensure 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 proposed development meets infill for building height and meets all setbacks. Additionally, the applicant plans to build a solid wall surrounding the property for security, that will block visibility from street level.

Guideline 83, Policy 1. Limit land uses in workplace Form Districts to compatible uses that meet the needs of the industrial subdivision or workplace district and their employees. The proposed development is accessory to the main operation on adjacent properties. It is intended to be secure storage with no dedicated employees or public access; and

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NEW BUSINESS

CASE NO. 21-WAIVER-0036

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 proposed development is intended for secure storage of welding supplies and will not provide access to the public. The applicant is planning on providing landscaping and surrounding the development with a solid wall that will block visibility from the street; and

WHEREAS, the Louisville Metro Development Review Committee further finds providing widows affording views into the business would decrease the safety of the materials stored on site. The proposed use of this property is secure storage, there will be no public access or dedicated employees. The applicant is planning on providing landscaping and surrounding the development with a solid wall that will block visibility from the street.

2. Waiver from 5.9.2.A.1.b.i to not provide pedestrian connections to adjacent right of ways.

WHEREAS, the proposed use of this property is secure storage, there will be no public access or dedicated employees. The proposed development is accessory to the main operation on adjacent properties. And the applicant plans to provide sidewalks along Byrne Ave.; and

WHEREAS, Guideline 4 Policy 8, Encourage industries to locate in workplace Form Districts or in areas readily served by infrastructure and transportation facilities, including transit, rather than isolated industrial sites. The applicant plans to provide internal connectivity to their adjacent sites which do have pedestrian access to public right of way.

Guideline 72, Policy 11, Provide street improvements and/or transit solutions to mitigate the impacts of development and re-development. Improvements may include, but not be limited to, the following: 11.7. addition and/or widening of on-site or off-site sidewalks; The applicant plans to provide sidewalks along Byrne Ave. Pedestrian connections are provided to the main building on Boxley Ave. and is planned for the proposed fill plant on the adjacent property on Byrne Ave.

Guideline: 69, Policy 7. All new and substantially improved development should be consistent with applicable standards for rights-of-way and designed to reserve these rights-of-way for further dedication and/or acquisition. The applicant plans to provide sidewalks along Byrne Ave.

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NEW BUSINESS

CASE NO. 21-WAIVER-0036

Guideline 50, Policy To promote healthy lifestyles and reduce congestion, new development and redevelopment should provide for the movement of pedestrians, bicyclists and transit users, where appropriate, by including: 1.4. sidewalks along the streets of all developments;

This development is not open to the public and will not have dedicated employees. The applicant plans to provide connectivity to their neighboring operations on Byrne Ave and Boxley Ave. Both of which will have pedestrian connections to the public right of way. Additionally, preventing public access complies with section 4.4.8.C.2.a of the LDC; and

WHEREAS, the Louisville Metro Development Review Committee finds this development is not open to the public and will not have dedicated employees. The applicant plans to provide connectivity to their neighboring operations on Byrne Ave and Boxley Ave. Both of which will have pedestrian connections to the public right of way; and

WHEREAS, the Louisville Metro Development Review Committee further finds this development is not open to the public and will not have dedicated employees. The applicant plans to provide internal connectivity to their neighboring operations on Byrne Ave and Boxley Ave. Both of which will have pedestrian connections to the public right of way.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Waiver from 5.5.2.A.1 and 5.6.1.B to not provide windows affording views into the business and to allow a blank wall to face a public roadway and the Waiver from 5.9.2.A.1.b.i to not provide pedestrian connections to adjacent right of ways.

The vote was as follows:

YES: Commissioners Brown, Mims and Carlson

ABSENT: Commissioners Clare and Seitz

DEVELOPMENT REVIEW COMMITTEE
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NEW BUSINESS

CASE NO. 21-MPLAT-0042

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

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

Agency Testimony:

00:36:55 Julia Williams stated that the applicant did not get the notices sent out in the appropriate time and this case needs to be continued to the May 19, 2021 DRC meeting.

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

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

RESOLVED, that the Louisville Metro Development Review Committee does hereby **CONTINUE** this case to the May 19, 2021 DRC meeting to allow the applicant to send out notification.

The vote was as follows:

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

DEVELOPMENT REVIEW COMMITTEE
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NEW BUSINESS

CASE NO. 21-DDP-0008

Request:	Revised Detailed District Development Plan
Project Name:	Jiffy Lube
Location:	7379 Jefferson Blvd
Owner:	Covington Land Development, LLC
Applicant:	Phillip R Gambrell, Prism Engineering
Representative:	Phillip R Gambrell, Prism Engineering
Jurisdiction:	Louisville Metro
Council District:	24 – Madonna Flood
Case Manager:	Molly Clark, Planner I

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

Agency Testimony:

02:05:12 Molly Clark discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Phillip Gambrell, Prism Engineering, 2309 Watterson Trail, Suite 200, Louisville, Ky.

Summary of testimony of those in favor:

02:11:49 Phillip Gambrell said the sidewalk along Wood Hill Rd. is not shown on the plan because it's not required but agrees that it is needed. The north elevation will be along Jefferson Blvd. There will be one small window added.

Deliberation

02:19:15 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.

Waiver from the Land Development Code from section 5.6.1.B.1.C.1 for the façade facing Jefferson Blvd to not provide 50% clear windows and doors affording views into the business.

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NEW BUSINESS

CASE NO. 21-DDP-0008

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

WHEREAS, the requested waiver will not adversely affect adjacent property owners, the applicant is meeting all the other requirements. They are providing windows into the office but they do not meet the required 50%. They are providing all landscaping requirements and variation in building materials so the proposed building will have a visual interest and not affect the adjacent property owners; and

WHEREAS, Guideline 1, policy 4 of Plan 2040 mentions that new development should be compatible with scale and site design of nearby existing development. The proposed building will match the surrounding commercial development in the area. They are asking for the building design waiver regarding windows being less than 50% but will still be providing some clear windows and doors into the office as well as variation in building materials. They are still providing a visual interest that matches the other commercial development. According to Guideline 20 Policy 2, Plan 2040 encourages development of non-residential and mixed uses in designated activity centers. This commercial development is being located in an area that is appropriate as well as the building renderings are appropriate with adjacent properties. Although the applicant is not providing the 50% requirement for clear windows and doors, they are providing all the other requirements from the Land Development Code and are proposing renderings that are consistent with the adjacent commercial developments; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the office is an accessory use to the oil change facility. The office will be primarily used by employees seeing as customers will be waiting in line in their cars to get oil changes. The office is meant for administrative uses, which customers aren't looking into to buy any products or services; and

WHEREAS, the Louisville Metro Development Review Committee further finds the office which is the accessory use to the oil change facility is not going to be an area where customers can look into and view the different types of goods and services that is offered. The customers will be staying in their vehicles in order to get oil changes. It is unnecessary to have the 50% clear windows and doors requirement for the office that is not being accessed by customers.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Waiver from the Land Development Code from section 5.6.1.B.1.C.1 for

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NEW BUSINESS

CASE NO. 21-DDP-0008

the façade facing Jefferson Blvd to not provide 50% clear windows and doors affording views into the business.

The vote was as follows:

YES: Commissioners Brown, Mims and Carlson

ABSENT: Commissioners Clare and Seitz

Detailed District Development Plan and Binding Elements

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

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

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

WHEREAS, there are no open space requirements pertinent to the current proposal. Future multi-family development proposed on the subject site will be required to meet Land Development Code requirements; and

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

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

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

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NEW BUSINESS

CASE NO. 21-DDP-0008

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Detailed District Development Plan **SUBJECT** to the following Binding Elements and Condition of Approval:

General Plan Binding Elements

1. The development will be in accordance with the approved District Development Plan. No further development will occur until approved by the Planning Commission.
2. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
3. When funds are committed for the extension of Jefferson Boulevard to Fern Valley Road, the developer will dedicate and construct Jefferson Boulevard on its property. The location of the proposed 100' right-of-way will be immediately located and marked. It shall be reserved by the owner, free of structures or any obstruction, until needed for road construction.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
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. Storm drainage retention facilities shown on the District Development Plan shall be built during the initial phase of the mall expansion. Developer shall facilitate drainage with its project design and construction process and will meet all requirements of the MSD.
7. Ronwood Lane, Barnes Drive and Dougy Lane will not be connected to the development.
8. The developer will construct a 7-foot high continuous solid wood fence along the south property line of residences on Ronwood Lane that are adjacent to the existing Jefferson Mall. This fence will also be constructed along the property line of the mall extension site where it borders developed residential tracts.

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9. Landscaping will be distributed uniformly throughout the proposed and existing Jefferson Mall development to create a uniform design as a substitute for the literal terms of Chapter 10 requiring a maximum 120-foot separation between interior landscaping. 10. Before the opening for business of retail space in the expanded development, the developer will modify the existing south central entrance (opposite Brownfield Square) to include a traffic signal, and to include interconnects and controller modifications for signals at the intersections of Outer Loop and Jefferson Boulevard and Outer Loop and Judge Boulevard. Sharing of costs with other developers and governmental agencies will be as documented in the records of the County Director of Works and Transportation.
11. The developer will provide improvements for widening McCawley Road at Preston Highway after the appropriate governmental authority has provided the required right-of-way. The maximum construction cost to the developer for these improvements shall be \$50,000.00. The developer will fund the design of the improvement (which will be approved by the Jefferson County Department of Public Works and Transportation).
12. There may be some overlap in the number of parking spaces required in the case of a regional shopping mall. Therefore, the initial requirement of parking spaces shall be 1921. Land shall be reserved to add up to 798 parking spaces when needed by the Developer or when required by the Jefferson County Director of Works and Transportation.
13. The above binding elements may be amended as provided for in the Zoning District Regulations.

Proposed Site Plan Binding Elements

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

1. The development shall be in accordance with the approved district development plan, 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, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

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NEW BUSINESS

CASE NO. 21-DDP-0008

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, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the August 19, 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. 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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

Condition of Approval

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NEW BUSINESS

CASE NO. 21-DDP-0008

1. The applicant shall provide a 4-foot concrete sidewalk along the Wood Hill Lane street that abuts their property.

The vote was as follows:

YES: Commissioners Brown, Mims and Carlson

ABSENT: Commissioners Clare and Seitz

DEVELOPMENT REVIEW COMMITTEE
May 5, 2021

NEW BUSINESS

CASE NO. 21-DDP-0017

Request:	Revised Detailed District Development Plan
Project Name:	Louisville Collegiate School Athletic Facility
Location:	3451 Newburg Road
Owner:	The Louisville Collegiate School
Applicant:	Nathan Wright, Mindel Scott
Representative:	Nathan Wright, Mindel Scott
Jurisdiction:	Louisville Metro
Council District:	10 – Madonna Flood
Case Manager:	Molly Clark, Planner I

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

Agency Testimony:

02:33:00 Molly Clark discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Nathan Wright, Mindel, Scott and Associates, 5151 Jefferson Boulevard, Louisville, Ky. 40219

Summary of testimony of those in favor:

02:39:06 Nathan Wright gave a power point presentation discussing the following: background information; proposing artificial turf; no demolition; adding parking; and there will be an additional monument sign.

Deliberation

02:50:38 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.

Revised Detailed District Development Plan with amendments to binding elements

DEVELOPMENT REVIEW COMMITTEE

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NEW BUSINESS

CASE NO. 21-DDP-0017

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

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

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

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

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

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

WHEREAS, the Louisville Metro Development Review Committee further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code. The proposal will allow for continued operation of a private school athletic field in an established activity area.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Revised Detailed District Development Plan with amendments to binding elements and **SUBJECT** to the following Binding Elements:

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes, additions or alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.

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NEW BUSINESS

CASE NO. 21-DDP-0017

2. The development shall not exceed 4,320 square feet of gross floor area for the building, a 576 square foot equipment storage building, an 8,500 sf concession/restroom/field house building, a 784 sf maintenance building, a 7,500 sf stadium and the athletic fields as shown on the plan.
3. There shall be no freestanding sign permitted on site without prior approval. Monument style signs that meet the size and height limits established in the "Policies for Future Development Along Designated Parkways" may be approved by DPDS staff. Signs that exceed those limits are permitted only if approved by LD&T or the Commission. LD&T or the Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations.
4. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.
5. There shall be no outdoor storage, display or sales except as permitted under Section 9.7 of the Jefferson County Development Code and within designated areas on the approved development plan.
6. Outdoor lighting (for parking lot illumination and security) shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff and height of the light standard shall be set so that no light source is visible off-site. Light levels due to lighting on the subject site shall not exceed 0.5 foot candles measured at the property line. The applicant shall obtain certification by a qualified expert in measurement of lighting levels prior to requesting a certificate of occupancy. Such certification shall be maintained on site at all times thereafter.
7. 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.
8. 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 Department of 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

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CASE NO. 21-DDP-0017

- a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
9. 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.
 10. 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.
 11. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
 12. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.
 13. The dumpster shall not be emptied between the hours of 10 p.m. and 7 a.m.
 14. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the April 28, 2003 Planning Commission meeting.
 15. The applicant will install an emergency phone at the concession stand.
 16. No "restricted use" chemicals (fertilizers) or pesticides will be used on the site and no insecticides will be used on the site.
 17. The sidewalk along the east side of Newburg Road between Bashford Manor Lane and Champions Trace Drive shall be constructed within 3 years of the date of approval of the plan presented at the August 19, 2009 DRC meeting. A bond shall be posted with the Kentucky Transportation Cabinet to ensure completion of the construction.
 18. The design of the building façade of the proposed stadium shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval for the stadium.

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NEW BUSINESS

CASE NO. 21-DDP-0017

The vote was as follows:

YES: Commissioners Brown, Mims and Carlson

ABSENT: Commissioners Clare and Seitz

DEVELOPMENT REVIEW COMMITTEE
May 5, 2021

NEW BUSINESS

CASE NO. 21-MPLAT-0029

Request: New Single-Family Access to a Collector Level Road
Project Name: Minor Subdivision Plat
Location: 15405 Brush Run Road
Owner: Bethany and Brad Mulhall
Applicant: Christopher Smith, Advanced Engineering and Surveying, LLC
Representative: Christopher Smith, Advanced Engineering and Surveying, LLC
Jurisdiction: Louisville Metro
Council District: 20 – Stuart Benson
Case Manager: Molly Clark, Planner I

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

Agency Testimony:

02:53:03 Molly Clark discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Beth Mulhall, 15705 Brush Run Road, Louisville, Ky. 40299

Summary of testimony of those in favor:

02:56:41 Beth Mulhall said she is here to answer questions.

Deliberation

02:58:04 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.

Waiver of Land Development Code (LDC) section 7.8.60.B.4 to allow individual single-family driveway access to a collector level roadway.

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NEW BUSINESS

CASE NO. 21-MPLAT-0029

On a motion by Commissioner Brown, seconded by Commissioner Mims, 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 as access will serve single-family residences and traffic will be the minimum necessary to serve them; and

WHEREAS, Guideline 1, Policy 4 strives ensure new development and redevelopment are compatible with scale and site design of nearby existing development with the desired pattern of development within the Form district. The waiver will not violate specific guidelines of Plan 2040 as the proposed subdivision will accommodate single-family residences and traffic will be the minimum necessary to serve them; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. There are many single-family large lots that access off of Brush Run Road and is consistent with the pattern of the neighborhood; and

WHEREAS, the Louisville Metro Development Review Committee further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land because Transportation Planning and KYTC have preliminarily approved the proposed additional single-family access on this primary collector level roadway. The lots resulting from the subdivision conform to the zoning and form district regulations applicable to the property.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Waiver of Land Development Code (LDC) section 7.8.60.B.4 to allow individual single-family driveway access to a collector level roadway.

The vote was as follows:

YES: Commissioners Brown, Mims and Carlson

ABSENT: Commissioners Clare and Seitz

DEVELOPMENT REVIEW COMMITTEE
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NEW BUSINESS

CASE NO. 21-WAIVER-0027

Request:	Waiver of traditional residential site design standards
Project Name:	728 E Chestnut Waiver
Location:	728 E Chestnut St
Owner:	McKree Properties, LLC
Applicant:	McKree Properties, LLC
Representative:	McKree Properties, LLC
Jurisdiction:	Louisville Metro
Council District:	4 – Jecorey Arthur
Case Manager:	Jay Lockett, AICP, Planner I

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

Agency Testimony:

03:00:16 Jay Lockett discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Tess Krebs, 11400 Seatonville Road, Louisville, Ky. 40291

Summary of testimony of those in favor:

03:05:18 Tess Krebs said she is here to answer questions.

Deliberation

03:06:19 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.

Waiver of Land Development Code section 5.4.1 to permit a primary structure in the accessory structure area

DEVELOPMENT REVIEW COMMITTEE
May 5, 2021

NEW BUSINESS

CASE NO. 21-WAIVER-0027

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

WHEREAS, the will not adversely affect adjacent property owners, as all required setbacks will be met on the subject site; and

WHEREAS, the waiver will not violate the comprehensive plan, as it will allow for additional housing options within an existing mixed-use area. The site has access to transit and pedestrian networks and is in proximity to employment areas and services; 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. All other requirements of the Land Development Code will be met on the subject site; 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, as it is zoned appropriately for the proposed density. The applicant does not wish to remove or alter the existing structure on site.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Waiver of Land Development Code section 5.4.1 to permit a primary structure in the accessory structure area.

The vote was as follows:

YES: Commissioners Brown, Mims and Carlson

ABSENT: Commissioners Clare and Seitz

DEVELOPMENT REVIEW COMMITTEE
May 5, 2021

NEW BUSINESS

CASE NO. 20-DDP-0073

Request: Revised Detailed District Development Plan with Approval of
Outdoor Amenity Area Design
Project Name: 265 Logistics
Location: 13620 Rainforest Dr
Owner: Kenwood Holdings LLC
Applicant: Kenwood Holdings LLC
Representative: Land Design and Development
Jurisdiction: Louisville Metro
Council District: 19 – Anthony Piagentini
Case Manager: Jay Lockett, AICP, Planner I

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

Agency Testimony:

03:07:58 Jay Lockett discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Derek Triplett, Land Design and Development, 503 Washburn Avenue, Louisville, Ky. 40222

Summary of testimony of those in favor:

03:11:17 Derek Triplett gave a power point presentation discussing the following: tree canopy requirements will be fulfilled; will contribute to signal (amount stated in binding element); this will be a viable industrial development; building elevations; and this plan is similar to what was already approved.

Deliberation

03:19:48 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.

DEVELOPMENT REVIEW COMMITTEE
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NEW BUSINESS

CASE NO. 20-DDP-0073

Revised Detailed District Development Plan and Outdoor Amenity Area Design

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

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

WHEREAS, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan. Kentucky Transportation Cabinet approval is required prior to MSD construction plan approval; and

WHEREAS, there are no open space requirements pertinent to the current proposal. Future multi-family development proposed on the subject site will be required to meet Land Development Code requirements; and

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

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

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

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Revised Detailed District Development Plan and Outdoor Amenity Area Design, **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

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CASE NO. 20-DDP-0073

- for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, 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, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. A minor subdivision plat or legal instrument shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - 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. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
 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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
 7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties

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NEW BUSINESS

CASE NO. 20-DDP-0073

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.

8. A contribution of up to \$40,000 for the signal installation at the Intersection of Terra Crossing Blvd and Old Henry Rd shall be paid by the developer within a 30-day request from Public Works assets or the Kentucky Transportation Department.

The vote was as follows:

YES: Commissioners Brown, Mims and Carlson

ABSENT: Commissioners Clare and Seitz

DEVELOPMENT REVIEW COMMITTEE
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NEW BUSINESS

CASE NO. 21-DDP-0016

Request: Revised Detailed District Development Plan with a Waiver for building window design
Project Name: Thorntons
Location: 5489 Clearwater Farms Blvd
Owner: Fern Valley Development Partners, LLC
Applicant: Woolpert Inc
Representative: Woolpert Inc
Jurisdiction: Louisville Metro
Council District: 2 – Barbara Shanklin
Case Manager: Jay Lockett, AICP, Planner I

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

Agency Testimony:

03:21:55 Jay Lockett discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Kate Berliner, 2600 James Thornton Way, Louisville, Ky. 40245
Brian Smallwood, 1203 Walnut Street, Cincinnati, Ohio 45202

Summary of testimony of those in favor:

03:30:51 Kate Berliner said she supports incorporating sidewalks and a rear entry for the building.

03:35:45 Brian Smallwood said there are a couple of options for possible relocation of the tarp stop. KYTC has approved the configurations for the deceleration lanes as shown on the plan as well as the turn entrances into the development.

Joe Reverman said a sidewalk needs to be constructed from Shepherdsville Rd. back to the apartment property. Mr. Smallwood will relay that message to the owner.

Jay Lockett said the applicant/representatives plan on using a fence to meet their screening requirements and also as a private agreement with a neighbor.

03:42:28 Mr. Smallwood has spoken with his client and he agrees to construct a sidewalk (Clearwater Farms Blvd. to new entrance road) as part of this development.

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NEW BUSINESS

CASE NO. 21-DDP-0016

Deliberation

03:44:14 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.

Waiver of Land Development Code section 5.6.1.C.1 to allow a proposed gas station to have frosted glass instead of clear glass windows on the façade facing Shepherdsville Rd.

On a motion by Commissioner Brown, seconded by Commissioner Mims, 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 as the development will be in keeping with other development in the area. The frosted glass provided will meet the architectural style required by the Land Development Code; and

WHEREAS, the waiver will not violate the Comprehensive Plan. The development will be compatible with other development in the area and the form district; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since all other aspects of the Land Development Code are being met for the subject site, including other building design standards; 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. The proposed layout of the store has mechanical equipment in an area that makes clear windows impractical along a portion of the structure. The applicant will provide frosted glass windows in the required style and size.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Waiver of Land Development Code section 5.6.1.C.1 to allow a proposed gas station to have frosted glass instead of clear glass windows on the façade facing Shepherdsville Rd.

The vote was as follows:

DEVELOPMENT REVIEW COMMITTEE
May 5, 2021

NEW BUSINESS

CASE NO. 21-DDP-0016

YES: Commissioners Brown, Mims and Carlson
ABSENT: Commissioners Clare and Seitz

Revised Detailed District Development Plan

On a motion by Commissioner Brown, seconded by Commissioner Mims, 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, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works and KYTC have approved the preliminary development plan; and

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

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

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

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

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Detailed District Development Plan **SUBJECT** to the following Binding Elements and Condition of Approval:

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

DEVELOPMENT REVIEW COMMITTEE
May 5, 2021

NEW BUSINESS

CASE NO. 21-DDP-0016

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, small freestanding signs, pennants, balloons, 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, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Develop Louisville 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. A minor subdivision plat shall be recorded creating the lot lines as shown on the development plan. 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.
 - d. 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.
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.

DEVELOPMENT REVIEW COMMITTEE
May 5, 2021

NEW BUSINESS

CASE NO. 21-DDP-0016

6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system.
7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

Condition of Approval:

1. The applicant shall provide the section of sidewalk between the Dollar General entrance and the new access road being proposed on this site that will intersect with Clearwater Farms Blvd.

The vote was as follows:

YES: Commissioners Brown, Mims and Carlson
ABSENT: Commissioners Clare and Seitz


DEVELOPMENT REVIEW COMMITTEE
May 5, 2021

ADJOURNMENT

The meeting adjourned at approximately 4:48 p.m.

DocuSigned by:

Chair OC6D04AA...

DocuSigned by:

Planning Director