

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE MEETING
SEPTEMBER 5, 2018**

A meeting of the Louisville Metro Development Review Committee was held on September 5, 2018 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, KY 40202.

Commissioners present:

Rich Carlson, Vice Chair
Jeff Brown
Emma Smith

Commissioners absent:

David Tomes, Chair
Donald Robinson

Staff members present:

Joe Reverman, Planning & Design Assistant Director
Brian Davis, Planning & Design Manager
Chris French, Planning & Design Supervisor
Jay Lockett, Planner I
Dante St. Germain, Planner I
Paul Whitty, Legal Counsel
Beth Stuber, Transportation
Sue Reid, Management Assistant

The following matters were considered

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APPROVAL OF MINUTES

August 15, 2018 DRC Meeting Minutes

00:02:43 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on August 15, 2018.

The vote was as follows:

YES: Commissioner Brown, and Vice Chair Carlson

NOT PRESENT: Commissioner Robinson, and Chair Tomes

ABSTAINING: Commissioner Smith

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NEW BUSINESS

CASE NUMBER 18WAIVER1024

Request:	Waiver to not require plantings in a Vehicular Use Area Landscape Buffer Area – WITHDRAWN at Applicant's request
Project Name:	Shanks Lane Landscaping
Location:	3801 Shanks Lane
Owner:	Usher Holding Co. Inc.
Applicant:	Ryan Usher
Representative:	Ryan Usher
Jurisdiction:	Louisville Metro
Council District:	1 – Jessica Green
Case Manager:	Dante St. Germain, Planner II

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

Agency Testimony:

00:03:35 Dante St. Germain stated this case has been withdrawn at the applicant's request (see staff report and recording for detailed presentation.)

NOTE: This case was WITHDRAWN at the request of the applicant, therefore no vote or action was taken.

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NEW BUSINESS

CASE NUMBER 18DEVPLAN1062

Request: Community Facility Review for Tyler Park
Project Name: Tyler Park CFR
Location: 1501 Castlewood Avenue
Owner/Applicant: Jason Canuel – Louisville Parks and Recreation
Representative: Liz Piper – Element Design
Jurisdiction: Louisville Metro
Council District: 8 – Brandon Coan
Case Manager: Chris French, AICP, Planning Supervisor

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

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

Agency Testimony:

00:04:27 Chris French presented the case (see staff report and recording for detailed presentation.)

The following spoke neither for nor against this request:

Jennifer Adam, 1433 Tyler Park Drive, Louisville, KY 40204

Summary of testimony of those neither for nor against:

00:06:13 Jennifer Adam spoke neither for nor against this request. Ms. Adam stated she is a Tyler Park resident. Ms. Adam stated her particular concern is there are no dedicated entrances to the park that have crosswalks. Ms. Adam stated her question is how is access to the park addressed in the master plan, and can it be. Ms. Adam stated her second concern is just safety. Ms. Adam stated she doesn't let her kids play where that playground is in the new master plan because of activity that goes on back there. Ms. Adam stated she wants to understand how are we going to make it controllable, so that some of the activity that goes on back there aren't going to happen in the future (see recording for detailed presentation).

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The following spoke in favor of the request:

Liz Piper (did not provide address)

Summary of testimony of those in favor:

00:10:22 Liz Piper spoke in favor of the request in response to Ms. Adam's questions/concerns. Ms. Piper stated as far as changes from the 2010 master plan, the biggest thing that precipitated those changes were that the Olmsted Parks Conservancy collected additional historical information and they did a very thorough and detailed analysis. Ms. Piper stated some of their goals include being able to get the park in the future listed on the historic register. Ms. Piper stated their analysis deemed certain features to be significant uses, one of those being that double tennis court. Ms. Piper stated all the tennis courts actually are historically significant, so the decision was made to keep all those hard tennis courts and that meant they had to figure out a different place to put the playground and spray ground. Ms. Piper stated in the 2010 process there were two options shown to the public at that time and they essentially went back to one of those options. Ms. Piper discussed the plans for the park and responded to further questions from Ms. Adam (see recording for detailed presentation).

00:15:06 Commissioner Brown responded to questions from Ms. Adam regarding access to the park (see recording for detailed presentation).

00:18:32 Chris French responded to questions from the Commissioners (see recording for detailed presentation).

Additional testimony of those neither for nor against:

00:19:44 Charles Thrasher (1526 Rosewood, Louisville, KY) spoke neither for nor against the request. Mr. Thrasher stated when he downloaded the application the drawings were not revised, they were drawings they had seen before back in June or even May. Mr. Thrasher stated he wondered what are the exact drawings that are being looked at today? Mr. Thrasher stated there is a bridge study by the state of the whole bridge through the center of the park, and as far as he knows he hasn't seen a report yet. Mr. Thrasher stated his third question is what is the state of the sewers running under the park? Mr. Thrasher stated he thinks the sewers should be inspected underneath. Mr. Thrasher stated his fourth question is what is the configuration of the playground itself? Mr. Thrasher asked if the old playground equipment is going to be just moved or is it going to be new playground equipment (see recording for detailed presentation).

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CASE NUMBER 18DEVPLAN1062

00:22:42 Liz Piper responded to Mr. Thrasher's questions (see recording for detailed presentation).

An audio/visual recording of the Planning Commission hearing 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.

Deliberation

00:26:24 The Commissioners concurred that the proposal is justified.

00:26:53 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution, based upon the Staff Report and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that all of the applicable Guidelines and Policies of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee in Case Number 18DEVPLAN1062 does hereby **APPROVE** Community Facility Review for the proposed additions, alternations, and rehabilitation of facilities within Tyler Park.

The vote was as follows:

Yes: Commissioners Brown, Smith, and Vice Chair Carlson

Not Present: Commissioner Robinson and Chair Tomes

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NEW BUSINESS

CASE NUMBER 18WAIVER1029

Request: Three General Waivers from the City of Jeffersontown LDC associated with a Category 2B Development Plan
Project Name: Blankenbaker Road Waivers
Location: 2008 Blankenbaker Road
Owner/Applicant: Matthew and Jana Miller
Representative: Ann Richard (RLA) – Land Design and Development Inc.
Jurisdiction: City of Jeffersontown
Council District: 11 – Kevin Kramer
Case Manager: Chris French, AICP, Planning Supervisor

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

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

Agency Testimony:

00:28:00 Chris French presented the case and showed the site plan. Mr. French responded to questions from the Commissioners (see staff report and recording for detailed presentation.)

The following spoke in favor of this request:

Kevin Young, 503 Washburn, Louisville, KY 40222

Summary of testimony of those in favor:

00:30:38 Kevin Young spoke in favor of the request and showed a Powerpoint presentation. Mr. Young responded to questions from the Commissioners (see recording for detailed presentation).

The following spoke in opposition to this request:

No one spoke.

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NOTE: Vice Chair Carlson read into the record a letter in opposition that had just been received by PDS Staff from Ida Cox at 2006 Blankenbaker Road (see recording for detailed presentation).

Rebuttal:

00:39:40 Kevin Young responded to the concerns in the letter of opposition. Mr. Young responded to questions from the Commissioners (see recording for detailed presentation).

Deliberation:

00:42:06 The Commissioners concurred that the proposal is justified.

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

00:43:15 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution, based on the Staff Report and the testimony heard today, was adopted:

Waiver #1 from Jeffersontown LDC (September 2015) 10.2.4.B to allow encroachment of the proposed parking spaces into the 15 ft. south property line Landscape Buffer Area (LBA):

WHEREAS, the Louisville Metro Development Review Committee finds that the PEC zoning classification envisioned large tract development. The PEC 15 ft. Landscape Buffer Areas were intended to provide consistent perimeter property line landscaping on a large parcel development and did not intend to significantly reduce developable areas on smaller tracts such as the subject site. The applicant states that the 15 ft. Landscape Buffer Areas will be provided along the property perimeters. The way in which the structures and parking are situated results in the proposed structures consuming approximately 60 ft. in width with the VUA consuming another 65 feet (including the drive lanes of 25 ft.) for a total of 125 feet of the total width of the subject parcel being 147.48 ft. The situation of the parking and proposed structures maximizes the use of the parcel while attempting to mitigate nuisances upon the northern residential property, and

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WHEREAS, the Committee further finds that Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within suburban areas. Staff has reviewed the situation of the proposed structures on the parcel which will act as a buffer from parking and associated nuisances from the northern residential property however, the warehouse uses that are proposed are unknown at this time and noise may be a potential issue. Screening with required plantings within the proposed 15 ft. LBA in place of the 50 ft. LBA will help to screen the proposed structures from the rear and allow for sufficient area for plantings. Additionally, the applicant has stated that they intend to meet the landscaping requirements, and

WHEREAS, the Committee further finds that the applicant states in their justification that the Landscaping Buffer Areas are being provided where possible and all the required landscaping will be provided. Landscaping/tree canopy if provided along the southern property line as adjacent to the single family residential uses may help to screen from the proposed parking lot but lighting and noises as associated with the VUA are unknown to staff at this time, and

WHEREAS, the Committee further finds that the applicant has stated that the strict application of the regulations will restrict the developable area significantly and render it undevelopable for a PEC/SW use. The applicant has also proposed to plant all the required trees and that the granting of the waiver will not result in the loss of tree canopy; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee in Case Number 18WAIVER1029 does hereby **RECOMMEND FOR APPROVAL** to the City of Jeffersontown Waiver #1 from Jeffersontown LDC (September 2015) 10.2.4.B to allow encroachment of the proposed parking spaces into the 15 ft. south property line Landscape Buffer Area (LBA).

The vote was as follows:

YES: Commissioners Brown, Smith, and Vice Chair Carlson
NOT PRESENT: Commissioner Robinson, and Chair Tomes

00:44:02 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution, based on the Staff Report and the testimony heard today, was adopted:

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CASE NUMBER 18WAIVER1029

Waiver #2 from Jeffersontown LDC (September 2015) 5.5.4.B.1/10.2.4.B to reduce the LBA from the required 50 ft. to 15 ft. and to not provide a 6 ft. berm along the northern property line:

WHEREAS, the Louisville Metro Development Review Committee finds that the orientation of the proposed structures on the parcel will act as a buffer from the parking and potentially from associated nuisances from the northern residential property however, the warehouse uses that are proposed are unknown to staff at this time and noise may be a potential issue. Screening with required plantings within the proposed 15 ft. LBA will help to screen the proposed structures from the rear, and

WHEREAS, the Committee further finds that Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The waiver will not violate specific guidelines of the Comprehensive Plan, Cornerstone 2020. Staff has reviewed the situation of the proposed structures on the parcel which will act as a buffer from parking and associated nuisances from the northern residential property however, the warehouse uses that are proposed are unknown at this time and noise may be a potential issue. Screening with required plantings within the proposed 15 ft. LBA in place of the 50 ft. LBA will help to screen the proposed structures from the rear and allow for sufficient area for plantings, and

WHEREAS, the Committee further finds that the proposed structures on the parcel is the minimum necessary to act as a buffer between the proposed parking and the residential use to the north of the subject site. However, associated nuisances such as noise are unknown at this time and may be a potential issue. Screening with required plantings within the proposed 15 ft. LBA will help to screen the proposed structures from the rear, and

WHEREAS, the Board further finds that strict application of the regulations will restrict the developable area significantly and render it undevelopable for a PEC/SW use. The applicant is proposing to plant all of the required trees and the granting of the requested waivers will not result in the loss of tree canopy as stated in the justification. Trees planted along the northern and southern property lines will help to minimize the impact of any associated nuisances from the development however, noise nuisances are unknown at this time for the proposed tenants that may occupy the proposed warehouses with accessory offices; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee in Case Number 18WAIVER1029 does hereby **RECOMMEND FOR APPROVAL** to the City of

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CASE NUMBER 18WAIVER1029

Jeffersontown Waiver #2 from Jeffersontown LDC (September 2015) 5.5.4.B.1/10.2.4.B to reduce the LBA from the required 50 ft. to 15 ft. and to not provide a 6 ft. berm along the northern property line.

The vote was as follows:

YES: Commissioners Brown, Smith, and Vice Chair Carlson

NOT PRESENT: Commissioner Robinson, and Chair Tomes

00:44:45 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution, based on the Staff Report and the testimony heard today, was adopted:

Waiver #3 from Jeffersontown LDC (September 2015) 10.2.4.B to allow the existing sanitary sewer and drainage easement to overlap the required 15 ft. property perimeter LBA along the southern and western property lines by more than 50%:

WHEREAS, the Louisville Metro Development Review Committee finds that Staff is in agreement with the applicant's justification that the waiver requested to waive the more than 50% overlap of the proposed 15 ft. Sewer and Drainage easement and the 15 ft. Landscape Buffer Area adjacent to the south property line will not adversely impact the adjacent property because sufficient land area will be available to plant the required trees. The 15 ft. Sewer and Drainage Easement are covering a proposed drainage pipe to be installed in the proposed parking lot and will not impact the ability to plant the required trees, and

WHEREAS, the Committee further finds that Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within suburban areas. The applicant has stated that the comprehensive plan will not be violated because the intent of the requirements is being met through landscaping thus the 15 ft. landscaping buffer on the northern property line and the seven ft. verge with ILA's along the southern property line will allow for sufficient areas for plantings, and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the applicant/owner is willing to provide landscape buffer areas where possible and all the required landscaping will be provided, and

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WHEREAS, the Committee further finds that the applicant has stated that the strict application of the regulations will restrict the developable area significantly and render it undevelopable for a PEC/SW use. The applicant is proposing to plant the required tree canopy. Tree canopy planted along the northern property line and southern property lines will help to potentially minimize the impact of any associated nuisances from the development however, noise nuisances are unknown at this time for the proposed tenants that may occupy the proposed warehouses with accessory offices; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee in Case Number 18WAIVER1029 does hereby **RECOMMEND FOR APPROVAL** to the City of Jeffersontown Waiver #3 from Jeffersontown LDC (September 2015) 10.2.4.B to allow the existing sanitary sewer and drainage easement to overlap the required 15 ft. property perimeter LBA along the southern and western property lines by more than 50%.

The vote was as follows:

YES: Commissioners Brown, Smith, and Vice Chair Carlson
NOT PRESENT: Commissioner Robinson, and Chair Tomes

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NEW BUSINESS

CASE NUMBER 17DEVPLAN1240

Request: Waiver from LDC 10.2 4 Property Perimeter and a Waiver from LDC 10.3.5.A.1 Parkway Buffer
Project Name: 6325 River Road
Location: 6325 River Road
Owner: Harrods Creek 2014 Investment Partners LLC.
Applicant: Harrods Creek 2014 Investment Partners LLC.
Representative: Sarah Beth Sammons - Land Design & Development Inc.
Jurisdiction: Louisville Metro
Council District: 16 – Scott Reed
Case Manager: Joe Reverman, AICP, Assistant Director

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

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

Agency Testimony:

00:46:25 Joe Reverman presented the case and showed the site plan (see staff report and recording for detailed presentation.)

The following spoke in favor of this request:

Sarah Beth Sammons, 508 Washburn Ave., Louisville, KY 40222
Lindsey Stoughton, 816 Franklin Street, Louisville, KY 40206

Summary of testimony of those in favor:

00:49:49 Sarah Beth Sammons spoke in favor of the request and showed a Powerpoint presentation (see recording for detailed presentation).

00:54:28 Lindsey Stoughton stated she was available to answer questions (see recording for detailed presentation).

The following spoke in opposition to this request:

No one spoke.

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NEW BUSINESS

CASE NUMBER 17DEVPLAN1240

Deliberation:

00:55:15 The Commissioners concur that the proposal is justified.

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

00:55:33 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution, based on the Staff Report and the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners since the encroachment to the north is adjacent to the same property and the encroachment to the west is along an area that has historically been used as a street, Creekside Ct, and

WHEREAS, the Committee further finds that 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. 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. 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. 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 waiver will not violate guidelines of Cornerstone 2020 since the encroachments are adjacent to the same property and an area that has historically been used as a street, Creekside Ct. These areas provide appropriate transitions to adjacent uses and do not create a negative impact, and

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CASE NUMBER 17DEVPLAN1240

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief. The encroachment to the north is adjacent to the same property, and the encroachment to the west is along an area historically used as a street, Creekside Ct, and

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant since the encroachment to the north is adjacent to the same property, and the encroachment to the west is along an area historically used as a street, Creekside Ct; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee in Case Number 17DEVPLAN1240 does hereby **APPROVE** Landscape Waiver of Section 10.2.4 of the Land Development Code to eliminate the 25 ft. Property Perimeter Landscape Buffer Area (LBA) along the northern and western property lines, and Landscape Waiver from Section 10.3.5 of the Land Development Code to allow existing structures and Vehicular Use Area (VUA) to encroach into the 30 ft. setback and 30 ft. Landscape Buffer Area along River Road.

The vote was as follows:

YES: Commissioners Brown, Smith, and Vice Chair Carlson

NOT PRESENT: Commissioner Robinson, and Chair Tomes

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NEW BUSINESS

CASE NUMBER 18WAIVER1031

Request: Waiver to allow the base of a sign to be 50% of the width of the sign rather than the required 80%

Project Name: O'Reilly Auto Parts

Location: 8717 Westport Rd

Owner: Otte Family Limited Partnership

Applicant: Louisville Sign Company

Representative: Debbie Brent

Jurisdiction: Louisville Metro

Council District: 7 – Angela Leet

Case Manager: Jay Lockett, Planner I

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

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

Agency Testimony:

00:56:48 Jay Lockett presented the case and showed the site plan. Mr. Lockett responded to questions from the Commissioners (see staff report and recording for detailed presentation.)

The following spoke in favor of this request:

Chris Colyer, O'Reilly Auto Parts, 4160 Bardstown Road, Louisville, KY 40218

Summary of testimony of those in favor:

00:59:58 Chris Colyer spoke in favor of the request and responded to questions from the Commissioners (see recording for detailed presentation).

01:02:53 Jay Lockett responded to questions from the Commissioners (see recording for detailed presentation).

The following spoke in opposition to this request:

No one spoke.

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NEW BUSINESS

CASE NUMBER 18WAIVER1031

Deliberation:

01:04:10 The Commissioners concurred that further information was needed prior to making a decision on this case.

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

01:07:28 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution, based on the Staff Report and the testimony heard today, was adopted:

RESOLVED, the Louisville Metro Development Review Committee in Case Number 18WAIVER1031 does hereby **CONTINUE** the case to the September 19, 2018 Development Review Committee meeting.

The vote was as follows:

YES: Commissioners Brown, Smith, and Vice Chair Carlson

NOT PRESENT: Commissioner Robinson, and Chair Tomes

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NEW BUSINESS

CASE NUMBER 18WAIVER 1034

Request: Waiver to allow the footprint of an accessory structure to exceed the footprint of the primary structure
Project Name: Blanton Ln Garage
Location: 3328 Blanton Ln
Owner: Thomas Hans, Jr.
Applicant: Thomas Hans, Jr.
Representative: Thomas Hans, Jr.
Jurisdiction: Louisville Metro
Council District: 12 – Rick Blackwell
Case Manager: Jay Lockett, Planner I

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

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

Agency Testimony:

01:08:16 Jay Lockett presented the case and showed the site plan (see staff report and recording for detailed presentation).

The following spoke in favor of this request:

Thomas Hans, 3328 Blanton Ln., Louisville, KY 40216

Summary of testimony of those in favor:

01:10:12 Thomas Hans spoke in favor of the request and responded to questions from the Commissioners (see recording for detailed presentation.)

The following spoke in opposition to this request:

No one spoke.

Deliberation:

01:12:13 The Commissioners concurred that the proposal is justified.

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CASE NUMBER 18WAIVER 1034

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

01:12:22 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution, based on the Staff Report and the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners, as a larger garage will not be out of character for the area, and all required setbacks will be observed, and

WHEREAS, the Committee further finds that the proposal meets Guideline 3, Policies 1 and 2 which calls for 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 garage will be set back approximately 70 feet behind the existing home, and the property will not be out of character with other properties in the area, and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to provide relief to the applicant, as all other Land Development Code requirements will be met on site, and

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land, as the property is large enough to support the proposed accessory structure without causing harm to neighbors; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee in Case Number 18WAIVER1034 does hereby **APPROVE** Waiver of Land Development Code Section 5.4.2.C.1 to allow the footprint of an accessory structure to exceed the footprint of a principle structure.

The vote was as follows:

YES: Commissioners Brown, Smith, and Vice Chair Carlson
NOT PRESENT: Commissioner Robinson, and Chair Tomes

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NEW BUSINESS

CASE NUMBER 18WAIVER 1036

Request: Waiver to allow a building and vehicle use area to encroach into the required 10' property perimeter landscape buffer

Project Name: 814 Cherokee Rd addition

Location: 814 Cherokee Rd

Owner: Zelkova Strategic Partners

Applicant: LMS Design

Representative: LMS Design

Jurisdiction: Louisville Metro

Council District: 8 – Brandon Coan

Case Manager: Jay Lockett, Planner I

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

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

Agency Testimony:

01:13:18 Jay Lockett presented the case and showed the site plan. Mr. Lockett responded to questions from the Commissioners (see staff report and recording for detailed presentation.)

The following spoke in favor of this request:

Lindsey Stoughton, 816 Franklin Street, Louisville, KY 40206

Summary of testimony of those in favor:

01:15:31 Lindsey Stoughton spoke in favor of the request and responded to questions from the Commissioners (see recording for detailed presentation.)

The following spoke in opposition to this request:

No one spoke.

Deliberation:

01:17:06 The Commissioners concur that the proposal is justified.

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NEW BUSINESS

CASE NUMBER 18WAIVER 1036

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

01:17:19 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution, based on the Staff Report and the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners, as the existing conditions are already in place with no buffer provided, and

WHEREAS, the Committee further finds that Guideline 3, Policies 21 and 22 call for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate 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. Guideline 3, Policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. The proposed use is compatible with the adjacent site, and the sites already exist with no buffer between them, and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to provide relief to the applicant, as all other Land Development Code requirements will be met on site, and

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land, as complying with the buffer requirements would mandate the demolition of the existing structure and removal of much of the existing parking on site; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee in Case Number 18WAIVER1036 does hereby **APPROVE** Waiver of Land Development Code Section 10.2.4 to allow a structure and vehicle use area to encroach into the required 10' property perimeter landscape buffer area.

**DEVELOPMENT REVIEW COMMITTEE MINUTES
September 5, 2018**

NEW BUSINESS

CASE NUMBER 18WAIVER 1036

The vote was as follows:

YES: Commissioners Brown, Smith, and Vice Chair Carlson

NOT PRESENT: Commissioner Robinson, and Chair Tomes

DEVELOPMENT REVIEW COMMITTEE MINUTES
September 5, 2018

NEW BUSINESS

CASE NUMBER 18DEVPLAN1116

Request: Detailed District Development Plan for an Office Building
Project Name: Blankenbaker Station II, Lot 6
Location: 12501 Plantside Dr.
Owner: Horizon Partners, LLC
Applicant: Horizon Partners, LLC.
Representative: Bardenwerper, Talbott and Roberts
Jurisdiction: Louisville Metro
Council District: 20 – Stuart Benson
Case Manager: Jay Luckett, Planner I

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

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

Agency Testimony:

01:18:45 Jay Luckett presented the case and showed the site plan. Mr. Luckett responded to questions from the Commissioners (see staff report and recording for detailed presentation).

The following spoke in favor of this request:

Nick Pregliasco, 1000 N. Hurstbourne Pkwy., Louisville, KY 40223
Kent Gootee, 5151 Jefferson Blvd., Louisville, KY 40219

Summary of testimony of those in favor:

01:20:38 Nick Pregliasco spoke in favor of the request and showed a Powerpoint presentation (see recording for detailed presentation).

01:24:04 Kent Gootee spoke in favor of the request and responded to questions from the Commissioners (see recording for detailed presentation).

01:25:57 Mr. Pregliasco spoke in favor of the request. Mr. Pregliasco and Mr. Gootee responded to questions from the Commissioners (see recording for detailed presentation).

DEVELOPMENT REVIEW COMMITTEE MINUTES
September 5, 2018

NEW BUSINESS

CASE NUMBER 18DEVPLAN1116

The following spoke in opposition to this request:

No one spoke.

Deliberation:

01:28:10 The Commissioners concur that the proposal is justified.

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

01:28:46 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution, based on the Staff Report and the testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the applicant has provided adequate compensation for an encroachment into the outer stream buffer on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site, and

WHEREAS, the Committee further finds that 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, and

WHEREAS, the Committee further finds that there are no open space requirements pertinent to the current proposal, and

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

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

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

DEVELOPMENT REVIEW COMMITTEE MINUTES
September 5, 2018

NEW BUSINESS

CASE NUMBER 18DEVPLAN1116

RESOLVED, the Louisville Metro Development Review Committee in Case Number 18DEVPLAN1116 does hereby **APPROVE** the Detailed District Development Plan, **SUBJECT** to the following binding elements on **CONDITION** that the plan is updated to reflect that they are meeting the parking requirements or apply for a waiver, whatever is necessary.

Binding Elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, 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 Develop Louisville and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

DEVELOPMENT REVIEW COMMITTEE MINUTES
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NEW BUSINESS

CASE NUMBER 18DEVPLAN1116

- d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
5. 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.
6. 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.
7. There shall be no outdoor music (live, piped, radio or amplified) **or** outdoor entertainment or outdoor PA system audible beyond the property line.
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.

The vote was as follows:

YES: Commissioners Brown, Smith, and Vice Chair Carlson

NOT PRESENT: Commissioner Robinson, and Chair Tomes

DEVELOPMENT REVIEW COMMITTEE MINUTES
September 5, 2018

ADJOURNMENT

The meeting adjourned at approximately 2:30 p.m.

Chairman

Division Director