

**MINUTES OF THE MEETING  
OF THE  
DEVELOPMENT REVIEW COMMITTEE  
February 14, 2018**

A meeting of the Development Review Committee was held on, February 14, 2018 at 1:00 p.m. in the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

**Committee Members present were:**

Rich Carlson, Vice Chair  
Jeffrey Brown  
Emma Smith  
Laura Ferguson

**Committee Members absent were:**

David Tomes, Chairman

**Staff Members present were:**

Joe Reverman, Assistant Director  
Brian Davis, AICP, Planning Manager  
Laura Mattingly, AICP, Planner II  
Ross Allen, Planner I  
Jay Lockett, Planner I  
Paul Whitty, Legal Counsel  
Travis Fiechter, Legal Counsel  
Tony Kelly, MSD  
Beth Stuber, Transportation Supervisor  
Pamela M. Brashear, Management Assistant

The following matters were considered:

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**APPROVAL OF MINUTES**

**JANUARY 31, 2018 DRC MEETING MINUTES**

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

**RESOLVED**, that the Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on January 31, 2018.

**The vote was as follows:**

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

**NOT PRESENT FOR THIS CASE: Commissioner Carlson**

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

**CASE NO. 18WAIVER1000**

Case No: 18WAIVER1000  
Project Name: 2705 Watterson Trail  
Location: 2705 Watterson Trail  
Owner(s): Barnett Watterson, LLC.  
Applicant: Barnett Watterson, LLC.  
Jurisdiction: Jeffersontown  
Council District: 11 – Kevin Kramer  
Case Manager: **Jay Lockett, Planner I**

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

**Agency Testimony:**

00:11:04 Mr. Lockett discussed the case summary, standard of review and staff analysis from the staff report.

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

Chris Crumpton, Bluestone Engineers, 3703 Taylorsville Road, Suite 205, Louisville, Ky. 40220

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

00:13:30 Mr. Crumpton stated the plan was previously approved and the entrance was similar to where the existing driveway is now. During construction, a huge rock shelf (about 8 feet higher than the road) was discovered.

Mr. Crumpton added, "The state Transportation Cabinet did additionally request that the 2 separate tracts be consolidated. They have been consolidated, re-recorded and provided to the state."

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

Jon Baker, Wyatt, Tarrant and Combs, 500 West Jefferson Street, Suite 2800, Louisville, Ky. 40202

Henry Robinson, 400 Landis Lake Court, Louisville, Ky. 40245

Daniel Reul, 2801 Watterson Trail, Louisville, Ky. 40299

Dwight Robinson, 9010 Linn Station Road, Louisville, Ky. 40222

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**Summary of testimony of those in opposition:**

00:18:50 Mr. Baker represents Henry and Dwight Robinson. The proposal directly affects their access.

00:19:53 Mr. Baker provided handouts for the commissioners. "It's the Robinsons' understanding that the current property owner did core samples of this property prior to purchasing, so they were fully aware of the geology/rock issues."

00:22:34 Mr. Henry Robinson stated all the property was previously owned by his grandparents. "We have accessed that property for 90 years from Watterson Trail all the way back where it shows that an access easement will be provided.."

00:24:50 Mr. Baker added, "Going from an approved plan that has the access point more towards the middle to create an access point that may cause potential problems with truck maneuvering is a concern."

00:25:35 Mr. Reul stated, "I own the property to the south and that driveway is going to end up on my line. I've got utility poles there which will be about 7.5 feet from all the traffic in and out of there. Also, their curb cut is going to be about 60 - 70 feet from my curb cut."

00:27:01 Mr. Dwight Robinson remarked, "We currently don't have access to our property due to the development that's underway now. The road goes up but the elevation is 8 feet higher than our land."

00:32:27 Mr. Baker stated, 2707 and 2709 are landlocked.

**Deliberation**

00:39:06 Commissioner Brown said some type of buffer (maybe 5 feet) for the abutting property owner to the south would be appropriate.

Commissioner Ferguson agrees with Commissioner Brown regarding the provision of at least a 5 foot landscape buffer. The proposal is contingent upon Kentucky Transportation Cabinet approving the location of the driveway.

Vice Chair Carlson said the access issue is between the 2 property owners.

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**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 (Jeffersontown) section 10.2.4 to eliminate a 15' Property Perimeter Buffer along the southern side of the site**

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

**WHEREAS**, the waiver will not adversely affect adjacent property owners, as buffer will still be provided along most of the southern property perimeter where there is no proposed driveway; and

**WHEREAS**, Guideline 3, Policy 9 of Cornerstone 2020 calls for protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate. 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 buffer will still be provided near most of the existing buildings to the south, in the area where there is no proposed driveway; 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 required buffers will be provided on the site except for where the driveway is proposed.

**WHEREAS**, the Louisville Metro Development Review Committee further finds the strict application of the regulation would create an unnecessary hardship on the applicant, as the site has difficult geology and topography for construction on other parts of the site.

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**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **RECOMMEND** that the city of Jeffersontown **APPROVE** the waiver of the Land Development Code (Jeffersontown) section 10.2.4 to reduce the required property perimeter buffer along the southern property line to 5 feet on the western portion of the southern property line and they will still be providing the full 15 foot landscape buffer area on the remainder of the southern property line **ON CONDITION** of approval from Kentucky Transportation Cabinet on the issuance of the encroachment permit.

**The vote was as follows:**

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

**NOT PRESENT AND NOT VOTING: Commissioner Tomes**

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**NEW BUSINESS**

**CASE NO. 17DEVPLAN1225**

Request: Sidewalk Waiver along the Wathen Lane frontage  
Project Name: L1 Deodorizer Platform  
Location: 1625 Wathen Lane  
Owner: Luis Gomez - AAK  
Applicant: Stephen Cole – United Group Services  
Representative: Stephen Cole – United Group Services  
Jurisdiction: City of Shively  
Council District: 3 – Mary Woolridge  
**Case Manager: Ross Allen, 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. 5<sup>th</sup> Street.)

**Agency Testimony:**

00:44:00 Mr. Allen discussed the case summary, standard of review and staff analysis from the staff report.

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

Stephen Cole, United Group Services, 2520 7<sup>th</sup> Street Road, Louisville, Ky. 40208  
Luis Gomez, AAK, 2520 7<sup>th</sup> Street Road, Louisville, Ky. 40208

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

00:48:04 Mr. Cole provided photographs of the site.

00:54:13 Mr. Gomez said the sidewalk is near the railroad tracks and they don't want to encourage people walking there because it's not safe.

**Deliberation**

00:55:34 Commissioner Ferguson stated the road is narrow and the waiver is justified.

Commissioner Smith stated the waiver is justified.

Commissioner Brown remarked, "Normally I wouldn't support the sidewalk waiver, especially given the existing conditions because we do have sidewalks on the other side of Wathen on the other side of the tracks. Because this increase in square footage is

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minimal compared to their site, I don't think requiring sidewalks on the frontage would be proportional. I support the waiver."

Vice Chair Carlson said he agrees - sometimes sidewalks are just not practical.

**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.**

**Sidewalk waiver from the City of Shively LDC 5.8.1.B and 5.9.2.A.b.i to not provide a sidewalk in the public right of way along Wathen Lane for an approximate distance of 125 feet and to not provide a clearly defined, safe pedestrian access from the adjacent public right of way to non-residential building entrances as associated with a Category 2B development plan**

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

**WHEREAS**, Wathen Lane is a narrow industrial artery not intended for pedestrian traffic. The section of the road in abutment of the parcel of land associated is a very small portion of the road in total. There are no sidewalks on either side of this parcel. A sidewalk island in front of this parcel will negatively impact the aesthetics of the area as it will look unfinished and abandoned. This section of roadway is particularly dangerous for foot traffic as it contains six railway crossings. Four spurs of the highly trafficked Paducah and Louisville Railway cross Wathen Lane at this location. Rail traffic frequently obstructs the roadway for hours at a time making the street impassable for both cars and pedestrians; and

**WHEREAS**, this project takes place more than 750 feet away from the nearest street. No aspect of the project is visible from the street or has any impact on roadway access or traffic flow. Forcing the inclusion of a sidewalk to the property will result in two separate construction projects taking place on the same property. Multiple projects occurring at the same time will slow progress and push the completion date of the primary project later into the year resulting in increased cost and burden on AAK. The section of Wathen lane along the property is poorly lit at night. Encouragement of pedestrian traffic could pose a public safety concern due to the lack of street lighting; and

**WHEREAS**, the Louisville Metro Development Review Committee finds that granting the waiver will not have an impact on adjacent property owners. This project takes



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place out of line of site of all adjacent property owners. Neighboring business would, however, be disadvantaged by major construction on a busy access point obstructing the roadway for multiple weeks. Encouragement of pedestrian traffic will result in increased risk of accidents and injury to people walking in the area. Heavy industrial equipment and vehicles that frequent the area are dangerous for passersby to be around and could pose great risk to pedestrians in the area; and

**WHEREAS**, the Louisville Metro Development Review Committee further finds Wathen Lane is the primary access point to the property. Any work performed on the roadway will have a major impact in both AAK business needs as well as the day-to-day practices of adjacent businesses. The Wathen Lane right-of-way is as narrow as 25 feet in some areas. To add sidewalks to the road will require encroachment onto AAKs property and a restructuring and relocation of articles on AAK's property including a complete rerouting of the property's fence line and possible relocation of vital utility easements and equipment.

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the sidewalk waiver from the city of Shively Land Development Code 5.8.1.B and 5.9.2.A.b.i to not provide sidewalks along the Wathen Lane frontage.

**The vote was as follows:**

**YES: Commissioners Brown, Ferguson, Smith and Carlson**  
**NOT PRESENT AND NOT VOTING: Commissioner Tomes**

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**NEW BUSINESS**

**CASE NO. 17DEVPLAN1237**

Request: Revised Detailed District Development Plan with Sidewalk Waiver  
Project Name: Mellwood Art Center  
Location: 300 Delmont Avenue  
Owner: 1860 Mellwood, LLC  
Applicant: Mose Putney, Putney Architecture  
Representative: Mose Putney, Putney Architecture  
Jurisdiction: Louisville Metro  
Council District: 9 – Bill Hollander  
**Case Manager: Laura Mattingly, AICP, Planner II**

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. 5<sup>th</sup> Street.)

**Agency Testimony:**

00:58:17 Ms. Mattingly discussed the case summary, standard of review and staff analysis from the staff report.

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

Bridgett Clark, 1860 Mellwood, Louisville, Ky.

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

01:04:41 Ms. Clark stated, "We've had to make agreements with MSD, regarding the back sidewalks on Bertie Ave., for an easement to the basin and that's going to take up a majority of where the city wants the sidewalk to be (constructed). There won't be any public access to the backside of the building." Also, there are no crosswalks, which will make it dangerous for people to cross. Commissioner Brown responded, "We have been trying to resolve pedestrian issues here, but we absolutely will not mark crosswalks on Mellwood Ave. until we can channelize pedestrians. Without getting that crosswalk established, which was required as part of the development, there will be no marked crosswalks. Once that sidewalk goes in, we've got great plans to do high level crossings. Having the sidewalk on Delmont Ave. would serve the area."

**Deliberation**

01:07:45 Commissioner Brown stated the applicant needs to have the required parking in accordance with the Land Development Code before allowing them to

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expand. This case should be continued for 2 weeks to allow the applicant time for the following: construction schedule for the sidewalks on the other side of Mellwood Ave.; proposed plan; work with Public Works showing what the layout will look like; set a date for when the sidewalk and crosswalk to be completed, might have to be completed before receiving the Certificate of Occupancy for the changes they're proposing today; and give them an opportunity to clean up all the technical issues.

01:20:57 Vice Chair Carlson requested that the applicant/representative have the architect come to the next meeting.

01:21:21 Commissioner Brown stated, "The Bertie Ave. waiver is justified, but they need to do a little work for the Delmont Ave. waiver. It can certainly be provided and would serve the area. It would provide the most direct means of access between the provided parking and the building entrance."

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

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

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **CONTINUE** Case No. 17DEVPLAN1237 to the February 28, 2018 Development Review Committee meeting in order to resolve the technical issues, sidewalk construction and the other items discussed today.

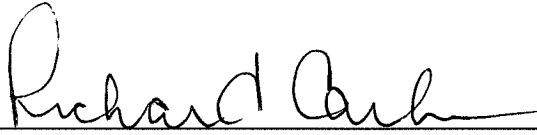
**The vote was as follows:**

**YES: Commissioners Brown, Ferguson, Smith and Carlson**  
**NOT PRESENT AND NOT VOTING: Commissioner Tomes**

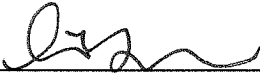
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**ADJOURNMENT**

The meeting adjourned at approximately 2:18 p.m.



Vice Chair



Planning Director