

**MINUTES OF THE MEETING
OF THE
DEVELOPMENT REVIEW COMMITTEE
January 5, 2022**

A meeting of the Louisville Metro Development Review Committee was held on Wednesday, January 5, 2022 at 1:00 p.m. via Cisco Webex Video Teleconferencing.

Committee Members present were:

Rich Carlson, Chair
Patti Clare, Vice Chair
Jeff Brown
Pat Seitz
Glenn Price

Staff Members present were:

Joe Reverman, Assistant Director, Planning and Design Services
Brian Davis, Planning and Design Manager
Joe Haberman, Planning and Design Manager
Julia Williams, Planning Supervisor
Jay Lockett, Planner II
Molly Clark, Planner I
Laura Ferguson, Legal Counsel
Pamela M. Brashear, Management Assistant

Others present:

Beth Stuber, Transportation
Tony Kelly, MSD

The following matters were considered:

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APPROVAL OF MINUTES

DECEMBER 15, 2021 DRC MEETING MINUTES

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

RESOLVED, that the Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on December 15, 2021.

The vote was as follows:

YES: Commissioners Brown, Seitz and Carlson
ABSTAINING: Commissioners Price and Clare

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OLD BUSINESS

CASE NO. 21-DDP-0103

Request: Revised Detailed District Development Plan with revised binding elements and waivers
Project Name: Ace Hardware Store
Location: 14004 Shelbyville Road
Owner: Beckshell, LLC
Applicant: Brian Shirley, Arnold Consulting Engineering
Representative: Brian Shirley, Arnold Consulting Engineering
Jurisdiction: Louisville Metro
Council District: 20 – Stuart Benson
Case Manager: Molly Clark, Planner I

NOTE: THIS CASE WAS HEARD 2ND

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:

00:10:42 Molly Clark discussed the case summary, standard of review and staff analysis from the staff report (see recording for detailed presentation).

The following spoke in favor of this request:

Brian A. Shirley, Arnold Consulting Engineering, 1136 South Park Drive, Wellingford, Ky. 42103

Summary of testimony of those in favor:

00:14:29 Brian Shirley said he is here to answer questions.

00:18:04 Vice Chair Clare asked if there's been an analysis stating it's not feasible to construct a sidewalk along Shelby Station because of the impact on the existing trees. Molly Clark said to put in the sidewalk, they would have to remove the existing mature trees.

Deliberation

00:19:51 Vice Chair Clare mentioned the sidewalks not being put in previously, but the mistake was made and now there are mature trees to be considered (see recording for detailed presentation).

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Commissioner Brown said Shelby Station is a primary road and there needs to be sidewalks on both sides especially because there's abutting development with pedestrians that may have mobility issues (see recording for detailed presentation).

Commissioner Seitz – Computer issues.

Commissioner Price and Chair Carlson agree with Commissioners Clare and Brown.

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 Seitz, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

Waivers:

1. Waiver from table 10.2.6 to reduce the required 15-foot vehicle use area landscape buffer area (21-Waiver-0153)

WHEREAS, the waiver will not adversely affect adjacent property owners since the applicant will be providing all the required plantings; and

WHEREAS, Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. If the applicant were to relocate the existing ILA and plantings that are not meeting the required 15-foot VUA/LBA, it would not be consistent with the previously approved plan. Community Form Goal 1, Policy 12 calls for the proposal to Design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Encourage elimination or reduction of parking minimums in areas readily accessible to transit routes. The site already has existing mature plantings along N. Beckley Station Road and Shelby Station Road. The applicant is also providing all the required plantings for this site; and

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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 applicant is still providing all the required plantings; 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 the applicant is still providing all the required plantings. The applicant would also need to relocate the existing parking lot to meet the VUA/LBA requirement.

2. Waiver from 5.6.1.C.1 to allow a façade to have less than 50% clear windows and doors facing a public right-of-way (21-WAIVER-0154)

WHEREAS, the requested waiver will not adversely affect adjacent property owners since the lot is already screened from N Beckley Station Road and Shelby Station with existing mature plantings; and

WHEREAS, Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. Community Form Goal 1, Policy 12 calls for the proposal to Design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. With the entrance facing Shelbyville Road, it keeps the pedestrian and vehicular traffic along that road frontage rather than on N. Beckley Station road which has single family homes across the street. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. The site already has mature plantings that are screening the existing parking areas; 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 entrance of the proposed building will be facing Shelbyville Road to connect to existing pedestrian connections and vehicular connections; 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 having the entrance face N. Beckley Station Road

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does not allow the proposed development to use the existing pedestrian/vehicular connections established through the original approved plan.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** a Waiver from table 10.2.6 to reduce the required 15-foot vehicle use area landscape buffer area (21-Waiver-0153) and a Waiver from 5.6.1.C.1 to allow a façade to have less than 50% clear windows and doors facing a public right-of-way (21-WAIVER-0154).

The vote was as follows:

YES: Commissioners Brown, Price, Seitz, Clare and Carlson

Revised Detailed District Development Plan and Binding Elements

On a motion by Commissioner Brown, seconded by Commissioner Seitz, 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 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 multifamily 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; and

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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 **SUBJECT** to the following Binding Elements and **ON CONDITION** that sidewalks are provided along the site frontage of Shelby Station Dr. in accordance with 14ZONE1015:

Existing Binding Elements (14ZONE1015)

1. The development plan 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 office 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 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 Inspections, Permits and Licenses, 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. 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; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt said instrument.

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d. The appropriate variance shall be obtained to allow the development as shown on the approved district development plan.

e. 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.

f. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. 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.

5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure of 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. 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.

7. The landscape plan shall be the essentially similar to the concept plan that was shown at the July 17th, 2014 Planning Commission public hearing.

All binding elements from the 14ZONE1015 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 for review and approval; any changes/additions/alterations not so referred shall not be valid.

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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. The appropriate front yard variance shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
 - 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. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the December 1st, 2021 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. 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.

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7. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.

The vote was as follows:

YES: Commissioners Brown, Price, Seitz, Clare and Carlson

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NEW BUSINESS

CASE NO. 21-DDP-0098

Request:	Revised Detailed District Development Plan
Project Name:	Middletown Station Outlot
Location:	1 Data Vault Dr
Owner:	Middletown Partners LLC
Applicant:	Middletown Partners LLC
Representative:	Mindel, Scott and Associates
Jurisdiction:	Middletown
Council District:	19 – Anthony Piagentini
Case Manager:	Jay Lockett, 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. 5th Street.)

Agency Testimony:

00:28:04 Jay Lockett discussed the case summary, standard of review and staff analysis from the staff report (see recording for detailed presentation).

The following spoke in favor of this request:

Kent Gootee
Ryan Feist, Mindel, Scott and Associates,
Kristen Hedden,

Summary of testimony of those in favor:

00:32:04 Kent Gootee – Inaudible

00:34:33 Kristen Hedden discussed the elevations. Chair Carlson asked where the electrical meter, gas meter and other building service equipment would be located. Kristen Hedden said the electrical meter will be on the inside of a room and the gas meter on the outside (see recording for detailed presentation). Also, where will the dumpsters be located? Kent Gootee said there will be a single user with probably a trash receptacle with screening (see recording for detailed presentation).

Kent Gootee said he spoke with Beth Stuber and will agree to put in a barrier median to match the original development plan. There's no crossover access agreement, just circulation easements on the main drives (see recording for detailed presentation).

Commissioner Brown said he's concerned about the design of the parking lot access on the east side (bad intersection). Kent Gootee said there are no other options because

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there's no crossover to connect to their parking lot (see recording for detailed presentation). Kristen Hedden asked for a possible solution. Commissioner Brown said eliminate the other access point until something changes in the future. Kent Gootee said they can't do that. Commissioner Brown remarked, it's a bad plan for circulation and doesn't meet Chapter 9 in the Land Development Code (see recording for detailed presentation).

Deliberation

00:52:17 Commissioner Price said his concern is that this case was approved by Transportation Review and there are issues here at the last minute. How can we make sure that if the applicant goes through the process, that it will be a reliable review? Chair Carlson explained that this committee is in place to make the final determination (see recording for detailed presentation).

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 Seitz, the following resolution was adopted.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **CONTINUE** this case to the January 19, 2022 DRC meeting.

The vote was as follows:

YES: Commissioners Brown, Price, Seitz, Clare and Carlson

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NEW BUSINESS

CASE NO. 21-DDP-0052

Request: Revised Detailed District Development Plan
Project Name: Ground Effects
Location: 13600 Northeast Park Dr
Owner: Kenwood Holdings LLC
Applicant: Jeff Robinson
Representative: Land Design and Development
Jurisdiction: Louisville Metro
Council District: 19 – Anthony Piagentini
Case Manager: Jay Lockett, 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. 5th Street.)

Agency Testimony:

00:55:03 Jay Lockett discussed the case summary, standard of review and staff analysis from the staff report. Commissioner Brown asked if the applicant will be generating more or less traffic. Jay Lockett said he's not aware if there's a significant change but it was reviewed by Transportation Planning. Chair Carlson asked if the signal has been installed. Beth Stuber said the state will install it in the spring of 2022 (see recording for detailed presentation).

The following spoke in favor of this request:

Ann Richard, Land Design and Development, 503 Washburn Avenue, Louisville, Ky. 40222

Summary of testimony of those in favor:

01:01:41 Ann Richard said tract 1 of this site is under construction. There has been communication with Kevin Bailey (KDOT) regarding signalization and as of December 14, 2021, the contract has been awarded. February 1, 2022 is the anticipated work start date and April of 2022 is the anticipated activation of the signal.

Ann Richard gave a power point presentation (see recording for detailed presentation). Commissioner Brown asked how many cars will be going in and out each day. Ann Richard said she doesn't know exactly how many, but the staging area clears within a 24-hour period (see recording for detailed presentation).

Ann Richard said all the landscaping and ILA requirements are being met on tract 1.

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Deliberation

01:09:35 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.

Outdoor Amenity Area Design

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

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Outdoor Amenity Area Design as presented today.

The vote was as follows:

YES: Commissioners Brown, Price, Seitz, Clare and Carlson

Revised Detailed District Development Plan and Binding Elements

On a motion by Commissioner Brown, seconded by Commissioner Seitz, 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; and

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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 **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 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.

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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 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, Price, Seitz, Clare and Carlson

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CASE NO. 21-DDP-0052

Request: Detailed District Development Plan with Proposed Binding Elements
Project Name: Lopez Tree Service
Location: 11620 Diode Ct
Owner: Pacos Investment 2, LLC.
Applicant: Bill Knizner, Garber-Chilton Engineers and Land Surveyors
Representative: Bill Knizner, Garber-Chilton Engineers and Land Surveyors
Jurisdiction: Louisville
Council District: 14 – Cindi Fowler
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:

01:12:39 Molly Clark discussed the case summary, standard of review and staff analysis from the staff report. Chair Carlson asked if the correct notices were sent out because the staff report originally had an incorrect council district. Joe Reverman said there were no interested party comments. Molly Clark added, all the neighbors are high intense industrial uses (see recording for detailed presentation).

The following spoke in favor of this request:

Bill Knizner, Garber-Chilton Engineers and Land Surveyors - Inaudible

Summary of testimony of those in favor:

01:18:21 Bill Knizner said the entire site is fenced in with barbed wire on top. There's no residential impact in the area because it's mostly industrial. A good portion of the site is contained within an MSD easement (see recording for detailed presentation).

Deliberation

01:20:26 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.

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Detailed District Development Plan and Binding Elements

On a motion by Commissioner Brown, seconded by Commissioner Clare, 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; and

WHEREAS, there are no open space requirements pertinent to the current proposal. Future multifamily 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 Detailed District Development Plan **SUBJECT** to the following Binding Elements:

Existing General Plan Binding Elements (9-45-87)

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1. Detailed district development plans shall be submitted for each site or phase of development. Each plan shall be subject to additional binding elements. The additional binding elements may relate, but not be limited, to the following items:

- a. Screening, buffering, landscaping.
- b. Points of access.
- c. Floor area, size and height of buildings.
- d. Land Uses.
- e. Signs.

2. Before a building permit is issued:

a. The detailed development plan must be reapproved by the Jefferson County Department of Public Works and Transportation and Metropolitan Sewer District or City of Jeffersontown Department of Water and Wastewater.

3. The subdivision identification sign shall be submitted to the City of Jeffersontown, Kentucky for approval.

4. There will be no direct access to the site for construction equipment or any future use by means of the at grade crossing located across the Southern railroad tracks.

5. 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.

6. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use. All binding elements must be implemented prior to requesting issuance of the certificate.

7. The above binding elements may be amended as provided for in the Zoning District Regulations.

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

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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 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 January 5th, 2022 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. 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.

6. No overnight idling of trucks shall be permitted on-site.

The vote was as follows:

YES: Commissioners Brown, Price, Seitz, Clare and Carlson

DEVELOPMENT REVIEW COMMITTEE
January 5, 2022

NEW BUSINESS

CASE NO. 21-MPLAT-0111

Request:	Record Plat Amendment
Project Name:	Minor Subdivision Plat
Location:	9801 Normie Lane
Owner:	Real Ventures LLC
Applicant:	Christopher Crumpton
Representative:	Christopher Crumpton
Jurisdiction:	Louisville
Council District:	24 – Madonna Flood
Case Manager:	Julia Williams

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:

01:22:51 Julia Williams discussed the case summary, standard of review and staff analysis from the staff report. Commissioner Clare asked if the lots are buildable (due to the stream buffer). Julia Williams said yes but would require variances to allow structures in the stream buffer. Commissioner Brown asked how the Treasure Island neighborhood was notified. Julia Williams said only first tier adjacent property owners and those listed on Gov Delivery for council district 24 received notification (see recording for detailed presentation).

The following spoke in favor of this request:

Chris Crumpton, Blue Stone Engineers, 4350 Brownsboro Road, Suite 110, Louisville, Ky. 40207

Summary of testimony of those in favor:

01:28:51 Chris Crumpton said the lots on the original record plat were created for the wastewater treatment plant. MSD no longer needs them so they should be buildable. There has been a lot of work done with MSD regarding the buffer for the stream and the revisions to the sanitary sewer easements (see recording for detailed presentation).

Deliberation

01:32:43 Development Review Committee deliberation.

DEVELOPMENT REVIEW COMMITTEE
January 5, 2022

NEW BUSINESS

CASE NO. 21-MPLAT-0111

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.

Record Plat Amendment to create two buildable lots from open space lots within the Treasure Island Subdivision in Plat Book 18, Page 59 and Plat Book 22, Page 9

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

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Record Plat Amendment to create two buildable lots from open space lots within the Treasure Island Subdivision in Plat Book 18, Page 59 and Plat Book 22, Page 9.

The vote was as follows:

YES: Commissioners Brown, Price, Seitz, Clare and Carlson

DEVELOPMENT REVIEW COMMITTEE
January 5, 2022

NEW BUSINESS

CASE NO. 21-AMEND-0006

Request:	Binding Element Amendment
Project Name:	Drive-thru Binding Element Amendment
Location:	421, 615 and 617 S Hurstbourne Pkwy
Owner:	RD Thurman LLC
Applicant:	RD Thurman LLC
Representative:	Bardenwarper, Talbott and Roberts
Jurisdiction:	Jeffersontown
Council District:	18 – Marilyn Parker
Case Manager:	Jay Lockett, AICP, Planner II

NOTE: THIS CASE WAS HEARD 1ST

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:

00:05:41 Jay Lockett discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

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

Summary of testimony of those in favor:

00:05:53 John Talbott said he has been in discussions with Steve Porter (see recording for detailed presentation).

Mr. Talbott requests a public hearing and a waiver for the 30-day notice requirement (see recording for detailed presentation).

The following spoke neither for nor against the request:

Steve Porter, 2907 Tucker Station Road, Louisville, Ky.

Summary of testimony of those neither for nor against:

DEVELOPMENT REVIEW COMMITTEE
January 5, 2022

NEW BUSINESS

CASE NO. 21-AMEND-0006

00:07:06 Steve Porter said he represents the Willowhurst Place Residents Association and is working with John Talbott to provide language for the binding elements that will be acceptable to both parties.

Steve Porter requests postponing the case today and forwarding it to the Planning Commission for the next available date (February 3, 2022) (see recording for detailed presentation).

00:08:00 Laura Ferguson stated, the notice provisions have been met and this case can be forwarded to the Planning Commission (see recording for detailed presentation).

Deliberation

None.

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 Clare, the following resolution was adopted.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **CONTINUE** this case to the full Planning Commission meeting on February 3, 2022.

The vote was as follows:

YES: Commissioners Brown, Seitz, Price, Clare and Carlson

DEVELOPMENT REVIEW COMMITTEE
January 5, 2022

ADJOURNMENT

The meeting adjourned at approximately 2:35 p.m.

DocuSigned by:

Chair

DocuSigned by:

Planning Director
