

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE MEETING
October 20, 2021**

A meeting of the Louisville Metro Development Review Committee was held on Wednesday, October 20, 2021 at 1:00 p.m. via Cisco Webex Video Teleconferencing.

Commissioners present:

Rich Carlson, Chair
Jim Mims, Vice Chair
Jeff Brown
Patti Clare

Commissioners absent:

Pat Seitz

Staff members present:

Joe Reverman, Assistant Director, Planning & Design Services
Julia Williams, Planning Supervisor
Brian Davis, Planning Manager
Beth Jones, Planner II
Heather Pollock, Planner I
Molly Clark, Planner I
Zach Schwager, Planner I
Travis Fiechter, Legal Counsel
Madison Thomas, Management Assistant (minutes)

Other staff present:

Beth Stuber, Transportation Planning Supervisor
Tony Kelly, MSD

The following matters were considered

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APPROVAL OF MINUTES

Minutes of the October 6, 2021 Development Review Committee meeting.

Commissioner Carlson suggested the first two whereas statements for 21-WAIVER-0095 might need to be changed or removed as they are consistent with denial of the waiver rather than approval.

00:05:40 On a motion by Commissioner Brown, seconded by Commissioner Mims, the following resolution was adopted:

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on October 6, 2021.

The vote was as follows:

YES: Commissioners Brown, Clare, Mims and Carlson.

ABSENT: Commissioner Seitz.

NO: No one.

DEVELOPMENT REVIEW COMMITTEE MINUTES
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OLD BUSINESS

CASE NUMBER 21-WAIVER-0113

Request: Changing Image Sign Waiver (Continued from the 10/06 DRC Meeting)
Project Name: Changing Image Sign Waiver
Location: 3938 Poplar Level Road
Owner: Holy Family
Applicant: Golden Rule Signs
Representative: Heather Mullin
Jurisdiction: Louisville Metro
Council District: 10 – Pat Mulvihill
Case Manager: Beth Jones, AICP, Planner II

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:

00:06:40 Beth Jones explained the applicant has requested this case be continued to the November 3, 2021 Development Review Committee meeting.

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

On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution was adopted:

RESOLVED, that the Louisville Metro Development Review Committee does hereby **CONTINUE** case number 21-WAIVER-0113 to the November 3, 2021 Development Review Committee meeting.

The vote was as follows:

YES: Commissioners Brown, Clare, Mims and Carlson.

ABSENT: Commissioner Seitz.

NO: No one.

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OLD BUSINESS

CASE NUMBER 21-WAIVER-0124

Request: Changing Image Sign Waiver (Continued from the 10/06 DRC Meeting)
Project Name: Changing Image Sign Waiver
Location: 2962 Breckenridge Lane
Owner: Mike's Carwash
Applicant: One Stop Signs
Representative: Justen Scalf
Jurisdiction: Louisville Metro
Council District: 26 – Brent Ackerson
Case Manager: Beth Jones, AICP, Planner II

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:

00:08:30 Beth Jones presented the case and showed a PowerPoint presentation (see staff report and recording for detailed presentation).

In response to Commissioner Carlson's question about notices, Beth Jones explained everyone that spoke at the public hearing for the rezoning case was noticed along with first-tier adjacent property owners. She also noted that she didn't receive any comments.

Commissioner Carlson asked if there were going to be two signs. Beth Jones answered yes and explained the signs in more detail.

The following spoke in support of the proposal:

Cliff Ashburner, 101 S 5th Street, Louisville, KY 40202

Summary of testimony of those in support:

00:26:15 Cliff Ashburner went into more detail on the site and the proposed signage (see video for detailed presentation). In response to the committee's questions about landscaping, Cliff Ashburner went into detail on the current landscaping and explained that they are proposing five additional trees to be planted along the northern section.

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In response to Commissioner Carlson's question about the sign dimming, Justen Scalf answered that dimming is an automated feature of the sign.

00:37:32 Commissioners' deliberation.

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

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

WHEREAS, the waiver will not adversely affect adjacent property owners in that the proposed sign is to be located along a highly developed commercial corridor and the applicant has agreed in principle to turn off the changing image portion during nighttime hours, as specified by the DRC.

WHEREAS, the requested waiver does not violate guidelines of Plan 2040, which requires that: appropriateness must be evaluated in the context of the compatibility of the proposed use or uses with surrounding uses (Community Form 1.2.4); impacts on quality of life must be considered (Community Form 16); and adverse visual intrusions must be considered when there are impacts to residential areas (Community Form 20).

WHEREAS, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant in that the sign as proposed meets all other standards and requirements.

WHEREAS, the applicant has proposed design compensation resulting in a net beneficial effect by changing the design of a second proposed freestanding sign on Hikes Lane from a conforming pole-style sign to a monument sign. The applicant has also proposed shutting off the changing image portion of the signage at night as requested by the DRC.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** 21-WAIVER-0124 from Land Development Code section 8.2.1.D.6 to permit the changing image sign as identified on the plan to be located within 300 feet of a residential zone on the condition that the changing image portion of the sign turn off at 10 P.M. and remain off until 6 A.M., based on the staff report and testimony heard today.

The vote was as follows:

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YES: Commissioners Brown, Clare, Mims and Carlson.

ABSENT: Commissioner Seitz.

NO: No one.

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NEW BUSINESS

CASE NUMBER 21-CFR-0019 and 21-DDP-0104

Request: Community Facility Review and Revised District
Development Plan for a new 5,018 sq. ft. Kentucky State
Government Office Building

Project Name: Real ID – Willismore

Location: 6202 Willismore Drive

Owner: Valley Station Towne Center, LLC

Applicant: Derek Triplett – Land Design & Development Inc.

Jurisdiction: Louisville Metro

Council District: 14 – Cindi Fowler

Case Manager: Zach Schwager, AICP, 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:

00:42:30 Zach Schwager presented the case and showed a PowerPoint presentation (see staff report and recording for detailed presentation). Zach Schwager explained there was a mistake in the staff report and there is no variance or waiver for this plan.

In response to questions about the Binding Elements, Zach Schwager explained that the Binding Elements are for the entire site.

Commissioner Carlson asked if the building was going to be for a different use, such as a dentist office, would they need a variance or waiver for that. Zach Schwager responded no.

The following spoke in support of the proposal:

Jon Baker, 400 W Market St Suite 2000, Louisville, KY 40202

Derek Triplett, 503 Washburn Ave, Louisville, KY 40222

Summary of testimony of those in support:

00:51:06 Jon Baker went into more detail on the site and plan (see video for detailed presentation).

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00:55:40 Derek Triplett discussed the development plan in detail (see video for detailed presentation).

In response to Commissioner Clare's question about pedestrian flow from Dixie Highway, Derek Triplett explained how pedestrians could access the building.

01:02:20 Commissioners' deliberation.

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

On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution was adopted:

WHEREAS, no natural resources are evident on the site.

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.

WHEREAS, no open space requirements are pertinent to the current request.

WHEREAS, the Metropolitan Sewer District has not approved the preliminary development plan. However, adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community will be provided.

WHEREAS, the overall site design is in compliance with the Land Development Code and is compatible with existing and projected future development in the vicinity.

WHEREAS, the development plan conforms to applicable guidelines and policies of the Land Development Code, with the exception of previously approved waivers.

Proposed 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

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Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.

2. Use of the subject site shall be limited to a restaurant and retail on Tracts 1 and 3. Tract 2 shall be limited to a state government agency office. There shall be no other use of the property unless prior approval is obtained from the Planning Commission/ LD&T Committee. Notice of a request to amend this binding element shall be given in accordance with the Planning Commission's policies and procedures. The Planning Commission/LD&T Committee may require a public hearing on the request to amend this binding element.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. The existing access points to the adjoining streets are to be closed and access to the site shall be made from the new curb cuts as shown on the development plan. There shall be no direct vehicular access to Dixie Highway.
5. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
6. 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 shall be recorded creating the lot lines as shown on the development plan and dedicating additional right-of-way to Bethany Lane and Fashion Way to provide a total of 40'/30' feet from the centerline. 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.

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- d. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
- e. 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 (Tract 1, Tract 2 & Tract 3) 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.
7. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
8. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
9. 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.
10. The materials and design of proposed structures on Tracts 1 and 3 shall be substantially the same as depicted in the renderings as presented at the January 12, 2011 Development Review Committee meeting. Final elevations/renderings for Tract 2 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.
11. The façade elevations shall be in accordance with applicable form district standards.

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12. The applicant shall provide documentation showing that the development complies with all the regulations from Chapter 4, Part 1, Section 3, Lighting, prior to the issuance of a construction permit. These regulations include the following items: Mounting Height Limit, Luminaire Shielding, Canopy Lighting Level and Light Trespass.
13. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
14. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
15. A three-foot landscaped berm shall be created south of Bethany Lane and along the east side of Willismore Drive as shown on the approved development plan. Trees shall be installed as near the top of the berm as possible, as determined by Planning Commission's staff landscape architect, to ensure their survival. Trees on the berm shall consist of a combination of evergreen and deciduous trees. The evergreen trees shall be spaced appropriately for their species and shall have a spacing of no greater than 20 feet on center. Trees shall be planted in a staggered pattern. Smaller evergreen shrubs shall be planted in combination with deciduous trees. The final landscape design will be worked out with the Planning Commission staff landscape architect. All trees and plant materials on the berm shall be maintained by the property owners.
16. All buildings on the site shall be limited to one story. No portion of a building may exceed 43 feet in height.
17. The Developer, its contractors and subcontractors shall maintain Willismore Drive free of dirt and debris during construction on the site. There shall be no parking of construction vehicles on Willismore Drive.
18. Dumpsters shall be enclosed on all sides and covered and shall be located as shown on the approved development plan. Dumpster pick-up shall not occur earlier than 6:00 a.m., nor later than 10:00 p.m.
19. Hours of business operation may occur between 7:00 a.m. and 11:00 p.m., 7 days per week.

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NEW BUSINESS

CASE NUMBER 21-CFR-0019 and 21-DDP-0104

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Community Facility Review and Revised Detailed District Plan for 21-CFR-0019 and 21-DDP-0104 along with the proposed changes of the Binding Elements on pages 9-12 of the staff report, based on the staff report and testimony heard today.

The vote was as follows:

YES: Commissioners Brown, Clare, Mims and Carlson.

ABSENT: Commissioner Seitz.

NO: No one.

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NEW BUSINESS

CASE NUMBER 21-MPLAT-0154

Request:	Record Plat Amendment
Project Name:	Youngland Avenue Minor Plat
Location:	1727 Youngland Ave
Owner:	ARJ Mechanical LLC
Applicant:	Charles Podgursky
Representative:	Charles Podgursky
Jurisdiction:	Shively
Council District:	3 – Keisha Dorsey
Case Manager:	Julia Williams, 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:

01:04:50 Julia Williams presented the case (see staff report and recording for detailed presentation). Julia explained that notices were given to all first-tier adjacent property owners and registered citizens in Council District 3.

01:08:48 Commissioners' deliberation.

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

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

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the record plat amendment for case 21-MPLAT-0154 to create the two lots from one in the Korfhage Garden Subdivision in Plat Book 10, Page 19, based on the staff report and testimony heard today.

The vote was as follows:

YES: Commissioners Brown, Clare, Mims and Carlson.

ABSENT: Commissioner Seitz.

NO: No one.

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NEW BUSINESS

CASE NUMBER 21-MPLAT-0143

Request: Waiver to create substandard lots
Project Name: Goss Avenue Minor Plat
Location: 953 Goss Avenue
Owner: EFK Properties
Applicant: EFK Properties
Representative: Tim Gehlhausen
Jurisdiction: Louisville Metro
Council District: 10 – Pat Mulvihill
Case Manager: Heather Pollock, 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:

01:10:35 Heather Pollock presented the case and showed a PowerPoint presentation (see staff report and recording for detailed presentation).

In response to Commissioner Mims' question about this request being consistent with the other properties in the neighborhood, Heather Pollock responded that it was consistent with the other lots.

There was discussion about parking and the existing multi-family, four-unit building on Goss Avenue.

Joe Reverman stated they didn't know if they could approve this if it was going to increase the density on Goss Avenue above what is permitted by the zoning.

The following spoke in support of the proposal:

Kent Gootee, 5151 Jefferson Blvd, Louisville, KY 40219

Kevin Sullivan, 1602 Sutherland Drive, Louisville, KY 40205

Summary of testimony of those in support:

01:23:00 Kent Gootee explained the intent of the request to subdivide the property to create the single-family residence on Samuel Street. He stated that if they had to cut

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down the number of units for the multi-family building on Goss Avenue, they would have to withdraw the application and keep the lot as is.

Kevin Sullivan said there were no plans to decrease the four units for the multi-family residence on Goss Avenue.

Joe Reverman said they would be limited to two units on Goss Avenue if this minor plat is approved.

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** 21-MPLAT-0143 to a date uncertain.

The vote was as follows:

YES: Commissioners Brown, Clare, Mims and Carlson.

ABSENT: Commissioner Seitz.

NO: No one.

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NEW BUSINESS

CASE NUMBER 21-DDP-0079

Request: Revised Detailed District Development Plan with Building Design Waiver
Project Name: Proposed Grocery Store with Outlots
Location: 2500 Terra Crossing Blvd.
Owner: DLP Real Estate, LLC
Applicant: Matt McLaren – Gresham Smith & Partners
Representative: Cliff Ashburner – Dinsmore & Shohl, LLP
Jurisdiction: Louisville Metro
Council District: 19 – Anthony Piagentini
Case Manager: Molly Clark, 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:

01:28:00 Molly Clark explained why the case will need to be continued to the November 3, 2021 Development Review Committee meeting.

The following spoke in support of the proposal:

Cliff Ashburner, Louisville, KY 40202

Summary of testimony of those in support:

01:30:26 Cliff Ashburner asked for a two-week continuance due to some changes being made to the plan.

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

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

RESOLVED, that the Louisville Metro Development Review Committee does hereby **CONTINUE** case number 21-DDP-0079 to the November 3, 2021 Development Review Committee meeting.

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NEW BUSINESS

CASE NUMBER 21-DDP-0079

The vote was as follows:

YES: Commissioners Brown, Clare, Mims and Carlson.

ABSENT: Commissioner Seitz.

NO: No one.

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ADJOURNMENT

The meeting adjourned at approximately 2:33 p.m.

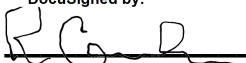
Chairman


Division Director

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ADJOURNMENT

The meeting adjourned at approximately 2:33 p.m.

DocuSigned by:

Chairman

DocuSigned by:

Division Director