

**LOUISVILLE METRO
DEVELOPMENT REVIEW COMMITTEE MEETING MINUTES
AUGUST 16, 2017**

A meeting of the Louisville Metro Development Review Committee was held on August 16, 2017, at 1:00 p.m. at the Old Jail Building, 514 W Liberty Street, Louisville, KY 40202.

Commissioners present:

David Tomes, Chair
Rich Carlson, Vice Chair
Jeff Brown
Laura Ferguson

*Commissioner Ferguson arrived at approximately 1:30 p.m.

Commissioners absent:

Emma Smith

Staff members present:

Brian Davis, Planning Manager
Laura Mattingly, Planner II
Ross Allen, Planner I
Joel Dock, Planner II
Dante St. Germain, Planner I
Paul Whitty, Legal Counsel
James Carey, Legal Counsel
Kristen Loeser, Management Assistant

The following matters were considered:

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APPROVAL OF MINUTES

00:13:20 On a motion by Vice Chair Carlson, seconded by Commissioner Brown, the following resolution was adopted:

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on August 2, 2017.

The vote was as follows:

Yes: Brown, Carlson, and Tomes

Absent: Smith and Ferguson

Abstain: None

No: None

**DEVELOPMENT REVIEW COMMITTEE MINUTES
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NEW BUSINESS

CASE NUMBER 17MOD1002

Project Name: The Vinings
Location: 9502 Williamsburg Plaza
Owners: BEC JDGV I, LLC
Applicant: Jefferson Development Group
Representative: Bardenwerper Talbott & Roberts
Jurisdiction: Hurstbourne
Council District: 18 – Marilyn Parker
Case Manager: Laura Mattingly, 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. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

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.

Agency Testimony:

00:14:24 Laura Mattingly stated that the applicant is requesting that the case be continued.

The following spoke in favor of the request:

Nick Pregliasco, 1000 N Hurstbourne Pkwy., Louisville, KY 40223

Summary of testimony of those in favor:

00:14:46 Nick Pregliasco requested that the case be continued to the next Development Review Committee meeting. The applicant has been working with Wessex Place Condominium Association regarding changes to the lighting and other items. More time is needed for these changes to be completed and to meet with Steve Porter.

00:15:24 Vice Chair Carlson asked Mr. Pregliasco if he was certain that the applicant would be ready by the next meeting since the case has been continued so many times. Mr. Pregliasco stated that they will be ready by September 6, 2017.

00:16:13 On a motion by Vice Chair Carlson, seconded by Commissioner Brown, the following resolution was adopted:

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NEW BUSINESS

CASE NUMBER 17MOD1002

RESOLVED, the Louisville Metro Development Review Committee does hereby **CONTINUE** case number 17MOD1002 to the September 6, 2017 meeting of the Development Review Committee.

The vote was as follows:

Yes: Brown, Carlson, and Tomes

Absent: Smith and Ferguson

Abstain: None

No: None

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NEW BUSINESS

CASE NUMBER 17DEVPLAN1125

Project Name: 1807 Bank Street
Location: 1807 Bank Street
Owner(s): Habitat for Humanity of Metro Louisville Inc.
Applicant: Habitat for Humanity of Metro Louisville Inc.
Representative(s): Kendra Whitaker - Habitat for Humanity of
Metro Louisville Inc.
Jurisdiction: Louisville Metro
Council District: 5 – Cheri Bryant Hamilton
Case Manager: Ross Allen – 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. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

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.

Agency Testimony:

00:17:25 Ross Allen presented the case – a request for approval of a single family residential home to be constructed in the Portland Neighborhood resulting in a Category 3 Review as determined by Louisville Metro Ordinance 21-2008 as found in the Title XV: Land Usage Chapter 153 Planning General Provisions 153.04 (see Staff Report and recording for detailed presentation).

00:18:49 In response to Commissioner Brown, Mr. Allen clarified that a gravel parking pad access will not be installed from Gilligan Street, and this was stricken from the Staff Report.

The following spoke in favor of the request:

Kendra Harruff, 1620 Bank Street, Louisville, KY 40203

Summary of testimony of those in favor:

00:19:50 Kendra Harruff spoke on behalf of the applicant. She stated that the applicant is very excited about this project, and they have built several of these homes in the past.

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00:20:40 On a motion by Commissioner Brown, seconded by Vice Chair Carlson, the following resolution was adopted:

WHEREAS, the Committee further finds that, based on the staff report and the evidence and testimony presented today, that all of the applicable guidelines of Cornerstone 2020 are being met; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** case number 17DEVPLAN1125.

The vote was as follows:

Yes: Brown, Carlson, Ferguson, and Tomes

Absent: Smith

Abstain: None

No: None

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NEW BUSINESS

CASE NUMBER 17WAIVER1020

Project Name: Landscape Waivers 5.5.4.B.1 and 10.2.4.A and B
Location: 2200 and 2202 Blankenbaker Road
Owner(s): Gary Hedges – Hedges Landscaping
Applicant: Alex Rosenberg P.E. – AL Engineering Inc.
Jurisdiction: City of Jeffersontown, KY
Council District: 11 – Kevin Kramer
Case Manager: Ross Allen – 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. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

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.

Agency Testimony:

00:22:25 Ross Allen presented the case (see Staff Report and recording for detailed presentation).

The following spoke in favor of the request:

Alex Rosenberg, 13000 Middletown Industrial Blvd., Louisville, KY 40223
Tim Wright, 2108 Blankenbaker Road, Louisville, KY 40299

Summary of testimony of those in favor:

00:24:27 Alex Rosenberg spoke on behalf of the applicant. This area in Jeffersontown went through an area wide rezoning in 2014. There are a number of properties that are currently zoned Residential that will become PEC Industrial in the future.

00:25:56 Tim Wright owns the adjacent property to the east of the subject site. He stated that he is in support of the request.

00:26:44 On a motion by Commissioner Brown, seconded by Vice Chair Carlson, the following resolution was adopted:

Waiver #1 from LDC (City of Jeffersontown, KY) Section 5.5.4.B.1 to reduce the 50' landscape buffer to 15' and to eliminate the 6' berm and tree canopy

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requirement along the eastern and western property lines adjacent to a single family residential uses:

WHEREAS, the Louisville Metro Development Review Committee finds that the 50' foot landscape buffer would not allow for the proposed warehouse as found along the eastern property line to be built at the proposed location as found on the development plan. Site constraints based upon the existing house and garage limit the alternative locations where the proposed office/warehouse can be placed on site. Consideration should be given concerning the potential impacts upon the residential single family land use as found on the eastern adjacent property. Landscaping by the applicant would help to screen and possibly mitigate the impacts from the proposed office/warehouse uses. Landscaping requirements would be required by the City of Jeffersontown, KY, and

Waiver #2 from the LDC (City of Jeffersontown, KY) Section 10.2.4.B to allow the sewer and drainage easement along the western property line (Side Yard) to encroach 100% into the 15 foot wide Landscape Buffer Area:

WHEREAS, the Committee further finds that the 15 foot wide Landscape Buffer Area as found along the western property line is required per Jeffersontown LDC but a proposed 15 foot wide sewer and drainage easement overlaps the required landscape buffer area as required by LDC Section 10.2.4.B. The waiver is justifiable based on the proposed sewer/drainage easement location. Consideration should be given again to the fact that the easement overlapping the LBA does not eliminate the ability of the applicant to provide screening and mitigation to the western single family residential property, and

WHEREAS, the Committee further finds that, based on the staff report and the evidence and testimony presented today, that all of the applicable guidelines of Cornerstone 2020 are being met; now, therefore be it

RESOLVED, that the Louisville Metro Development Review Committee does hereby **RECOMMEND** that the City of Jeffersontown **APPROVE** waivers 1 and 2 as referenced above.

The vote was as follows:

Yes: Brown, Carlson, Ferguson, and Tomes

Absent: Smith

Abstain: None

No: None

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NEW BUSINESS

CASE NUMBER 16MINORPLAT1125

Project Name: Pearlman Minor Plat
Location: 2401 Dundee Road
Owner(s): Stuart & Carole Pearlman
Applicant: Cardinal Surveying – Richard Matheny
Jurisdiction: Louisville Metro
Council District: 8 – Brandon Coan
Case Manager: Dante St. Germain – 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. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

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.

Agency Testimony:

00:27:58 Dante St. Germain presented the case (see Staff Report and recording for detailed presentation).

The following spoke in favor of the request:

Kathy Matheny, 9009 Preston Hwy., Louisville, KY 40219

Summary of testimony of those in favor:

00:33:44 Kathy Matheny spoke on behalf of the applicant who is requesting a minor plat to amend a record plat and create two lots from one. She showed photographs of the property and neighboring properties. There are no plans to build a home at this time.

00:41:22 On a motion by Commissioner Brown, seconded by Vice Chair Carlson, the following resolution was adopted:

WHEREAS, the Committee further finds that, based on the staff report and the evidence and testimony presented today, that all of the applicable guidelines of Cornerstone 2020 are being met; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the Minor Plat to amend a record plat and create two lots from one.

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CASE NUMBER 16MINORPLAT1125

The vote was as follows:

Yes: Brown, Carlson, Ferguson, and Tomes

Absent: Smith

Abstain: None

No: None

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CASE NUMBER 17DEVPLAN1153

Project Name:	Primrose School
Location:	1151 Dorsey Lane
Owner(s):	Four Almonds, LLC
Applicant:	Four Almonds, LLC
Representative(s):	Bardenwerper, Talbott, & Roberts PLLC
Project Area/Size:	2.2 acres
Jurisdiction:	City of Lyndon
Council District:	18 – Marilyn Parker
Case Manager:	Joel P. Dock, 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. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

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.

NOTE: Due to technical issues, only a partial recording is available for this case.

Agency Testimony:

00:42:56 Joel Dock presented the case (see Staff Report and recording for detailed presentation).

The following spoke in favor of the request:

Nick Pregliasco, 1000 N Hurstbourne Pkwy., Louisville, KY 40223

Summary of testimony of those in favor:

00:44:41 Nick Pregliasco spoke on behalf of the applicant who is requesting a revised detailed district development plan for parking expansion and a parking waiver. He showed a brief presentation.

00:47:35 On a motion by Commissioner Brown, seconded by Vice Chair Carlson, the following resolution was adopted:

Waiver of Land Development Code (LDC), section 5.5.2.C.2.a to allow parking in a required rear yard setback:

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WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners as the immediately abutting property is zoned for commercial use and no conflict between incompatible uses is apparent, and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020 as sufficient parking is being provided to accommodate for the use, 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 as the site is built-out and parking elsewhere on the site would impede on daycare activities, 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 or would create an unnecessary hardship on the applicant as sufficient parking is being provided to accommodate for the use and no conflict between incompatible uses is apparent along this property line, and

Revised Detailed District Development Plan for parking expansion:

WHEREAS, the Committee further finds that there does 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, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community have previously been provided, and

WHEREAS, the Committee further finds that open space requirements will be met on the site, and

WHEREAS, the Committee further finds that the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions 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 that contains a mix of residential and non-residential uses. Appropriate landscape buffering will be provided along the adjacent roadways. Buildings and parking lots will be located appropriately on

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the site to allow proper internal connections for both vehicular and pedestrian traffic, 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 with exception of the requested waivers which do not violate the guidelines of Cornerstone 2020 and meet the appropriate standards of review, and

WHEREAS, the Committee further finds that, based on the staff report and the evidence and testimony presented today, that all of the applicable guidelines of Cornerstone 2020 are being met; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE (1)** the waiver of Land Development Code (LDC), section 5.5.2.C.2.a to allow parking in a required rear yard setback and **(2)** the revised detailed district development plan for parking expansion, **SUBJECT** to the following binding elements:

Binding Elements:

1. The development shall be in accordance with the approved district development plan and binding elements unless amended pursuant to the Land Development Code. Modifications to the binding element(s) shall be submitted to the Planning Commission or its designee for review and approval; any modifications not so referred shall not be valid.
2. The Floor Area Ratio of the development shall not exceed 0.15 for Tract 1 and 0.15 for Tract 2.
3. Signs shall be in accordance with Chapter 8 of the LDC.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.

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6. Prior to issuance of a permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit):
 - a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
 - b. The property owner/developer shall obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A minor plat shall be recorded creating the property lines and dedicating right-of-way per the development plan.
 - d. The appropriate variances shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
7. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
8. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the May 9th, 2013 Land Development and Transportation meeting.
10. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained thereafter. No building permits shall be issued unless such certification statement is

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submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.

11. Street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.

The vote was as follows:

Yes: Brown, Carlson, Ferguson, and Tomes

Absent: Smith

Abstain: None

No: None

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ADJOURNMENT

The meeting adjourned at approximately 2:00 p.m.



Vice Chairman



Division Director