

**MINUTES OF THE MEETING
OF THE
DEVELOPMENT REVIEW COMMITTEE
January 19, 2022**

A meeting of the Louisville Metro Development Review Committee was held on Wednesday, January 19, 2022 at 1:00 p.m. via Cisco Webex Video Teleconferencing.

Committee Members present were:

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

Committee Members absent were:

Pat Seitz

Staff Members present were:

Emily Liu, Director, Planning and Design Services
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:

Tony Kelly, MSD

The following matters were considered:

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NEW BUSINESS

CASE NO. 21-DDP-0122

Request:	Revised Detailed District Development Plan with Revision to Binding Elements
Project Name:	St Matthews Galleria
Location:	4101 Oechsli Ave
Owner:	KDC Galleria LLC
Applicant:	KDC Galleria LLC
Representative:	Sabak, Wilson and Lingo
Jurisdiction:	St Matthews
Council District:	9 – Bill Hollander
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:

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

The following spoke in favor of this request:

Kelli Jones, Sabak, Wilson and Lingo, 608 S. 3rd Street, Louisville, Ky. 40202
Alexander Blieden, 6100 Dutchmans Lane, Louisville, Ky.

Summary of testimony of those in favor:

Kelli Jones gave a power point presentation. The entire wooden structure had to be removed and is safe now. The layout is almost the same as the previous one (see recording for detailed presentation).

Alexander Blieden said he wants to use the 2nd floor for offices (see recording for detailed presentation).

Commissioner Clare said there may be a need for outdoor dining. Kelli Jones said that will be Phase II.

Deliberation

Development Review Committee deliberation.

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

Revised 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; and

WHEREAS, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community have been provided. Transportation Planning has approved the preliminary development plan; and

WHEREAS, there are no open space requirements pertinent to the current proposal; 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; and

WHEREAS, the Louisville Metro Development Review Committee further finds the development plan conforms to the Comprehensive Plan. The proposed uses are in keeping with other development and the general character of the area. Adequate screening and buffering will be provided around the subject site. Provisions have been made for safe vehicular and pedestrian maneuvering around the subject site.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the city of St. Matthews **APPROVAL** of the Revised Detailed District Development Plan **SUBJECT** to the following Binding Elements:

1. The development shall be in accordance with the approved development plan, all applicable sections of the Saint Matthews Development Code, Land Development Code and agreed upon binding elements unless amended pursuant to the Saint Matthews

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Development Code and 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 and to the City of Saint Matthews for review and approval; any changes/additions/alterations not so referred shall not be valid.

2. There shall be no further development of the site unless and until a Detailed District Development Plan is reviewed and approved by the Planning Commission, or the Planning Commission's designee, and the City of St. Matthews.

3. No outdoor advertising signs, pennants, balloons, or banners shall be permitted on the site. All signs shall be in accordance with the St Matthews Development Code.

4. 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.

5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:

a. The development plan must receive full construction approval from Develop Louisville, 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 Article 12 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 19, 2022 Development Review Committee meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.

6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.

7. If a certificate of occupancy or building permit is not issued within two years 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 and the City of St Matthews.

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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. 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.

The vote was as follows:

YES: Commissioners Brown, Clare and Carlson

NOT PRESENT AND NOT VOTING: Commissioner Seitz

ABSTAINING: Commissioner Price

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ADJOURNMENT

Chair

Planning Director