

**MINUTES OF THE MEETING  
OF THE  
DEVELOPMENT REVIEW COMMITTEE  
July 31, 2019**

A meeting of the Development Review Committee was held on, July 31, 2019 at 1:00 p.m. in the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

**Committee Members present were:**

Rich Carlson, Vice Chair  
Jeff Brown  
Donald Robinson

**Committee Members absent were:**

David Tomes, Chair  
Emma Smith

**Staff Members present were:**

Brian Davis, Planning and Design Manager  
Joel Dock, Planner II  
Dante St. Germain, Planner II  
Jay Lockett, Planner I  
Paul Whitty, Legal Counsel  
Beth Stuber, Transportation Supervisor  
Pamela M. Brashear, Management Assistant

The following matters were considered:

**DEVELOPMENT REVIEW COMMITTEE**  
**July 31, 2019**

**APPROVAL OF MINUTES**

**JULY 17, 2019 DRC MEETING MINUTES**

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

**RESOLVED**, that the Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on July 17, 2019.

**The vote was as follows:**

**YES: Commissioners Brown and Carlson**

**NOT PRESENT FOR THIS CASE: Commissioners Smith and Tomes**

**ABSTAINING: Commissioner Robinson**

**DEVELOPMENT REVIEW COMMITTEE**  
**July 31, 2019**

**OLD BUSINESS**

**CASE NO. 19DEVPLAN1095**

Request: CONTINUED from the July 17, 2019 DRC meeting - Revised Detailed District Development Plan  
Project Name: Zips Express Car Wash  
Location: 1700 Alliant Avenue  
Owner: Zips Real Estate II, LLC.  
Applicant: Zips Real Estate II, LLC.  
Representative: Bryant Engineering  
Jurisdiction: Jeffersontown  
Council District: 20 – Stuart Benson  
**Case Manager: Jay Lockett, AICP, Planner I**

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

**Agency Testimony:**

00:03:40 Mr. Lockett discussed the case summary, standard of review and staff analysis from the staff report. Mr. Whitty had a question regarding binding element number 7. Will the applicant need a dust mitigation plan from MSD? Mr. Lockett said the city of Jeffersontown requested it and it's an APCD requirement within construction.

**Deliberation**

00:06:32 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.**

**Revised Detailed District Development Plan and Binding Elements**

On a motion by Commissioner Brown, seconded by Commissioner Robinson, 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

**DEVELOPMENT REVIEW COMMITTEE**  
**July 31, 2019**

**OLD BUSINESS**

**CASE NO. 19DEVPLAN1095**

**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; 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 **RECOMMEND** that the city of Jeffersontown **APPROVE** 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 Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of the plan shall be submitted to the City of Jeffersontown for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. All signs are to be in compliance with the City of Jeffersontown Sign Ordinance. Permits shall be obtained from the City of Jeffersontown prior to installation of the signs.
3. No outdoor advertising signs (billboards), small freestanding (temporary) signs, pennants or banners shall be permitted on the site.
4. Before a building or alteration permit and/or a certificate of occupancy is requested:

**DEVELOPMENT REVIEW COMMITTEE**  
**July 31, 2019**

**OLD BUSINESS**

**CASE NO. 19DEVPLAN1095**

- a) The development plan must be re-approved by the City of Jeffersontown 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. Such plan shall be implemented prior to requesting a certificate of occupancy and maintained thereafter.
  - c) A minor subdivision plat or legal instrument shall be recorded creating the lots as shown on the development plan. A copy of the recorded instrument shall be submitted to the Planning Commission.
  - d) 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 City of Jeffersontown prior to obtaining a building permit.
  - e) A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
  - f) Encroachment permits must be obtained from the Jeffersontown Public Works Department and KYTC for any work performed in the right-of-way.
5. 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 requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. All off-street parking areas shall be permanently and continually maintained in good condition and free from potholes, weeds, dirt, trash and other debris.
7. Mitigation measures for dust control shall be in place during construction to prevent fugitive particulate emissions from reaching existing roads and neighboring properties.
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.

**The vote was as follows:**

**DEVELOPMENT REVIEW COMMITTEE**  
**July 31, 2019**

**OLD BUSINESS**

**CASE NO. 19DEVPLAN1095**

**YES: Commissioners Brown, Robinson and Carlson**

**NOT PRESENT AND NOT VOTING: Commissioners Smith and Tomes**

**DEVELOPMENT REVIEW COMMITTEE**  
**July 31, 2019**

**OLD BUSINESS**

**CASE NO. 19WAIVER1027**

Request: CONTINUED from the July 17, 2019 DRC Meeting – Landscape  
buffer waiver  
Project Name: Landscape Waiver  
Location: 11506 Shelbyville Road  
Owner(s): Brent Beanblossom  
Applicant: Alex Rosenberg, AL Engineering  
Jurisdiction: Middletown  
Council District: 19 – Anthony Piagentini  
**Case Manager: Lacey Gabbard, AICP, Planner I**  
**Presented by: Brian Davis, AICP, Planning Manager**

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

**Agency Testimony:**

00:07:43 Mr. Davis stated this case was continued so the applicant could look at the site plan. The site plan has been omitted and that eliminates the need for the waiver. The case has been withdrawn.

**NO ACTION**

**DEVELOPMENT REVIEW COMMITTEE**  
**July 31, 2019**

**NEW BUSINESS**

**CASE NO. 19DEVPLAN1099**

Project Name: Meineke  
Location: 4170 Bardstown Road  
Owner(s): Bryan Brown, Bycar Investments LLC  
Applicant: Bryan Brown, Bycar Investments LLC  
Jurisdiction: Louisville Metro  
Council District: 2 – Barbara Shanklin  
**Case Manager: Lacey Gabbard, AICP, Planner I**  
**Presented by: Brian Davis, AICP, Planning Manager**

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

**Agency Testimony:**

00:08:40 Mr. Davis discussed the case summary, standard of review and staff analysis from the staff report.

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

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

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

00:10:22 Mr. Pregliasco gave a power point presentation. There is an associated variance that will be heard at the Board of Zoning Adjustment meeting. There is no direct access. There will be additional landscaping on the side to help shield the entrance being proposed on the north side. Commissioner Brown asked why old binding element 13 was deleted. Mr. Pregliasco said the original approval was in 1994 and the 2<sup>nd</sup> in 1998.

**Deliberation**

00:16:45 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.**



**DEVELOPMENT REVIEW COMMITTEE**  
**July 31, 2019**

**NEW BUSINESS**

**CASE NO. 19DEVPLAN1099**

**Revised Detailed District Development Plan and Binding Elements**

On a motion by Commissioner Brown, seconded by Commissioner Robinson, 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. TARC has reviewed the plan and provided preliminary plan approval. KYTC has not provided comments; 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. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. The applicant is proposing to provide additional plantings to help screen the view of the proposed warehouse building per LDC section 5.5.5.A.1. 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 **ON CONDITION** that the variance is granted from the Board of Zoning Adjustment for the encroachment into the protected waterway buffer and **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

**DEVELOPMENT REVIEW COMMITTEE**  
**July 31, 2019**

**NEW BUSINESS**

**CASE NO. 19DEVPLAN1099**

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 Lyndon, St. Matthews, Hurstbourne, or Middletown etc.) for review and approval; any changes/additions/alterations not so referred shall not be valid.

2. There shall be no direct vehicular access to Bardstown Road.
- 3a. There shall be no freestanding sign permitted on Lot 2 (truck accessories shop) without prior approval by the Planning Commission. The Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations.
- 3b. The only permitted freestanding sign shall be located as shown on the approved development plan. No portion of the sign, including the leading edge of the sign frame, shall be closer than 1.5 feet to front property line. The sign shall not exceed 80 square feet in area per side and 16 feet in height. No sign shall have more than two sides.
4. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants, balloons, or banners shall be permitted on the site.
5. There shall be no outdoor storage on the site, except for pick-up truck accessories.
6. Before any permit (including but not limited to building, parking lot, change of use or alteration 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. A minor subdivision plat 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 Development Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
  - c. 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.
  - d. The property owner/developer shall submit to the Planning Commission written procedures for tire/oil disposal that comply with applicable state and federal regulations and have been approved by the appropriate Works Director. Said

**DEVELOPMENT REVIEW COMMITTEE**  
**July 31, 2019**

**NEW BUSINESS**

**CASE NO. 19DEVPLAN1099**

procedures shall be submitted prior to requesting a building permit and shall be followed for the duration of the use unless otherwise approved by the Planning Commission.

e. An access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be secured from the adjoining property owner and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Development 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 office 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), outdoor entertainment, or outdoor PA system permitted on the site.
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.

**The vote was as follows:**

**YES: Commissioners Brown, Robinson and Carlson**

**NOT PRESENT AND NOT VOTING: Commissioners Smith and Tomes**

**DEVELOPMENT REVIEW COMMITTEE**  
**July 31, 2019**

**NEW BUSINESS**

**CASE NO. 19DEVPLAN1106/19WAIVER0015**

Project Name: Blankenbaker Station I – Lot 7  
Location: 12550 Sycamore Station Place  
Owner(s): Gregory W. Oakley, Pinnacle Partners LLC/TSF Properties  
Applicant: Dwayne Hunt, Buck Creek Explorations LLC  
Jurisdiction: Louisville Metro  
Council District: 20 – Stuart Benson  
**Case Manager: Lacey Gabbard, AICP, Planner I**  
**Presented by: Brian Davis, AICP, Planning Manager**

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

**Agency Testimony:**

00:18:18 Mr. Davis discussed the case summary, standard of review and staff analysis from the staff report. Commissioner Brown said there is a binding element to be removed stating no pennants, balloons or banners shall be permitted. Is that because it's covered by the Land Development Code? Mr. Davis said yes, it's no longer necessary. Also, Commissioner Brown asked if there are general binding elements that cover all these properties. Mr. Davis said yes.

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

Nathan Wright, Mindel, Scott and Associates, 5151 Jefferson Boulevard, Louisville, Ky. 40219

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

00:22:06 Mr. Wright gave a power point presentation. This is the last lot to be developed in the business park. There are several waiver and conditional use permit requests. The proposed building is similar to other buildings in the area and will blend into the surroundings.

**Deliberation**

00:23:55 Development Review Committee deliberation.

00:24:8 Commissioner Brown stated this committee is acting on the elevations but it still needs relief from the Board of Zoning Adjustment for the height. Mr. Davis said yes because the conditional use permit restricts mini-warehouses to 1-story. Mr. Whitty

## DEVELOPMENT REVIEW COMMITTEE

July 31, 2019

### NEW BUSINESS

#### CASE NO. 19DEVPLAN1106/19WAIVER0015

asked why mini-warehouse storage is limited to 1-story. Mr. Davis said there's been a big shift in the way they have been developed over time. They are move efficient now.

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

**Waiver of Land Development Code section 5.6.1.C to allow less than 50% of the wall surfaces at street-level to consist of clear windows and doors and for the windows to be less than 8 feet in height and greater than 2 feet above sidewalk**

**WHEREAS**, the requested waiver will not adversely affect adjacent property owners because the surrounding properties are commercial uses internal to the Blankenbaker Station I development. The nearest buildings in the vicinity, the Federal Bureau of Investigation and Xscape Theatres, do not appear to comply with this façade requirement; and

**WHEREAS**, Land Use & Development 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 the compatibility of development and redevelopment projects.

The nearest buildings in the vicinity, the Federal Bureau of Investigation and Xscape Theatres, do not appear to comply with this façade requirement. The subject site and these two neighboring sites are internal to the Blankenbaker Station I development. Aside from the requested waiver, the building façade design meets Land Development Code requirements for building design. The proposed elevations provide clear windows and doors, but they do not cover 50% of the wall surfaces at street-level and they do not meet the height requirements; 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 there is a security element to a mini-warehouse that could be compromised by the addition of additional transparent windows and doors; 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 or would create an unnecessary hardship on the applicant because there is a security element to a mini-warehouse that could be compromised by

**DEVELOPMENT REVIEW COMMITTEE**  
**July 31, 2019**

**NEW BUSINESS**

**CASE NO. 19DEVPLAN1106/19WAIVER0015**

the addition of additional transparent windows and doors, and nearby structures do not appear to comply with this façade requirement.

**Revised Detailed District Development Plan and Binding Element Amendments**

On a motion by Commissioner Brown, seconded by Commissioner Robinson, 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. Public Works has provided preliminary plan approval. At the time this staff report was published, MSD was reviewing the downstream sanitary capacity facility request; 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. 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 waiver of Land Development Code section 5.6.1.C to allow less than 50% of the wall surfaces at street-level to consist of clear windows and doors and for the windows to be less than 8 feet in height and greater than 2 feet above sidewalk and the Revised Detailed District Development Plan **ON CONDITION** that the Board of Zoning Adjustment grants all proper approval for the conditional use permits and relief

**DEVELOPMENT REVIEW COMMITTEE**  
**July 31, 2019**

**NEW BUSINESS**

**CASE NO. 19DEVPLAN1106/19WAIVER0015**

from that section of the Land Development Code **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. 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.
3. 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. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - c. 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.
  - 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. The landscaping shall be minimally provided as indicated on the rendering presented at the June 5, 2014 Planning Commission hearing.
  - e. 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.

**DEVELOPMENT REVIEW COMMITTEE**  
**July 31, 2019**

**NEW BUSINESS**

**CASE NO. 19DEVPLAN1106/19WAIVER0015**

4. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
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. A legal instrument providing for the long-term use of the (off-site parking spaces or joint-use parking spaces), as shown on the approved general district development plan and in accordance with (Section 9.1.5 Off-Site Parking or Section 9.1.6 Joint Use Parking), shall be submitted and approved by the Planning Commission legal counsel and recorded in the County Clerk's office. 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. Parking lot lights shall be reduced to a minimum security level of lighting one hour after final shifts are over.
8. The applicant, owner, and all contractors on this site shall access the site by way of Bluegrass Parkway, to a short stretch of Tucker Station Road, to Sycamore Station Place.
9. A contribution for a left-turn lane from northbound Tucker Station Road to Sycamore Station shall be provided for the construction of the lane within 60 (sixty) days of a request from Louisville Metro Public Works. Request for the turn lane contribution shall not occur prior to the intersection meeting traffic volume warrants for a left-turn lane as determined by the KTC Turn Lane Policy. Contributions shall be based on the total cost of the turn lane construction, with the developer paying a share proportional to the number of trips generated by the development for the current IETE Trip Generation Handbook, versus the total actual traffic through the intersection.

**The vote was as follows:**

**YES: Commissioners Brown, Robinson and Carlson**



**DEVELOPMENT REVIEW COMMITTEE**  
**July 31, 2019**

**NEW BUSINESS**

**CASE NO. 19DEVPLAN1106/19WAIVER0015**

**NOT PRESENT AND NOT VOTING: Commissioners Smith and Tomes**

**DEVELOPMENT REVIEW COMMITTEE**  
**July 31, 2019**

**NEW BUSINESS**

**CASE NO. 19WAIVER1031**

Request: Waiver to allow an accessory structure with a footprint that exceeds that of the principal structure  
Project Name: Iroquois Avenue Garage  
Location: 822 Iroquois Avenue  
Owner: Christopher Redmon  
Applicant: Christopher Redmon  
Representative: Christopher Redmon  
Jurisdiction: Louisville Metro  
Council District: 21 – Nicole George  
**Case Manager: Dante St. Germain, AICP, Planner II**

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

**Agency Testimony:**

00:27:43 Ms. St. Germain discussed the case summary, standard of review and staff analysis from the staff report.

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

Chris Redmon, 822 Iroquois Avenue, Louisville, Ky. 40214

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

00:30:35 Mr. Redmon stated that the proposed garage will be similar to the renderings, except the garage doors will not be on the sides and there will be a door on the alley-side for future use. The alley is not currently maintained, it's not 18 feet wide and it is gravel – not suitable to access property from that alley. The color will match the house. The proposed size is being requested to accommodate a truck and boat.

Mr. Redmon addressed the comment that the proposal doesn't fit the character of the neighborhood by stating, there is no standard. Some houses have no garage, some are attached, some detached and some 3 car garages. Vice Chair Carlson said he understands why the 30 ft. depth is needed, but why a width of 40 ft. across? Mr. Redmon said he'll need that space to get the boat and car in together, otherwise only one can fit at a time. There will only be one overhead door.

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

Ann Ramser, 307 East Kenwood Drive, Louisville, Ky. 40214

**DEVELOPMENT REVIEW COMMITTEE**  
**July 31, 2019**

**NEW BUSINESS**

**CASE NO. 19WAIVER1031**

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

00:36:29 Ms. Ramser said the email she sent was incorrect, stating the value of the home as \$50,000 in May 2018. Mr. Redmon purchased the home for \$122,000 in May 2019.

Ms. Ramser stated she's concerned about the size of the proposed garage, it's 36% larger than the house. Ms. Ramser did a comparison of houses and garages in the neighborhood and none are this large. Commissioner Robinson asked if there are any homes in the neighborhood that have no garages. Ms. Ramser made a list of the homes on Iroquois Ave. and Gheens Ave. and there are several with garages, but only 2 garages were larger than the homes.

**Rebuttal:**

00:40:55 Mr. Redmon stated the area is growing. There shouldn't be any devaluation of any of the homes in the area. The doors have to be placed on the front or rear in order to store the boat and be able to fit the truck in and out. There are neighbors that have boats as well as sheds and garages. Vice Chair Carlson asked why there will be only 1 door instead of 2. Mr. Redmon said it's very hard to maneuver through a 10 ft. door so it makes sense to have 1 (16 ft. wide) large door. The doors will be on opposite sides of the building.

**Deliberation**

00:48:07 Commissioner Brown said it is an under-improved alley so there should be no encouragement or restricting access. Also, it's more beneficial to the neighbors if Mr. Redmon conceals the boat. Commissioner Robinson agrees.

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

**Waiver from Land Development Code section 5.4.1.E.4 to allow the footprint of an accessory structure on a lot in single family residential use to exceed the footprint of the principal structure**

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

**DEVELOPMENT REVIEW COMMITTEE**  
**July 31, 2019**

**NEW BUSINESS**

**CASE NO. 19WAIVER1031**

**WHEREAS**, the waiver will not adversely affect adjacent property owners as the proposed location of the garage will place it behind other structures on adjacent lots, with the result that it is unlikely to cause a hindrance to air and light reaching those lots; and

**WHEREAS**, the waiver will not violate specific guidelines of Plan 2040 as Plan 2040 does not address accessory garages; 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 as the applicant plans to store a large pickup truck and, in the future, a boat in the garage, necessitating the size of the structure; 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 or would create an unnecessary hardship on the applicant because a garage is a reasonable use of the land and the applicant needs a large garage in order to shelter a large pickup truck and, in the future, a boat.

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** a waiver from the Land Development Code section 5.4.1.E.4 to allow the footprint of an accessory structure on a lot in single family residential use to exceed the footprint of the principal structure.

**The vote was as follows:**

**YES: Commissioners Brown, Robinson and Carlson**

**NOT PRESENT AND NOT VOTING: Commissioners Smith and Tomes**

**Waiver from Land Development Code 5.4.1.E.3 to allow access to an accessory structure from the primary street where alley access is available and feasible**

On a motion by Commissioner Brown, seconded by Commissioner Robinson, the following resolution based on the testimony heard today was adopted.

**WHEREAS**, the waiver will not adversely affect adjacent property owners as the curb cut on Iroquois Avenue has existed for many years; and

**DEVELOPMENT REVIEW COMMITTEE**  
**July 31, 2019**

**NEW BUSINESS**

**CASE NO. 19WAIVER1031**

**WHEREAS**, the Louisville Metro Development Review Committee finds it is an under-improved alley and inviting additional traffic could adversely affect the adjoining property owners; and

**WHEREAS**, the Louisville Metro Development Review Committee further finds this is the minimum required to provide access to the garage because access from the alley would be inaccessible by most typical vehicles.

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** a waiver from the Land Development Code 5.4.1.E.3 to allow access to an accessory structure from the primary street where alley access is available because that alley access is not feasible at this point. It is an under-improved alley and inviting additional traffic could adversely affect the adjoining property owners. This is the minimum required to provide access to the garage because access from the alley would be inaccessible by most typical vehicles.

**The vote was as follows:**

**YES: Commissioners Brown, Robinson and Carlson**

**NOT PRESENT AND NOT VOTING: Commissioners Smith and Tomes**

**DEVELOPMENT REVIEW COMMITTEE**  
**July 31, 2019**

**NEW BUSINESS**

**CASE NO. 19DEVPLAN1120**

Request: Revised detailed district development plan with landscape waivers  
Project Name: Logistics Airpark  
Location: 5540 Minor Lane  
Owner: LaGrange, LLC & Nicklies Exchange, LLC  
Applicant: Nicklies Development  
Representative: Nicklies Development  
Jurisdiction: Louisville Metro  
Council District: 13 – Mark Fox  
**Case Manager: Joel P. Dock, AICP, Planner II**

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

**Agency Testimony:**

00:52:25 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

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

Mark Madison, Milestone Design Group, 108 Daventry Lane, Suite 300, Louisville, Ky. 40223

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

00:57:07 Mr. Madison stated the parking lot for employees and customers will be separate from the drive lanes used by the trucks. There will be additional landscaping to provide buffering for the building.

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

Willie Wolfe, 5519 Minor Lane, Louisville, Ky. 40219

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

00:59:49 Mr. Wolfe stated he's very concerned about the dust. When will the dust control plan be in place? The dust that's been generated across the street and has made Mr. Wolfe have to leave his home because he could not breathe. The construction workers could have loaded dirt and mulch at the front entrance instead of going up and down Minor Ln.

**DEVELOPMENT REVIEW COMMITTEE**  
**July 31, 2019**

**NEW BUSINESS**

**CASE NO. 19DEVPLAN1120**

01:03:20 Vice Chair Carlson asked if there's a binding element for dust control or will Mr. Wolfe need to involve Air Pollution Control District (APCD)? Mr. Dock said APCD is one of the agencies that reviews plans. Typically, APCD requests a note to be placed on the plan and the note on this proposed plan reads as follows: Mitigation measures for dust control shall be in place during construction to prevent fugitive particulate emissions from reaching existing roads and neighboring properties. Any concerns should be directed to APCD. Mr. Madison said he will inform the applicant about the dust but also advises Mr. Wolfe to contact APCD. Mr. Dock said the phone number for APCD is 502-574-6000. Bradley Coomes, plan reviewer, typically wants the note added on the preliminary plan during the construction phase.

01:11:37 Commissioner Brown asked if the changes in the building change any of the landscape requirements (binding elements 12 and 13). Mr. Madison said no.

**Deliberation**

01:12:16 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.**

**1. Waiver of Land Development Code (LDC), section 5.5.4.B.1 & 10.2.4 to reduce the 50' & 35' landscape buffer area (LBA) located near the east and west corners of the northern truck maneuvering area as shown on the development plan**

**WHEREAS**, the waiver will not adversely affect adjacent property owners as sufficient landscape buffer in the form of a 2' berm with 8' screen and deciduous trees having a sufficient width is provided. The encroachment is consistent with the relief previously granted in case 18ZONE1049. It would not appear that truck parking or loading would occur within the LBA in the northeast corner. Truck parking that is provided within the LBA on the west side is further buffered from the institutional use by detention lakes; and

**WHEREAS**, the Louisville Metro Development Review Committee finds the waiver will not violate specific guidelines of Cornerstone 2020 as Guideline 3, Policy 21 calls for appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.

**DEVELOPMENT REVIEW COMMITTEE**  
**July 31, 2019**

**NEW BUSINESS**

**CASE NO. 19DEVPLAN1120**

Guideline 3, Policy 22 calls for mitigation of impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments. A sufficient landscape buffer in the form of a 2' berm with 8' screen and deciduous trees having a sufficient width is provided; and

**WHEREAS**, the Louisville Metro Development Review Committee further finds the applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived as sufficient landscape buffer in the form of a 2' berm with 8' screen and deciduous trees having a width of 35' is provided. This has been depicted on the applicant's landscaped exhibit and preserved by binding element in case 18ZONE1049.

**2. Waiver of LDC, section 10.2.7 to allow an encroachment for drive lane into the 20' expressway LBA**

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

**WHEREAS**, the waiver will not adversely affect adjacent property owners as the adjacent owner is the State of Kentucky and no residents will be impacted; and

**WHEREAS**, the Louisville Metro Development Review Committee finds the waiver will not violate specific guidelines of Cornerstone 2020 as Guideline 3, Policy 21 calls for appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements. Guideline 3, Policy 22 calls for mitigation of impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments. The encroachment in this area does not impact residents or adjacent property owners, nor does it create incompatibility with adjacent users as the adjacent property is in expressway which produces greater impacts on the area than the proposed encroachment; and

**WHEREAS**, the Louisville Metro Development Review Committee further finds the applicant will provide all required landscape material and screening per Ch. 10 of the Land Development Code.



**DEVELOPMENT REVIEW COMMITTEE**  
**July 31, 2019**

**NEW BUSINESS**

**CASE NO. 19DEVPLAN1120**

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** a waiver of Land Development Code, section 5.5.4.B.1 and 10.2.4 to reduce the 50' and 35' landscape buffer area located near the east and west corners of the northern truck maneuvering area as shown on the development plan and a waiver of Land Development Code, section 10.2.7 to allow an encroachment for drive lane into the 20' expressway landscape buffer area.

**The vote was as follows:**

**YES: Commissioners Brown, Robinson and Carlson**

**NOT PRESENT AND NOT VOTING: Commissioners Smith and Tomes**

**Revised General and Detailed District Development Plan**

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

**WHEREAS**, the conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites will be provided. Natural features have been integrated into the pattern of development. An archaeological amenity will be preserved. Landscaping consisting of a 2' berm with 8' evergreen screen and deciduous trees will also be provided along the frontage; and

**WHEREAS**, the proposal utilizes an existing 4-lane, collector level roadway for its primary means of access and provides cross-connectivity to the North via private drive. Sidewalks are provided along Minor Lane immediately abutting the site and pedestrian connections from these public walks to building entrances are provided. TARC service is not available along the frontage or on Outer Loop. The nearest route is located along Preston Highway. The proposal does not prevent or negatively impact TARC service. All roadway improvements as required by the Traffic Impact study and binding elements of case 18ZONE1049 will be implemented prior to occupancy of the site. An internal roadway providing access to the north attempts to alleviate any future pressure along the residential segments of Minor Lane; and

**WHEREAS**, open space and amenity area is provided in the form of an archaeological feature. Additional large ILA areas are provided near parking facilities; and

**DEVELOPMENT REVIEW COMMITTEE**  
**July 31, 2019**

**NEW BUSINESS**

**CASE NO. 19DEVPLAN1120**

**WHEREAS**, 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 Louisville Metro Development Review Committee finds the proposal creates a new planned development that may feature a single or mixture of related uses. The plan provides space for future growth. Landscape transitions have been provided along Minor Lane and adjacent to nearby homes. The Minor Lane frontage of the development and those portions that abut single-family residential property will contain landscaping consisting of a 2' berm with 8' evergreen screen and deciduous trees; and

**WHEREAS**, the Louisville Metro Development Review Committee further finds the proposed development plan conforms to the Comprehensive Plan as the site is being developed as intended by the Workplace form.

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Revised General and 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. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements. The façade elevations submitted at this time shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is requested:

**DEVELOPMENT REVIEW COMMITTEE**  
**July 31, 2019**

**NEW BUSINESS**

**CASE NO. 19DEVPLAN1120**

- 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. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - 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. A minor plat shall be approved and recorded creating the lots as shown on the approved development plan.
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.
  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.
  8. No deliveries shall be permitted by any commercial use between 10:00 pm and 7:00 am.
  9. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the development site and the adjoining property owner(s) to the North and recorded prior to development of that site for any non-residential use. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.
  10. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between all parcels

**DEVELOPMENT REVIEW COMMITTEE**  
**July 31, 2019**

**NEW BUSINESS**

**CASE NO. 19DEVPLAN1120**

shown on the approved development. Rights of access shall be retained for the benefit of the public to access the archaeological feature on lot 2. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services. Such agreement shall be recorded prior to construction plan approval.

11. A unified signage plan shall be created that sets consistent standards for the design, appearance and location of signs within the development. This plan shall be submitted for review and approval by Planning Commission Staff prior to issuance of certificate of occupancy.
12. Landscaping shall be provided which is substantially similar to that described on the applicant's landscape exhibit presented at the 2/7/19 public hearing of the Planning Commission.
13. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the 2/7/19 Planning Commission meeting. One tree shall be planted within 15 feet of the building, for each 50 feet of façade length facing public streets or residentially used property. Trees may be clustered but distance between trees shall not exceed 100 feet. Tree species shall be selected from the Preferred Plant List that will equal or exceed the height of the adjacent building, at maturity. This shall be in addition to trees required in parking lot interior landscape areas.
14. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.
15. The following roadway improvement shall be made prior to the occupancy of the subject site:
  - Outer Loop Road at Minor Lane
  - A. Remove the existing raised median on the west leg of the intersection to provide dual left turns from Outer loop Road to Minor Lane.
  - B. Add an additional southbound lane on the north leg of the intersection to provide 1 right turn lane, 1 shared through-left turn lane and 1 exclusive left turn lane. Widening on this leg will require significant shoulder widening to provide positive off-tracking for heavy making a right turn from Minor Lane to Outer Loop Road.
  - C. Widen the northbound approach of Briarcliff Road north of the Old Outer Loop Road to provide full pavement width for two lanes. Reconfigure the northbound lanes to provide 1 exclusive left turn lane and 1 shared through right turn lane.
  - D. Provide a westbound right turn lane on Outer Loop Road to Minor Lane.Minor Lane Extension at Development Drive. Configure the newly created

**DEVELOPMENT REVIEW COMMITTEE**  
**July 31, 2019**

**NEW BUSINESS**

**CASE NO. 19DEVPLAN1120**

intersection with stop control on the southbound approach of Minor Lane. Any revision to these recommendations shall be in coordination with KYTC and shall be presented to the Director of Public Works for review and approval.

16. The following M-2 uses are prohibited unless approved by the Planning Commission in a public hearing. Any application for amendment shall include notification to all those that spoke at the public hearing, as well as 1st and 2nd tier adjoining property owners.

Auction sales, outdoor

Fairgrounds

Flea market

Railroad freight terminal and yards

River terminals

Outdoor storage of materials and equipment

Waterfront shipping

Uses, manufacture, processing, treatment, or storage of the following:

Aluminum extrusion

Animal pound

Coal and coke, storage and sales

Foundry products (electrical only)

Hosiery mill

Insecticides, fungicides, disinfectants, and related industrial and household chemical compounds (blending only)

Paint and coating, except manufacturing gun cotton nitro-cellulose lacquers and reactive resin cooking

Poultry or rabbit, packaging or slaughtering (wholesale)

Tire treading and vulcanizing shop

17. The following M-1 uses are prohibited:  
Uses, manufacture, processing, treatment, or storage of the following:  
Adhesive, excluding manufacturing of basic components  
Chemicals (packaging only)
18. The developer shall adhere to LDC section 4.4.6 as it pertains to inactive cemeteries.

**DEVELOPMENT REVIEW COMMITTEE**  
**July 31, 2019**

**NEW BUSINESS**

**CASE NO. 19DEVPLAN1120**

**The vote was as follows:**

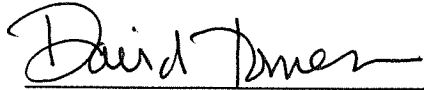
**YES: Commissioners Brown, Robinson and Carlson**

**NOT PRESENT AND NOT VOTING: Commissioners Smith and Tomes**

**DEVELOPMENT REVIEW COMMITTEE**  
**July 31, 2019**

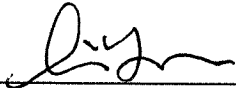
**ADJOURNMENT**

The meeting adjourned at approximately 2:20 p.m.



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**Chair**



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**Planning Director**

