

**MINUTES OF THE MEETING
OF THE
DEVELOPMENT REVIEW COMMITTEE
April 14, 2021**

A meeting of the Louisville Metro Development Review Committee was held on Wednesday, April 14, 2021 at 1:00 p.m. via Cisco Webex Video Teleconferencing.

Committee Members present were:

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

Staff Members present were:

Joe Reverman, Assistant Director, Planning and Design Services
Brian Davis, Planning and Design Manager
Julia Williams, AICP, Planning Supervisor
Dante St. Germain, Planner II
Molly Clark, Planner I
Jay Lockett, Planner I
Travis Fiechter, Legal Counsel
Pamela M. Brashear, Management Assistant

Others present:

Tony Kelly, MSD

The following matters were considered:

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APPROVAL OF MINUTES

MARCH 31, 2021 DRC MEETING MINUTES

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

RESOLVED, that the Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on March 31, 2021.

The vote was as follows:

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

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NEW BUSINESS

CASE NO. 20-CAT2-0035

Project Name: CVS Pharmacy
Location: 7845 and 7847 Preston Hwy.
Owner(s): The Nance Realty Group
Applicant: David Norris and John Rhodes, Foresite Group
Jurisdiction: Louisville Metro
Council District: 24 – Madonna Flood
Case Manager: Molly Clark, Planner I

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

Agency Testimony:

00:07:05 Molly Clark discussed the case summary, standard of review and staff analysis from the staff report. This case was continued from the last DRC meeting to allow the applicant to make slight changes. One waiver has been eliminated and the building has been shifted.

The following spoke in favor of this request:

Kevin Young, Land Design and Development, 503 Washburn Avenue, Louisville, Ky. 40222

John Rhodes, Forsite Group, 5049 Edward Trans Road, Ft. Worth, Texas 76107

Nate Welch, Five Star,

Mike Hill, Land Design and Development, 503 Washburn Avenue, Louisville, Ky. 40222

Summary of testimony of those in favor:

00:26:42 Kevin Young gave a power point presentation.

Mr. Young said he's been working with the family that owns the center for several years and there are multiple master plans for the entire development. The CVS is a critical part of the re-development.

Commissioner Mims asked if the setback, in terms of green space (substantial), will be comparable to the other corner lots. Mr. Young said yes. Also, will there be other building mitigation measures/features as required by the form district?

00:49:09 John Rhodes discussed the site and building.

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NEW BUSINESS

CASE NO. 20-CAT2-0035

00:50:42 Nate Welch said there are no windows on the back for security purposes.

Commissioner Clare asked if there could be any articulation or relief on the brick wall. Mr. Welch said he can ask and work with CVS. There will be a tree planted to help mitigate.

Chair Carlson asked if there could be some shared parking with the land next door and allow it to be part of the buffer area to eliminate a waiver (not enough justification). Mr. Welch said there's no plan for the balance of the property and CVS needs the stand-alone parking (no guarantee).

Deliberation

01:03:15 Commissioner Mims requests staff reviewing the building articulations on the Preston Hwy. (west) elevation and would like some buffer trees in the landscaping areas on the north façade. Also, he would like to see CVS work with the Okolona Business Association should they want to put another feature element in the Preston Hwy. area.

01:04:51 Commissioner Brown said he agrees with the staff report. There haven't been any additional steps taken to adequately mitigate the requested waivers.

01:05:22 Commissioner Clare said there needs to be additional mitigation measures, which would not adversely impact the plan, before the waivers can be justified.

01:05:59 Commissioner Seitz said she agrees with Commissioner Mims and there are no issues with the waivers as presented.

01:06:15 Chair Carlson said he can't go along with the plan knowing the history of making this a signature entrance/gateway for the Okolona area.

01:08:23 Mr. Young requests moving this case to the end of the docket.

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.

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NEW BUSINESS

CASE NO. 20-CAT2-0035

RESOLVED, that the Louisville Metro Development Review Committee does hereby **CONTINUE** this case to the end of today's docket.

VOICE VOTE

04:05:43 Back to Case – Mike Hill requests a continuance to the May 5, 2021 DRC meeting.

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

RESOLVED, that the Louisville Metro Development Review Committee does hereby **CONTINUE** this case to the May 5, 2021 DRC meeting.

The vote was as follows:

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

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NEW BUSINESS

CASE NO. 20-DDP-0072

Project Name: LDG Good Samaritan
Location: 3500 Good Samaritan Way
Owner(s): Jeffersontown PropCo LLC
Applicant: LDG Development LLC
Representative(s): Dinsmore & Shohl
Jurisdiction: Jeffersontown
Council District: 11 – Kevin Kramer
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. 5th Street.)

Agency Testimony:

01:09:57 Jay Lockett discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Josh Clouse, 316 North Main Street, Edwardsville, Illinois

Summary of testimony of those in favor:

01:15:58 Josh Clouse said he agrees with Mr. Lockett and the staff report. The owner wants to sell a portion for the new development. The waiver is due to the current existing parking. The landscape buffer will be on the new development side.

Deliberation

01:17:42 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.

Waiver of Jeffersontown Land Development Code (LDC), section 10.2.4 to eliminate the required property perimeter landscape buffer area adjacent to the proposed property line.

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NEW BUSINESS

CASE NO. 20-DDP-0072

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

WHEREAS, the waiver will not adversely affect adjacent property owners the buffer is internal to the site; and

WHEREAS, the waiver will not violate specific guidelines of the Comprehensive Plan. The applicant for the new development under docket 20-DDP-0057 will work with the city of Jeffersontown to maintain adequate plantings and screening within and around the subject site; 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 no new development is proposed for this lot; and

WHEREAS, the Louisville Metro Development Review Committee further finds the strict application would deprive the applicant of the reasonable use of the land, as no new development is proposed with this request, and the area has existing structures and parking areas within it.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **RECOMMEND** that the city of Jeffersontown **APPROVE** the waiver of Jeffersontown Land Development Code (LDC), section 10.2.4 to eliminate the required property perimeter landscape buffer area adjacent to the proposed property line.

The vote was as follows:

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

Revised Detailed District Development Plan with replacement of existing 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 are no significant natural or historic resources on the subject site; and

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CASE NO. 20-DDP-0072

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

WHEREAS, there is no required open space associated with this request; and

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 overall site design and land uses are compatible with the existing and future development of the area. Adequate screening and buffering will be created along with the adjacent development; and

WHEREAS, the Louisville Metro Development Review Committee further finds the proposed development plan generally conforms to the Comprehensive Plan and the Jeffersonville 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 district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes, additions or alterations of any binding element(s) shall be submitted to the Planning Commission and to the city of Jeffersontown for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The size and location of any proposed freestanding sign must be in compliance with the City of Jeffersontown Sign Ordinance.
3. Any area proposed to be used for outdoor sales, display or storage in accordance with Section 4.4.8 shall be accurately delineated on the development plan.
4. Outdoor lighting (for parking lot illumination and security) shall meet the requirements of Section 4.1.3 of the Land Development Code.
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

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CASE NO. 20-DDP-0072

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 or alteration permit) is requested:

- a. The development plan must receive full construction approval from the City of Jeffersontown (10416 Watterson Trail) and the Metropolitan Sewer District (700 West Liberty).
- b. The appropriate Conditional Use Permits shall be obtained from the Jeffersontown Board of Zoning Adjustment to allow the development as shown on the approved district development plan.

7. Prior to a Certificate of Occupancy being requested 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 occupancy of the site and shall be maintained thereafter.

8. If a building permit is not issued within two years of the date of approval of the plan, 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 Jeffersontown.

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 and City of Jeffersontown.

10. 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.

11. All off-street parking areas shall be permanently and continually maintained in good condition and free from potholes, weeds, dirt, trash and other debris.

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CASE NO. 20-DDP-0072

The vote was as follows:

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

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NEW BUSINESS

CASE NO. 21-DDP-0020

Project Name: Speedwash
Location: 4124 Shelbyville Road
Owner(s): 4124 Shelbyville Road, LLC
Applicant: John Sewell, Site Engineering
Jurisdiction: St. Matthews
Council District: 9 – Bill Hollander
Case Manager: Molly Clark, Planner I

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

Agency Testimony:

01:20:45 Molly Clark discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

John Sewell, 1419 Bays Fork Road, Bowling Green, Ky. 42103

Summary of testimony of those in favor:

01:32:02 John Sewell described the project and how the car wash will function. The hours of operation are typically 7 or 8 a.m. until dark and a gate or chain will be in place to let customers know it's closed. KYTC has required a barrier median and a standard entrance. It will function as a right-in, right-out. Chair Carlson asked if they would agree to a binding element stating the hours of operation shall be between 7:00 a.m. and 10:00 p.m. Mr. Sewell agrees. Also, are the vacuum machines shut down? Mr. Sewell said yes.

Deliberation

01:46:36 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 Amendment to Binding Elements

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NEW BUSINESS

CASE NO. 21-DDP-0020

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

WHEREAS, there do not appear to be any environmental constraints or historic resources on the subject site. All buffers are in compliance with the Development Code; and

WHEREAS, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan; and

WHEREAS, there are no open space requirements pertinent to the current proposal; 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 the requirements of the Development Code.

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

- 1) The Development shall be in accordance with the approved district development plan, all applicable sections of the Development Code and agreed upon binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee and to the City of St. Matthews for review and approval; any changes/additions/alterations not so referred shall not be valid.

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- 2) No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
- 3) Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
- 4) Before any permit (including but not limited to building, parking lot, change of use, site disturbance, or alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville, Louisville Public Works 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 Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
- 5) If a certificate of occupancy (building permit) is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission and the City of St. Matthews.
- 6) A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or for the proposed use. All binding elements requiring action and approval must be implemented prior to requested issuance of the certificate of occupancy, unless specifically waived by the Planning Commission and the City of St. Matthews.
- 7) There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
- 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) No overnight idling of trucks shall be permitted on-site.
- 10) The above binding elements may be amended as provided for in the Zoning District Regulations upon approval of the City of St. Matthews.

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NEW BUSINESS

CASE NO. 21-DDP-0020

11) The hours of operation shall be no earlier than the hours of 7:00 a.m. and no later than 10:00 p.m.

The vote was as follows:

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

DEVELOPMENT REVIEW COMMITTEE

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NEW BUSINESS

CASE NO. 21-MPLAT-0021

Request: Amendment to Record Plat
Project Name: Minor Subdivision Plat
Location: 769 Greenridge Lane
Owner: Felli & Judy Bahram
Applicant: Charles Podgursky, CRP & Associates Inc.
Representative: Charles Podgursky, CRP & Associates Inc.
Jurisdiction: Louisville Metro
Council District: 9 – Bill Hollander
Case Manager: Molly Clark, Planner I

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

Agency Testimony:

01:49:13 Molly Clark discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Charles Podgursky, CRP and Associates Inc., 7321 New LaGrange Road, Suite 111,
Louisville, Ky. 40222
Bahram Felli,

Summary of testimony of those in favor:

01:54:44 Charles Podgursky gave some history while describing the proposal. The house to be built will be in character with the neighborhood.

01:57:26 Bahram Felli said he wants to build a small home for himself and it will fit the neighborhood. It will be a single ranch brick house.

Deliberation

01:59:15 Development Review Committee deliberation.

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

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NEW BUSINESS

CASE NO. 21-MPLAT-0021

**Record Plat Amendment to create 2 lots from 1 lots within the Greenleaves
Subdivision Plat Section 2, in Plat Book 12, Page 22**

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

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Record Plat Amendment to create 2 lots from 1 lots within the Greenleaves Subdivision Plat Section 2, in Plat Book 12, Page 22.

The vote was as follows:

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

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NEW BUSINESS

CASE NO. 21-MPLAT-0031

Request:	Single Family access to Collector Roadway
Project Name:	Minor Subdivision Plat
Location:	16101 Dry Ridge Road
Owner:	Mary and John Smith
Applicant:	Tim Gehlhausen, Mindel Scott
Representative:	Tim Gehlhausen, Mindel Scott
Jurisdiction:	Louisville Metro
Council District:	20- Stuart Benson
Case Manager:	Jay Lockett, Planner I

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

Agency Testimony:

02:01:18 Jay Lockett discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Tim Gehlhausen, 5151 Jefferson Boulevard, Louisville, Ky.
Jack Smith, P.O. Box 39, Eastwood, Ky. 40018

Summary of testimony of those in favor:

02:07:42 Tim Gehlhausen discussed the driveways.

02:14:27 Jack Smith said the lots are 5+ acres. A shared driveway is not appealing as people want their privacy.

Deliberation

02:16:52 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.

WAIVER of Land Development Code (LDC) section 7.8.60.B.4 to allow individual single-family driveway access to a collector level roadway

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NEW BUSINESS

CASE NO. 21-MPLAT-0031

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

WHEREAS, the waiver for lot 2 will not adversely affect adjacent property owners as safe individual access can be created for this lot. Granting the waivers for lots 3, 4 and 5 will adversely impact adjacent property owners, as an excess of driveway entrances on a collector level roadway may cause safety concerns via conflicts of vehicles entering and leaving the roadway; and

WHEREAS, Guideline 1, Policy 4 strives to ensure new development and redevelopment are compatible with scale and site design of nearby existing development with the desired pattern of development within the Form district. The waiver for lots 3, 4 and 5 will violate specific guidelines of the Comprehensive Plan as the number of entrances proposed to serve the proposed lots exceeds the minimum necessary; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant. While proposed lot 2 would be difficult to connect to the existing driveway due to the location of the stream and buffer and the existing access for lot 1, the waiver for lots 3, 4, and 5 is not the minimum necessary to afford relief to the applicant. A shared access for these three lots is feasible; 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 for lot 2, as the location of the existing access for lot 1 and the stream make shared access infeasible for this lot. The strict application of the provisions would not deprive the applicant of the reasonable use of the land for lots 3, 4, and 5 because shared access is feasible for these lots. The lots resulting from the subdivision conform to the zoning and form district regulations applicable to the property.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the waiver of Land Development Code (LDC) section 7.8.60.B.4 to allow individual single-family driveway access to a collector level roadway, **SUBJECT** to the following condition of approval:

1. The driveways will meet all of Public Works requirements for site distance and that site distance shall be adequately maintained as long as the driveway is in use.

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NEW BUSINESS

CASE NO. 21-MPLAT-0031

The vote was as follows:

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

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NEW BUSINESS

CASE NO. 19ZONE1016/19ZONE1017

Request: Review of Elevations for Compliance with Binding Elements
Project Name: Langdon Place Rezoning Elevations
Location: 2813 Langdon Drive, 2816 Weissinger Road, 9121 Blossom Lane
Owner: Leigh Ann Properties LLC
Applicant: Leigh Ann Properties LLC
Representative: Bardenwerper Talbott & Roberts
Jurisdiction: Louisville Metro
Council District: 17 – Markus Winkler
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. 5th Street.)

Agency Testimony:

02:21:02 Dante St. Germain 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:

02:28:44 Nick Pregliasco gave a power point presentation. The cases are related and were heard together at a night hearing. The elevations were reviewed by Urban Design to make sure it looks nice and matches the neighborhood.

02:34:00 Brent Likins (Inaudible). Mr. Likins read an email from Katherine Groskreutz.

02:35:19 Mr. Pregliasco continued, the presentation, discussing the changes.

Deliberation

02:43:13 Development Review Committee deliberation. Commissioners Mims and Seitz feel the case is in order. Commissioner Brown said he doesn't think the new

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CASE NO. 19ZONE1016/19ZONE1017

elevations are good enough and it's not in character with the neighborhood.
Commissioner Clare said she missed the original hearings and will probably abstain.

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

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

RESOLVED, that the Louisville Metro Development Review Committee does hereby **FORWARD** this case to the April 15, 2021 Planning Commission meeting.

The vote was as follows:

YES: Commissioners Brown, Mims, Seitz and Carlson

ABSTAIN: Commissioner Clare

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NEW BUSINESS

CASE NO. 20-ZONE-0082

Request: Review of Landscape Plan for Compliance with Condition of Approval, and Waiver to Omit Required Wall
Project Name: Circle K Landscape Plan
Location: 404 & 406 Mt. Holly Road
Owner: Macs Convenience Stores LLC, Harold Smith Jr.
Applicant: Circle K
Representative: Bardenwerper, Talbott & Roberts
Jurisdiction: Louisville Metro
Council District: 13 – Mark Fox
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. 5th Street.)

Agency Testimony:

03:07:23 Dante St. Germain discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

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

Jason Hall, Prism Engineering, 2309 Watterson Trail, Louisville, Ky. 40299

Summary of testimony of those in favor:

03:20:20 John Talbott gave a power point presentation. This case was approved at the January 21st Planning Commission meeting. Additional landscaping will make it a nicer project. The wall will not be appropriate.

03:28:00 Jason Hall discussed the landscape plan in more detail.

03:32:14 Mr. Talbott discussed the changes made (drainage and utility easements).

03:35:54 Mr. Hall summarized the minor plan modifications (site distance, tree alignment).

03:51:45 Ms. St. Germain said she did not object to the language of changing the condition of approval but changing the requirement of DRC approving the landscape

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CASE NO. 20-ZONE-0082

plan to allowing staff to approve it. There's no process for changing a condition of approval, but there is for amending binding elements, which hasn't been followed.

03:53:33 Julia Williams added, this case was not noticed for a change or amendment to binding elements, so this committee can't change them without proper notification. Mr. Talbott said he disagrees, this committee does have the authority if it chooses. Travis Fiechter suggests leaving the original language. Mr. Talbott agrees.

Deliberation

04:00:26 Development Review Committee deliberation.

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

Review of Landscape Plan to determine compliance with Condition of Approval (21- LANDSCAPE-0025)

On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution based on the binding element that was part of the 20-ZONE-0082 rezoning case, Standard of Review and Staff Analysis and testimony heard today was adopted.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the landscape plan as presented today, **SUBJECT** to the following Binding Elements and Condition of Approval:

Binding Elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or

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NEW BUSINESS

CASE NO. 20-ZONE-0082

construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.

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

a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.

b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.

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 certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.

e. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the December 10, 2020 Land Development and Transportation 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.

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

6. No idling of trucks shall take place within 200 feet of residential structures. No overnight idling of trucks shall be permitted on-site.

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.

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Condition of Approval:

1. The landscape plan shall be approved by the Planning Commission or its designee prior to landscape plan approval. The applicant shall provide details to the right-of-way improvement to the utility easement in response to the Fairdale Plan. The details will be heard at the Development Review Committee meeting.

The vote was as follows:

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

Waiver from 5.5.1.A.3.a to omit the required 3-foot masonry wall between parking and the principal street (21-WAIVER-0028)

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

WHEREAS, the waiver will not adversely affect adjacent property owners the required wall is between the parking and the principal structure; and

WHEREAS, the waiver will not violate specific guidelines of Plan 2040 as Plan 2040 describes the Village Center form district as comprising a small-scale village center with a mixture of uses, and the Fairdale Village Center Plan encourages a pedestrian-friendly, "Fairdale-feel" site design. Provided that the landscape plan is found to be compliant with the condition of approval, the waiver would be in compliance with Plan 2040; 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 location in front of the property where the wall would normally be placed is being used to provide additional landscaping to comply with the condition of approval; and

WHEREAS, the Louisville Metro Development Review Committee further finds 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 it would be difficult to comply with the condition of approval and provide the masonry wall together.

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RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** a waiver from 5.5.1.A.3.a to omit the required 3-foot masonry wall between parking and the principal street (21-WAIVER-0028).

The vote was as follows:

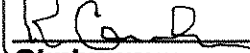
YES: Commissioners Brown, Clare, Mims, Seitz and Carlson

DEVELOPMENT REVIEW COMMITTEE
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ADJOURNMENT

The meeting adjourned at approximately 5:08 p.m.

DocuSigned by:


Chair

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DocuSigned by:



Planning Director