

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE MEETING
March 4, 2020**

A meeting of the Louisville Metro Development Review Committee was held on March 4, 2020 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, KY 40202.

Commissioners present:

Rich Carlson, Vice Chair
Jeff Brown
Jim Mims

Commissioners absent:

David Tomes, Chair

Staff members present:

Joe Reverman, Assistant Director, Planning & Design Services
Brian Davis, Planning & Design Manager
Joel Dock, Planner II
Lacey Gabbard, Planner I
Travis Fiechter, Legal Counsel
Beth Stuber, Transportation
Rachel Dooley, Management Assistant (minutes)

The following matters were considered

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APPROVAL OF MINUTES

February 19, 2020 DRC Meeting Minutes

00:02:00 On a motion by Commissioner Brown, seconded by Commissioner Mims, the following resolution was adopted:

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on February 19, 2020.

The vote was as follows:

YES: Commissioner Mims, Brown, Carlson

ABSENT: Commissioner Tomes

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NEW BUSINESS

CASE NUMBER 20-WAIVER-0005

Request: Sidewalk waiver
Project Name: Sidewalk waiver
Location: 9115 Independence School Road
Owner/Applicant: Harold A. Miller
Representative: Harold A. Miller
Jurisdiction: Louisville Metro
Council District: 22 – Robin Engel
Case Manager: **Lacey Gabbard, AICP, Planner I**

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

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

Agency Testimony:

00:02:00 Lacey Gabbard presented the case via staff report and development plan slide show (see staff report and recording for detailed presentation). Ms. Gabbard noted Public Works does not support the waiver request and has offered the fee-in-lieu of \$2,000 to the applicant.

00:02:50 Commissioner Mims, Commissioner Brown, Joe Reverman, and Lacey Gabbard discussed the use of the fee-in-lieu option (see recording for detailed presentation).

The following spoke in favor of this request:

Harold A. Miller, 5803 Brandywyne Court, Louisville, Kentucky, 40291

Summary of testimony of those in favor:

00:03:10 Harold Miller, applicant, stated this site is rural and has no connecting sidewalks. Mr. Miller detailed the construction onsite with landscape swells, adjacent lots, and neighborhoods with sidewalks. He noted the time and assets needed for maintenance would be a hardship.

00:06:16 Commissioner Mims asked for more details regarding the landscaping swells and MSD's input. Harold Miller stated he was developing the property without a

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permit and was unknowingly in violation. MSD inspected the site Mr. Miller was able to correct the landscaping and the issue was resolved.

00:07:35 Commissioner Mims asked what type of structure would be built on this site. Harold Miller replied he is building a home on this site and he cannot continue with construction until this waiver case is resolved.

00:08:09 Commissioner Carlson asked for the size of the lot. Harold Miller replied the corner 2.56 acres and the adjacent lot he owns is an acre.

00:08:46 Commissioner Mims, Commissioner Brown, and Commissioner Carlson discussed the ordinance requirements for sidewalks on lots smaller than 5 acres (see recording for detailed presentation).

00:09:07 Joe Reverman asked if the Case Manager Lacey Gabbard discussed to the applicant the fee-in-lieu option to the applicant. Harold Miller replied yes.

00:09:24 Commissioner Brown and Commissioner Mims discussed future development of the Cooper Chapel Corridor (see recording for detailed presentation).

00:11:32 Joe Reverman noted Metro Councils new sidewalk ordinance against sidewalk waivers.

The following spoke in opposition:

No one spoke.

Commissioner Deliberation:

00:12:10 Commissioners Deliberation (see recording for detailed presentation). Commissioners discussed the importance of sidewalks, the fee-in-lieu process towards other sidewalk improvements, sidewalk maintenance.

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.

00:16:34 On a motion by Commissioner Brown, seconded by Commissioner Mims, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

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RESOLVED, the Louisville Metro Development Review Committee does hereby **DENY** the requested **WAIVER** of Land Development Code section 5.8.1.B to not provide the sidewalk for a new single-family home on Independence School Road.

The vote as follows:

YES: Commissioners Brown, Mims, and Carlson.

Absent: Commissioner Tomes

00:17:13 Commissioners, Joe Reverman, Harold Miller discussed the appeal process for this case (see recording for detailed presentation).

00:19:14 Joe Reverman and Travis Fiechter discussed reconsidering this case to continue this waiver to a later date at Planning Commission (see recording for detailed presentation).

00:22:30 On a motion by Commissioner Mims, seconded by Commissioner Brown, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby **RECONSIDER** the requested **WAIVER** of Land Development Code section 5.8.1.B to not provide the sidewalk for a new single-family home on Independence School Road.

The vote as follows:

YES: Commissioners Brown, Mims, and Carlson.

Absent: Commissioner Tomes

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NEW BUSINESS

CASE NUMBER 20-WAIVER-0005

00:23:12 On a motion by Commissioner Mims, seconded by Commissioner Brown, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby **CONTINUE** the requested **WAIVER** of Land Development Code section 5.8.1.B to not provide the sidewalk for a new single-family home on Independence School Road.

The vote as follows:

YES: Commissioners Brown, Mims, and Carlson.

Absent: Commissioner Tomes

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NEW BUSINESS

CASE NUMBER 19-DDP-0045

Request: Cont'd from DRC 2/19/20 - Revised detailed district development plan with waivers
Project Name: Oxmoor Center West Out-parcel
Location: 7900 Shelbyville Road
Owner: WMB 2, LLC & TWB Oxmoor 2, LLC
Applicant: Brookfield Properties Retail, Inc.
Representative: Frost Brown Todd, LLC
Jurisdiction: Louisville Metro
Council District: 18 – Marilyn Parker
Case Manager: **Joel P. Dock, AICP, Planner II**
Presented by: **Brian Davis, Planning & Design Manager**

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

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

Agency Testimony:

00:24:05 Brian Davis stated the applicant is still obtaining renderings from the building and is requesting a 2 week continuance to the DRC meeting on March 18, 2020. (see staff report and recording for detailed presentation).

The following spoke in favor of this request:

No one spoke.

The following spoke in opposition:

No one spoke.

Commissioner Deliberation:

00:24:22 Commissioners Deliberation (see recording for detailed presentation).

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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CASE NUMBER 19-DDP-0045

00:24:28 On a motion by Commissioner Brown, seconded by Commissioner Mims, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby **CONTINUE** this planning case to the March 18, 2020 Development Review Committee meeting.

The vote as follows:

YES: Commissioners Brown, Mims, and Carlson.

Absent: Commissioner Tomes

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ADJOURNMENT

The meeting adjourned at approximately 1:32 p.m.

Chairman

Division Director