

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE MEETING
September 1, 2021**

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

Commissioners present:

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

Commissioners absent:

No one.

Staff members present:

Joe Reverman, Assistant Director, Planning & Design Services
Julia Williams, Planning Supervisor
Brian Davis, Planning Manager
Joe Haberman, Planning Manager
Dante St. Germain, Planner II
Jay Lockett, Planner I
Laura Ferguson, Legal Counsel
Chris Cestaro, Management Assistant (minutes)

Other staff present:

Beth Stuber, Transportation
Tony Kelly, MSD

The following matters were considered

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APPROVAL OF MINUTES

Minutes of the August 18, 2021 Development Review Committee meeting.

00:03:45 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 **APPROVE** the minutes of its meeting conducted on August 18, 2021.

The vote was as follows:

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

NO: No one.

ABSTAIN: Commissioner Seitz.

DEVELOPMENT REVIEW COMMITTEE MINUTES
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NEW BUSINESS

CASE NUMBER 21-AMEND-0008

Request:	Amendment to Binding Elements
Project Name:	S English Station Road Multi-Family Binding Element Amendment
Location:	1007 S English Station Road
Owner:	Sunshine English Development LLC
Applicant:	Sunshine English Development LLC
Representative:	Bardenwerper, Talbott & Roberts
Jurisdiction:	Louisville Metro
Council District:	20 - Stuart Benson
Case Manager:	Dante St. Germain, AICP, Planner II

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

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

Agency Testimony:

00:04:51 Dante St. Germain said this case was originally noticed for today's meeting; however, there is a binding element on the site which states that binding element amendments must go before the full Planning Commission with a recommendation to Metro Council. Therefore, she requested that this case be continued to tomorrow's Planning Commission public hearing.

The following spoke in favor of the proposal:

Nick Pregliasco, Bardenwerper Talbott & Roberts, 1000 N Hurstbourne Pkwy, Louisville, KY 40223

Summary of testimony of those in favor:

00:05:54 Nick Pregliasco, the applicant's representative, said the applicant supports the request for this case to be heard at tomorrow's Planning Commission hearing.

The following spoke in opposition to the proposal:

No one spoke.

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NEW BUSINESS

CASE NUMBER 21-AMEND-0008

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.

00:06:26 On a motion by Commissioner Brown, seconded by Commissioner Mims, the following resolution was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby **CONTINUE** this case to the September 2, 2021 Planning Commission public hearing.

The vote was as follows:

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

NO: No one.

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NEW BUSINESS

CASE NUMBER 21-DDP-0070

Request:	Revised Detailed District Development Plan with Amendment to Binding Elements
Project Name:	Proposed Car Wash
Location:	12945 Shelbyville Road
Owner:	Auto Wash USA, LLC
Applicant:	Ann Richards - LD&D
Representative:	Ann Richards - LD&D
Jurisdiction:	City of Middletown
Council District:	19 - Anthony Piagentini
Case Manager:	Molly Clark, 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:

00:07:07 Julia Williams presented the case on behalf of Molly Clark and showed a Power Point presentation (see staff report and recording for detailed presentation.)

00:11:04 In response to a question from Commissioner Mims, Ms. Williams said sidewalks were never required along private roadways. They **are** required along public roadways. She said she did not know why the adjacent property owner built their sidewalk (maybe for pedestrian access to the building?) but that sidewalk was not required.

00:12:50 In response to a question from Commissioner Brown, Ms. Williams confirmed that a sidewalk here would connect to the sidewalk along the abutting property to the east, which connects to English Station Road, where there is public transit available.

00:13:39 In response to questions from Commissioner Carlson, Ms. Williams reviewed the elevations (notable, the location of an overhead door).

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CASE NUMBER 21-DDP-0070

The following spoke in support of the proposal:

Ann Richard, Land Design & Development, 503 Washburn Ave # 101, Louisville, KY 40222

Eric Walton, Suds Car Wash, 1084 East New Circle Road Suite 301, Lexington KY 40505

Summary of testimony of those in support:

00:15:27 Ann Richard, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

00:18:12 Eric Walton, the applicant, explained that the large door on the side of the building is for air flow.

00:19:11 In response to questions from Commissioner Mims, Mr. Walton described about traffic flow within the site (where to pay; where to drive to get wash service, etc.)

00:21:10 In response to questions from Commissioner Clare, Ms. Richard said the applicant is willing to do the sidewalk; however, the sidewalk next door is on private property. There are some issues with connecting to that, since the site has no public right-of-way. See recording for detailed discussion.

00:27:27 In response to a question from Commissioner Seitz, Commissioner Mims discussed other businesses on the other side of the property.

The following spoke in opposition:

No one spoke.

Deliberation:

00:28:40 Commissioners' 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 NUMBER 21-DDP-0070

00:31:29 On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that there do not appear to be any environmental constraints or historic resources on the subject site; and

WHEREAS, the Committee further finds that provisions for safe and efficient vehicular transportation within and around the development have been provided, and Metro Public Works has approved the preliminary development plan. A pedestrian connection and sidewalks are not required per the Land Development Code along Development Way since it is a private road. Providing the sidewalk would allow for safe pedestrian access to the development along Development Way from N. English Station Road; and

WHEREAS, the Committee further finds that there are no open space requirements pertinent to the current proposal. Any future multi-family development proposed on the subject site will be required to meet Land Development Code requirements; and

WHEREAS, the Committee further finds that 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 Committee further finds that the overall site design and land uses are compatible with the existing and future development of the area. Buildings and parking lots will meet all required setbacks; and

WHEREAS, the Committee further finds that the development plan meets requirements of the Land Development Code but does not meet Community Form and Mobility goals of the Comprehensive Plan since a sidewalk is not being provided along the frontage that connects to the existing sidewalk along Development Way; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the City of Middletown that the requested Revised Detailed District Development plan with Amendment to Binding Elements be **approved, ON CONDITION** that a sidewalk is provided along the Development Way frontage on this site; **SUBJECT** to the following binding elements:

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1. All binding elements from the approved General Development Plan are applicable to this site in addition to those contained herein.
2. 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 Middletown for review and approval; any changes/additions/alterations not so referred shall not be valid.
3. There shall be no freestanding sign permitted on site without prior approval. DPDS staff may approve monument style signs that meet the size and height limits established in the "Policies for Future Development Along Designated Parkways." Signs that exceed those limits are permitted only if approved by LD&T or the Planning Commission may require the signs be smaller than would otherwise be permitted by the Zoning District Regulations.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons or banners shall be permitted on the site.
5. There shall be no outdoor storage, display or sales permitted on the site.
6. Outdoor lighting (for parking lot illumination and security) shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90-degree cutoff and height of the light standard shall be set so that no light source is visible off-site.
7. 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 Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 prior to requesting a building permit. Such plan shall be subject to the approval of the City of Middletown and implemented prior to occupancy of the site and shall be maintained thereafter.

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8. All service structures and trash receptacles shall be screened in accordance with Article 12, Section 11.
9. If a building permit is not issued within one year 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 Middletown.
10. 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 by the City of Middletown.
11. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line or permitted on the site.
12. 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 on the site, shall be responsible for compliance with these binding elements.
13. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.
14. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the September 1, 2021, Development Review Committee meeting.
15. The above binding elements may be amended as provided for in the Zoning District Regulations , upon approval of the City of Middletown.

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NEW BUSINESS

CASE NUMBER 21-DDP-0070

The vote was as follows:

**YES: Commissioners Mims, Brown, Seitz, Clare, and Carlson.
NO: No one.**

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NEW BUSINESS

CASE NUMBER 21-FFO-0010

Request: Single Family Construction in the Floyds Fork Overlay
Project Name: Floyds Fork Overlay Single Family Construction
Location: 2112 S English Station Road
Owner: Andrew Weeks
Applicant: Clifford Thieneman
Representative: Clifford Thieneman
Jurisdiction: Louisville Metro
Council District: 19 - Anthony Piagentini
Case Manager: Molly Clark, 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:

00:32:22 Julia Williams presented the case on behalf of Molly Clark and showed a Power Point presentation (see staff report and recording for detailed presentation.)

The following spoke in support of the proposal:

Andrew Weeks, 11106 Ainwick Court, Louisville, KY 40203

Summary of testimony of those in support:

00:35:58 Andrew Weeks, the applicant, noted that the project is 416 feet away from the nearest fire hydrant and 1.3 miles away from the nearest fire station.

The following spoke in opposition to the proposal:

No one spoke.

Deliberation:

00:37:00 Commissioners' deliberation.

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NEW BUSINESS

CASE NUMBER 21-FFO-0010

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.

00:37:32 On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution, based on the staff report and evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Floyds Fork Development Review Overlay.

The vote was as follows:

YES: Commissioners Mims, Brown, Seitz, Clare, and Carlson.
NO: No one.

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NEW BUSINESS

CASE NUMBER 21-WAIVER-0102

Request: Landscape Waivers
Project Name: Jefferson Animal Hospital
Location: 4504 Outer Loop
Owner: Capital Security Corp
Applicant: Capital Security Corp
Representative: Kelli Jones - Sabak, Wilson & Lingo
Jurisdiction: Louisville Metro
Council District: 24 - Madonna Flood
Case Manager: Dante St. Germain, AICP, Planner II

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

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

Agency Testimony:

00:38:23 Dante St. Germain presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

00:51:43 In response to a question from Commissioner Mims, Ms. St. Germain confirmed that all of the waivers are the result of existing construction (see recording for detailed discussion.)

00:52:40 In response to a question from Commissioner Clare, Ms. St. Germain said that accommodating the parkway buffer would require moving the existing building and much of the existing parking on the site.

The following spoke in support of the proposal:

Kelli Jones, Sabak Wilson & Lingo, 608 S 3rd St, Louisville, KY 40202

Adam Arrington, 4504 Outer Loop, Louisville, KY 40219

Summary of testimony of those in support:

00:55:26 Kelli Jones, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

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NEW BUSINESS

CASE NUMBER 21-WAIVER-0102

01:11:01 In response to a question from Commissioner Mims, Ms. Jones said that the applicant is trying to impact a portion of the parking lot as little as possible with plantings because that is currently the only parking they are going to have for animal hospital patrons while construction is going on next door. See recording for detailed discussion.

01:13:09 Adam Arrington, the applicant, noted that this is the only animal emergency center that has managed to stay open during COVID. He said they are willing to provide all the landscaping they can.

The following spoke in opposition to the proposal:

No one spoke.

Deliberation:

01:15:18 Commissioners' 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.

Waivers (All Waivers were voted on together):

#1: from 10.2.4.B.6 to omit a required Landscape Buffer Area (LBA) between the CUP area and the R-4 zoning area internal to the site

#2: from 10.2.4.A to omit a required LBA between the R-4 zoning area and the adjacent C-2 zoned parcel

#3: from 10.2.8.A to waive five required street trees along the already-developed frontage

#4: from 10.3.5.A to encroach into the required parkway buffer along the already-developed frontage of the site and omit the required parkway buffer plantings

#5: from 10.2.12 and 10.2.13 to omit required Vehicular Use Area (VUA) Interior Landscape Areas (ILAs) in the previously-developed parking lots and waive the

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NEW BUSINESS

CASE NUMBER 21-WAIVER-0102

required ILA plantings

01:19:03 On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

(Waiver #1) WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners as the conditions are generally existing and the required LBA is internal to the site; and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Plan 2040 as Plan 2040 recommends appropriate buffers between uses that are in different density categories. The CUP LBA is internal to the site and will have no effect on any user; and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the LBA is internal to the site and providing it would remove a portion of the parking approved under the CUP; and

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant as providing the required LBA would severely impact the available parking on the site, reducing it below what is needed; and

(Waiver #2) WHEREAS, the Committee further finds that the waiver will not adversely affect adjacent property owners as the conditions are generally existing and have had no known adverse effect; and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Plan 2040 as Plan 2040 recommends appropriate buffers between uses that are in different density categories. The C-2 site did not provide the LBA, and so the requirement falls onto the subject site, which would need to remove a structure to provide it. Existing vegetation provides adequate buffering; and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as provision of the LBA would require removal of an existing structure; and

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create

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an unnecessary hardship on the applicant as providing the required LBA would require the removal of an existing structure which is being used; and

(Waiver #3) WHEREAS, the Committee further finds that the waiver will not adversely affect adjacent property owners as the developed portions of the site were built prior to the current LDC requirement for street trees, and there is no room on the site for the required trees along the developed area; and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Plan 2040 as Plan 2040 does not address street trees except in relation to general tree canopy guidelines. Tree canopy will be provided elsewhere on the site and street trees will be provided in the recently rezoned area; and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as there is no space on the front of the developed portions of the property to provide the required street trees. Street trees will be provided along the recently rezoned portion; and

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant as providing the required street trees would require the removal of needed parking; and

(Waiver #4) WHEREAS, the Committee further finds that the waiver will not adversely affect adjacent property owners as the conditions are generally existing and have had no known adverse effect; and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Plan 2040 as Plan 2040 recommends the establishment and preservation of parkways to preserve important cultural resources, landscapes and scenic vistas. No cultural resources, landscapes or scenic vistas will be negatively impacted by the encroachment, which is an existing condition; and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as provision of the full parkway buffer would require the removal of necessary parking; and

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant as providing the required parkway buffer would require the removal of needed parking; and

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CASE NUMBER 21-WAIVER-0102

(Waiver #5) WHEREAS, the Committee further finds that the waiver will not adversely affect adjacent property owners as the conditions are generally existing and have had no known adverse effect; and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Plan 2040 as Plan 2040 does not specifically address ILA requirements, but does include recommendations related to the provision of tree canopy. Tree canopy will be provided elsewhere on the site; and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as provision of the ILAs would require the complete reconfiguration of an existing parking lot; and

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant as providing the required ILAs would require the applicant to reconfigure an existing parking lot with the loss of needed parking; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver #1 from 10.2.4.B.6 to omit a required Landscape Buffer Area (LBA) between the CUP area and the R-4 zoning area internal to the site; **AND** Waiver #2 from 10.2.4.A to omit a required LBA between the R-4 zoning area and the adjacent C-2 zoned parcel; **AND** Waiver #3 from 10.2.8.A to waive five required street trees along the already-developed frontage; **AND** Waiver #4 from 10.3.5.A to encroach into the required parkway buffer along the already-developed frontage of the site and omit the required parkway buffer plantings; **AND** Waiver #5 from 10.2.12 and 10.2.13 to omit required Vehicular Use Area (VUA) Interior Landscape Areas (ILAs) in the previously-developed parking lots and waive the required ILA plantings.

The vote was as follows:

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

NO: No one.

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NEW BUSINESS

CASE NUMBER 21-DDP-0048

Request:	Revised Detailed District Development Plan with replacement of binding elements
Project Name:	Greyhound Bus Station
Location:	4826 Preston Hwy
Owner:	Frank and Victoria Serapiglia
Applicant:	Frank and Victoria Serapiglia
Representative:	Christopher Brown - BTM Engineering
Jurisdiction:	Louisville Metro
Council District:	21 - Nicole George
Case Manager:	Jay Luckett, 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:

01:21:01 Jay Luckett presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

01:23:47 Commissioner Brown said the bus-turning exhibit appeared to show buses turning well beyond the edge of the pavement. Mr. Luckett said Transportation Planning did indicate preliminary approval, and that perhaps the applicant could discuss this issue further.

The following spoke in support of the proposal:

Christopher Brown, BTM Engineering, 3001 Taylor Springs Drive, Louisville, KY 40220

Summary of testimony of those in support:

01:24:42 Chris Brown, the applicant's representative, presented the applicant's case (see recording for detailed presentation.)

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CASE NUMBER 21-DDP-0048

01:29:12 In response to questions from Commissioner Mims, Mr. Brown used the site plan to point out the area where buses will be parked for loading/unloading, and dropoff and pickup. The canopy is high enough for the buses to go underneath it.

01:30:46 In response to questions from Commissioner Clare, Mr. Brown described bus turning and traffic flow. Commissioner Mims asked additional questions about the turning radius of the buses and if the wheels actually go onto public ROW or private property. Mr. Brown said the wheels will be on the pavement of Meadow Avenue. Commissioner Brown said that existing pavement appeared to be parking for that adjoining property. See recording for detailed discussion.

01:36:07 Commissioner Brown said that, according to the schematics, the front wheels of the bus are shown going from Meadow out to Preston, off of the edge of the travel lane. Meadow is only 15 ½ feet wide; the front wheels of the bus are outside of that 15 ½ foot travel lane. The applicant would have to do access management before any consideration would be given to removing existing parking on the adjoining property. Mr. Brown explained that the wheels were within the ROW.

01:37:42 In response to a question from Commissioner Carlson, Mr. Brown said the turning exhibit was based using the largest size passenger coaches that Greyhound will have on the site.

01:39:56 In response to a question from Commissioner Mims, Commissioner Brown discussed the radius of the easterly access point. Mr. brown said the applicant could look at adjusting the radius there (see recording for detailed discussion.) Commissioner Brown noted that he would like to see a revised schematic that showed what the revisions do to the geometry and the site design.

The following spoke in opposition:

No one spoke.

Deliberation

01:45:22 Commissioners' 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 NUMBER 21-DDP-0048

01:48:36 On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby **CONTINUE** this case to the **September 15, 2021 DRC meeting**.

The vote was as follows:

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

NO: No one.

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NEW BUSINESS

CASE NUMBER 21-DDP-0035

Request: Revised Detailed District Development Plan
Project Name: Jeff Wyler Dixie Honda
Location: 5244 Dixie Hwy
Owner: DWSB LOUISVILLE LLC
Applicant: Paul Whitty - Bardenwarper, Talbott and Roberts
Representative: Paul Whitty - Bardenwarper, Talbott and Roberts
Jurisdiction: Louisville Metro
Council District: 12 - Rick Blackwell
Case Manager: Jay Lockett, 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:

01:49:24 Jay Lockett presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

The following spoke in support of the proposal:

Paul Whitty, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway, Louisville, KY 40223

Charles Hanson, representing Jeff Wyler Dixie Honda, 5244 Dixie Hwy

Paul Rini, 3016 Toulouse Drive, Union, Ky 41091

Diane Zimmerman, 12803 High Meadows Pike, Prospect, KY 40059

Trista Wade, 5238 Dixie Highway Louisville, KY 40216

Kristine Colgin, 5320 Dixie Highway Louisville, KY 40216

Summary of testimony of those in support:

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NEW BUSINESS

CASE NUMBER 21-DDP-0035

01:53:50 Paul Whitty presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

01:59:05 Paul Rini, with the Wyler Automotive Group, discussed the minutes of the zoning change that was approved in 2018 (from C-1 to C-2) and how that relates to the case today. He gave a brief history of the case and the decisions about the Zayre Road entrance (see recording for detailed presentation.) He noted that the applicant put up the gate across Zayre Road out of "desperation" due to safety-related circumstances, both vehicular and pedestrian. He said having that gate open creates safety issues for customers and employees.

02:02:39 Mr. Rini discussed the company's investment in the property and improvements that have been made, on behalf of David Wyler. This was a property that had become dilapidated.

02:05:24 Charles Hanson gave background about security and safety issues the employees and customers have faced because of the Zayre access being open (see recording.) Issues include vandalism, violence, theft, drug use, and other violations. He noted that other store owners in this area are having the same types of issues. He detailed the financial losses as well as security/night patrol costs per year.

02:11:35 Diane Zimmerman presented the traffic analysis (see recording.) She described other access points to Dixie Highway from Milliner that do not involve the Zayre access.

02:14:28 Mr. Whitty concluded the applicant's presentation. He showed a petition in support from other business owners in the center.

02:18:55 Trista Wade, a nearby business owner (pet store), described customers being approached or run off by drug addicts. She said all the female employees have been approached. She said this is affecting other businesses also.

02:22:46 Kristine Colgin, district manager for GNC, said she is responsible for the employee safety and revenue from the store locations. She said this store has "by far" the worst safety of any of the other GNC locations. She said four managers have quit over the last nine months due to safety concerns and described the crime issues.

The following spoke in opposition:

Dale Turner, 4133 Flintlock Drive, Louisville, KY 40216

DEVELOPMENT REVIEW COMMITTEE MINUTES
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NEW BUSINESS

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Summary of testimony of those in opposition:

02:27:30 Dale Turner, a nearby resident, said he lives directly behind the Jeff Wyler location. He said he is disabled and cannot get through the parking lot if the gate is closed. He said he has never witnessed any crime over there.

Commissioner questions:

02:30:37 In response to questions from Commissioner Carlson, Mr. Hanson discussed security measures that Jeff Wyler's has put in place since the original rezoning neighborhood meeting and public hearing (see recording.) Mr. Hanson discussed how much is spent on security per year and said the majority of issues are coming from pedestrian traffic coming through the back area. Mr. Rini said he was in attendance at the neighborhood meeting and described what two citizen speakers at the meeting spoke about, neither of which referenced Zayre Road or other security issues. Mr. Hanson noted that, in the 30 days that the gate has been closed, Jeff Wyler's did not have a single incident, vandalism, or theft.

02:36:28 In response to a question from Commissioner Mims, Mr. Whitty said Zayre Road was open when Kroger was operating. Mr. Whitty said that, at that time, it was likely to Kroger's benefit to allow shoppers to use it. That is not the case with a car dealership, nor is it the case with other businesses in the shopping center today.

Deliberation:

02:37:57 Commissioners' 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.

02:44:33 On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby **CONTINUE** this case to the **October 6, 2021 DRC meeting**.

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The vote was as follows:

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

NO: No one.

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ADJOURNMENT

The meeting adjourned at approximately 3:46 p.m.

Chairman

Division Director