

**MINUTES OF THE MEETING
OF THE
DEVELOPMENT REVIEW COMMITTEE
October 4, 2017**

A meeting of the Development Review Committee was held on October 4, 2017 at 1:00 p.m. in the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Committee Members present were:

David Tomes, Chairman
Rich Carlson, Vice Chair
Emma Smith
Jeffrey Brown
Laura Ferguson

Committee Members absent were:

No one.

Staff Members present were:

Emily Liu, Director, Planning & Design Services
Brian Davis, AICP, Planning & Design Manager
Jon Crumie, Planning & Design Coordinator
Jay Lockett, Planner I
Joel Dock, Planner II
Tammy Markert, Transportation Planning
Paul Whitty, Legal Counsel
John Carroll, Legal Counsel
Chris Cestaro, Management Assistant (minutes)

The following matters were considered:

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APPROVAL OF MINUTES

Approval of the minutes of the September 20, 2017 Development Review Committee meeting

00:08:02 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution was adopted.

RESOLVED, that the Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on September 20, 2017.

The vote was as follows:

YES: Commissioners Smith, Brown, Ferguson, Carlson, and Tomes.

NO: No one.

NOT PRESENT: No one.

ABSTAINING: No one.

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NEW BUSINESS

CASE 17DEVPLAN1152

Request: Revised Detailed District Development Plan to allow the addition of a kitchen onto an existing tavern.
Project Name: Tim Tam Tavern
Location: 1022 Clarks Lane
Owner: Hulsmann and Sullivan
Applicant: Hulsmann and Sullivan
Representative: Mose Putney
Jurisdiction: Louisville Metro
Council District: 10 – Pat Mulvihill

Case Manager: Jay Luckett, 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.)

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.

Agency Testimony:

00:08:47 Jay Luckett presented the case (see staff report and recording for detailed presentation.) He also handed out large copies of the site plan for the Commissioners' review.

The following spoke in favor of the request:

Mose Putney (architect), 1860 Mellwood Avenue, Louisville, KY 40206

Councilman Pat Mulvihill, 601 West Jefferson Street, Louisville, KY 40202

Summary of testimony of those in favor:

00:13:14 Mose Putney, the architect, discussed outdoor dining area calculations and parking calculations (see recording for detailed discussion.)

00:14:17 In response to a question from Commissioner Carlson, Mr. Putney discussed building materials of the of both the existing and the proposed structures.

00:16:47 Councilman Pat Mulvihill spoke in favor of the proposal.

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CASE 17DEVPLAN1152

The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against the request:

No one spoke.

00:19:00 Commissioners' deliberation.

00:20:36 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution 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. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

WHEREAS, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community have been provided on site; and

WHEREAS, the Committee further finds that there are no open space requirements pertinent to the current proposal; 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. 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 finds that, based the staff report, the applicant's justification, and the evidence and testimony presented today, that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Revised Detailed District Development Plan, **SUBJECT** to

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CASE 17DEVPLAN1152

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.** The use of the property shall be limited to a tavern or any use permitted in the C-1 district.
- 3.** A solid wooden fence 7 feet in height will be erected along the southeast property lines of property owned by the applicant.
- 4.** Before a certificate of occupancy is issued:
 - a.** The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b.** The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
- 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.** Signs shall be in accordance with chapter 8 of the Land Development Code

The vote was as follows:

YES: Commissioners Smith, Brown, Ferguson, Carlson, and Tomes.

NO: No one.

NOT PRESENT: No one.

ABSTAINING: No one.

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NEW BUSINESS

CASE 17DEVPLAN1154

Request: Revised Detailed District Development Plan to allow the construction of a 10,800 square-foot, two-story retail and office building along the southern property line next to the railroad tracks.

Project Name: Willis-Klein Showrooms

Location: 4041 Westport Road

Owner: M.J. Klein, LLC

Applicant: M.J. Klein, LLC

Representative: William Bardenwerper – Bardenwerper Talbott & Roberts PLLC

Jurisdiction: St. Matthews

Council District: 9 – Bill Hollander

Case Manager: Jon E. Crumbie, Planning & Design Coordinator

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.)

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.

Agency Testimony:

00:21:23 Jon Crumbie presented the case (see staff report and recording for detailed presentation.) He noted that a change needs to be made to binding elements #2 and #7 (see staff report.)

The following spoke in favor of the request:

Nick Pregliasco, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway, Louisville, KY 40223

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

Larry R. Klein, 3314 Trinity Road, Louisville, KY 40207

Summary of testimony of those in favor:

00:23:40 Nick Pregliasco, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

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CASE 17DEVPLAN1154

00:29:52 As part of his presentation, Mr. Pregliasco showed an additional proposed binding element which states that the building elevations shall be submitted for either staff approval or DRC approval, and then sent to the City of St. Matthews.

00:30:29 In response to a question from Commissioner Carlson, Mr. Pregliasco said the new building will be used for offices and storage. The new building will not be a showroom.

00:31:41 Mr. Pregliasco asked if the expiration date on the existing binding element #5 could be changed from one year to two years. The Committee agreed.

00:33:00 In response to a question from Commissioner Carlson, Paul Whitty (legal counsel for the Planning Commission) suggested that elevations be staff approvable, then sent to the City of St. Matthews. Brian Davis, Planning & Design Manager, said St. Matthews uses the old version of the LDC. The revised version of the applicant's proposed binding element is as follows:

"The building elevations shall be submitted to and approved by staff and the City of St. Matthews prior to requesting a building permit."

The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against the request:

No one spoke.

00:36:00 Commissioners' deliberation

00:36:06 Commissioner Ferguson and Mr. Davis discussed changes to binding element #2. Binding element #2 shall read as follows:

"The development shall be in accordance with the approved district development plan as approved by the Development Review Committee on October 4, 2017, all applicable sections of the Development Code and agreed upon binding elements unless amended pursuant to the 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."

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CASE 17DEVPLAN1154

00:38:01 Larry Klein, the owner, discussed a restaurant that was referenced in the plan (?) Commissioner Tones said that staff will modify that binding element to be consistent with the development plan.

00:39:30 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that there do not appear to be any environmental constraints on the subject site. Landscaping requirements of the Development Code will be provided on the subject site; and

WHEREAS, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community have previously been provided and will be improved; and

WHEREAS, the Committee further finds that there are no open space requirements for this development; and

WHEREAS, the Committee further finds that 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 Committee further finds that 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; and

WHEREAS, the Committee further finds that, based the staff report, the applicant's justification, and the evidence and testimony presented today, that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Development Code; now therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the City of St. Matthews that the requested Revised Detailed District Development Plan to allow the construction of a 2-story, 10,800 square feet building and parking reconfiguration be **APPROVED, subject to the following binding elements:**

1. The development will be in accordance with the approved district development plan. No further development will occur.

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2. The development shall be in accordance with the approved district development plan as approved by the Development Review Committee on October 4, 2017, all applicable sections of the Development Code and agreed upon binding elements unless amended pursuant to the 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.
3. The property described in Section 1 hereof shall not be used as a tavern, bar or saloon where alcoholic beverages are served outside of any building on this property.
4. Before certificates of occupancy are issued:
 - a) The development plan must be reapproved by the Transportation Engineering, Water Management and Fire Safety Sections of the Louisville Metro Public Works and Transportation.
 - b) The size and location of any proposed signs must be approved by the City of St. Matthews. The city of St. Matthews may require that signs be smaller than would otherwise be permitted by the Zoning District Regulations.
5. If a certificate of occupancy is not issued within two years of the date of approval of the plan or rezoning whichever is later the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
6. 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, and all binding elements must be implemented prior to requesting issuance of the certificate.
7. The above binding elements may be amended as provided for in the Zoning District Regulations, upon approval of the City Council.
8. Building elevations will be approved by PDS staff and St. Matthews officials prior to requesting a building permit.

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The vote was as follows:

YES: Commissioners Smith, Brown, Ferguson, Carlson, and Tomes.

NO: No one.

NOT PRESENT: No one.

ABSTAINING: No one.

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NEW BUSINESS

CASE 17WAIVER1027

Request: Waiver of Section 5.8.1.B to not provide a sidewalk adjacent to a new single family home construction.
Project Name: 7840 Whipperwill Sidewalk Waiver
Location: 7840 Whipperwill Road
Owner: Heather Ledbetter
Applicant: Heather Ledbetter
Representative: Wayne Ashley
Jurisdiction: Louisville Metro
Council District: 25 – David Yates

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.)

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.

Agency Testimony:

00:41:34 Jay Lockett presented the case (see staff report and recording for detailed presentation.)

The following spoke in favor of the request:

No one spoke.

The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against the request:

No one spoke.

00:43:30 Commissioners' deliberation

00:43:45 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution was adopted:

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NEW BUSINESS

CASE 17WAIVER1027

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners since there is no existing sidewalk network to tie into on Whipperwill Road; and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. Not providing a sidewalk adjacent to this site will not alter the character of the area or the existing roadway system; and

WHEREAS, the Committee further finds that the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant; and

WHEREAS, the Committee further finds that, based on the staff report, the applicant's justification and the evidence and testimony presented today, that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver of 5.8.1.B to not provide sidewalks along Whipperwill Road.

The vote was as follows:

YES: Commissioners Smith, Brown, Ferguson, Carlson, and Tomes.

NO: No one.

NOT PRESENT: No one.

ABSTAINING: No one.

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NEW BUSINESS

CASE 17MOD1010

Request: Amendment to Binding Elements
Project Name: Signature Point
Location: 1111 Rose Hill Lane
Owner: Multiple Owners
Applicant: Elite Homes, Inc.
Representative: Elite Homes, Inc. and
Kevin Young - Land Design & Development
Jurisdiction: Louisville Metro
Council District: 20 – Stuart Benson

Case Manager: Joel Dock, 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.)

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.

Agency Testimony:

00:44:27 Joel Dock presented the case (see staff report and recording for detailed presentation.) He discussed comments from Christian Academy of Louisville that he had received after the staff report was published, and handed out copies of the comments to the Commissioners.

00:48:19 Commissioner Ferguson said the date on existing binding element #14 should be changed to read, “12/14/16” instead of “12/14/17”.

The following spoke in favor of the request:

Kevin Young, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

Jim Mims, Elite Homes, 16218 Shelbyville Road, Louisville, KY 40205

Summary of testimony of those in favor:

00:49:20 Kevin Young, the applicant’s representative, presented the applicant’s case and showed a Power Point presentation (see recording for detailed presentation.)

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CASE 17MOD1010

00:57:43 Jim Mims, representing Elite Homes, discussed the fencing issue (see recording for detailed presentation.)

The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against the request:

Steve French, Director of Facilities for Christian Academy, 700 S English Station Rd, Louisville, KY 40245

Summary of testimony of those neither for nor against the request:

00:59:17 Steve French, Director of Facilities for Christian Academy, discussed the utility easement, which has a fiber-optic cable; the tree line; and replacing the fence.

01:01:43 Commissioners' deliberation.

01:07:58 After a discussion, both Mr. Mims and Mr. French agreed to get together and discuss the fencing issue.

01:11:10 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the proposed amendments do not impact the conservation of natural resources on the site; and

WHEREAS, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and vehicular and pedestrian transportation are not impacted by the proposed amendment to binding elements. An interconnected system of public walks and open space will allow for the safe movement of pedestrians throughout the development and provide outdoor recreation. The subject site contains both public and private roads. A perpetual easement of record in DB 10183, PG 535 allows for the movement of vehicles and pedestrians across all tracts shown on the development plan. Connection to the public walk will be provided and sidewalks will be completed across the frontage. Additionally, an easement for a TARC boarding area will be provided to accommodate future connection to public transit service; and

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CASE 17MOD1010

WHEREAS, the Committee further finds that open space is being provided in excess of the minimum requirements of the Land Development Code and the provision of such open space is not impacted by the proposed amendment to binding elements. The site offers internal walking paths, a combination of recreational amenities, open space, yards, dog parks, and common areas that benefit residents, guests, and the overall well-being of the community; and

WHEREAS, the Committee further finds that 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 Committee further finds that the overall site design and land uses are compatible with the surrounding area in both scale and design. The subject site abuts a school and is adjacent to a mixture of single-family and multi-family developments. Development adjacent to the shared property line with the school is for single-family detached homes. The development provides a variety of housing types and options for potential residents within proximity to an activity center located at Shelbyville Road and the Parklands of Floyds Fork; and

WHEREAS, the Committee further finds that the amendment to binding elements do not impact conformance with the comprehensive plan and the site development as approved in case 16ZONE1077 will remain in conformance with applicable guidelines and policies of the Comprehensive Plan as Guideline 3, Policies 1, 3, 10, & 11 encourage that all new residential development having a mixture of densities be compatible with the surrounding area, provide a variety of housing options, and be appropriately located along transit corridors. The proposed development will provide a variety of housing types and options for both renters and potential home-owners within a connected community along a collector level roadway; and

WHEREAS, the Committee further finds that, based the staff report, the applicant's justification, and the evidence and testimony presented today, that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested change of date for Binding element #14 from 12/14/17" to "12/14/16"; and the elimination of binding elements #15 and 17 as noted in the staff report.

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CASE 17MOD1010

The vote was as follows:

YES: Commissioners Smith, Brown, Ferguson, Carlson, and Tomes.

NO: No one.

NOT PRESENT: No one.

ABSTAINING: No one.

01:12:27 On a motion by Commissioner Brown, seconded by Commissioner Ferguson, the following resolution was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby CONTINUE this case to the **October 18, 2017** Development Review Committee meeting to give the applicant and the opposition time to meet to work out a compromise regarding binding element #16.

The vote was as follows:

YES: Commissioners Smith, Brown, Ferguson, Carlson, and Tomes.

NO: No one.

NOT PRESENT: No one.

ABSTAINING: No one.

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ADJOURNMENT

The meeting adjourned at approximately 2:10 p.m.

Chair

Planning Director