

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE MEETING
August 18, 2021**

A meeting of the Louisville Metro Development Review Committee was held on Wednesday, August 18, 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 (arrived after August 4, 2021 minutes were voted on)

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
Beth Jones, Planner II
Dante St. Germain, Planner II
Joel Dock, Planner II
Jay Lockett, Planner I
Molly Clark, Planner I
Travis Fiechter Legal Counsel
Chris Cestaro, Management Assistant (minutes)

Other staff present:

Beth Stuber, Transportation

The following matters were considered

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APPROVAL OF MINUTES

Minutes of the August 4, 2021 Development Review Committee meeting.

00:03:38 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 August 4, 2021.

The vote was as follows:

YES: Commissioners Mims, Brown, and Clare.

NO: No one.

ABSENT: Commissioner Seitz.

ABSTAIN: Commissioner Carlson.

DEVELOPMENT REVIEW COMMITTEE MINUTES
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OLD BUSINESS

CASE NUMBER 21-DDP-0008

Request: Binding Element Amendment
Project Name: Jiffy Lube
Location: 7379 Jefferson Blvd
Owner: Covington Land Development, LLC
Applicant: Phillip R Gambrell, Prism Engineering
Representative: Phillip R Gambrell, Prism Engineering
Jurisdiction: Louisville Metro
Council District: 24 - Madonna Flood
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:

00:04:58 Molly Clark presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

00:09:14 In response to questions from Commissioner Carlson, Ms. Clark elaborated on the design features and what will be facing nearby buildings (see recording.)

00:11:47 Commissioner Seitz noted that she did hear all of the case manager's presentation; she just couldn't start her video.

The following spoke in favor of the proposal:

Phil Gambrell, Prism Engineering, 2309 Watterson Trail, Suite 200, Louisville, KY

Summary of testimony of those in favor:

00:12:16 Phil Gambrell, the applicant's representative, presented the applicant's case (see recording.)

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OLD BUSINESS

CASE NUMBER 21-DDP-0008

The following spoke in opposition to the proposal:

No one spoke.

Deliberation:

00:15:14 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.

Amendment to Binding Element

00:17:02 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 no natural resources are evident on this site. Applicant is providing all the required landscaping which will be an improvement to what is existing; and

WHEREAS the Committee further finds that the proposed plan that was approved at DRC on May 5, 2021 shows vehicular and pedestrian connection; and

WHEREAS, the Committee further finds that there are no open space requirements associated with this request; and

WHEREAS, the Committee further finds that adequate drainage facilities are being approved by MSD; and

WHEREAS, the Committee further finds that the applicant is providing all the required landscaping plantings; and

WHEREAS, the Committee further finds that the proposal conforms to the Comprehensive Plan and the Land Development Code; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested amendment to binding element #4C, to read as follows:

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CASE NUMBER 21-DDP-0008

- c. *The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the **August 18, 2021** DRC meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.*

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-0095

Request: Changing Image Sign Waiver
Project Name: Changing Image Sign Waiver
Location: 1960 Bardstown Road
Owner: St. Francis of Assisi
Applicant: Smart LED Signs & Lighting
Representative: Karla Hill
Jurisdiction: Louisville Metro
Council District: 8 - Cassie Chambers Armstrong
Case Manager: Beth Jones, 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:

00:18:00 Beth Jones presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

00:25:18 Commissioner Mims and Ms. Jones discussed light trespass from the sign

00:27:25 In response to a question from Commissioner Seitz, Ms. Jones said there were no specific hours of illumination for the sign.

00:27:48 In response to questions from Commissioner Clare, Ms. Jones said that the top part of the sign will be a backlit, static image; only the bottom half will have a changing image.

00:28:57 In response to questions from Joe Reverman, Assistant Director with Metro Planning & Design Services, Ms. Jones said this request has not been through an Overlay review (the Bardstown Road Overlay District review.) She said that will happen during the sign permit process.

00:30:15 Commissioner Carlson and Ms. Jones discussed landscape mitigation for properties on Alfresco (trees).

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The following spoke in support of the proposal:

Karla Hill, Smart LED Signs & Lighting, 9952 Bunsen Way, Louisville, KY 40299

Summary of testimony of those in support:

00:32:07 Karla Hill, the applicant's representative, discussed the screening of the sign, including the sign's inability to display an image at a certain angle (see recording for detailed presentation.)

00:36:43 Ms. Jones discussed her concern about light trespass, especially since this is a high-density residential neighborhood. Ms. Hill said the client has the intent to change the sign no more than once per 20 seconds. If nighttime operation is a concern, she said the Church would be willing to consider reduced hours.

00:38:47 Commissioner Carlson and Ms. Hill discussed limiting the frequency of changing when changing-image signs are close to residential.

00:41:13 Commissioner Carlson and Ms. Hill discussed the size and potential visibility of the sign, and what type/s of images would be projected. Ms. Hill noted that this particular location is limited to a changing image of **once per hour**, not once per 20 seconds.

00:46:21 Commissioner Clare read into the record the Bardstown Road Overlay District regulation regarding changing image signage. She noted that this sign would be illegal and would not pass the Overlay District review if it changed more than once per hour. Joe Haberman, Planning Manager with Metro Planning and Design Services, clarified how this regulation is applied (see recording.)

00:48:55 Commissioner Clare asked Ms. Hill if any studies had been done to determine what the light trespass would be. Ms. Hill discussed how the amount of light coming out of the message center is regulated (see recording for detailed discussion.) She said it would be reasonable to regulate the time of day that the sign is displaying (such as, turning it off after dark.)

00:52:57 Commissioner Carlson asked who received notification about this proposal, specifically the residents of the apartment complex. Ms. Jones said she had contact with the owner of the apartment complex, but not the residents.

The following spoke in opposition:

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CASE NUMBER 21-WAIVER-0095

No one spoke.

Deliberation:

00:55:36 Commissioners' deliberation.

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01:08:05 On a motion by Commissioner Mims, seconded by Commissioner Brown, the following resolution was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby **CONTINUE** this case to the September 15, 2021 DRC meeting after review from the Bardstown Road Overlay District (BROD).

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-MPLAT-0057

Request: An Amendment to a Record Plat
Project Name: Minor Subdivision Plat
Location: 3003 Twin Creek Drive
Owner: Daryl C Williams
Applicant: Daryl C Williams
Representative: Chad Whitaker, Alpha Omega Innovations, LLC
Jurisdiction: Louisville Metro
Council District: 17- Markus Winkler
Case Manager: Heather Pollock, 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:

01:11:30 Heather Pollock presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

01:14:15 In response to a question from Joe Reverman, Assistant Director of Metro Planning & Design Services, Ms. Pollock discussed the approved plan-certain development plan for this site.

01:16:45 In response to a question from Commissioner Carlson, Ms. Pollock detailed the notifications that were sent out.

The following spoke in support of the proposal:

Chad Whitaker, Alpha Omega Innovations, LLC, 11600 Gulf Beach Highway, Pensacola FL 32507

Summary of testimony of those in support:

01:17:51 Chad Whitaker, the applicant's representative, reviewed some of the history of the project and was available to answer questions (see recording for detailed presentation.)

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CASE NUMBER 21-MPLAT-0057

01:21:57 Commissioner Mims asked if the applicant will need a revised development plan due to the change in density calculations. He also asked if there has been opposition to the creation of these two lots. Mr. Whitaker discussed meetings that had taken place years ago and negotiations taken place with residents (see recording.) He said he has received no opposition to this proposal.

01:25:19 Mr. Reverman asked again if the site plan had been updated from its rezoning in 2005. Ms. Pollock said the applicant had done a Revised District Development Plan for Brookview Estates in 2012/2013 (Case No. 18533) and they completely revised the plan for multi-family to single family. Mr. Reverman said it is still plan certain and has binding elements. Commissioner Brown asked if that plan showed these two lots. Ms. Pollock said that plan excluded this section (on the plan it is noted as "minor plat pending") because this section was consolidated with the property in a different subdivision, and since then has been separated again. Mr. Reverman asked if there was no approved development plan for this part of the site? Commissioner Carlson asked if the presence or absence of a plan affect a minor plat? Mr. Reverman said a Revised Detailed District Development Plan is required to be approved before a minor plat could be considered (see recording for detailed conversation.)

The following spoke in opposition to the proposal:

No one spoke.

Deliberation:

01:31:05 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.

01:32:09 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 Record Plat Amendment to create 2 lots from 1 in the

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NEW BUSINESS

CASE NUMBER 21-MPLAT-0057

Brookview Estates Subdivision in Plat Book 54, Page 39 and Old Henry Place Subdivision in Plat, Book 54, Page 26, **ON CONDITION** that the approved Revised Detailed District Development Plan is evaluated to see if an updated Revised Development Plan is necessary.

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-0062

Request:	Revised Detailed District Development/Major Preliminary Subdivision Plan
Project Name:	6106 S. Watterson Trail
Location:	6106 S. Watterson Trail
Owner:	Clarence & Lucille Schmitt
Applicant:	Highgates Development
Jurisdiction:	Louisville Metro
Council District:	23 - James Peden 24 - Madonna Flood
Case Manager:	Joel Dock, AICP, Planning Coordinator

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:

01:33:04 Joel Dock presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

01:38:21 In response to questions from Commissioner Mims, Mr. Dock said this plan involves a half-acre less of land, but the same number of units are being proposed.

01:40:15 In response to questions from Commissioner Carlson, Mr. Dock discussed the roundabout and entrance/exit points. Commissioner Brown noted that this is a public road and will have to meet Metro Transportation's specifications.

The following spoke in support of the proposal:

David Mindel, Mindel Scott & Associates, 5151 Jefferson Boulevard, Louisville, KY 40219

Summary of testimony of those in support:

01:42:48 David Mindel, 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 NUMBER 21-DDP-0062

01:46:46 In response to questions from Commissioner Brown, Mr. Mindel discussed the front yard and street side yard reductions down to 15 feet. This is not noted on the plan but will be added.

01:48:16 In response to a question from Commissioner Carlson, Mr. Mindel said the applicant can add landscaping and/or a small berm between Lot 67 and the parking area to prevent headlights from shining into windows in Building #9. Mr. Dock said there will be a VUA LBA required there.

The following spoke neither for nor against (“Other”):

Jessica , 6629 Casey Springs Way, Louisville, KY

Summary of testimony of those neither for nor against:

01:51:22 Jessica asked for clarification of the connection from this development (someone had mentioned “Brett Frasier”; she asked if it would be Villa Spring. Mr. Reverman said that is correct, there would be traffic coming through Spring Villa to get to Watterson Trail. He said that would be dependent on when the remainder of Spring Villa would be built out.

The following spoke in opposition to the proposal:

Tom Jackson, 7501 Cove Drive, Louisville, KY

Summary of testimony of those in opposition:

01:53:01 Tom Jackson expressed concern about the amount of traffic that would be added to Watterson Trail, especially around the intersection of Watterson Trail and Ferndale. He asked if there are plans to widen or improve the bridge over a creek in this area. Mr. Mindel said there is a Connecting Kentucky 2040 Plan which shows Watterson Trail South being improved; he does not have a schedule for that work. Mr. Jackson said there are a number of multi-family developments already in this area and he questions whether any more are needed.

Deliberation:

01:58:07 Commissioners’ deliberation.

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CASE NUMBER 21-DDP-0062

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.

01:59:54 On a motion by Commissioner Mims, 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 the conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites will be conserved while also allowing for the site to be developed in compliance with the Land Development; and

WHEREAS, the Committee further finds that safe pedestrian and vehicular connectivity is being provided to connect to adjacent development that is proposed or approved, and the current neighborhood; and

WHEREAS, the Committee further finds that the provision of sufficient open space (scenic and recreational) to meet the needs of the proposed has been provided in accordance with the Land Development Code; 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 provides for the appropriate location of housing types which transition from higher densities to lower densities moving from Hurstbourne Parkway. The proposal follows existing patterns along the corridor and allows for a transition in intensities moving from S. Hurstbourne Parkway. The renderings provided with this application conform with the Highview Neighborhood Plan and the future development of the area as a variation in design and material, as well as pedestrian connectivity is provided for each building. Differing scales and designs are provided for the structures depending on their unit design (1-bedroom or 2-bedroom). The clubhouse also offers a break in the scale and design of the development site. The renderings are also in compliance with the Land Development Code; and

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WHEREAS, the Committee further finds that the proposed development plan conforms to Plan 2040 as it is located between an arterial roadway and collector level roadway within proximity to major employment centers (Fern Valley Road/Poplar Level Road/GE Appliance Park), activity centers (Bardstown Road/Highview Town Center/Outer Loop), and transit corridors (Bardstown Road/Shepherdsville Road, Poplar Level Road). TARC service does not currently operate immediately adjacent to the subject site along S. Hurstbourne from Bardstown Road to Fegenbush Lane. It could be expected that increased demand will drive the location of additional or expanded routes and service. The proposal expands opportunities for people to live in quality, variably priced housing in locations of their choice by enabling housing choices in dispersed locations throughout Louisville Metro; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Revised Detailed District Development/Revised Major Preliminary Subdivision Plan **ON CONDITION** that the applicant add the note to the plan that the minimum driveway length will be 25 feet from the face of the garage to back of sidewalk; and **SUBJECT** to the following binding elements:

Binding Elements (20-ZONE-0074 & 20-RSUB-0005)

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, 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.

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4. Prior to issuance of a permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit):
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed development 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.
 - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - d. A major subdivision record plat creating the lots and roadways as shown on the approved district development plan shall be recorded
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
7. An original stamped copy of the approved Tree Preservation Plan shall be present on site during all clearing, grading, and construction activity and shall be made available to any DPDS inspector or enforcement officer upon request.
8. The applicant shall install signs, approved by the Metro Public Works Dept., which indicate the future extension of the public rights of way as

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shown on the preliminary subdivision plan. Such signs shall be installed prior to release of bonds for the installation of the street infrastructure.

9. An encroachment permit and bond may be required by Metro Public Works for roadway repair on all surrounding access road to the subdivision site due to damages caused by construction traffic activities.
10. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
 - Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Homeowners Association.
 - A deed of restriction in a form approved by Counsel to the Planning Commission addressing responsibilities for the maintenance of common areas and open space, maintenance of noise barriers, maintenance of WPAs, TPAs and other issues required by these binding elements / conditions of approval.
 - Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.
11. At the time the developer turns control of the homeowners association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowners association account. The subdivision performance bond may be required by the planning Commission to fulfill this funding requirement.
12. Open space/conservation lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.
13. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.
14. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Homeowners Association.

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Accumulations of water in which mosquito larvaebreed or have the potential to breed are required to be treated with a mosquito larvacide approved by the Louisville Metro Health Department. Larvacides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.

15. Building envelopes shown on single-family residential lots shall be substantially similar to those shown on the preliminary plan and must be shown and recorded on the record subdivision plat. Limits of disturbance shall also be shown and recorded with the record subdivision plat.
16. Site construction for the single family lots shall begin within nine (9) months of site construction of the apartments. Any violation of this binding element shall result in a stop-work-order being issued against construction of the apartments.
17. The areas dedicated to single family lots on the plan shown to the Planning Commission in Case No. 20ZONE0074 shall not be eligible for multi-family development
18. Any significant changes or alterations to the proposed structures (e.g. building height, number of units, number of buildings), any increase in density on the property, any changes in use on the property, and/or any amendments to the binding elements shall be reviewed before the Planning Commission with final action to be determined by Metro Council.

The vote was as follows:

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

NO: No one.

ABSTAIN: Commissioner Brown. (abstained due to temporary technical issue.)

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NEW BUSINESS

CASE NUMBER 21-EXTENSION-0013

Request: Extension of Expiration
Project Name: 9903 Brownsboro Road Development
Location: 9903 Brownsboro Road
Owner: BR Investors, LLC
Applicant: John Addington - BTM Engineering, LLC
Representative: John Addington - BTM Engineering, LLC
Jurisdiction: Louisville Metro
Council District: 16 - Scott Reed
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:

02:01:45 Molly Clark 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:

John Addington, BTM Engineering, 3001 Taylor Springs Drive, Louisville, KY 40220

Summary of testimony of those in support:

02:05:28 John Addington, the applicant's representative, made some additional comments about the case (see recording for detailed presentation.)

The following spoke in opposition:

No one spoke.

Deliberation

02:07:06 Commissioners' deliberation.

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CASE NUMBER 21-EXTENSION-0013

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.

02:07:30 On a motion by Commissioner Brown, seconded by Commissioner Seitz, 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 Extension of Expiration to **August 2, 2023**.

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-0006

Request: Single Family Construction in the Floyds Fork Overlay
Project Name: Floyds Fork Overlay Single Family Construction
Location: 1840 Boone Trail
Owner: Robert Delessio
Applicant: Miranda Bolanos - Key Homes, LLC
Representative: Miranda Bolanos - Key Homes, LLC
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:

02:09:30 Molly Clark presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

02:13:19 In response to questions from Commissioner Carlson, Ms. Clark described the structure. She noted that the access to this lot (proposed driveway) would be from Boone Trail, which is a private road that comes off of Johnson Road.

The following spoke in support of the proposal:

Billy Doelker, Key Homes, 4751 Fox Run Road, Buckner, KY 40010

Summary of testimony of those in support:

02:15:01 Billy Doelker, the applicant's representative, added some comments about the proposal. In response to a question from Commissioner Carlson, he said he is not sure how far away the proposed structure is from the nearest fire hydrant.

02:17:12 Commissioner Mims discussed fire hydrant distance requirements and noted that driveways have to be approved by the Fire Department (must be at least 12 feet in width, etc.) Commissioner Carlson also discussed fire hydrant requirements and

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noted that insurance companies also have requirements, which if not met could cost the homeowner.

The following spoke in opposition:

No one spoke.

Deliberation:

02:21:09 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.

02:22:22 On a motion by Commissioner Brown, seconded by Commissioner Seitz, 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-DDP-0017

Request: Proposed Lighting Plan for a Recreational Facility
Project Name: Louisville Collegiate School Athletic Facility
Location: 3451 Newburg Road
Owner: The Louisville Collegiate School
Applicant: Nathan Wright, Mindel Scott
Representative: Nathan Wright, Mindel Scott
Jurisdiction: Louisville Metro
Council District: 10 - Pat Mulvihill
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:

02:23:15 Molly Clark presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

02:27:26 Joe Reverman, Assistant Director of Planning & Design Services, and Ms. Clark discussed the foot-candle light measurements along Champions Trace (see recording for detailed discussion.)

The following spoke in support of the proposal:

Nathan Wright, Mindel Scott & Associates, 5151 Jefferson Boulevard, Louisville, KY 40219

Dennis Cooper, DC Engineering Services, 6509 Wrought Iron Way, Georgetown, Indiana 47122

Summary of testimony of those in support:

02:29:35 Nathan Wright, the applicant's representative, began the presentation of the applicant's case (see recording for detailed presentation.)

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NEW BUSINESS

CASE NUMBER 21-DDP-0017

02:31:21 Dennis Cooper presented clarification on the foot-candle/candela light measurements (see recording.)

02:32:06 Mr. Wright concluded the discussion.

The following spoke in opposition:

No one spoke.

Deliberation:

02:34:00 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.

02:35:14 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 Lighting Plan for a recreational facility.

The vote was as follows:

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

NO: No one.

DEVELOPMENT REVIEW COMMITTEE MINUTES
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NEW BUSINESS

CASE NUMBER 21-CAT3-0010

Request: Category 3 Development Plan with an Amenity Area
Project Name: 2706 Blankenbaker Road Warehouse
Location: 2706 Blankenbaker Road
Owner: Kentuckiana Comfort Center, LLC.
Applicant: Nathan Wright, Mindel Scott
Representative: Nathan Wright, Mindel Scott
Jurisdiction: City of Jeffersontown
Council District: 11 - Kevin Kramer
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:

02:35:55 Molly Clark presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

02:40:05 In response to a question from Commissioner Carlson, Ms. Clark said that there are no binding elements for the DRC Committee to consider, but that the City of Jeffersontown could put binding elements on the plan if they want to.

The following spoke in support of the proposal:

Nathan Wright, Mindel Scott & Associates, 5151 Jefferson Boulevard, Louisville, KY 40219

Summary of testimony of those in support:

02:40:48 Nathan Wright, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

02:45:00 In response to a question from Commissioner Carlson, Mr. Wright and Ms. Clark discussed the square footage (see recording.)

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NEW BUSINESS

CASE NUMBER 21-CAT3-0010

02:45:47 An unidentified representative from Hollenbach Oakley asked that the staff report be corrected to correctly state the warehouse and office square footage.

The following spoke in opposition:

No one spoke.

Deliberation:

02:46:32 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.

02:47:41 On a motion by Commissioner Brown, seconded by Commissioner Seitz, 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 **RECOMMEND** to the City of Jeffersontown that the requested Category 3 Development Plan with amenity area be **APPROVED**.

The vote was as follows:

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

NO: No one.

DEVELOPMENT REVIEW COMMITTEE MINUTES
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NEW BUSINESS

CASE NUMBER 21-DDP-0051

Request: Revised Detailed District Development Plan with revisions to binding elements
Project Name: Brownsboro Rd Plaza
Location: 10000 Brownsboro Rd
Owner: Hogan Holdings 42 LLC
Applicant: Hogan Holdings 42 LLC
Jurisdiction: Louisville Metro
Council District: 17 - Markus Winkler
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:

02:48:28 Jay Luckett presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

02:53:00 In response to a question from Commissioner Carlson, Mr. Luckett gave some more details about the addition's appearance.

The following spoke in support of the proposal:

Mike Hill, Land Design & Development, 503 Washburn Avenue, Louisville KY 40222

Mike Leonard, Hogan Real Estate, 9300 Shelbyville Road, Louisville, KY

Kendall Eckhardt, Hogan Real Estate (signed in but did not speak)

Summary of testimony of those in support:

02:53:57 Mike Hill, 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-DDP-0051

03:04:24 In response to a question from Commissioner Seitz, Mike Leonard, an applicant's representative, said the expansion will have a metal roof but will be the same color as the rest of the development.

The following spoke in opposition:

No one spoke.

Deliberation

03:06:16 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.

03:07:28 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 and pedestrian transportation within and around the development and the community has been provided, and Transportation Planning Staff has approved the preliminary development plan; 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

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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 conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code; now therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Revised Detailed District Development plan with revisions to binding elements, **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. No further development shall occur without prior approval from the Planning Commission, except for land uses permitted in the established zoning district.
2. The only permitted freestanding sign shall be located as shown on the approved district development plan. The sign shall not exceed 60 square feet in area per side and six feet in height (seven feet in height if the elevation is lower than one foot below the right-of-way of Brownsboro Road). No sign shall have more than two sides.
3. No outdoor advertising signs (billboards), small freestanding (temporary) signs, pennants or banners shall be permitted on the site.
4. There shall be no outdoor storage on the site.
5. Outdoor lighting shall be directed down and away from surrounding residential properties.
6. The building exterior shall be faced with brick on all facades and be of the Williamsburg character except the area of expansion as shown at the August 18, 2021 Development Review Committee Meeting.
7. Evergreen trees and a six foot tall solid wood fence shall be installed along the south property line to screen adjacent properties. Drainage shall be designed to accommodate the fence and plantings. Trees shall be planted a distance of 10 feet on center apart and shall be a minimum of 8 feet in height at time of planting.

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NEW BUSINESS

CASE NUMBER 21-DDP-0051

8. 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 Louisville Metro Department of Public Works and Transportation and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. The appropriate conditional use permit shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
9. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
10. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project, and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.
11. The dumpster located adjacent to Brownsboro Glen Road on the southern property line shall not be emptied between the hours of 11 PM and 6:30 AM.

The vote was as follows:

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

NO: No one.

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NEW BUSINESS

CASE NUMBER 21-DDP-0065

Request: Revised Detailed District Development Plan with a Parking Waiver to exceed maximum allowable parking
Project Name: Dayton Freight
Location: 4001 Ralph Ave
Owner: Streams Edge Property LLC
Applicant: Dayton Freight
Jurisdiction: Louisville Metro
Council District: 1 - Jessica Green
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:

03:08:39 Jay Lockett presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

03:13:11 In response to a question from Commissioner Carlson, Mr. Lockett briefly reviewed some changes to manufacturing and/or industrial parking rules (see recording.)

The following spoke in support of the proposal:

Russ Henestofel, EMH&T, 5500 New Albany Road, Columbus, Ohio 43054

Summary of testimony of those in support:

03:14:43 Russ Henestofel, the applicant's representative, presented the applicant's case and elaborated on the reasoning behind the requested parking waiver (see recording for detailed presentation.)

03:16:37 In response to a question from Commissioner Carlson, Mr. Henestofel said Dayton Freight has been there for awhile and this has been a good site for them. They are looking to expand here, rather than go somewhere else.

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NEW BUSINESS

CASE NUMBER 21-DDP-0065

The following spoke in opposition:

No one spoke.

Deliberation:

03:17:58 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.

Parking Waiver to exceed the maximum allowable parking of 107 spaces by 28 spaces.

03:19:17 On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution, based on the Standard of Review and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the proposal would allow for the expansion of an existing industrial site within an appropriate area for that development. The increase of parking minimums is consistent with Plan 2040; and

WHEREAS, the Committee further finds that the applicant has provided as many spaces as they need on the subject site; and

WHEREAS, the Committee further finds that the requirements found in table 9.1.2 do not accurately depict the parking needs of the proposed use. The Institute of Transportation Engineers considers employee level to be an acceptable method for determining parking need for industrial uses, and many other cities utilize that method for determining parking needs for industrial sites; and

WHEREAS, the Committee further finds that the requested increase is the minimum necessary to accommodate the site expansion; now, therefore be it

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NEW BUSINESS

CASE NUMBER 21-DDP-0065

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Parking Waiver to exceed the maximum allowable parking of 107 spaces by 28 spaces.

The vote was as follows:

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

NO: No one.

Revised Detailed District Development plan

03:20:22 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 and pedestrian transportation within and around the development and the community has been provided, and Transportation Planning Staff has approved the preliminary development plan; 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. Buildings and parking lots will meet all required setbacks; and

WHEREAS, the Committee further finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code; now, therefore be it

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RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Revised Detailed District Development plan **SUBJECT** to the following binding elements:

1. The development will be constructed in accordance with the approved district development plan. No further development will be allowed until a revised district development plan has been reviewed and approved by the Planning Commission.
2. The size and location of any proposed business identification signs will be submitted to the Planning Commission for review and approval prior to issuance of any sign permits.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. 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.
5. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
6. 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.
7. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
8. 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.

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9. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

10. When sidewalks are constructed along the portion of Ralph Avenue adjacent to this property, a clearly defined, safe pedestrian access will be provided by the owner of the property from the public sidewalk through off street parking to building entrance.

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-0065

Request: Revised Detailed District Development Plan and Major Preliminary Subdivision Plan with revisions to binding elements and a waiver
Project Name: Casualwood Subdivision
Location: 8314 Casualwood Way
Owner: Martin and Grace Weber
Applicant: Matthew Toole
Jurisdiction: Louisville Metro
Council District: 22 - Robin Engel
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:

03:21:09 Jay Lockett presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

03:26:18 In response to a question from Commissioner Mims, Mr. Lockett said this is not a “balance transfer” and that all lots are meeting the R-5A minimum lot size requirements.

The following spoke in support of the proposal:

David Mindel and Kathy Linares, Mindel Scott & Associates, 5151 Jefferson Boulevard, Louisville, KY

Matt Toole, Infinity Homes, 1736 East Main Street, New Albany, IN 47150

Summary of testimony of those in support:

03:26:48 David Mindel presented the applicant’s case and showed a Power Point presentation (see recording for detailed presentation.)

03:33:53 In response to a question from Commissioner Seitz, Mr. Lockett said he had encouraged better connectivity.

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The following spoke in opposition:

No one spoke.

The following spoke neither for nor against (“Other”):

John Torsky, Councilman James Peden’s office, 601 West Jefferson Street, Louisville, KY 40202

James Glenn, 8408 Zelma Fields Avenue, Louisville, KY 40228

Summary of testimony of those neither for nor against:

03:34:50 In response to questions from John Torsky, representing Councilman James Peden, Mr. Mindel stated that these will be detached houses that will be for sale, not for rent. In response to a question from Joe Reverman, Assistant Director of Metro Planning & Design Services, Mr. Lockett said there is no Planning Commission restriction on the homes being rental houses. He said the original plan was for multi-family; this would be a revision of a site that was rezoned for multi-family. Julia Williams, Planning Supervisor, noted that there are no restrictions for a property owner chooses to build a house and rent it to someone else.

03:37:49 In response to a question from James Glenn, a nearby resident, Mr. Mindel discussed where the construction entrance/s will be and what kind of damage bonds will be posted. Matt Toole said the intent of this project is not to make this a rental community; also, he said that, as construction plans develop, that will determine where the construction entrance will be. Mr. Reverman said that, typically, a construction entrance is usually not identified at this stage of a development.

03:41:16 In response to a question from Commissioner Carlson, Mr. Mindel said that there are erosion/soil control standards that MSD will have to approve on the construction entrance that will prevent mud from construction vehicles from getting onto nearby streets. Also, calls to the Metro Councilperson’s office will notify the developer and make sure that mud/soil will be cleaned up.

Deliberation:

03:43:02 Commissioners’ deliberation.

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NEW BUSINESS

CASE NUMBER 21-DDP-0065

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

Waiver of Land Development Code section 7.3.30.E to allow greater than 15% overlap of required rear yards with drainage easements as shown on the development plan.

03:44:46 On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution, based on the Standard of Review and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners as all affected lots are internal to the development. Location of utility easements on this site is largely dictated by topography; and

WHEREAS, the Committee further finds that the waiver will not violate the Comprehensive Plan. The location of utilities is largely dictated by existing utility locations, topography and other features. Lots may still have adequate yard areas with such overlaps and will not adversely affect adjacent properties; 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 all required yards will still be provided for all lots. A majority of the proposed lots will not have overlap of easements; 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, as it would likely require easements to be located off lots or beside structures, potentially disturbing environmentally sensitive areas or further reducing useable yard areas for individual home sites; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver of Land Development Code section 7.3.30.E to allow greater than 15% overlap of required rear yards with drainage easements as shown on the development plan.

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The vote was as follows:

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

NO: No one.

Revised Detailed District Development plan with replacement of existing binding elements; and Major Preliminary Subdivision Plan to create 33 buildable lots.

03:45:33 On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution, based on the Standard of Review and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the site contains steep slopes as well as a protected stream. The development allows for the protection of environmentally sensitive areas; and

WHEREAS, the Committee further finds that provisions for safe vehicular and pedestrian transportation within and around the development and the community has been provided. Planning and Design Services staff would prefer a roadway network with better connectivity, with all stub streets joined in an intersection within the site. Transportation Planning Staff has approved the preliminary development plan; 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; and

WHEREAS, the Committee further finds that, while the development plan generally complies with the Land Development Code and the Comprehensive Plan, staff feels that greater internal road connectivity would increase conformance. Mobility Goal 3, Policy 13 states that Cul-de-sacs should be allowed as small side streets or where natural features limit development of through roads. There are no natural features preventing

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the connection of Zelma Fields Ave to the rest of the road network within the site. Zelma Fields connects out to Beulah Church Rd and would be preferred as a through street to create better connectivity to the larger road network around the site; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Revised Detailed District Development plan with replacement of existing binding elements; and Major Preliminary Subdivision Plan to create 33 buildable lots; **SUBJECT** to the following binding elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding elements 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 development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "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."
5. 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.

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- b. The applicant shall submit a landscape plan for approval by Planning Commission staff showing plantings and/or other screening and buffering materials to comply with the Chapter 10 of the Land Development Code prior to recording the record plat. The applicant shall provide the landscape materials on the site as specified on the approved Landscape Plan prior to issuance of Certificates of Occupancy for the site.
- c. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
- d. The applicant shall submit a Tree Preservation Plan for approval by Planning and Design staff showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). An original stamped copy of the approved Tree Preservation Plan shall be present on site during all clearing, grading, and construction activity and shall be made available to any DPDS inspector or enforcement officer upon request.
- 6. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.
- 7. When limits of disturbance are shown on the plan, a note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected at the edge of the limits of disturbance area, prior to any grading or construction activities. The fencing shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
- 8. 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.
- 9. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors other parties engaged in development of this site and shall advise 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

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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.

10. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
 - a) Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Homeowners Association.
 - b) A deed of restriction in a form approved by Counsel to the Planning Commission addressing responsibilities for the maintenance of common areas, open spaces, TPAs, and other issues required by these binding elements/conditions of approval.
 - c) Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.
11. At the time the developer turns control of the homeowner's association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowner's association account. The subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement.
12. All street signs shall be installed by the Developer, and shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street, and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
13. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.
14. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Homeowners Association. Accumulations of water in which mosquito larvae breed or have the potential to breed are required to be treated with a mosquito larvacide approved by the Louisville Metro Health Department. Larvacides shall be administered in accordance with the product's

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labeling. This language shall appear in the deed of restrictions for the subdivision.

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 5:00 p.m.

Chairman

Division Director