

**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE MEETING  
August 4, 2021**

A meeting of the Louisville Metro Development Review Committee was held on Wednesday, August 4, 2021 at 1:00 p.m. at the Old Jail Courtroom, 514 West Liberty Street, Louisville, KY 40202.

**Commissioners present:**

Rich Carlson, Chair (left at 4:05 p.m.)  
Jim Mims, Vice Chair  
Jeff Brown  
Patti Clare  
Pat Seitz

**Commissioners absent:**

No one.

**Staff members present:**

Joe Reverman, Assistant Director, Planning & Design Services  
Julia Williams, Planning Supervisor  
Brian Davis, Planning Manager  
Beth Jones, Planner II  
Dante St. Germain, Planner II  
Joel Dock, Planner II  
Jay Lockett, Planner I  
Cynthia Johnson Elmore, Metro Preservation Officer  
Molly Clark, Planner I  
Travis Fiechter Legal Counsel  
Chris Cestaro, Management Assistant (minutes)

**Other staff present:**

Beth Stuber, Transportation

The following matters were considered

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**August 4, 2021**

**APPROVAL OF MINUTES**

**Minutes of the July 14, 2021 Development Review Committee meeting.**

00:06:40        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 July 14, 2021.

**The vote was as follows:**

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

**NO:     No one.**

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**August 4, 2021**

**OLD BUSINESS**

**CASE NUMBER 21-DDP-0044**

Request: Revised Detailed District Development Plan with Binding Elements  
Project Name: Peters Dental  
Location: 9220 Preston Highway  
Owner: Camileo LLC  
Applicant: Camileo LLC  
Representative: Land Design & Development  
Jurisdiction: Louisville Metro  
Council District: 24 - Madonna Flood  
**Case Manager: Dante St. Germain, AICP, Planner II**

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

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

**Agency Testimony:**

00:07:28 Dante St. Germain presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) She noted that a previous plan has been revised; a waiver is now no longer being requested. The current plan was received today.

00:16:14 In response to a question from Commissioner Brown, Ms. St. Germain explained that a revised development plan was received on Monday, which she reviewed. A new development plan, received today, changed the location of the pedestrian connection.

00:17:06 In response to a question from Commissioner Carlson, Ms. St. Germain discussed verification of notification.

00:18:15 In response to a question from Commissioner Mims, Ms. St. Germain discussed placement of the parking in front of the historic structure.

00:19:21 Cynthia Johnson Elmore, Metro Preservation Officer, said she had reviewed the development plan and elevations and discussed their relevance to historic preservation and rehabilitation standards (see recording for detailed presentation.) She

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**August 4, 2021**

**OLD BUSINESS**

**CASE NUMBER 21-DDP-0044**

noted that the Secretary of the Interior Standards do not endorse copying historic buildings, promoting a “false historicism”.

00:21:57 In response to a question from Commissioner Brown, Ms. Elmore said that her original recommendation to enhance the landscaping between the two buildings would still be beneficial, even though the current plan has been revised.

**The following spoke in favor of the proposal:**

Derek Triplett, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40299

John Bohn, 7617 Hornbeck Farm Road, Louisville, KY 40291

John M. Bohn, 2601 Kings Highway, Louisville, KY 40205

**Summary of testimony of those in favor:**

00:22:56 Derek Triplett, the applicant’s representative, presented the applicant’s case and showed a Power Point presentation (see recording for detailed presentation.) In response to a prior question from Commissioner Carlson, Mr. Triplett said that this building is designed for general office use. About 75% is planned for the dentist’ office; about 25% is yet to be determined but will be an office use. Proposed hours of operation would be 8:00 a.m. to 8:00 p.m.

00:34:10 In response to questions from Commissioner Carlson, Mr. Triplett showed the building elevations and explained what adjacent property owners would see (specifically an adjacent property to the south). The landscape buffer was discussed, as well as the tree quantity requirement.

00:37:40 In response to questions from Commissioner Carlson, Mr. Triplett discussed binding elements which were added to this case when the property was first rezoned, regarding uses (see recording.) Joe Reverman, Assistant Director of Planning & Design Services, said that the C-N zoning category is limited on the amount of permitted commercial and offices uses; the uses permitted are generally are professional office or business office (dental office, accounting office, etc.) Carlson proposed adding “medical/dental office” and “neighborhood serving use” as permitted uses. Commissioner Carlson and Mr. Reverman discussed the permitted uses and parking.

00:45:45 Commissioner Seitz explained why she thought it would be difficult for the Committee to define what kind of office would be put there.

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**August 4, 2021**

**OLD BUSINESS**

**CASE NUMBER 21-DDP-0044**

00:46:38 Commissioner Carlson and Mr. Triplett discussed binding element #3. Mr. Reverman supported striking that language.

00:50:45 In response to a question from Commissioner Carlson, John Bohn said the dentist has an existing practice elsewhere in town but was not satisfied with the location. He also spoke in favor of the project.

**The following spoke in opposition to the proposal:**

No one spoke.

**Deliberation:**

00:54:08 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.**

**Detailed District Development Plan**

00:59:11 Commissioner Brown, seconded by Commissioner Seitz, mad a motion to approve the requested Detailed District Development Plan.

**The vote was as follows:**

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

**NO: Commissioner Carlson.**

After the first vote did not end in a unanimous decision, the case was reopened for reconsideration regarding permissible uses.

01:03:57 On a motion by Commissioner Brown, seconded by Commissioner Mims, this case will be reopened for further consideration of the binding elements. The motion carried by the following vote:

**The vote was as follows:**

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**August 4, 2021**

**OLD BUSINESS**

**CASE NUMBER 21-DDP-0044**

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

**NO: No one.**

01:04:31 Mr. Reverman listed uses permitted in C-N. Commissioner Carlson noted that, during the original rezoning of this property, a list was created listing permissible uses. He said he would like to add “offices, professional and businesses” as letter “D” to that list. Mr. Triplett said the applicant would be willing to add “professional office and neighborhood-serving uses” to the list. Commissioner Brown said “neighborhood serving uses” is too vague. Travis Fiechter, legal counsel for the Planning Commission, suggesting striking “tea room” from the list of permitted uses. Mr. Triplett noted that the proposal today is for a general office building; a change of use would have to come before this Committee for review. See recording for detailed discussion.

**Revised Detailed District Development Plan with Binding Elements**

01:13:47 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:

**WHEREAS**, the Louisville Metro Development Review Committee finds that there do not appear to be any environmental constraints or natural resources on the site. The existing historic building is proposed to be preserved; 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. Louisville Metro Public Works has provided preliminary approval of the plan; and

**WHEREAS**, the Committee further finds that no open space provisions are relevant to the 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. The scale of the proposed structure is similar to the scale of adjacent structures and the existing structure on the site. The proposed use would be compatible with the commercial development along Preston Highway; and

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**August 4, 2021**

**OLD BUSINESS**

**CASE NUMBER 21-DDP-0044**

**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, with the exception of a requested waiver; now, therefore be it

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the Revised Detailed District Development Plan, **SUBJECT** to the following binding elements, and with the change to binding element number 6 E to reference today's date, and with the change to binding element number 11 to state the hours of operation from 8:00 a.m. to 8:00 p.m.; and with an amendment to the original binding element #4 to add 4D "Offices, professional and business" as a permitted use; and to remove "tea room" from 4 B on the list of permitted uses.

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 application to amend binding elements or to revise the development plan shall be accepted without the applicant providing evidence that it provided adjoining property owners and the Okolona Baptist Church fifteen (15) days written notice of the request.
3. The residential character of the existing structure shall be maintained. Changes to the following items on the existing structure shall not be made without prior approval of the Planning Commission's designee:
  - a. roof line
  - b. building material
  - c. porch
  - d. windows
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall 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.

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**August 4, 2021**

**OLD BUSINESS**

**CASE NUMBER 21-DDP-0044**

6. 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 Louisville Metro Public Works, the Metropolitan Sewer District and Construction Review.
  - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
  - c. The property owner/ developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
  - e. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the August 4, 2021 Development Review Committee meeting.
  - f. A minor subdivision plat or legal instrument shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
  - g. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between Tracts 1 and 2 and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
7. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
8. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system.



**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**August 4, 2021**

**OLD BUSINESS**

**CASE NUMBER 21-DDP-0044**

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. No idling of trucks shall take place within 200 feet of residential structures. No overnight idling of trucks shall be permitted on-site.
11. The hours of operation of any business conducted on the site shall be limited to 8:00 a.m. to 8:00 p.m. Monday through Saturday.
12. The following C-N uses shall be allowed on the subject property:
  - a. Antique shops and interior decorating shops
  - b. Restaurant
  - c. Gift shop
  - d. Offices, professional and business

**The vote was as follows:**

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

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**August 4, 2021**

**NEW BUSINESS**

**CASE NUMBER 21-EXTENSION-0009**

Request: Extension of Expiration of approved development plan for  
restaurants at Oxmoor Center  
Project Name: Restaurants at Oxmoor Center  
Location: 7900 Shelbyville Road  
Owner: WMB 2, LLC  
Applicant: Brookfield Properties Retail, Inc. (formerly GGP, Inc.)  
Representative: Frost Brown Todd, LLC - Tim Martin  
Jurisdiction: Louisville Metro  
Council District: 18 - Marilyn Parker  
**Case Manager: Joel Dock, 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:**

01:15:35 Joel Dock presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) In response to a question from Commissioner Carlson, Mr. Dock confirmed that the applicant would need to get a building permit by August 15, 2023 or request another extension, which would have to come before Committee.

**The following spoke in support of the proposal:**

Timothy Martin, Frost Brown Todd LLC, 400 West Market Street, Louisville, KY 40202

**Summary of testimony of those in support:**

01:19:54 Timothy Martin, the applicant's representative, said he had nothing else to add but was available for questions (see recording.)

**The following spoke in opposition:**

No one spoke.

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**August 4, 2021**

**NEW BUSINESS**

**CASE NUMBER 21-EXTENSION-0009**

**Deliberation:**

01:21:15 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.**

01:21:32 On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution, based on the staff report and evidence and testimony heard today, was adopted:

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested expiration date extension to August 15, 2023.

**The vote was as follows:**

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

**NO: No one.**

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**August 4, 2021**

**NEW BUSINESS**

**CASE NUMBER 21-WAIVER-0085**

Request: Changing Image Sign Waiver  
Project Name: Changing Image Sign Waiver  
Location: 10605 Shelbyville Road  
Owner: Re/Max  
Applicant: Commonwealth Sign  
Representative: Lester Lemaster  
Jurisdiction: Louisville Metro  
Council District: 19- Anthony Paigentini  
**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:**

01:22:08 Beth Jones presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

01:27:27 In response to questions from Commissioners Mims and Carlson, Ms. Jones outlined residents who were contacted about this waiver request.

**The following spoke in support of the proposal:**

Lester Lemaster, Commonwealth Sign, 1824 Berry Boulevard, Louisville, KY 40215

David Rink, Commonwealth Sign, 1824 Berry Boulevard, Louisville, KY 40215 (signed in but did not speak)

Heather Mivelaz, Remax, 10605 Shelbyville Road, Louisville, KY 40223 (signed in but did not speak)

**Summary of testimony of those in support:**

01:29:25 Lester Lemaster, the applicant, discussed the proposed signage and its features (see recording for detailed presentation.)

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**August 4, 2021**

**NEW BUSINESS**

**CASE NUMBER 21-WAIVER-0085**

01:31:38 In response to questions from Commissioner Carlson, Mr. Lemaster agreed that the sign would only operate between dawn and dusk; images will not change more than once per minute; and the sign will have no animating features.

01:32:36 In response to questions from Commissioner Clare, Mr. Lemaster said the new sign will go in the exact location of the existing sign. The new sign will not be visible from the back of the building and the building will shield the residential area.

**The following spoke in opposition to the proposal:**

No one spoke.

**Deliberation:**

01:33:49 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.**

01:35:52 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:

**WHEREAS**, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners in that adjoining properties are either commercial in use or protected by significant trees and vegetation; and

**WHEREAS**, the Committee further finds that the waiver does not violate guidelines of Plan 2040, which requires that: appropriateness must be evaluated in the context of the compatibility of the proposed use or uses with surrounding uses (Community Form 1.2.4); impacts on quality of life must be considered (Community Form 16); and adverse visual intrusions must be considered when there are impacts to residential areas (Community Form 20); 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 in that the applicant is requesting less changing image sign area than would normally be permitted; and

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**August 4, 2021**

**NEW BUSINESS**

**CASE NUMBER 21-WAIVER-0085**

**WHEREAS**, the Committee further finds that the changing image portion of the sign is smaller than permitted and the applicant has agreed to limit the nighttime hours of operation of the changing image sign as recommended by BOZA; now, therefore be it

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested waiver to permit a changing image sign to be located within 300ft of a residential zone (LDC 8.2.1.D.6) **ON CONDITION** that the variable message portion is off from dusk till dawn, **AND** that the refresh rate does not exceed once per minute.

**The vote was as follows:**

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

**NO: No one.**

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**August 4, 2021**

**NEW BUSINESS**

**CASE NUMBER 21-WAIVER-0084**

Request:	Site Design Waiver
Project Name:	Schultze Glass Company
Location:	1844, 852, 854, 858 and 860 S 5th St
Owner:	Stanley Schultz and Co, Inc
Applicant:	Stanley Schultz and Co, Inc.
Jurisdiction:	Louisville Metro
Council District:	6 - David James
<b>Case Manager:</b>	<b>Jay Luckett, AICP, Planner I</b>

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:**

01:36:42 Jay Luckett presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

01:39:46 In response to a question from Commissioner Mims, Mr. Luckett noted that this will be a new building and is an entirely new site development (see recording.)

**The following spoke in support of the proposal:**

Kent Gootee, Mindel Scott & Associates, 5151 Jefferson Boulevard, Louisville, KY 40219

**Summary of testimony of those in support:**

01:40:32 Kent Gootee presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

01:45:23 In response to a question from Commissioner Seitz, Mr. Gootee said the proposed building will be used mostly for manufacturing (work will take place in the interior.)

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**August 4, 2021**

**NEW BUSINESS**

**CASE NUMBER 21-WAIVER-0084**

01:45:47 In response to a question from Commissioner Clare, Mr. Gootee said the building is oriented the way it is mostly to facilitate truck maneuvering, and also to facilitate the workflow within the structure (see recording for detailed discussion.)

01:47:13 In response to a question from Commissioner Carlson, Mr. Gootee said the building on Fifth Street will be a whole new building, not an addition. Commissioner Carlson said he had seen a lot of outside storage on the north side of the existing building. Mr. Gootee said that is why the applicant wants to build a structure to contain the items and not store anything outside.

**The following spoke in opposition to the proposal:**

No one spoke.

**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.**

**Deliberation:**

01:48:55 Commissioners' deliberation.

01:48:55 Commissioner Clare asked Mr. Lockett if the SoBro Neighborhood Association or the Downtown Development Corporation had any comments about the proposal. Mr. Lockett said he had not received any specific comments about the proposal.

01:53:09 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:

**WHEREAS**, the Development Review Committee finds that the waiver will not adversely affect adjacent property owners, as all required setbacks will be met on the subject site. The parking will be adequately screened from adjacent public rights-of-way via a masonry wall and landscaping; and

**WHEREAS**, the Committee further finds that the waiver will not violate the comprehensive plan, as it will allow for the expansion of an existing business and the redevelopment of mostly vacant land; and



**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**August 4, 2021**

**NEW BUSINESS**

**CASE NUMBER 21-WAIVER-0084**

**WHEREAS**, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. All other requirements of the Land Development Code and the SoBro PD will be met on the subject site; and

**WHEREAS**, the Committee further finds that the applicant has agreed to provide a minimum 3-foot masonry wall to screen the parking lot adjacent to the public street; now, therefore be it

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver of Land Development Code section 5.5.B.1.a.ii to permit parking that is not entirely behind the principal structure within the Downtown form district.

**The vote was as follows:**

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

**NO: No one.**

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**August 4, 2021**

**NEW BUSINESS**

**CASE NUMBER 21-DDP-0063**

Request: Revised Detailed District Development Plan with a Waiver  
Project Name: Liberty Financial Parking Expansion  
Location: 10030 Forest Green Blvd  
Owner: Evansville Teachers Federal Credit Union  
Applicant: Liberty Financial  
Jurisdiction: Lyndon Council  
District: 18 - Marilyn Parker  
**Case Manager: Jay Lockett, AICP, Planner I**

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

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

**Agency Testimony:**

01:54:43 Jay Lockett presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

01:57:59 In response to a question from Commissioner Brown, Mr. Lockett confirmed that the applicant will provide all screening and plantings facing the right-of-way. There are no requested changes to the binding elements.

01:58:35 In response to questions from Commissioner Clare, Mr. Lockett there appear to be some easements on the open-space property. It has been an open space for a long time; it may be part of the Louisville Loop plan along the creek and should be preserved.

**The following spoke in support of the proposal:**

John Campbell, Heritage Engineering, 642 South Fourth Street Suite 200, Louisville, KY 40202

**Summary of testimony of those in support:**

01:59:31 John Campbell presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**August 4, 2021**

**NEW BUSINESS**

**CASE NUMBER 21-DDP-0063**

01:01:57 In response to a question from Commissioner Brown, Mr. Campbell explained that the applicant does have a need to the amount of parking being requested (see recording for detailed discussion.)

02:02:33 In response to a question from Commissioner Mims, Mr. Campbell said there is a “significant amount” of floodplain contained within the open space.

**The following spoke in opposition:**

No one spoke.

**Deliberation**

02:03:15 Commissioners’ deliberation.

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

**Waivers**

1. **Waiver** of Lyndon Land Development Code section 5.5.2.C.2.a to allow parking within required side and rear setbacks as shown on the development plan.
2. **Waiver** of Lyndon Land Development Code sections 10.2.4 and 10.2.10 to allow parking to encroach into required property perimeter Landscape Buffer areas as shown on the development plan and to eliminate all screening requirements along the southern and eastern property lines.

02:04:06 On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

**(Waiver #1) WHEREAS**, the Development Review Committee finds that the waiver will not adversely affect adjacent property owners as the OR-3 zoned property to the east is owned by the same owner and will be served by this parking lot. The property to the west and south is proposed to be preserved as public open space and is heavily treed; and

**WHEREAS**, the Committee further finds that the waiver will not violate the Comprehensive Plan. The development will be compatible with other development in

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**August 4, 2021**

**NEW BUSINESS**

**CASE NUMBER 21-DDP-0063**

the area and the form district and serve an existing employment center. Adequate buffering and screening will be provided adjacent to the public right-of-way; 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 other setbacks and buffers will be met on site, and previous variances have been approved for building setbacks on this site; 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 the site is intended to serve an adjacent development and needs to be connected as a single parking area in order to properly function; and

**(Waiver #2) WHEREAS**, the Committee further finds that the waiver will not adversely affect adjacent property owners as the OR-3 zoned property to the east is owned by the same owner and will be served by this parking lot. The property to the west and south is proposed to be preserved as public open space and is heavily treed; and

**WHEREAS**, the Committee further finds that the waiver will not violate the Comprehensive Plan. The development will be compatible with other development in the area and the form district and serve an existing employment center. Adequate buffering and screening will be provided adjacent to the public right-of-way; 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 other setbacks and buffers will be met on site, and previous variances have been approved for building setbacks on this site; 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 the site is intended to serve an adjacent development and needs to be connected as a single parking area in order to properly function; now therefore be it

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the City of Lyndon that the requested Waiver of Lyndon Land Development Code section 5.5.2.C.2.a to allow parking within required side and rear setbacks as shown on the development plan **(Waiver #1) AND** the requested Waiver of Lyndon Land Development Code sections 10.2.4 and 10.2.10 to allow parking to encroach into required property perimeter Landscape Buffer areas as shown on the development plan and to eliminate all screening requirements along the southern and eastern property lines **(Waiver #2) be APPROVED.**

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**August 4, 2021**

**NEW BUSINESS**

**CASE NUMBER 21-DDP-0063**

**The vote was as follows:**

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

**NO: No one.**

**Revised Detailed District Development Plan**

02:05:07 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. Tree preservation is proposed for existing trees on the eastern portion of 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 Metro Public Works has approved the preliminary development plan; and

**WHEREAS**, the Committee further finds that there are no open space requirements pertinent to the current proposal. The proposal will not negatively impact the adjacent public open space; 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, except where waivers are approved; 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

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**August 4, 2021**

**NEW BUSINESS**

**CASE NUMBER 21-DDP-0063**

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the City of Lyndon that the proposed Revised Detailed District Development Plan be **APPROVED**, subject to the following binding elements:

**Existing Binding Elements**

1. All applicable Binding Elements from Docket No. 9-106-97V shall remain in effect.
2. The development shall be in accordance with the approved district development plan. Any changes/additions/alterations of any binding element(s) shall require notice to the Old Dorsey Place Homeowners Association and Owl Creek Community Association via their registered agents thirty (30) days in advance of any Planning Commission meeting (i.e. LD&T) at which any such change/addition/alteration is considered, and any such change/addition/alteration shall be referred by the Planning Commission to the City of Lyndon for approval, and any changes/additions/alterations not so referred shall not be valid.
3. Freestanding signage shall be monument style with uniform brick foundations and uniform tops. No freestanding sign shall exceed seven feet in height and 63 square feet in area. Only two freestanding signs shall be permitted along Hurstbourne Parkway -- at the designated entrances to the Forest Green development. All other freestanding signs shall be located along the interior access road (Forest Green Parkway). All freestanding signs shall obtain prior approval from the Planning Commission.
4. The Erosion Protection and Sediment Control (EPSC) plan shall be submitted to Friends of Beargrass Creek for review and comment at the time of submittal to MSD. Documentation of MSD's approval of the plan shall be submitted to the Planning Commission prior to grading and construction activities.
5. The developer and its assigns shall mitigate stormwater runoff from impervious surfaces using accepted Best Management Practices ("BMPs") to the extent reasonable and practical in accordance with the accompanying letter from Gresham Smith & Partners. Plans for storm water management shall be submitted to Friends of Beargrass Creek for review and comment at the time of submittal to MSD.
6. Responsibility for open space areas shall be divided between the Forest Garden/Village Association (herein referred to as the "Homeowners Association", membership in which shall include all of the owners of lots in the innovative residential subdivision) and the Forest Green Development Association (herein referred to as the "Development Association", membership in which shall include

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**August 4, 2021**

**NEW BUSINESS**

**CASE NUMBER 21-DDP-0063**

all of the owners of all of the lots in the overall Forest Green development) and may also include a Forest Green Commercial Association (hereinafter referred to as the "Commercial Association", membership in which may include the owners of lots in the commercial portion of the Forest Green development). The Homeowners Association shall have responsibility for maintenance of all areas of the Forest Green innovative subdivision which comprise the lots on which dwelling units are located as well as interior streets, and the Homeowners Association's maintenance obligation shall include signage, streets, street lighting, yards of individual dwelling units and building exteriors. The Development Association shall have responsibility for maintenance of all areas of the Forest Green innovate subdivision, plus areas outside of said subdivision, which comprise areas denoted on the preliminary plan and development plan as reserved as "Open Space" areas and as "Greenways" areas, and the Development Association's maintenance obligations shall include tree and trail preservation and care of other planting and facilities within those Open Space and Greenways areas. The Commercial Association, if formed, will have responsibility for maintenance of all interior streets and public areas outside of the innovative subdivision that are not the responsibility of the Development Association or of an individual lot owner, and the Commercial Association's maintenance obligation will include entrance and street signage, street lighting, street repairs and landscaping along streets and at entrances.

7. Within the "Open Space" areas denoted on the Development Plan, the Developer or its assignee, including any builder other than Developer, shall not be permitted to remove any healthy shade tree of 4 inch or grater caliber. Open Space areas and building setbacks as denoted on the Preliminary Plans shall not be reduced on the record plat.
8. Within the "Greenways" areas denoted on the Development Plan, no development shall occur except as shown on the approved district development plan. Within these "Greenways" areas and within areas located outside of Greenways areas which contain slopes greater than 15 percent inside Open Space areas, the Developer or its assignee shall not be permitted to engage in any land disturbing activities until such time as a plan, prepared generally in accordance with the Louisville and Jefferson County Multi-Objective Stream Corridor/Greenway Plan, which shall include provisions for preservation of vegetation, stream and slope protection and public usage of Greenways areas, has been approved by the Planning Commission. Such plan shall also be submitted to Friends of Beargrass Creek for review and comment at the time of submittal to applicable agencies. The plan for stream corridor preservation mandated by this binding element shall be implemented within six months of approval of said plan by the Planning Commission. No portion of the "Greenways"

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**August 4, 2021**

**NEW BUSINESS**

**CASE NUMBER 21-DDP-0063**

area shall be the subject of any future rezoning request. (A portion of the "Greenways" area is the subject of the present rezoning application.) Grading within the "greenways" area shall be limited to that necessary for pedestrian paths, vehicular and pedestrian stream crossings, with possible minor incursions into the "Greenways" in the vicinity of Lots 1, 2, and 3.

9. The dumpster shall not be emptied between the hours of midnight and 6 a.m.
10. Cleaning of lots and waste pick up shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday. Waste receptacles shall be bricked on three sides and wood gated with all sides high enough to completely conceal interior receptacles.
11. The developer shall furnish to representatives of the adjacent residents' associations (Foxboro Manor, Old Dorsey Place, Owl Creek) the name and telephone number of a contact person for purposes of reporting possible violations of the approved district development plan. Provision shall be made for gaining access to the contact person over the weekend and after normal business hours.
12. The Landscape Plan shall include clusters of native species shrubs and small flowering trees within the Landscape Buffer Area along the open space lot to provide additional screening where it is needed as determined by Planning Commission staff.
13. Prior to development of each site or phase of this project, a detailed district development plan shall be submitted to the Planning Commission for approval. Each plan shall be in adequate detail and subject to additional binding elements. The additional binding elements may relate, but not be limited, to the following items:
  - a. screening, buffering, landscaping, tree preservation
  - b. density, floor area, size and height of buildings
  - c. points of access and site layout with respect to on-site circulation
  - d. land uses
  - e. signage
  - f. loading berths
  - g. parking
  - h. sidewalks
  - i. site design elements relating to alternative transportation modes
  - j. outdoor lighting
  - k. minor subdivision plat approval



**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**August 4, 2021**

**NEW BUSINESS**

**CASE NUMBER 21-DDP-0063**

- l. air pollution
  - m. the timing of construction to coincide with the availability of flood protection measures, municipal sewer and water service, and adequate fire protection
  - n. Dumpsters
  
- 14. Building design for the office on Lot 1 shall be consistent with the elevations presented for the office on Lot 2 approved at the October 13, 2005 Land Development & Transportation meeting and shall be submitted to Planning & Design Services staff for review and approval prior to building permit issuance.
  
- 15. The following are prohibited uses of the property: adult entertainment; automobile parking areas, public and private; gas stations; automobile service stations with service bays for repair; automobile part stores that have service bays for parts installation and/or for automobile repair; automobile sales agencies; automobile rental agencies; car washes; clubs, private, non-profit or proprietary; community residences; garage or yard sales; laundries or laundrettes, self-service; towers (radio, TV cellular, receiving or transmitting); and all uses of the property (except assisted living facilities, homes for the elderly and nursing homes) that require a conditional use permit in addition to appropriate zoning.
  
- 16. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.
  
- 17. There shall be no outdoor storage on the site.
  
- 18. Outdoor lighting shall be designed to be similar in height, style and intensity to that approved at the Woodlawn Center at Hubbards Lane and Westport Road. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff so that no light source is visible off-site. Lighting levels attributable to the fixtures located on the subject site shall not exceed two foot candles at the property line, except that, at the back side of the berm at the rear of the main shopping center, lighting levels shall not exceed one foot candle.
  
- 19. 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

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**August 4, 2021**

**NEW BUSINESS**

**CASE NUMBER 21-DDP-0063**

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.

20. The applicant shall submit a plan for approval by the Planning Commission staff landscape architect showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Any modification of the tree preservation plan requested by the applicant may be approved by the Planning Commission staff landscape architect if the changes are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
  - a. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable);
  - b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.);
  - c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps; and
  - d. Location of construction fencing for each tree/tree mass designated to be preserved.
  
21. A note shall be placed on the preliminary plan, construction plan and the record plat that construction fencing shall be erected prior to any grading or construction activities to prevent compaction of root systems of trees to be preserved and to prevent any disturbance of Greenways areas. The fencing shall enclose the area beneath the dripline of the tree canopy and, where necessary, to prevent any disturbance to Greenways areas and shall remain in place until all construction is completed. No parking, material storage or construction activities shall be permitted within the fenced area.
  
22. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
  - a. The development plan must receive full construction approval from the Jefferson county Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**August 4, 2021**

**NEW BUSINESS**

**CASE NUMBER 21-DDP-0063**

23. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
24. 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.
25. The level of quality and design and building materials shall be generally consistent with the renderings and photographs produced at the public hearing. Buildings shall be constructed of brick except for minor accent treatments, which may be constructed of other building materials. Brick shall not be painted.
26. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system.
27. 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.
28. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.
29. Construction activity shall be limited to Monday through Saturday, 7:00 a.m. to 7:00 pm. No construction activity (except on the interior of a building) shall be permitted on Sundays or holidays. Heavy equipment operation shall be prohibited on weekend days. Construction traffic shall be prohibited from using neighborhood streets.

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**August 4, 2021**

**NEW BUSINESS**

**CASE NUMBER 21-DDP-0063**

30. The development shall not exceed 175,000 square feet of gross floor area for Lot 2 and 15,200square feet of gross floor area for Lot 1.

**The vote was as follows:**

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

**NO: No one.**

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**August 4, 2021**

**NEW BUSINESS**

**CASE NUMBER 21-WAIVER-0070**

Request: Sidewalk Waiver  
Project Name: Fern Valley Ford Plant  
Location: 2000 Fern Valley Road  
Owner: Ford Motor Co. World Headquarters  
Applicant: Ford Motor Co. World Headquarters  
Representative: Emily Estes, Lockett & Farley  
Jurisdiction: Louisville Metro  
Council District: 13 - Mark Fox  
**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:**

02:05:56 Heather Pollock 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:**

Josh Bullington (signed in but did not speak) and Emily Estes, Lockett & Farley, 737 South Third Street, Louisville, KY 40203

**Summary of testimony of those in support:**

02:10:26 Emily Estes said she did not have anything additional to add but was available to answer questions about the development plan if needed.

**The following spoke in opposition:**

No one spoke.

**Deliberation:**

02:12:04 Commissioners' deliberation.

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**August 4, 2021**

**NEW BUSINESS**

**CASE NUMBER 21-WAIVER-0070**

**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.**

02:13:51 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 the requested waiver will not adversely affect adjacent property owners as this site is adjacent to other industrial uses and there are no residential or commercial uses nearby likely to generate significant pedestrian traffic. Currently there are no sidewalks along Fern Valley Road and Grade Lane in this area; and

**WHEREAS**, the Committee further finds that this proposed use is an expansion of the existing manufacturing operations and the addition is unlikely to generate any pedestrian traffic. The projected use is consistent with the existing heavy industrial use on this and adjacent sites and there is currently no sidewalk network to connect to in the area; and

**WHEREAS**, the Committee further finds that Land Use & Development Goal 3: Mobility, Guideline 67, Policy 5. Evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality.

Guideline 68, Policy 6. Ensure that those who propose new developments bear or share in rough proportionality the costs of transportation facilities and services made necessary by development.

Land Use & Development Goal 2: Community Form, Guideline 20, Policy 2.1 Proposed uses, density and design are compatible with adjacent uses and meets form district guidelines.

Land Use & Development Goal 1: Economic Development, Guideline 83, Policy 1. Limit land uses in workplace Form Districts to compatible uses that meet the needs of the industrial subdivision or workplace district and their employees; 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 since installation of sidewalks would equal to over a half mile of sidewalks (approximately 3,000 linear feet), to meet this requirement in an area with no sidewalks; and

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**August 4, 2021**

**NEW BUSINESS**

**CASE NUMBER 21-WAIVER-0070**

**WHEREAS**, the Committee further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as the length of the sidewalk requirement is disproportionate for such a small addition. Additionally, building sidewalks would be difficult due to the existing drainage infrastructure along Grade Lane and Fern Valley Road; now, therefore be it

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the Waiver from 5.8.1.B to not provide sidewalks in the Fern Valley Road and Grade Lane right-of-way.

**The vote was as follows:**

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

**NO: No one.**

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**August 4, 2021**

**NEW BUSINESS**

**CASE NUMBER 21-WAIVER-0065**

Request: Waiver for new single-family access to a collector level road  
Project Name: Mitchell Hill Road Waiver  
Location: 10618 Mitchell Hill Road  
Owner: Curtis Wayne Jones.  
Applicant: Curtis Wayne Jones  
Representative: Curtis Wayne Jones  
Jurisdiction: Louisville Metro  
Council District: 13 - Mark Fox 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:**

02:14:28 Molly Clark presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

02:17:04 In response to a question from Commissioner Mims, Ms. Clark used the site plan to clarify the location of the driveway.

**The following spoke in support of the proposal:**

Curtis Wayne Jones, 10618 Mitchell Hill Road, Louisville, KY 40118

**Summary of testimony of those in support:**

02:17:56 Curtis Wayne Jones, the applicant, said he was available for questions.

02:18:36 In response to a question from Commissioner Mims, Mr. Jones said the proposed driveway will be 10 feet wide. It will be located 120-130 feet from the intersection.

**The following spoke in opposition:**



**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**August 4, 2021**

**NEW BUSINESS**

**CASE NUMBER 21-WAIVER-0065**

No one spoke.

**Deliberation:**

02:19:39 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.**

02:20:17 On a motion by Commissioner Brown, seconded by Commissioner Clare, 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 waiver will not adversely affect adjacent property owners as access will serve a single-family residence and traffic will not be significantly impacted; and

**WHEREAS**, the Committee further finds that Guideline 1, Policy 4 strives ensure new development and redevelopment are compatible with scale and site design of nearby existing development with the desired pattern of development within the Form district. The waiver will not violate specific guidelines of Cornerstone 2040 as the proposed subdivision will accommodate single-family residences and traffic will be the minimum necessary to serve them; 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. The proposed driveway will have better visibility for the future residents; 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 because the proposed driveway will allow more visibility for the future resident and will meet sight distance requirements; now, therefore be it

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver from section 7.8.60.B.4 of the Land Development Code to allow individual single-family driveway access to a collector level roadway.

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**August 4, 2021**

**NEW BUSINESS**

**CASE NUMBER 21-WAIVER-0065**

**The vote was as follows:**

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

**NO: No one.**

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**August 4, 2021**

**NEW BUSINESS**

**CASE NUMBER 21-CAT3-0009**

Request: Category 3 Development Plan with a Landscape Waiver  
Project Name: Portland Stroll  
Location: 2510 - 2518 Portland Avenue  
Owner: Stroll District, LLC.  
Applicant: Jeff Rawlins - Architectural Artisans INC.  
Representative: Jeff Rawlins - Architectural Artisans INC.  
Jurisdiction: Louisville Metro  
Council District: 5 - Donna Purvis  
**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:**

02:20:56 Molly Clark presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

02:24:17 In response to questions from Commissioner Mims, staff and Commissioners discussed accesses and two-way roadways (see recording.)

**The following spoke in support of the proposal:**

Jeff Rawlins, Architectural Artisans Inc., 213 South Shelby Street, Louisville, KY 40204

**Summary of testimony of those in support:**

02:26:19 Jeff Rawlins, the applicant's representative, presented the applicant's case and used staff's Power Point slides to discuss the project (see recording for detailed presentation.)

**The following spoke in opposition:**

No one spoke.

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**August 4, 2021**

**NEW BUSINESS**

**CASE NUMBER 21-CAT3-0009**

**Deliberation:**

02:32:14 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.**

**Waiver from 10.2.4 to reduce the required landscape buffer area from 15 feet to 10 feet, (21- WAIVER-0089)**

02:34:27 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 the waiver will not adversely affect adjacent property owners since the applicant is still providing a 10 foot landscape buffer area and not completely eliminating the buffer area. The applicant is still providing all the required plantings; and

**WHEREAS**, the Committee further finds that Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. Community Form Goal 1, Policy 6 calls to discourage non-residential expansion into existing residential areas unless applicant can demonstrate that any adverse impact on residential uses will be mitigated. Evaluation of impacts may include, but not be limited to, displacement of residents, loss of affordable housing units, traffic, parking, signs, lighting, noise, odor, and stormwater. Appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential. Community Form Goal 1, Policy 9 calls to ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements. Community Form Goal 1, Policy 20 calls to mitigate adverse visual intrusions when there are impacts to residential areas, roadway corridors, and public spaces.

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**August 4, 2021**

**NEW BUSINESS**

**CASE NUMBER 21-CAT3-0009**

Economic Development goal 2 policy 3 calls to encourage design elements that address the urban heat island effect and energy efficiency, such as the planting and preservation of trees, cool roofs and green infrastructure, for new development. Livability Goal 1 Goal 5 calls to encourage development that recognizes and incorporates the unique characteristics of identified general landscape types and native plant communities (e.g., upland hardwood forest) throughout Louisville Metro. The applicant will still be providing all the required plantings in the proposed 10 FT LBA; 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 since the applicant will be providing all the required plantings within the smaller buffer being provided and will still be properly screened from the adjacent property; and

**WHEREAS**, the Committee further finds that the strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land since the applicant is able to provide all the required plantings; now, therefore be it

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver from 10.2.4 to reduce the required landscape buffer area from 15 feet to 10 feet, (21- WAIVER-0089).

**The vote was as follows:**

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

**NO: No one.**

**Category 3 Development Plan**

02:35:07 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 Category 3 Development Plan, **ON CONDITION** that the applicant shall remove the "One Way" labels from the site plan.

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**August 4, 2021**

**NEW BUSINESS**

**CASE NUMBER 21-CAT3-0009**

**The vote was as follows:**

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

**NO: No one.**

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**August 4, 2021**

**NEW BUSINESS**

**CASE NUMBER 21-DDP-0008**

Request: Revised Detailed District Development Plan  
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:**

02:36:11 Molly Clark presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

02:39:32 In response to a question from Commissioner Mims, Ms. Clark said that the library across the street was notified (Metro Library Department). Ms. Clark said that Councilwoman Flood called her regarding this project and they discussed the proposed change in renderings. She said the Councilwoman did not express any concerns.

**The following spoke in support of the proposal:**

Phillip Gambrell, Prism Engineering, 2309 Watterson Trail, Louisville, KY 40299

**Summary of testimony of those in support:**

02:40:25 Phillip Gambrell, the applicant's representative, said that the original renderings that were approved were for a different Jiffy Lube. The franchisee of that Jiffy Lube had selected certain upgrades to the exterior of the building (see recording for detailed conversation.)

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**August 4, 2021**

**NEW BUSINESS**

**CASE NUMBER 21-DDP-0008**

02:41:56 Mr. Gambrell and some of the Commissioners discussed the elevations that had been previously submitted

**The following spoke in opposition:**

No one spoke.

**Deliberation**

02:44:55 Commissioners' deliberation.

02:47:04 Mr. Gambrell and the Commissioners discussed the plan and if the applicant could come back in two weeks with some changes to it (see recording for detailed discussion.)

**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.**

02:48:42 On a motion by Commissioner Brown, seconded by Commissioner Mims, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **CONTINUE** this case to the **August 18, 2021** Development Review Committee meeting.

**The vote was as follows:**

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

**NO: No one.**



**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**August 4, 2021**

**NEW BUSINESS**

**CASE NUMBER 21-DDP-0036**

**NOTE: Before the start of this case Commissioner Carlson recused himself and left the meeting at approximately 4:05 p.m. He did not hear or vote on this case.**

Request: Revised Detailed District Development Plan with Proposed Binding Elements  
Project Name: Lower Hunters Trace Apartments  
Location: 4610 & 4614 Kerrick Lane, 4704 & 4706 Goepper Road, 5416  
Owner: Ronald and Nancy Thomas  
Applicant: John Campbell - Heritage Engineering, LLC.  
Clifford Ashburner - Dinsmore & Shohl, LLP.  
Representative: John Campbell - Heritage Engineering, LLC.  
Clifford Ashburner - Dinsmore & Shohl, LLP.  
Jurisdiction: Louisville Metro  
Council District: 12 - Rick Blackwell  
**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:**

02:49:35 Molly Clark presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

02:59:41 In response to questions from Commissioner Mims, Ms. Clark elaborated on access and transportation issues (see recording.) A crash gate was proposed for the Fire Department. Ms. Clark said she has reached out to the PRP Fire Department but has received no response.

**The following spoke in support of the proposal:**

Cliff Ashburner, Dinsmore & Shohl, 101 S 5th St #2500, Louisville, KY 40202

John Campbell, Heritage Engineering, 642 S 4th St, Louisville, KY 40202

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**August 4, 2021**

**NEW BUSINESS**

**CASE NUMBER 21-DDP-0036**

Pete Welsh, Microanalytics, 3310 Gilmore Industrial Boulevard, Louisville, KY 40213

Ronald Thomas, 4614 Kerrick Lane, Louisville, KY 40258

**Summary of testimony of those in support:**

03:01:30 Cliff Ashburner, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

03:08:20 John Campbell, an applicant's representative, discussed some elements and details of the plan (see recording.)

03:13:48 Mr. Ashburner resumed the presentation.

03:14:55 Pete Welsh, an applicant's representative, explained the Phase I Environmental Site Assessment he did on the site and why the recommendation was not to proceed with the Phase II (see recording.)

03:16:51 In response to some questions from Commissioner Mims, Ms. Clark said this site was Donald Distler's parents' farm and that toxic materials may have been illegally dumped here.

03:17:52 Mr. Ashburner concluded his presentation.

03:20:50 In response to a question from Commissioner Mims, Mr. Ashburner said the R-4 property will not be separately owned so there will be no need for a drainage easement.

03:21:20 In response to a question from Commissioner Clare, Mr. Ashburner discussed proposed fencing, trees, and landscape buffering.

03:22:20 In response to questions from Commissioner Clare, Mr. Ashburner discussed environmental and geotechnical evaluations on the property.

**The following spoke in opposition:**

Eric Kaiser, 4608 Kerrick Lane, Louisville, KY 40258

Beckie Andino, 4712 Goepper Rd, Louisville, KY, 40258

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**August 4, 2021**

**NEW BUSINESS**

**CASE NUMBER 21-DDP-0036**

Brenda Piercefield, 2012 Lower Hunters Trace, Louisville, KY 40216

Diane Forest, 4711 Fister Court, Louisville, KY 40258

Charles Franklin, 4710 Goepper Road, Louisville, KY 40258

**Summary of testimony of those in opposition:**

03:23:51 Eric Kaiser said there would be “no differentiation” between his property and the apartment complex (lack of trees and buffering.) He noted that the sidewalk goes across the 4610 property and ends at his property and is concerned about foot traffic continuing across his property. He is also concerned about vehicle traffic on Kerrick Lane and traffic flow (see recording for detailed discussion.)

03:27:06 Beckie Andino said she is concerned about traffic increases and lack of any traffic lights; slowed response time from emergency services; noise; and incompatibility with the surrounding area. She said she is particularly concerned about environmental issues. She said she and other neighbors remember Donald Distler burying barrels of toxic chemicals here; in the 1980’s, residents were told to get off the well water system due to pollution.

03:32:20 Brenda Piercefield said she also witnessed dumping into the sinkhole. She said there has been no soil, air, or water testing. She asked for an “exhaustive” study particularly since there is a creek that runs through the back. She said the current property owner knew the history of the site when he bought it and claims that there are barrels on the property. She agreed with Ms. Andino about traffic, noise, light pollution, access from emergency services, and water runoff from this and nearby developments.

03:38:50 Diane Forest said there is one lot separating her from this site. She said she was never notified about this project. She said her primary concerns are environmental issues from the illegal dumping. Other concerns are traffic, particularly because there are other multi-family developments going in nearby. She is also concerned about overburdening emergency services, slowing response times, incompatibility, and concern about tree removal on sound and light. She said there are many vacant apartment buildings nearby.

03:43:11 Charles Franklin is an adjacent property owner. He is concerned that a three-story building will be right up against his property. He is also concerned about increase in traffic, particularly because of additional multi-family developments being built nearby; traffic patterns and cut-through traffic.

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**August 4, 2021**

**NEW BUSINESS**

**CASE NUMBER 21-DDP-0036**

**Rebuttal:**

03:45:18 Mr. Ashburner asked that Mr. Ronald Thomas, the property owner, address some of the allegations from the opposition regarding dumping and toxic waste on the property (see recording.)

03:47:36 Ronald Thomas said he purchased this property 40 years ago from Donald Distler's parents and built two ballfields and a concession stand. He said there has been construction for the ballfields on the site including clearing, digging, sodding, etc. for 40 years, and nothing has come up. He said he lives on the property.

03:49:49 In response to a question from Commissioner Mims, Mr. Thomas said he did the original rezoning request for the softball fields. He also discussed traffic going onto Kerrick Lane, not Lower Hunters Trace; he closed the road onto Lower Hunters Trace and paid to put up the gate across the gated entrance.

03:51:36 Ms. Piercefield said she was not accusing Mr. Thomas of anything; but she does have questions about barrels on the property. Mr. Thomas said those barrels are plastic and belong to Jack Allen, who rents tents.

03:53:04 Mr. Ashburner presented rebuttal (see recording.) He noted that a traffic study was not done for this proposal because it was below the Metro threshold.

03:57:58 Commissioner Clare asked if the building height had been addressed by the applicant in the neighborhood meetings. Mr Ashburner described what had been talked about during the neighborhood meetings regarding setbacks, screening, design ideas, and planting new trees (see recording.)

**Deliberation:**

04:00:00 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.**

04:06:53 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:

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**August 4, 2021**

**NEW BUSINESS**

**CASE NUMBER 21-DDP-0036**

**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 has been provided, and Metro Public Works have approved the preliminary development plan; and

**WHEREAS**, the Committee further finds that the applicant is providing 36,442 SF of recreational open space that will include an outdoor pool, clubhouse and courtyard with a walking path. The square footage of recreational open space being provided is 3,318 more than what is required; 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 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, **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 element(s) shall be submitted to the Planning Commission or the Planning Commission's designee (and to the City of Lyndon, St. Matthews, Hurstbourne, or Middletown etc) for

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**August 4, 2021**

**NEW BUSINESS**

**CASE NUMBER 21-DDP-0036**

- review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.
  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. Before any permit (including but not limited to building, parking lot, change of use, site disturbance is requested:
    - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
    - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering and 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. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the August 18<sup>th</sup>, 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.
  6. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land or the

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**August 4, 2021**

**NEW BUSINESS**

**CASE NUMBER 21-DDP-0036**

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.

7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
8. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
9. As part of the approved Alternative Plan for Connectivity on the subject property, the owner/developer shall install an emergency gate along the connection to Goepper Road. The owner/developer shall construct and maintain such gate and comply with safety requirements for gated connections as determined by Louisville Metro Public Works and the relevant emergency authorities (police, fire, and EMS). Such approval shall be submitted into the record to Planning and Design Services.

**The vote was as follows:**

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

**NO: No one.**

**RECUSED: Commissioner Carlson.**

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**August 4, 2021**

**ADJOURNMENT**

The meeting adjourned at approximately 5:19 p.m.

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Chairman

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Division Director