

**MINUTES OF THE MEETING  
OF THE  
DEVELOPMENT REVIEW COMMITTEE  
June 28, 2017**

A meeting of the Development Review Committee was held on, June 28, 2017, 1:00 p.m. in the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

**Committee Members present were:**

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

**Committee Members absent were:**

Laura Ferguson

**Staff Members present were:**

Emily Liu, Director, Planning and Design Director  
Brian Davis, AICP, Planning and Design Manager  
Burcum Keeton, Architectural Projects Coordinator  
Laura Mattingly, Planner II  
Joel Dock, Planner II  
Jay Lockett, Planner I  
Ross Allen, Planner I  
Tammy Markert, Transportation Planning Coordinator  
Tony Kelly, MSD  
John Carroll, Legal Counsel  
Pamela M. Brashear, Management Assistant

The following matters were considered:

**DEVELOPMENT REVIEW COMMITTEE**  
**June 28, 2017**

**APPROVAL OF MINUTES**

**JUNE 14, 2017 DRC MEETING MINUTES**

On a motion by Commissioner Carlson, seconded by Commissioner Smith, the following resolution was adopted.

**RESOLVED**, that the Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on June 14, 2017.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Smith and Tomes**

**NOT PRESENT FOR THIS CASE: Commissioner Ferguson**

**DEVELOPMENT REVIEW COMMITTEE**  
**June 28, 2017**

**NEW BUSINESS**

**CASE NO. 17MINORPLAT1051**

Request:	Amend a record plat to remove a condition of approval
Project Name:	Meadow Breeze Lane Extension
Location:	7716 Niemann Drive
Owner:	Glenmary East, LLC.
Applicant:	Bardstown Capital Corporation
Representative:	Jon Baker – Wyatt, Tarant & Combs, LLP
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel
<b>Case Manager:</b>	<b>Jay Lockett, Planner I</b>

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the DRC meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5<sup>th</sup> Street.)

**Agency Testimony:**

00:03:56 Mr. Lockett explained that the case was not properly noticed and will be heard at the July 13, 2017 LD&T meeting.

**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.**

By general consensus, the Louisville Metro Development Review Committee does hereby schedule this case for the July 13, 2017 LD&T meeting.

**DEVELOPMENT REVIEW COMMITTEE**  
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**NEW BUSINESS**

**CASE NO. 17WAIVER1012**

Request: Waiver from 10.2.4 landscape buffer requirements  
Project Name: Rogers Street Waiver  
Location: 1122 Rogers Street  
Owner: Rogers Street Firehouse, LLC.  
Applicant: Rogers Street Firehouse, LLC.  
Representative: Cliff Ashburner – Dinsmore & Shohl, LLP.  
Jurisdiction: Louisville Metro  
Council District: 4 – Barbara Sexton Smith  
**Case Manager: Jay Lockett, Planner I**

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the DRC meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5<sup>th</sup> Street.)

**Agency Testimony:**

00:04:43 Mr. Lockett discussed the case summary, standard of review and staff analysis from the staff report.

**The following spoke in favor of this request:**

Cliff Ashburner, Dinsmore and Shohl, LLP, 101 South 5<sup>th</sup> Street, Suite 2500, Louisville, Ky. 40202  
Christine Collins, 231 North 19<sup>th</sup> Street,

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

00:09:54 Mr. Ashburner gave a power point presentation. There's no development plan for the property because the City of Louisville did the rezoning (during plan certain era) and it was not required at that time.

00:13:30 Vice Chair Carlson asked if there will be a development plan submitted. Ms. Liu answered, "This is similar to some of the other government initiated area wide rezoning and there is no development plan. We treat them as non-plan certain (like airport)."

00:15:10 Ms. Collins stated the new addition will be brick to match the main façade.

**Deliberation**

00:16:18 Development Review Committee deliberation.

**DEVELOPMENT REVIEW COMMITTEE**  
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**NEW BUSINESS**

**CASE NO. 17WAIVER1012**

**Waiver from 10.2.4 landscape buffer requirements**

On a motion by Commissioner Carlson, seconded by Commissioner Smith, the following resolution was adopted.

**WHEREAS**, the waiver will not adversely affect adjacent property owners as the property to the NE is screened by an existing fence. The property to the SW is vacant and owned by the applicant; and

**WHEREAS**, Guideline 3, Policy 9 of Cornerstone 2020 calls for protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate. Guideline 3, Policies 21 and 22 call for appropriate transitions between uses that are substantially different in scale and intensity or density, and mitigation of the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, Policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter airborne and waterborne pollutants. This request is in keeping with these policies in that the parking area will remain a mix of alley access behind the building and on-street parking appropriate for the Traditional Neighborhood Form area. The expansion will help ensure that this historic building continues to be occupied with an appropriate use with low impact on surrounding residential properties; and

**WHEREAS**, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

**WHEREAS**, the Louisville Metro Development Review Committee further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant as the existing structure is built out to the lot lines and the narrow lot would be significantly constrained by the required setbacks.

**DEVELOPMENT REVIEW COMMITTEE**  
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**NEW BUSINESS**

**CASE NO. 17WAIVER1012**

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 17WAIVER1012, a waiver from the Land Development Code, section 10.2.4, to reduce the required 10 foot property perimeter landscape buffer area to 0 feet to allow for an expansion of an existing structure based on the staff report, testimony heard today and **ADOPT** staff's analysis as the justification for granting the waiver.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Smith and Tomes**

**NOT PRESENT AND NOT VOTING: Commissioner Ferguson**

**DEVELOPMENT REVIEW COMMITTEE**  
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**NEW BUSINESS**

**CASE NO. 17SUBDIV1002**

Request: Major preliminary subdivision plan and waiver  
Project Name: 12800 Rehl Road Subdivision  
Location: 12800 Rehl Road  
Owner: Greg and Melissa Wilson  
Applicant: Greg and Melissa Wilson  
Representative: Dinsmore & Shohl, LLP – Clifford Ashburner  
Jurisdiction: Louisville Metro  
Council District: 20 – Stuart Benson  
**Case Manager: Joel Dock, Planner II**

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the DRC meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5<sup>th</sup> Street.)

**Agency Testimony:**

00:18:32 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

**The following spoke in favor of this request:**

Cliff Ashburner, Dinsmore and Shohl, LLP, 101 South 5<sup>th</sup> Street, Suite 2500, Louisville, Ky. 40202

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

00:26:10 Mr. Ashburner gave a power point presentation. The applicant will preserve a 15 foot line of trees behind the proposed subdivision lots. The new lots are consistent with the neighborhood and comply with the regulations. The area in the south will be for a detention basin. Also, "We would agree to be bound by the minimum home size and design requirement in Grand Lakes."

Mr. Ashburner presented 2 additional conditions of approval.

**The following spoke in opposition to this request:**

Zach Ohlmann, 3024 Grand Lakes Drive, Louisville, Ky. 40299  
Jeff Wachtel, 3006 Grand Lakes Drive, Louisville, Ky. 40299  
Justin Lewis, 13518 Riggs Lake Lane, Louisville, Ky. 40299  
Jason Warrell, 3016 Grand Lakes Drive, Louisville, Ky. 40299  
Mike Wheatley, 3010 Grand Lakes Drive, Louisville, Ky. 40299  
Brandon Powers, 13403 Kristen Leigh Court, Louisville, Ky. 40299

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#### CASE NO. 17SUBDIV1002

Michele Wachtel, 3006 Grand Lakes Drive, Louisville, Ky. 40299

Willard Bryant, 13106 Trump Avenue, Louisville, Ky. 40299

Jana Polidori, 3014 Grand Lakes Drive, Louisville, Ky. 40299

Scott Burns, 3024 Grand Lakes Drive, Louisville, Ky. 40299

#### Summary of testimony of those in opposition:

00:45:28 Mr. Ohlmann stated his home is near the proposed detention basin and he is concerned about standing water and mosquitos. Also, the tree buffer area has not been designed, it's only been said that they would try to do the best they can do.

00:47:17 Mr. Wachtel stated the easement is very close to his property and he would like it moved back.

00:48:48 Mr. Lewis stated there's not enough room to maintain the 15 foot tree line and will create small backyards.

00:50:55 Mr. Warrell stated the trees help decrease the noise levels, especially from the trains. The 15 foot tree buffer area will not survive. "I worry about the decrease in value to my home."

00:52:42 Mr. Wheatley opposes the waiver. It would be fine to build 4 or 5 homes but 10 is too many.

00:55:00 Mr. Powers is the president of the Grand Lakes Home Owners Association (HOA). The concerns are as follows: houses built to be consistent with Grand Lakes and a tree line buffer. Some neighbors request a wooden fence and the Grand Lakes HOA be given approval rights on plans for the homes. "The main concern is that the lots 'as is' don't support the types of homes that would meet the CCR's of Grand Lakes due to the size constraints."

01:01:16 Mrs. Wachtel opposes the number of lots proposed and stated an increase of lots means an increase of traffic.

01:02:38 Mr. Bryant remarked, "I'm part of BTS and this was ironed out 11 years ago for private access on 5 lots. I think they ought to hold to that."

01:03:13 Ms. Polidori stated she's concerned about the noise from the trains if the trees are removed. "What if the 15 foot tree line doesn't survive? Are they going to put in new trees or will we have to?"



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**CASE NO. 17SUBDIV1002**

01:04:37 Mr. Burns stated he's a builder by trade. It will be congested with 10 lots. "It's being changed for only one reason and that is profit."

**The following spoke neither for nor against the request:**

Steve Porter, 2406 Tucker Station Road, Louisville, Ky. 40299

**Summary of testimony of those neither for nor against:**

00:39:28 Mr. Porter represents Deborah Atwood. She supports the plan on condition that the following 2 items are met: access to sewers and lot 1 has the same 15 foot tree canopy preservation area.

**Rebuttal:**

01:07:03 Mr. Ashburner stated that the committee is bound by the Land Development Code and Subdivision regulations. The Land Development Code has no requirements for buffering between single family homes. "We've demonstrated compliance and justification for the waiver."

01:31:12 Mr. Porter said the applicant did not accept his condition so he now opposes the plan. If the waiver is not approved, it would be best to send it back to the HOA, his client and the developer.

01:32:41 Mr. Ashburner remarked, "We are trying to come up with language that would help to address the tree buffer concern."

Mr. Ashburner requested a 10 minute recess.

**Recess and reconvened.**

**Deliberation**

01:52:49 Development Review Committee 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.**

**DEVELOPMENT REVIEW COMMITTEE**

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**NEW BUSINESS**

**CASE NO. 17SUBDIV1002**

**Waiver of section 7.3.30.B to allow lots for detached houses to abut a private street**

On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution was adopted.

**WHEREAS**, the waiver will not adversely affect adjacent property owners as the road will be privately maintained by owners within the subject property; and

**WHEREAS**, Guideline 8, Policy 1 suggests that developments be evaluated for their impact on the street and roadway system and air quality. Ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. The developer will bear the cost of improvements and maintenance of the private roadway until such time as an agreement can be reached with Louisville Metro Public Works to turn the roadway over to public right-of-way as outlined in the Conditions of Approval; and

**WHEREAS**, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the applicant has run into considerable delays with the property owners of the land over which the existing portion of the easement resides. The creation of the private easement on the subject site allows the land to be developed and agreements for public rights-of-way to be considered at a later date; and

**WHEREAS**, the Louisville Metro Development Review Committee further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant as the Director of Public Works as consented to the creation of the private roadway understanding that there is a future possibility that the roadway will be turned over to the public.

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 17SUBDIV1002, a waiver of the Land Development Code, section 7.3.30.B to allow lots in a major subdivision to have access from a private roadway based on the staff report and testimony heard today.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Smith and Tomes**

**NOT PRESENT AND NOT VOTING: Commissioner Ferguson**

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### NEW BUSINESS

#### CASE NO. 17SUBDIV1002

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted.

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 17SUBDIV1002, a Major Preliminary Subdivision Plan to create 10 residential lots along with the Conditions of Approval shown on pages 6 and 7 of the staff report as well as the following 5 conditions: 15. The developer shall restrict the lots to homes that comply with the minimum size and design restrictions within the Grand Lakes Subdivision. 16. The developer shall provide an easement to allow the owner of 12700 Rehl Road to connect to sanitary sewers, which connection shall be at the owners of 12700 Rehl Roads' expense and the applicant will provide the manhole for that connection outside the paved roadway within that easement. 17. Six trees are placed along the north property line and the lot 1 location will be determined at a later date. These trees will be either Type A or evergreen trees. 18. The landscaping provided within the 15 foot tree buffer area on the east property line is to comply with LDC section 7.3.30.F item number 3 and that TCPA or tree canopy type trees are to be provided within this tree buffer area to the extent that is necessary. 19. The roadway and private easement are to be located as far north as possible and approved during the construction review phase; based on the staff report and testimony heard today.

#### Conditions of Approval

1. The development shall be in accordance with the approved Residential Development Preliminary Plan. No further subdivision of the land into a greater number of lots than originally approved will occur without approval of the Planning Commission.
2. 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 Department of Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from Louisville Metro Public Works.
  - 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.
3. The applicant, developer, or property owner shall provide copies of these conditions of approval to tenants, purchasers, contractors, subcontractors and

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#### CASE NO. 17SUBDIV1002

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.

4. 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 and open space, maintenance of noise barriers, maintenance of TCPAs etc.) and other issues required by these conditions of approval.
  - c) Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.
5. 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. No direct access to Rehl Road shall be allowed.
7. 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.
8. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity, except that the open space totaling 3,141 square feet and abutting to the West of the property at 3006 Grand lakes Drive may be consolidated and converted to a residential building lot in compliance with all applicable zoning and subdivision regulations without an amendment to the Record Plat and approval of The Planning Commission. A note to this effect shall be placed on the record plat.

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9. 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 labeling. This language shall appear in the deed of restrictions for the subdivision.
10. 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.
11. 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.
12. When limits of disturbance are shown on the plan, a note shall be placed on the preliminary plan and construction plan 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." 13. Developer shall post a bond with Louisville Metro Department of Public Works for future maintenance of the private roadway. If the developer does not maintain the road in an acceptable condition, the bond shall be forfeited and a contractor will be hired by Public Works to perform any repairs or maintenance.
14. There shall be an agreement between developer, Public Works and the existing Grand Lakes HOA to dedicate roadway "A" as public right-of-way through a record plat. Agreement shall be recorded prior to construction approval. The road shall be brought up to public road standards before it can be accepted as public right-of-way.
15. The developer shall restrict the lots to homes that comply with the minimum size and design restrictions within the Grand Lakes Subdivision.

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**CASE NO. 17SUBDIV1002**

16. The developer shall provide an easement to allow the owner of 12700 Rehl Road to connect to sanitary sewers, which connection shall be at the owners of 12700 Rehl Roads' expense and the applicant will provide the manhole for that connection outside the paved roadway within that easement.
17. Six trees are to be placed along the north property line of lot 1. Location will be determined at a later date. These trees will be either Type A or evergreen trees.
18. The landscaping provided within the 15 foot tree buffer area on the east property line is to comply with LDC section 7.3.30.F item number 3. TCPA or tree canopy type trees are to be provided within this tree buffer area to the extent that is necessary.
19. The roadway within the private easement is to be located as far north as possible and approved during the construction review phase.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Smith and Tomes**

**NOT PRESENT AND NOT VOTING: Commissioner Ferguson**

## DEVELOPMENT REVIEW COMMITTEE

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### NEW BUSINESS

#### CASE NO. 17DEVPLAN1077

Request: Revised Detailed District Development Plan to modify an existing 28,600 square foot building for office/retail/restaurant use on .6 acres in the CM zoning district

Project Name: Mobile MedTek

Location: 900 East Main Street

Owner: Bryan Ehret, East Main Inspired, LLC

Applicant: Ann Richard

Representative: Ann Richard

Jurisdiction: Louisville Metro

Council District: District 4

**Case Manager: Burcum Keeton, Architectural Projects Coordinator**

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the DRC meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5<sup>th</sup> Street.)

#### Agency Testimony:

01:58:34 Ms. Keeton discussed the case summary, standard of review and staff analysis from the staff report.

#### The following spoke in favor of this request:

Ann Richard, 503 Washburn Avenue, Louisville, Ky. 40222

#### Summary of testimony of those in favor:

02:00:33 Ms. Richard gave a power point presentation. The property was vacant for a while and was part of a down-zoning (2005). The site is 100% impervious and the garage will be torn down. Also, 5 feet of landscaping will be provided as part of the parking lot renovation.

#### Deliberation

02:04:31 Development Review Committee deliberation. Commissioner Carlson has an addition to binding element number 9: add year 2017.

**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.**

**DEVELOPMENT REVIEW COMMITTEE**  
**June 28, 2017**

**NEW BUSINESS**

**CASE NO. 17DEVPLAN1077**

**Revised Detailed Development Plan and Binding Elements**

On a motion by Commissioner Carlson, seconded by Commissioner Smith, the following resolution was adopted.

**WHEREAS**, the subject site is fully developed with an existing building and parking area. There are no natural resources on site; and

**WHEREAS**, the site is located in an area with an established sidewalk network and roadway system. Sidewalk improvements are proposed along S. Campbell Street; and

**WHEREAS**, there are no open space requirements; and

**WHEREAS**, the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community; and

**WHEREAS**, the Louisville Metro Development Review Committee finds the overall site design and land use is compatible with the existing and future development of the area. The proposed design is located within an existing urban area and the site will essentially remain as is; and

**WHEREAS**, the Louisville Metro Development Review Committee further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 17DEVPLAN1077, a Revised Detailed District Development Plan to modify an existing 28, 600 square foot building for office/retail/restaurant based on the staff report, testimony heard today and **ADOPT** the proposed binding elements with a revision to number 9, inserting the year 2017 after June 28, **SUBJECT** to the following Binding Elements:

**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



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#### CASE NO. 17DEVPLAN1077

for review and approval; any changes/additions/alterations not so referred shall not be valid.

2. The square footage shall be limited to 28,760 square feet of office/commercial.
3. Signs shall be in accordance with Chapter 8.
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.
6. Before any permit (including but not limited to building, parking lot, change of use, or site disturbance permit is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - 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.
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.

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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. Published: June 23, 2017  
Page 10 of 10 17DEVPLAN1077.
9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the August 17, 2006 Planning Commission meeting June 14, 2017 Nulu Overlay Hearing and June 28, 2017 Development Review Committee meeting.
10. The façade elevations shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.
11. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained thereafter. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.
12. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Smith and Tomes**  
**NOT PRESENT AND NOT VOTING: Commissioner Ferguson**

**DEVELOPMENT REVIEW COMMITTEE**  
**June 28, 2017**

**NEW BUSINESS**

**CASE NO. 17DEVPLAN1082**

Request:	Detailed District Development Plan for Multi-Family
Project Name:	Vinings at Claiborne
Location:	13508 Factory Lane
Owner:	St. Joseph Catholic Orphan Society
Applicant:	Vinings at Claiborne, LLC
Representative:	Blomquist Design Group, LLC
Jurisdiction:	Louisville Metro
Council District:	19 – Julie Denton
<b>Case Manager:</b>	<b>Laura L. Mattingly, Planner II</b>

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the DRC meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5<sup>th</sup> Street.)

**Agency Testimony:**

02:06:47 Ms. Mattingly discussed the case summary, standard of review and staff analysis from the staff report.

**The following spoke in favor of this request:**

Bill Bardenwerper, 1000 North Hurstbourne Parkway, 2<sup>nd</sup> floor, Louisville, Ky. 40223

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

02:09:34 Mr. Bardenwerper gave a power point presentation.

**Deliberation**

02:13:32 Development Review Committee 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.**

**Development Plan and Binding Elements**

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted.

**WHEREAS**, there does not appear to be any environmental constraints on the subject site. A note has been added that a karst survey has been completed and no karst

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features were found. Additionally, as there is potential for archeological deposits, a note has been added that any discoveries during construction will be reported to the Landmarks Commission. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

**WHEREAS**, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided through proposed private access easement that will eventually connect the existing Terra Crossing Blvd to Factory Lane, and Metro Public Works has approved the preliminary development plan; and

**WHEREAS**, all open space requirements have been met. The applicant has provided 50,899 square feet of open space; and

**WHEREAS**, the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community; and

**WHEREAS**, the Louisville Metro Development Review Committee finds the overall site design and land uses are compatible with the existing and future development of the area. Existing development includes nearby multi-family housing and an industrial park to the west. Future development shown on the general plan includes multi-family, retail, restaurants and a theatre and must be similar to the designs shown at Planning Commission approval of the change in zoning. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways; and

**WHEREAS**, the Louisville Metro Development Review Committee further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 17DEVPLAN1082, a Detailed District Development Plan and the proposed binding elements on pages 6 and 7 of the staff report **ON CONDITION** that the applicant will provide a signage plan prior to issuance of building permit in accordance with the general binding elements based on the staff report and testimony heard today, **SUBJECT** to the following Binding Elements:

#### **Binding Elements**

All binding elements from the approved General Development Plan (16ZONE1019) are applicable to this site, in addition to the following:

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1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The density of the development shall not exceed 28.13 dwelling units per acre (274 units on 9.74 acres).
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, alteration permit or demolition permit) is requested:
  - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter
  - c. A minor subdivision plat shall be recorded creating the lot lines as shown on the general 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.
  - 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.
6. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the

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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. The property owner shall provide a vehicular connection and a cross over access easement if the property to the north is ever developed for a nonresidential use. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.
10. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the June 28, 2017 Development Review Committee meeting.

#### **The vote was as follows:**

**YES: Commissioners Brown, Carlson, Smith and Tomes**

**NOT PRESENT AND NOT VOTING: Commissioner Ferguson**

**DEVELOPMENT REVIEW COMMITTEE**  
**June 28, 2017**

**NEW BUSINESS**

**CASE NO. 17WAIVER1016**

Case No: 17WAIVER1016  
Request: General Waiver  
Project Name: 18200 Shelbyville Road  
Location: 18200 Shelbyville Road  
Owner: Micheal Lundy – BLK Properties LLC.  
Applicant: Micheal Lundy – BLK Properties LLC.  
Representative: Charles Podgursky – C.R.P. and Associates Inc.  
Jurisdiction: Louisville Metro  
Council District: 19 – Julie Denton  
**Case Manager: Ross Allen, Planner I**

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the DRC meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5<sup>th</sup> Street.)

**Agency Testimony:**

02:14:55 Mr. Allen discussed the case summary, standard of review and staff analysis from the staff report.

Mr. Allen said there's a correction to page 1 in the staff report – the addition of sidewalks has been removed.

**The following spoke in favor of this request:**

Charles Podgursky, CRP and Associates, 7321 New LaGrange Road, Suite 111, Louisville, Ky. 40222

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

02:18:26 Mr. Podgursky stated they're trying to improve the property.

**Deliberation**

02:19:51 Development Review Committee deliberation.

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

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**NEW BUSINESS**

**CASE NO. 17WAIVER1016**

**Waivers**

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted.

**WAIVER #1 of section 10.3.5.A, table 10.3.1 Parkway Development Standards for non-residential use, to not provide the required 30 foot setback and 30 foot required buffer area with 1 Type A tree for each 40 feet of road frontage and a visually continuous screen adjacent to the vehicular use area for an approximate linear distance of 152 feet along Shelbyville Road Parkway**

**WHEREAS**, the waiver will not adversely affect adjacent property owners because the gravel/paved parking lot already exist in the same location. The granting of the wavier will allow for the owner/developer to define the parking lot and its access point to Shelbyville Road and make the property safer for egress/ingress; and

**WHEREAS**, the gravel/paved parking lot already exist in the same location and has been for several years. The Guideline 3, Policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 13, Policy 7 calls for protection of the character of parkways and scenic byways and corridors through standards for buffers, landscape treatment, lighting and signs. The intent of parkway development standards is to protect existing scenic and aesthetic qualities, to ensure a quality visual experience on developing corridors and to protect and improve the visual experience on established corridors; and

**WHEREAS**, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant because without granting the waiver the owner/developer could not proceed with the project to redevelop and correct the existing parking lot; and

**WHEREAS**, the Louisville Metro Development Review Committee further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because without the waiver the owner/developer could not proceed with the project to redevelop and correct the existing parking lot.

**WAIVER #2 of section 10.3.6.A, table 10.3.2 Scenic Corridor Development Standards for non-residential use, to not provide the required 40 foot setback and to reduce the required buffer area from 25 feet to 12.5 feet for an approximate linear distance of 72 feet along Clark Station Road Scenic Corridor**



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**WHEREAS**, the waiver will not adversely affect adjacent property owners because the existing building and buffer area already exist in the same location. The granting of the waiver will allow for the owner/developer to redevelop the property; and

**WHEREAS**, the existing building and buffer area already exist in the same location and has been for several years. Guideline 13, Policy 7 calls for protection of the character of parkways and scenic byways and corridors through standards for buffers, landscape treatment, lighting and signs. The intent of parkway development standards is to protect existing scenic and aesthetic qualities, to ensure a quality visual experience on developing corridors and to protect and improve the visual experience on established corridors; and

**WHEREAS**, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant because without granting the waiver the owner/developer could not proceed with the project to redevelop and correct the existing parking lot; and

**WHEREAS**, the Louisville Metro Development Review Committee further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because without granting the waiver the owner/developer could not proceed with the project to redevelop and correct the existing parking lot.

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 17WAIVER1016, Waiver #1 from the Land Development Code section 10.3.5.A and Waiver #2 from the Land Development Code section 10.3.6.A based on the staff report and testimony heard today.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Smith and Tomes**

**NOT PRESENT AND NOT VOTING: Commissioner Ferguson**

**DEVELOPMENT REVIEW COMMITTEE**

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**NEW BUSINESS**

**CASE NO. 17DEVPLAN1035**

Case No: 17DEVPLAN1035  
Request: Landscape Waiver and Sidewalk Waiver  
Project Name: Ramada and LaQuinta Hotels  
Location: 2715 Fern Valley Road  
Owner: Hiten Timbawala - V Enterprises LLC. / Ritz Hotels LLC.  
Applicant: Hiten Timbawala - V Enterprises LLC.  
Representative: Mike Evans – Michael S. Evans, P.E., P.L.S.  
Jurisdiction: Louisville Metro  
Council District: 21 – Dan Johnson  
**Case Manager: Ross Allen, Planner I**

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the DRC meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5<sup>th</sup> Street.)

**Agency Testimony:**

02:21:30 Mr. Allen discussed the case summary, standard of review and staff analysis from the staff report.

**The following spoke in favor of this request:**

Michael Evans, 6625 Colonial Avenue, Evansville, In. 47725

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

02:34:11 Mr. Evans stated he wants pedestrian access from the apartments to Fern Valley Rd. The sidewalk on the west side can't be built because there are too many utilities. There will be pedestrian access to all 3 hotels. "We don't believe we can build sidewalks on our side of the street because of the flood gates. We are upgrading the flood control system."

**Deliberation**

02:41:18 Commissioner Brown stated he's in favor of the landscape buffer waivers. "I think the sidewalk waiver is justified for now and we'll address it in the future if the site is further developed." Commissioners Carlson and Smith stated the flood walls are a necessity.

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#### CASE NO. 17DEVPLAN1035

**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 section 10.2.4.A to not provide the required property perimeter landscape buffer area of 35 feet, 0 feet requested, and to not provide the required plantings of 3 Large Type A trees or Medium Type B trees with an 8 foot screen:**

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted.

**WHEREAS**, the waiver will not affect adjacent property owners because the existing tributary to Greasy Ditch and the existing earthen flood wall and concrete flood wall is between the adjacent properties and the property line of the hotel. The existing flood wall is approximately five feet above the adjacent properties blocking the view of any vehicles in the parking lot. Additional green space will be provided and trees will be planted along the property lines in question as a part of proposed development; and

**WHEREAS**, Guideline 3, Policy 9 of Cornerstone 2020 calls for protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate. Guideline 3, Policies 21 and 22 call for appropriate transitions between uses that are substantially different in scale and intensity or density, and mitigation of the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, Policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter airborne and waterborne pollutants. The waiver will not violate any guidelines of the Comprehensive Plan because of the existing buffer situation previously described; and

**WHEREAS**, the Louisville Metro Development Review Committee finds if the waiver is not granted the hotel will lose approximately 90 existing parking spaces for the

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development and portions of the existing access lanes. This would result in the hotel on Tract 2 closing down or the proposed renovations plans being abandoned. The future development on Tract 3 would also be significantly impacted. This action would not only hurt the hotel owners but also the community because we would lose an opportunity to upgrade an existing structure that is in dire need of a facelift; and

**WHEREAS**, the Louisville Metro Development Review Committee further finds as mentioned in question 3 strict application of this provision of the regulation would result in the hotel closing down or the proposed renovations plans being abandoned. As a part of the renovation program we are removing existing asphalt areas and adding landscape island and plantings well beyond the requirements of chapter 10.

#### **WAIVER of Section 5.8.1.B. to not provide a sidewalk along the eastern side of Holiday Towers Blvd. for an approximate distance of 703 linear feet:**

**WHEREAS**, the waiver will not adversely affect adjacent property owners since Holiday Towers Boulevard is a dead end street that serves primarily businesses with apartments at the end. The existing hotel has been in existence since the mid-1970's, the intent of the land Development Code and the Comprehensive Plan is to encourage pedestrian access where possible, however in this case the existence of a flood wall and landscaping along the roadway makes it extremely difficult to construct a sidewalk. The construction of the sidewalk would result in the destruction of existing landscape; and

**WHEREAS**, Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. The development has existed for many years and is in need of restoration, the restoration of the existing structures and the accompanying improvements will result in a development that will be an asset for the community; and

**WHEREAS**, the Louisville Metro Development Review Committee finds the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since there will be no adverse impacts on adjacent property owners since there is an intermittent stream between the hotel and some of the adjacent property owners and the remaining adjacent property owners are business related; and

**WHEREAS**, the Louisville Metro Development Review Committee further finds there is not sufficient room between the floodwall and the roadway to construct a sidewalk

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without destroying existing landscape and the side walk would interfere with the opening and closing of the flood gates during times of flooding, thus creating an unnecessary hardship.

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 17DEVPLAN1035, a landscape waiver from the Land Development Code, section 5.7.1.B.3.a and a partial sidewalk waiver for the area along Holiday Towers Blvd. to the north of their first entrance with the sidewalk to be provided between the first entrance and Fern Valley Rd. as well as a pedestrian connection into the site based on the staff report and testimony heard today.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Smith and Tomes**

**NOT PRESENT AND NOT VOTING: Commissioner Ferguson**

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**NEW BUSINESS**

**CASE NO. 17DEVPLAN1051**

Request: A landscape waiver from LDC for a proposed two story  
18,100 square foot warehouse/storage  
Project Name: Aladdin Storage  
Location: 3409 Collins Lane  
Owner: Helen C. Helton – Aladdin Self Storage LLC.  
Applicant: Wes Johnson – Westcott Construction LLC.  
Representative: Mike Evans – PE, PLS  
Jurisdiction: Louisville Metro  
Council District: 17 – Glen Stuckel  
**Case Manager: Ross Allen, Planner I**

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the DRC meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5<sup>th</sup> Street.)

**Agency Testimony:**

02:44:30 Mr. Allen discussed the case summary, standard of review and staff analysis from the staff report.

**The following spoke in favor of this request:**

Michael Evans, 6625 Colonial Avenue, Evansville, In. 47725

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

02:47:32 Mr. Evans stated the existing building is very close to the property line. It will be replaced with 2-story mini-warehouses. A triangular-shaped landscape buffer area (requirement) will be provided. The applicant can't plant a significant amount of trees because of utilities in the area.

**Deliberation**

02:51:42 Development Review Committee 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.**

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted.

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**NEW BUSINESS**

**CASE NO. 17DEVPLAN1051**

**Waiver of section 10.2.4. to not provide a 15 foot property perimeter Landscape Buffer Area (LBA) along the rear and southeastern property lines for the lengths of the proposed 2 story storage facility and allow for pavement to encroach into both property perimeter LBA buffers:**

**WHEREAS**, the waiver will not adversely affect adjacent property owners because the property to the east is an LG&E substation and the nearest residential structure to the east is more than 300 feet from the subject site property line. The northern property line is adjacent to a railroad that is approximately 10-12 feet above the site; and

**WHEREAS**, the waiver will not violate the Comprehensive Plan since there are similar land uses near the construction site. The applicant proposes to plant trees to offset any adverse impact this project may have on adjacent properties. The applicant proposes to provide three trees in the 15 foot wide property perimeter landscape buffer area along the northern property line as a result of a 10 foot electrical easement and does have pavement encroaching into the 15 foot LBA but is compensating with more green space as found in the northwestern corner of the property. The applicant is also providing landscaping, while the intent is to screen the proposed 2 story 18,100 sf storage facility, the screening is not being placed along the structure but is compensated south/southwest where the available greenspace is present to provide the required plantings. The pavement is encroaching into the 15 foot landscape buffer area along the south/southeastern property line and a 11.5 foot wide electrical easement is present along the south/southeastern property line limiting the needed space and not encroaching 50% or more of the required property perimeter landscape buffer area; and

**WHEREAS**, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant because if the waiver is not granted then the proposal as shown cannot be constructed; and

**WHEREAS**, the Louisville Metro Development Review Committee further finds strict application of the provisions would result in the cancellation of the project, being a hardship on the applicant. Furthermore, the applicant has proposed to compensate through additional tree canopy, sidewalk construction along Collins Lane, and pedestrian access from the public right of way to the Alladin Self-Storage Office.

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 17DEVPLAN1051, a waiver from the Land Development Code section 10.2.4.B.8 to not provide the 15 foot property perimeter landscape buffer area along the northern and eastern property lines as shown on the plan presented today based on the staff report and testimony heard today.

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**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Smith and Tomes**

**NOT PRESENT AND NOT VOTING: Commissioner Ferguson**



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**ADJOURNMENT**

The meeting adjourned at approximately 4:08 p.m.

*Richard Carlson*  
\_\_\_\_\_  
Vice Chair

*[Signature]*  
\_\_\_\_\_  
Planning Director