

**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE MEETING  
September 19, 2018**

A meeting of the Louisville Metro Development Review Committee was held on September 19, 2018 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, KY 40202.

**Commissioners present:**

Rich Carlson, Vice Chair  
Jeff Brown  
Emma Smith

**Commissioners absent:**

David Tomes, Chair  
Donald Robinson

**Staff members present:**

Joseph Reverman, Assistant Director, Planning & Design Services  
Brian Davis, Planning Manager  
Jay Lockett, Planner I  
Dante St. Germain, Planner I  
Steve Hendrix, Planning Coordinator  
John Carroll, Legal Counsel  
Beth Stuber, Transportation  
Chris Cestaro, Management Assistant

The following matters were considered

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**APPROVAL OF MINUTES**

**September 5, 2018 DRC Meeting Minutes**

**00:05:03** On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution was adopted:

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on September 5, 2018.

**The vote was as follows:**

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

**NOT PRESENT: Commissioners Tomes and Robinson.**

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**NEW BUSINESS**

**CASE NUMBER 18WAIVER1031**

Request: Waiver to allow the base of the sign to be 50% of the width of the sign rather than the required 80%. – REQUEST WITHDRAWN BY APPLICANT

Project Name: O'Reilly Auto Parts  
Location: 8717 Westport Road  
Owner(s): Otte Family Limited Partnership  
Applicant: Louisville Sign Company  
Representative: Debbie Brent  
Jurisdiction: Louisville Metro  
Council District: 7 – Angela Leet

**Case Manager: Jay Lockett, Planner I**

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

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

**Agency Testimony:**

00:05:39 Jay Lockett explained that this case has been withdrawn by the applicant, who will instead submit a sign that is compliant with the Land Development Code.

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

No one spoke.

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

No one spoke.

**An audio/visual recording of the Planning Commission hearing 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.**

The Waiver application was withdrawn and no action was taken on this case.

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**NEW BUSINESS**

**CASE NUMBER 17ZONE1050**

Request: Amenity Area Review  
Project Name: Louisville City FC  
Location: 237-243, 249-251, 255-257, 261, 267-275, & 270 North Campbell Street  
250, 350, 375, & 1080 Adams Street  
214, 225-229, 249-257, 261-265, & 271 Mill Street  
200, 203/203R Cabel Street  
275 North Shelby Street  
Owner(s): Louisville Metro Government  
Applicant: Louisville City FC  
Representative: Bardenwerper, Talbott & Rovers PLLC  
Kent Gootee - Mindel Scott & Associates  
Jurisdiction: Louisville Metro  
Council District: 4 – Barbara Sexton Smith

**Case Manager: Julia Williams, AICP, Planning Supervisor**

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:**

00:06:22 Brian Davis presented the case on behalf of Julia Williams (see staff report and recording for detailed presentation.)

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

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

Lee Hasken, Hollenbach-Oakley, 1337 Majesterial Drive, Louisville, KY 40223

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

00:09:25 Kent Gootee, the applicant's representative, presented the applicant's case (see recording for full presentation.) Using the site plan, he reviewed the proposed amenity areas in detail.

00:12:07 In response to a question from Commissioner Brown, Mr. Gootee said none of the amenity areas are within the public right-of-way.

00:12:21 Commissioner Carlson asked if these amenity areas would only be accessible during events scheduled at the stadium. Lee Hasken, an applicant's representative, said that,

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during games, the areas will only be accessible from the stadium. On non-game days, there are two gates that will be open to the public.

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

No one spoke.

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

No one spoke.

**Deliberation**

00:13:30      The Commissioners concurred that the proposal is justified.

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

00:13:44      On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution, based on the Standard of Review and Staff Analysis and the testimony presented today, was adopted:

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Amenity Areas for the Louisville FC athletic facility site as presented today.

**The vote was as follows:**

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

**NOT PRESENT: Commissioners Tomes and Robinson.**

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**NEW BUSINESS**

**CASE NUMBER 18MINORPLAT1122**

Request: Minor plat to create two lots from 1 lot and dedicate ROW  
Project Name: 17500 Turtle Creek Trail  
Location: 17500 Turtle Creek Trail  
Owner: Eberle, James A. and Mary Jo  
Applicant: Sanders, Jerrold H.  
Representative:  
Jurisdiction: Louisville Metro  
Council District: 19 – Julie Denton

**Case Manager: Jay Lockett, Planner I**

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

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

**Agency Testimony:**

00:14:19 Jay Lockett presented the case (see staff report and recording for detailed presentation.)

00:15:43 In response to a question from Commissioner Brown, Mr. Lockett said it was his understanding that Metro Transportation Planning has given preliminary approval of the plat. Beth Stuber, with Metro Transportation Planning, said that there will be no new access created; the lot/s will be accessed off an existing, recorded access easement. Commissioner Brown said it appears that the asphalt drive goes outside the easement. He expressed some concern about the width of the access and asked if the Fire Department had reviewed this. Mr. Lockett said the Eastwood Fire Department has approved the plat.

00:18:35 After some discussion, Mr. Lockett said the stamped plan does not show any comments from the Fire Department, and showed the stamped plan to the Commissioners.

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

James and Mary Jo Eberle, 17500 Turtle Creek Trail, Louisville, KY 40245

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

00:19:10 James Eberle, the applicant, said he is in the process of getting a new water line brought to the edge of his property. This has to be approved through the Louisville Water Company. He said that the residents back there want fire service. He said there is a large lake on his property which has a fire hydrant in it and can be accessed by fire trucks. Commissioner Carlson asked Mr. Eberle how far away he was from the nearest fire hydrant. Mr. Eberle said about a half mile. He wants a fire hydrant back there also.

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00:20:45        Commissioner Brown asked if the drive was 18-feet wide. Mr. Eberle said yes. Commissioner Brown asked that the applicant come back in two weeks after a surveyor confirms width and clearance of road and notes that on the plat.

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

No one spoke.

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

00:25:19        On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **CONTINUE** this case to the **October 3, 2018 DRC meeting** to allow the applicant time to have a representative [surveyor] confirm the width and clearance of the access road.

**The vote was as follows:**

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

**NOT PRESENT: Commissioners Tomes and Robinson.**

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**NEW BUSINESS**

**CASE NUMBER 18WAIVER1035**

Request: Waiver to not provide a sidewalk for the construction of a new single family home  
Project Name: Triplett Court Sidewalk  
Location: 2712 Triplett Court  
Owner: Christopher Johnston  
Applicant: Christopher Johnston  
Representative: Christopher Johnston  
Jurisdiction: Louisville Metro  
Council District: 12 – Rick Blackwell

**Case Manager: Jay Lockett, Planner I**

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

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

**Agency Testimony:**

00:25:58 Jay Lockett presented the case (see staff report and recording for detailed presentation.)

00:27:35 In response to a question from Commissioner Smith, Mr. Lockett said the property is not in a floodplain. He said aerial photographs seem to indicate possible drainage issues, particularly on the bigger lot next to the site.

00:28:23 Commissioner Carlson asked how many homes are along this street? Mr. Lockett said there are more than 20, and gave some more detail about the lot sizes and when the homes were platted out and built.

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

Chris Johnston, 2712 Triplett Court, Louisville, KY 40216

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

00:29:19 Christopher Johnston, the applicant, said he also owns the property next to the subject site which is showing water retention. This retention problem has been corrected. This was a drainage issue which has been fixed. He said the rear of the properties are in a local floodplain zone, but the frontages are not.

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

No one spoke.



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**The following spoke neither for nor against this request:**  
No one spoke.

**Deliberation:**

**00:30:10** The Commissioners concur that the proposal is justified.

**An audio/visual recording of the Planning Commission hearing 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**

**00:31:30** On a motion by Commissioner Brown, seconded by Commissioner Smith, 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 there are currently no existing sidewalks along either side of Triplett Ct going back to the preceding intersection; and

**WHEREAS**, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. Most of the lots on Triplett Ct are developed with single family homes, and there are no sidewalks. There is also very little sidewalk network on the nearest intersecting collector level roadway, Lower Hunters Trace; and

**WHEREAS**, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant, as all other provisions of the Land Development Code will be met on the subject site; and

**WHEREAS**, the Committee further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as they would be forced to construct an impractical sidewalk that would likely never connect to any useable pedestrian network; now, therefore be it

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**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver of Land Development Code section 5.8.1.B to not construct a sidewalk for a new single family home.

**The vote was as follows:**

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

**NOT PRESENT: Commissioners Tomes and Robinson.**

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**NEW BUSINESS**

**CASE NUMBER 18DEVPLAN1128**

Request:	Revised Detailed District Development Plan with associated Waivers to construct a new two-story addition and expanded parking lot
Project Name:	New Level Construction
Location:	11515 Commonwealth Drive
Owner:	New Level Holdings LLC
Applicant:	New Level Holdings LLC
Representative:	Land Design & Development
Jurisdiction:	City of Jeffersontown
Council District:	20 – Stuart Benson
<b>Case Manager:</b>	<b>Dante St. Germain, Planner II</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:**

00:32:07 Dante St. Germain presented the case (see staff report and recording for detailed presentation.)

00:36:15 In response to a question from Commissioner Carlson, Ms. St. Germain clarified earlier statements about no existing Detailed District Development Plan binding elements on the property (see recording for detailed explanation.) She said that General Plan binding elements do apply.

00:37:55 In response to a question from Commissioner Brown, Ms. St. Germain said sidewalks are usually required but the City of Jeffersontown has agreed to accept a fee-in-lieu.

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

Sarah Beth Sammons, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

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

00:38:36 Sarah Beth Sammons, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

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

No one spoke.

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

No one spoke.

**Deliberation:**

**00:43:31** The Commissioners concurred that the proposal is justified.

**An audio/visual recording of the Planning Commission hearing 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:**

**Waiver #1** - from City of Jeffersontown Land Development Code section 10.2.4.B to allow a vehicular use area to encroach into the required property perimeter Landscape Buffer Area (LBA) along the north and west property lines.

**Waiver #2** - from City of Jeffersontown Land Development Code section 10.2.4.B to allow a utility easement to overlap the property perimeter LBA by more than 50% along the east property line.

**Waiver #3** - from City of Jeffersontown Land Development Code section 10.2.4.B to allow a retaining wall to encroach into the property perimeter LBA along the south property line, and a dumpster to encroach into the property perimeter LBA along the north property line.

**00:43:51** On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution, based on the Standard of Review and Staff Analysis, and testimony heard today, was adopted:

**(Waiver #1) WHEREAS**, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners as sufficient LBA is being maintained to adequately buffer the adjoining properties, with relatively small encroachments; and

**WHEREAS**, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. 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,

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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; and

**WHEREAS**, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the encroachment is relatively small and is the minimum encroachment necessary to allow access to the proposed dumpster and to allow adequate maneuvering space in the front of the property; and

**WHEREAS**, the Committee further finds that the strict application of the provisions of the regulation may deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant by reducing the amount of parking on the property below the amount required by the Land Development Code; and

**(Waiver #2) WHEREAS**, the Committee further finds that the waiver will not adversely affect adjacent property owners as the LBA is being maintained at an adequate width, with the overlap unlikely to be noticed by the adjacent property owners; and

**WHEREAS**, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 3, Policy 9 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 to mitigate 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 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. 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; and

**WHEREAS**, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the utility easement is existing and the overlap is required to allow adequate parking and maneuvering on the lot; and

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

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unnecessary hardship on the applicant by reducing the amount of maneuvering space below what is needed for safe access and circulation on the lot; and

**(Waiver #3) WHEREAS**, the Committee further finds that the waiver will not adversely affect adjacent property owners as sufficient LBA is being maintained to adequately buffer the adjoining properties, with relatively small encroachments; and

**WHEREAS**, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. 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; and

**WHEREAS**, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the encroachment is relatively small and is the minimum encroachment necessary to allow access to the proposed dumpster; and

**WHEREAS**, the Committee further finds that the strict application of the provisions of the regulation may deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant by requiring the dumpster to be located elsewhere on the property, which may reduce the amount of parking on the property below the amount required by the Land Development Code; now, therefore be it

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the City of Jeffersontown that the following Waivers from their Land Development Code be **APPROVED**:

**Waiver #1** - from City of Jeffersontown Land Development Code section 10.2.4.B to allow a vehicular use area to encroach into the required property perimeter Landscape Buffer Area (LBA) along the north and west property lines.

**Waiver #2** - from City of Jeffersontown Land Development Code section 10.2.4.B to allow a utility easement to overlap the property perimeter LBA by more than 50% along the east property line.

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**Waiver #3** - from City of Jeffersontown Land Development Code section 10.2.4.B to allow a retaining wall to encroach into the property perimeter LBA along the south property line, and a dumpster to encroach into the property perimeter LBA along the north property line.

**The vote was as follows:**

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

**NOT PRESENT: Commissioners Tomes and Robinson.**

**Revised Detailed District Development Plan**

**00:45:10** On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution, based on the Standard of Review and Staff Analysis, 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. The site is fully developed and no natural resources appear to exist on the site; and

**WHEREAS**, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided. Louisville Metro Public Works has provided preliminary approval of the plan. City of Jeffersontown Public Works will provide final review of the plan; and

**WHEREAS**, the Committee further finds that there are no open space requirements pertinent to the current proposal; and

**WHEREAS**, the Committee further finds 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 development will provide landscaping in compliance with the City of Jeffersontown Land Development Code; 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, with the exception of the requested waivers; now, therefore be it

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the City of Jeffersontown that the following Revised Detailed District Development Plan be **approved, SUBJECT to the following binding elements:**

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

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 Jeffersontown for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use or 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/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
7. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the September 19, 2018 Development Review Committee meeting.



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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.

**The vote was as follows:**

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

**NOT PRESENT: Commissioners Tomes and Robinson.**

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**CASE NUMBER 18DEVPLAN1129**

Request: Revised Detailed District Development Plan with associated Waiver to allow a new dumpster pad and enclosure  
Project Name: Brownsboro Road Plaza  
Location: 10000 Brownsboro Road  
Owner: Hogan Holdings 42 LLC  
Applicant: Hogan Holdings 42 LLC  
Representative: Land Design & Development  
Jurisdiction: Louisville Metro  
Council District: 17 – Glen Stuckel

**Case Manager: Dante St. Germain, 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:**

00:45:49 Dante St. Germain presented the case (see staff report and recording for detailed presentation.)

00:48:37 In response to a question from Commissioner Smith, Ms. St. Germain pointed out the location of the existing dumpster on the site plan.

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

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

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

00:49:20 Mike Hill, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.) He said the applicant has requested a second dumpster because there seems to be enough activity to warrant an additional disposal receptacle, particularly the restaurant uses.

00:56:29 Commissioner Carlson asked about how far away the dumpster would be from the soffit. He said a dumpster is not permitted within 10 feet from a combustible part of a building. Mr. Hill said the proposed location is less than 10 feet, and he will look in to that and see if it needs to be moved.

00:57:40 Commissioner Smith asked if the downspout is draining into the dumpster area. Mr. Hill said the applicant is aware that that could cause an issue, and that will be addressed.

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00:58:10 Commissioner Brown asked about the binding element which limits the hours that the dumpster can be emptied. It was agreed that the dumpster cannot be emptied between the hours of 10:00 p.m. through 6:00 a.m. per the LDC. After some discussion it was agreed to strike the binding element since this issue is already addressed by the LDC.

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

No one spoke.

**Deliberation:**

01:10:02 The Commissioners concurred that the proposal is justified.

**An audio/visual recording of the Planning Commission hearing 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**

01:02:08 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution, based on the Standard of Review and Staff Analysis 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 an existing privacy fence, existing trees and the proposed fence around the dumpster will screen the dumpster from view. The applicant has agreed to a binding element limiting the hours that the dumpster can be emptied to avoid causing a nuisance to the nearest adjacent property; and

**WHEREAS**, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. The waiver will not violate specific guidelines of Cornerstone 2020 as Cornerstone 2020 describes the Regional Center form as a development form that typically contains a mixture of high intensity uses including regional shopping, office, services, entertainment facilities and medium to high-density residential uses. Regional Centers are most appropriately located on or near major arterials, state or interstate highways. Development in Regional Centers should be compact. These guidelines are not violated because the proposed dumpster is compatible with the existing Regional Center development; and

**WHEREAS**, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as there is no other location on the property where the dumpster can be located without losing parking that would take the property's parking below the minimum allowed by the Land Development Code; and

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

**CASE NUMBER 18DEVPLAN1129**

**WHEREAS**, the Committee further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant by preventing the applicant from constructing a new dumpster, which is needed by the tenants of the building; now, therefore be it

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver from Land Development Code section 10.2.4.A to allow a dumpster to encroach into the required 25-foot property perimeter Landscape Buffer Area (LBA).

**The vote was as follows:**

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

**NOT PRESENT: Commissioners Tomes and Robinson.**

**Revised Detailed District Development Plan**

01:02:47 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution, based on the Standard of Review and Staff Analysis 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. The site is fully developed and no natural resources appear to exist on the site; and

**WHEREAS**, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided. Louisville Metro Public Works has provided preliminary approval of the plan; and

**WHEREAS**, the Committee further finds that there are no open space requirements pertinent to the current proposal; and

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

**WHEREAS**, the Committee further finds that the overall site design and land uses are compatible with the existing and future development of the area. The development provides a six-foot privacy fence between the structure and the adjacent residential development. The proposed dumpster will be adequately screened by an enclosure; 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, with the exception of a request variance and waiver; now, therefore be it

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**September 19, 2018**

**NEW BUSINESS**

**CASE NUMBER 18DEVPLAN1129**

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Revised Detailed District Development Plan, **ON CONDITION** that the Board of Zoning Adjustment approves the Variance to encroach into the non-residential setback, and **SUBJECT** to the following binding elements:

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission, except for land uses permitted in the established zoning district.
2. The only permitted freestanding sign shall be located as shown on the approved district development plan. The sign shall not exceed 60 square feet in area per side and six feet in height (seven feet in height if the elevation is lower than one foot below the right-of-way of Brownsboro Road). No sign shall have more than two sides.
3. No outdoor advertising signs (billboards), small freestanding (temporary) signs, pennants or banners shall be permitted on the site.
4. There shall be no outdoor storage on the site.
5. Outdoor lighting shall be directed down and away from surrounding residential properties.
6. The building exterior shall be faced with brick on all facades and be of the Williamsburg character.
7. Evergreen trees and a six foot tall solid wood fence shall be installed along the south property line to screen adjacent properties. Drainage shall be designed to accommodate the fence and plantings. Trees shall be planted a distance of 10 feet on center apart and shall be a minimum of 8 feet in height at time of planting.
8. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
  - a. The development plan must receive full construction approval from the Louisville Metro Department of Public Works and Transportation and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
9. A certificate of occupancy must be received from the appropriate code enforcement office prior

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**NEW BUSINESS**

**CASE NUMBER 18DEVPLAN1129**

to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.

10. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project, and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.

**The vote was as follows:**

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

**NOT PRESENT: Commissioners Tomes and Robinson.**

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

**CASE NUMBER 18WAIVER1037**

Request:	Design Waiver
Project Name:	Building Entrance
Location:	1630 Muhammad Ali Boulevard
Owner:	Portland Congregation of Jehovah's Witnesses
Applicant:	Portland Congregation of Jehovah's Witnesses
Representative:	Mark Madison, Milestone Design Group
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith

**Case Manager:**                    **Steve Hendrix, Planning Coordinator**

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

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

**Agency Testimony:**

01:03:53        Steve Hendrix presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

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

Mark Madison, Milestone Design Group, 108 Davenport Lane Suite 300, Louisville, KY 40223

Mike Rubino, 520 South Main Street, Akron, OH 44311

Victor Melgar, 1614 Union Turnpike, North Bergen, NJ 07047

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

01:08:02        Mark Madison, the applicant's representative, presented the applicant's case and other applicant's representatives (see recording for detailed presentation.)

01:10:12        Victor Melgar, an applicant's representative, presented further details about the applicant's case (see recording.)

01:12:42        Mike Rubino, the architect, said he was available to answer any questions about the building layout.

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

No one spoke.

**Deliberation:**

**01:14:40**        The Commissioners concur that the proposal is justified.

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**NEW BUSINESS**

**CASE NUMBER 18WAIVER1037**

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01:16:35 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution, based on the applicant's justification and the Standard of Review and Staff Analysis, was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners, since the development will have the same overall design as the existing church; and

**WHEREAS**, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020, since the other site design criteria such as building height, setbacks, wall animation and parking are being met; and

**WHEREAS**, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to provide relief to the applicant, since the other Land Development Code requirements will be met; and

**WHEREAS**, the Committee further finds that the strict application of the provisions of the regulations would create an unnecessary hardship on the applicant, since the floor plan of the church would have to be modified; now, therefore be it

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver of Land Development Code section 5.5.1.A.1.a. to **not** to have the principal building entrance facing the primary street.

**The vote was as follows:**

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

**NOT PRESENT: Commissioners Tomes and Robinson.**



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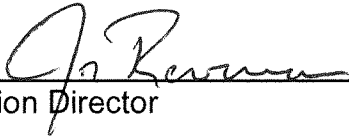
ADJOURNMENT

The meeting adjourned at approximately 2:15 p.m.



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Chairman



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Division Director

