

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE MEETING
JUNE 20, 2018**

A meeting of the Louisville Metro Development Review Committee was held on June 20, 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
Donald Robinson

Commissioners absent:

David Tomes, Chair
Emma Smith

Staff members present:

Emily Liu, Planning & Design Director
Julia Williams, Planning & Design Supervisor
Chris French, Planning & Design Supervisor
Beth Jones, Planner II
Dante St. Germain, Planner I
Jay Lockett, Planner I
Beth Stuber, Transportation Planning
Travis Fiechter, Legal Counsel
Kristen Padron, Management Assistant

The following matters were considered

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APPROVAL OF MINUTES

JUNE 6, 2018 DRC MEETING MINUTES

00:02:58 On a motion by Commissioner Brown, seconded by Commissioner Robinson, the following resolution was adopted:

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on June 6, 2018.

The vote was as follows:

YES: Brown, Robinson, and Carlson

NOT PRESENT: Tomes and Smith

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NEW BUSINESS

CASE NUMBER 18DEVPLAN1067

Project Name:	IBEW Parking Lot
Location:	4325 Preston Highway
Owner(s):	Local Union No 369 Electrical Workers
Applicant:	Qk4
Representative:	Ashley Bartley
Jurisdiction:	Louisville Metro
Council District:	21 – Vitalis Lanshima
Case Manager:	Dante St. Germain, 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:

00:03:52 Dante St. Germain discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Ashley Bartley, 1046 E. Chestnut Street, Louisville, KY 40204

Summary of testimony of those in favor:

00:06:56 Ashley Bartley spoke on behalf of the applicant and showed a presentation. The applicant is requesting approval of a revised detailed district development plan. She responded to questions from the Commissioners. Commissioner Brown raised concern that the proposed crosswalk would fall behind parking spaces. Ms. Bartley stated that they can work with Public Works during construction plan approval.

The following spoke in opposition to this request:

No one spoke.

Deliberation:

00:10:33 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.

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00:11:30 On a motion by Commissioner Brown, seconded by Commissioner Robinson, 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 LOJIC has not identified any hydric soils or steep slopes at this site. The site is located in a karst terrain area, but is currently developed. The proposal will increase the amount of tree canopy being provided on the site, and

WHEREAS, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan. Sidewalks along Preston Highway are being provided. The number and width of curb cuts to Preston Highway are being reduced, and

WHEREAS, the Committee further finds that there is no open space requirement with this plan and proposed landscaping will improve the character of the site, 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 proposal is an expansion of the existing parking lot to the north and north-west of the subject site, and

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

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the revised detailed district development plan, **SUBJECT** to the following binding elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No small freestanding signs, pennants, balloons, or banners shall be permitted on the site. No outdoor advertising signs shall be permitted, except for the outdoor advertising sign in place on June 20, 2018.

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3. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
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. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
 - c. The property owner/developer must obtain approval of a detailed plan for 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 reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
5. 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: Brown, Robinson, and Carlson

NOT PRESENT: Tomes and Smith

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NEW BUSINESS

CASE NUMBER 18DEVPLAN1074

Project Name:	Prestige Car Wash
Location:	10004 Brownsboro Rd
Owner(s):	All Points Realty, LLC.
Applicant:	Over the Top, LLC.
Jurisdiction:	Louisville Metro
Council District:	17 – Glen Stuckel
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:

00:12:36 Jay Lockett discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Mike Hill, 503 Washburn Avenue, Louisville, KY 40222
William Kaufman, 16201 Hermitage Ridge Court, Louisville, KY 40245
Kevin Young, 503 Washburn Avenue, Louisville, KY 40222

Summary of testimony of those in favor:

00:15:44 Mike Hill spoke on behalf of the applicant and showed a presentation. The applicant is requesting approval of a revised district development plan. He responded to questions from the Commissioners.

00:22:15 William Kaufman responded to questions from the Commissioners. He stated that the carwash doors will remain open during the warmer months and will open and close automatically during the colder months.

00:25:15 Kevin Young discussed landscape screening with the Commissioners. He stated that they are thinking about planting some faster-growing arborvitae trees in between the existing trees along the adjacent wood fence. He agreed that the hours of operation of 8:00 a.m. to 8:00 p.m. can be added as a binding element.

00:27:16 Mr. Hill discussed the noise levels that will be caused by the outdoor vacuum hoses. He stated these should not impact the neighbors.

The following spoke in opposition to this request:

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Genie Thompson, 10143 Spring Gate Drive, Louisville, KY 40241

Summary of testimony of those in opposition:

00:31:03 Genie Thompson lives in the property behind the subject site. She is concerned about the hours of operation and the noise level. Her home is elevated above the fence line in the back so that the trees do not block her view of the property. She stated that Ken Towery's is supposed to keep their garage doors closed, which they do not, and noise from their garage can be heard. Cars will be driving directly behind her fence.

Rebuttal:

00:37:00 Mr. Young spoke in rebuttal and stated that they are looking into quickly adding 16 to 19 arborvitae trees along the fence line; however, they will need time to grow. The newer vacuums will not cause as much noise disturbance as vacuums used in years past. The sound and lighting will meet ordinance requirements. Double lanes are being provided for heavy traffic days.

Deliberation:

00:43:34 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.

00:50:09 On a motion by Commissioner Brown, seconded by Commissioner Robinson, 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. Tree canopy requirements of the Land Development Code will be provided on the subject site, and

WHEREAS, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan, and

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

WHEREAS, the Committee further finds that The Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on

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the subject site in order to prevent drainage problems from occurring on the subject site or within the community, and

WHEREAS, the Committee further finds that the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks, and

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

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the revised district development plan **ON CONDITION** that the parking lot lighting does not exceed 12 ft. in height and that additional tree plantings are provided of 8 ft. arborvitae spaced 15 ft. on center and staggered along the existing tree line, **SUBJECT** to the following binding elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Signs shall be in accordance with Chapter 8.
3. 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.
4. 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 reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division

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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 minor subdivision plat shall be recorded creating the lot-lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
5. Evergreen trees shall be planted beside the rebuilt 8-foot solid wood privacy fence along the southern property line of the site to screen adjacent residential properties. The rebuilt privacy fence and required plantings shall be provided and maintained by the applicant thereafter. Drainage shall be designed to accommodate the privacy fence and plantings. The Planning Commission landscape architect will determine the actual spacing of the evergreen trees based on the species selected, with the maximum distance being 15 feet on center. The evergreen trees shall be a minimum height of 8 feet tall at the time of planting.
6. The applicant will commit to the uses presented on the development plan, and any C-1 uses. Any change in use to another C-2 use shall require a Planning Commission review.
7. The materials and design of the proposed structure shall be substantially the same as depicted in the renderings as presented at the June 20, 2018 Development Review Committee meeting.
8. Hours of operation shall be 8:00 a.m. to 8:00 p.m. seven days a week.

The vote was as follows:

YES: Brown, Robinson, and Carlson

NOT PRESENT: Tomes and Smith

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NEW BUSINESS

CASE NUMBER 18WAIVER1015

Project Name: Hooked on Frankfort
Location: 3202 Frankfort Avenue
Owner: Sonyajean Inc.
Applicant: EC Design
Jurisdiction: Louisville Metro
Council District: 9 – Bill Hollander
Case Manager: Beth Jones, AICP, Planner II

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

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

Agency Testimony:

00:52:43 Beth Jones discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Cliff Ashburner, 101 S. 5th Street, Suite 2500, Louisville, KY 40202

Summary of testimony of those in favor:

01:02:11 Cliff Ashburner spoke on behalf of the applicant and showed a presentation. The applicant is requesting approval of a parking waiver to reduce the required number of spaces for a sit-down restaurant from ten to five (LDC Table 9.1.2E).

The following spoke neither for nor against the request:

Linda Wilhelms, 274 Claremont Avenue, Louisville, KY 40206
Carol Spalding, 210 Blackburn Avenue, Louisville, KY 40206
Joe Spalding, 210 Blackburn Avenue, Louisville, KY 40206

Summary of testimony of those neither for nor against:

01:11:55 Linda Wilhelms lives in the neighborhood across the street from the subject site. She is not opposed to the expansion of business; she is concerned that the expansion will cause more street parking, which is already a problem. Speeding is also a problem along Frankfort Avenue. She stated it is very dangerous for pedestrians to use existing crosswalks, so another one would not be beneficial. She feels that police should enforce parking by issuing parking tickets to make the road safer.

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01:20:04 Carol Spalding stated that she fully concurs with Ms. Wilhelms. She feels that the speed limit should be lowered and enforced.

01:21:36 Joe Spalding agrees with previous comments.

The following spoke in opposition to this request:

No one spoke.

Deliberation:

01:22:50 The Commissioners acknowledge the concerns of the neighborhood, but do not feel it is the applicant's burden to improve Frankfort Avenue. This is something that Public Works, Councilman Hollander, and KYTC have been working on. They 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.

01:25:22 On a motion by Commissioner Brown, seconded by Commissioner Robinson, 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 since the existing parking is to remain and additional parking is available along Frankfort Avenue in the vicinity of the subject site that will not affect nearby residential uses, and

WHEREAS, the Committee further finds that Guideline 1 B.3: The proposed use is within a neighborhood center with a mixture of uses such as offices, retail shops, restaurants and services at a scale that is appropriate for nearby neighborhoods and is located on a major or minor arterial. Guideline 2 A.4: The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment. Guideline 3 A.4/5/6/7: The proposal does not constitute a non-residential expansion into an existing residential area. Guideline 5 A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, and

WHEREAS, the Committee further finds that the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant; now, therefore be it

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the parking waiver request to reduce the required number of spaces for a sit-down restaurant from ten to five (LDC Table 9.1.2E).

The vote was as follows:

YES: Brown, Robinson, and Carlson

NOT PRESENT: Tomes and Smith

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ADJOURNMENT

The meeting adjourned at approximately 2:30 p.m.

Chairman

Division Director