

**MINUTES OF THE MEETING
OF THE
DEVELOPMENT REVIEW COMMITTEE
March 28, 2018**

A meeting of the Development Review Committee was held on, March 28, 2018 at 1:00 p.m. in the Old Jail Building located at 514 W. Liberty Street, Louisville, Kentucky.

Committee Members present were:

Rich Carlson, Vice Chair
Emma Smith
Jeffrey Brown – Left at approximately 1:44 p.m.
Vince Jarboe

Committee Members absent were:

David Tomes, Chairman
Laura Ferguson

Staff Members present were:

Joe Reverman, Assistant Director
Brian Davis, AICP, Planning Manager
Laura Mattingly, AICP, Planner II
Joel Dock, Planner II
Ross Allen, Planner I
Jay Lockett, Planner I
Travis Fiechter, Legal Counsel
Beth Stuber, Transportation Supervisor
Pamela M. Brashear, Management Assistant

The following matters were considered:

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APPROVAL OF MINUTES

MARCH 14, 2018 DRC MEETING MINUTES

On a motion by Commissioner Brown, 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 March 14, 2018.

The vote was as follows:

YES: Commissioners Brown, Smith and Carlson

NOT PRESENT FOR THIS CASE: Commissioners Ferguson and Tomes

ABSTAINING: Commissioner Jarboe

DEVELOPMENT REVIEW COMMITTEE
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NEW BUSINESS

CASE NO. 18DEVPLAN1009

Request: *This case will be heard at the April 4, 2018 meeting of the DRC*
Revised Detailed District Development Plan
Project Name: 9310 Taylorsville Road
Location: 9310 Taylorsville Road
Owner: Otte Family Limited Partnership
Applicant: William Fowler
Representative: Nick Pregliasco, Bardenwerper, Talbott & Roberts, PLLC
Jurisdiction: Jefferstowntown
Council District: 11 – Kevin Kramer
Case Manager: Laura Mattingly, AICP, 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. 5th Street.)

Agency Testimony:

00:05:00 Ms. Mattingly stated this case has been noticed for the April 4, 2018 DRC meeting due to an issue with a binding element requirement for 2 tiers of adjoining property owners being properly noticed. They have now received notification for the April 4th 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.

NO VOTE

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NEW BUSINESS

CASE NO. 18DEVPLAN1024

Request: Revised Detailed District Development Plan
Project Name: Franklin Street Warehouse
Location: 1014 Franklin Street
Owner: Kablooey, LLC
Applicant: Andy Blieden, Kablooey, LLC
Representative: Greg Ehrhard, Stites & Harbison
Jurisdiction: Louisville Metro
Council District: 4 – Barbara Sexton Smith
Case Manager: Laura Mattingly, AICP, 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. 5th Street.)

Agency Testimony:

00:06:37 Ms. Mattingly discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Kelli Jones, 608 South 3rd Street, Louisville, Ky. 40202
Andy Blieden, 1075 Cherokee Road, Louisville, Ky. 40204

Summary of testimony of those in favor:

00:10:24 Ms. Jones gave a power point presentation. This area has mixed uses. There's a new tenant and the change of use has brought this case to DRC. There were changes made to the plan yesterday per Public Works. Shared parking is also being recorded today – 12 spaces.

00:18:38 Mr. Blieden stated he thinks he needs an easement or pay a bond for the bike rack being in the right-of-way. Commissioner Brown said it should just be a yearly fee.

Deliberation

00:20:47 Development Review Committee deliberation.

00:24:52 Beth Stuber, Public Works, stated she met with the applicant/representative and resolved the bike rack issue. "As far as the overhead door,

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CASE NO. 18DEVPLAN1024

we found it acceptable to have the 'No Parking' signs and not allow any parking there but since it is existing, does the committee want to continue to allow the use?" Commissioner Brown said it's a 12 foot alley and not much can fit there.

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.

Revised Detailed District Development Plan and Binding Elements

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

WHEREAS, LOJIC has not identified any significant natural resources on site. The site is already developed and there will not be any further disturbance of the site as this time; and

WHEREAS, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community appear to have been provided through the existing roadway connections and sidewalks; and

WHEREAS, there is no requirement for open space for this proposal; and

WHEREAS, the Metropolitan Sewer District must approve 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 Louisville Metro Development Review Committee finds the overall site design and land uses appear compatible with the existing and future development of the area. The structure already exists and parking is provided off-site where surrounding homes will not be impacted; and

WHEREAS, the Louisville Metro Development Review Committee further finds this development generally conforms to the Comprehensive Plan and Land Development Code due to the site's existing conditions and the proposed site improvements.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Revised Detailed District Development Plan along with the existing binding elements on pages 6 and 7 of the staff report based on the staff report and testimony heard today.

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CASE NO. 18DEVPLAN1024

Existing 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 to the use or of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, 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, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville 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 plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
5. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
6. 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

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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 audible beyond the property line.
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 Brown, Jarboe, Smith and Carlson

NOT PRESENT AND NOT VOTING: Commissioners Ferguson and Tomes

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NEW BUSINESS

CASE NO. 18WAIVER1008

Request: **This case will be continued to the April 18, 2018 DRC**
Scenic Corridor (General) Waiver to allow a proposed
Accessory Structure (Tennis Court) to encroach into the 50
foot required setback.

Project Name: 12400 Old Henry Road
Location: 12400 Old Henry Road
Owner: Mr. and Mrs. Douglas Michael
Applicant: Mr. and Mrs. Douglas Michael
Representative: Glenn Price – Frost Brown and Todd LLC.
Jurisdiction: Middletown
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. 5th Street.)

Agency Testimony:

00:27:36 Mr. Allen stated the applicant/representative has requested continuing this case to the April 18, 2018 DRC meeting. Notices were not sent to adjoining property owners.

Deliberation

00:29:00 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 Smith, the following resolution was adopted.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **CONTINUE** this case to the April 18, 2018 DRC meeting.

The vote was as follows:

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

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NEW BUSINESS

CASE NO. 18MOD1000

Request:	Modification of Binding Elements
Project Name:	Sullivan's Tap House
Location:	3929 Shelbyville Road
Owner:	Breeland Development Corporation
Applicant:	Matt Taylor
Representative:	Wyatt, Tarrant & Combs
Jurisdiction:	St Matthews
Council District:	9 – Bill Hollander
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. 5th Street.)

Agency Testimony:

00:29:58 Mr. Lockett discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Jon Baker, Wyatt, Tarrant and Combs, 500 West Jefferson Street, Suite 2800, Louisville, Ky. 40202

Summary of testimony of those in favor:

00:32:41 Mr. Baker stated Sullivan's Tap House would like to have events on the property as the previous tenant and others in the neighborhood have done. St. Matthews has denied a tent permit based on a binding element.

00:36:41 Mr. Fiechter said binding element 15 is unusual and needs to be removed if the applicant is in agreement. Mr. Lockett said it was added by the city of St. Matthews.

Deliberation

00:41:09 Development Review Committee deliberation.

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

WHEREAS, no changes to the exterior of the structure or site are proposed in this request; and

WHEREAS, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community were established during the review and approval of the district development plan for the site; and

WHEREAS, there are no open space requirements pertinent to the current proposal; and

WHEREAS, the Metropolitan Sewer District 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 Louisville Metro Development Review Committee finds the overall site design and land uses are compatible with the existing and future development of the area as established in the review and approval of the revised district development plan in case. The amendment to binding element will not create conflict with zoning regulations (parking, landscaping, or setback); and

WHEREAS, the Louisville Metro Development Review Committee further finds the site is located on a major arterial class road, and is surrounded by C-1 and C-2 sites that have similarly intense uses as the subject site. The request will not alter the general character of the area or allow for uses that are incompatible with the established uses in the area.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **RECOMMEND** that the city of St. Matthews **APPROVE** the modifications to the binding elements and consider the elimination of binding element 15 based on the staff report and testimony heard today.

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 and the City of St. Matthews, except for land uses permitted in the established zoning district.

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CASE NO. 18MOD1000

2. The development shall not exceed 7100 square feet of gross floor area for the building and 2,000 square feet of gross floor area for the patio.
3. The only permitted freestanding signs shall be, located as shown on the approved development plan. The freestanding signs shall not exceed 56 square feet in area per side and 20 feet in height. No sign shall have more than two sides.
4. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants balloons, or banners shall be permitted on the site.
5. ~~The use of the Property shall be limited to the C-1 Commercial Zoning classification, except for the 2,000 square foot patio located at the rear of the building on the C-2 Commercial District portion of the lot.~~
6. Subdivision of the property shall not occur without prior approval of the Planning Commission and approval by the City of St Matthews.
7. There shall be no outdoor storage on the site.
8. Other than during occasional outdoor events licensed by the City of St. Matthews, any outside speaker system shall be incapable of being audible beyond the property line.
9. To the extent that shared parking affects adjacent properties owned by Owner, these binding elements shall be deemed to bind such property, but only as to parking requirements.
10. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a. The development plan must receive full construction approval from the Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).
 - b. The size and location of any proposed freestanding sign must be approved by the Planning Commission. The Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

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11. If a building permit is not issued within one year of the date of approval of the plan, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission and the City of St. Matthews.
12. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission and the City of St Matthews.
13. 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.
14. The above binding elements may be amended as provided for in the Zoning District Regulations, upon approval of the City Council.
- ~~15. In the event that the 2000 square foot patio (deck) is removed, the binding elements affecting the property shall be only those that predate January 1, 1998.~~

The vote was as follows:

YES: Commissioners Brown, Jarboe, Smith and Carlson

NOT PRESENT AND NOT VOTING: Commissioners Ferguson and Tomes

DEVELOPMENT REVIEW COMMITTEE
March 28, 2018

NEW BUSINESS

CASE NO. 17DEVPLAN1127

Request:	Revised detailed district development plan, Category 3 development plan, landscape and site design waivers.
Project Name:	Hurstbourne Town Center
Location:	101 Whittington Parkway
Owner:	Viking Partners Hurstbourne
Applicant:	Viking Partners Hurstbourne
Representative:	Bardenwerper, Talbott & Roberts, PLLC
Jurisdiction:	City of Hurstbourne
Council District:	18 – Marilyn Parker
Case Manager:	Joel Dock, Planner II

NOTE: Commissioner Brown left and did not vote on this case.

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. 5th Street.)

Agency Testimony:

00:44:45 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Nick Pregliasco, Bardenwerper, Talbott and Roberts, PLLC, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223
Kevin Young, Land Design and Development, 503 Washburn Avenue, Louisville, Ky. 40222
Carl Goertemoeller, 4901 Hunt Road, Cincinnati, Ohio 45242

Summary of testimony of those in favor:

00:54:20 Mr. Pregliasco gave a power point presentation. This case has been worked on for 2 years with several different designs. There is no tenant yet. "The site was originally developed as a Suburban Retail Center that just didn't work. It's been almost an all asphalt jungle." "The current applicant has acquired the property and is looking to redevelop this and create something new and distinct."

01:03:10 Mr. Young is very familiar with the area and explained the existing situation. There are a couple of buildings sitting empty and there need to be businesses put in place that can thrive. It's more a Suburban Center than a Town Center. We're still working on a contract with the hotel, so there are no elevations at this time.

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NEW BUSINESS

CASE NO. 17DEVPLAN1127

00:00:00 Mr. Goertemoeller stated the site has development potential. The parallel parking will be removed from the plan per the city of Hurstbourne. The apartments will be top of the line and it will be a true mixed-use development.

Deliberation

00:00:00 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 Jarboe, seconded by Commissioner Smith, the following resolution was adopted.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **CONTINUE** this case to the April 5, 2018 Planning Commission meeting.

The vote was as follows:

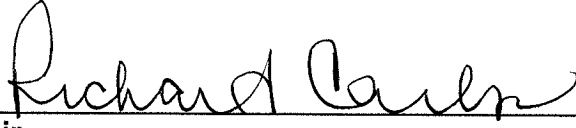
YES: Commissioners Jarboe, Smith and Carlson

NOT PRESENT AND NOT VOTING: Commissioners Brown, Ferguson and Tomes

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ADJOURNMENT

The meeting adjourned at approximately 2:56 p.m.



Chair

Vice



Planning Director