

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE MEETING
May 24, 2023**

A meeting of the Development Review Committee was held on May 24, 2023, at 1:00 p.m. in the Old Jail building court room, located at 514 West Liberty Street, Louisville, Kentucky 40202.

Committee Members present were:

Rich Carlson, Chair
Patti Clare, Vice Chair
Michelle Pennix
Jeff Brown
Bill Fischer

Committee Members absent were:

None

Staff Members present were:

Brian Davis, Assistant Director
Beth Stuber, Engineer Supervisor
Laura Ferguson, Assistant County Attorney
Mary Willis, Management Assistant
Katherine Groskreutz, Planning Coordinator
John Michael Lawler, Planner I
Jay Lockett, Planner II
Ethan Lett, Planner I
Dante St. Germain, Planner II

Others Present:

Joe Haberman
Tony Kelly

The following matters were considered:

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 24, 2023

APPROVAL OF MINUTES

May 10, 2023, DRC MEETING MINUTES

On a motion by Commissioner Pennix, seconded by Commissioner Fischer, the following resolution was adopted:

RESOLVED, that the Development Review Committee does hereby **APPROVE** the Minutes of its meeting conducted on May 10, 2023.

The vote was as follows:

YES: Commissioners Pennix, Fischer, and Carlson

ABSTAIN: Commissioner Brown and Clare

ABSENT: None

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 24, 2023

NEW BUSINESS

CASE NO. 23-WAIVER-0026

Request:	Waivers associated with a Category 2B plan for a proposed gas station and convenience store
Project Name:	Sethi Station
Location:	2124 W Market St
Owner:	Sethi Properties, LLC
Applicant:	Sethi Properties, LLC
Representative:	John Miller, Miller Wihry
Jurisdiction:	Louisville Metro
Council District:	5 – Donna Purvis
Case Manager:	John Michael Lawler, 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:

00:05:25 John Michael presented the case and produced a PowerPoint presentation (see staff report and recording for detailed presentation.)

00:07:32 Commissioner Brown asked if there was an updated staff report. Lawler stated the staff report was updated May 24th.

The following spoke in support of the proposal:

John Miller, 1387 S 4th St, Louisville, KY 40208

Summary of testimony of those in support:

00:08:41 John Miller spoke in support of the application.

00:10:17 Commissioner Brown asked about mitigating waivers 1&2. Miller stated they created a partial wall to help mitigate the pump area.

00:10:45 Commissioner Clare asked if there were new renderings or if the renderings stayed the same. Miller stated the renderings did not change.

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 24, 2023

NEW BUSINESS

CASE NO. 23-WAIVER-0026

The following spoke in opposition to the proposal:
None

Deliberation:
00:11:37 Commissioners' deliberation.

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

Waiver #1: Waiver from Land Development Code Section 5.5.1.A.3.a to allow parking in front of the principal structure and to not provide a 3' masonry, stone, or concrete wall adjacent to the streets (23-WAIVER-0026 & 23-WAIVER-0029).

Waiver #2: Waiver from Land Development Code Section 5.5.1.A.5 to allow a detached canopy for a gas station to be between the principal structure and the public street (23-WAIVER-0030).

Waiver #3: Waiver from Land Development Code Section 5.5.2.A.3.b to allow the applicant to not provide vehicular access to/from the alley (23-WAIVER-0031).

Waiver #5: Waiver from Land Development Code Section 10.2.10 to allow the applicant to not provide ILA within the vehicle use area (23-WAIVER-0027).

Waiver #6: Waiver from Land Development Code Section 10.2.10 to allow encroachment into the required LBA (23-WAIVER-0028).

00:15:05 On a motion by Commissioner Pennix, seconded by Commissioner Fischer, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, May 10th & April 19th were adopted:

(Waiver #1) WHEREAS: The waiver will not adversely affect adjacent property owners. The front parking will be adequately mitigated through required buffering. The proposed masonry wall adds to the site's aesthetic appeal and allows for proper separation of the pedestrian areas along the rights-of-way with the vehicle use area on the site.

WHEREAS: Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 24, 2023

NEW BUSINESS

CASE NO. 23-WAIVER-0026

Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. Community Form Goal 1, Policy 12 calls for the proposal to Design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Encourage the placement of parking lots and garage doors behind or beside the building rather than facing the street. The use of alleys for access to parking lots is encouraged, especially in Downtown Louisville, Urban Center Neighborhoods, Traditional Neighborhoods and Traditional Marketplace Corridors. Encourage elimination or reduction of parking minimums in areas readily accessible to transit routes. Community Form Goal 2, Policy 11 calls for ensuring appropriate placement, design and scale of centers in Traditional Neighborhood, Neighborhood and Village Form Districts to ensure compatibility with nearby residences. Community Form Goal 2, Policy 15 calls for parking in activity centers should reflect the area's associated Form District standards to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations. The proposal meets each of these guidelines as the parking will not adversely affect adjacent property owners or the safe and efficient movement of pedestrians or vehicles. Proposed landscaping buffers and masonry walls as shown on the applicant's development plan will provide sufficient buffering of the parking from the roadway. The parking will also be buffered from adjoining residential properties by the proposed building and landscape buffer areas.

WHEREAS: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since there are physical constraints preventing compliance with the regulations to be waived. With three frontages along rights-of-way, the site constrains where buildings, structures, and vehicular use area may be placed.

WHEREAS: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant because of the constraints on the site, imposed by fronting three rights-of-way, that prevent compliance with this part.

(Waiver #2) WHEREAS: The waiver will not adversely affect adjacent property owners since the canopy being provided in front of the building will be screened from adjacent residential uses by the proposed convenience store, and through the use of landscape buffer areas. The proposed masonry wall also helps separate the canopy and related vehicle use area from the roadway.

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 24, 2023

NEW BUSINESS

CASE NO. 23-WAIVER-0026

WHEREAS: Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. Community Form Goal 1, Policy 12 calls for the proposal to Design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Encourage the placement of parking lots and garage doors behind or beside the building rather than facing the street. The use of alleys for access to parking lots is encouraged, especially in Downtown Louisville, Urban Center Neighborhoods, Traditional Neighborhoods and Traditional Marketplace Corridors. Encourage elimination or reduction of parking minimums in areas readily accessible to transit routes. Community Form Goal 2, Policy 11 calls for ensuring appropriate placement, design and scale of centers in Traditional Neighborhood, Neighborhood and Village Form Districts to ensure compatibility with nearby residences. Community Form Goal 2, Policy 15 calls for parking in activity centers should reflect the area's associated Form District standards to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations. The gas canopy being in front of the proposed structure allows for the most safe and efficient movement of vehicles and related traffic through the site, including fueling trucks.

WHEREAS: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since there are physical constraints related to having three frontages along rightsof-way preventing compliance with the regulations to be waived.

WHEREAS: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because of the physical constraints on the site imposed by having three frontages along rightsof-way.

(Waiver #3) WHEREAS: The waiver will not adversely affect adjacent property owners as safe and efficient access to the site will be provided for all forms of transportation.

WHEREAS: Community Form Goal 1, Policy 12 calls for the proposal to Design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking,

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 24, 2023

NEW BUSINESS

CASE NO. 23-WAIVER-0026

loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Encourage the placement of parking lots and garage doors behind or beside the building rather than facing the street. The use of alleys for access to parking lots is encouraged, especially in Downtown Louisville, Urban Center Neighborhoods, Traditional Neighborhoods and Traditional Marketplace Corridors. Encourage elimination or reduction of parking minimums in areas readily accessible to transit routes. Community Form Goal 2, Policy 14 calls to encourage adjacent development sites to share entrance and parking facilities in order to reduce the number of curb cuts and the amount of surface parking. There are physical constraints on the site that would not allow access to be taken off the alley. This is a unique lot with three frontages along rights-of-way. Transportation also expressed concern over this site having primary access from the alley. Fueling trucks require large turning radii.

WHEREAS: The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since there are physical constraints preventing compliance with the regulations to be waived.

WHEREAS: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant since the proposed development cannot be built on the site while complying with the requirements requested to be waived. There are unique challenges presented by the three frontages that this lot has along public rights-of-way.

(Waiver #5) WHEREAS: The waiver will not adversely affect adjacent property owners as the applicant is providing interior landscaping areas within their VUA. All other landscape buffering will be provided, and this site has physical constraints due to having three frontages along public rights-of-way that limit where structures and VUA can be placed.

WHEREAS: Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. Community Form Goal 1, Policy 9 calls to ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements.

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 24, 2023

NEW BUSINESS

CASE NO. 23-WAIVER-0026

Community Form Goal 1, Policy 20 calls to mitigate adverse visual intrusions when there are impacts to residential areas, roadway corridors, and public spaces. Economic Development goal 2 policy 3 calls to Encourage design elements that address the urban heat island effect and energy efficiency, such as the planting and preservation of trees, cool roofs and green infrastructure, for new development. The ILA currently proposed by the applicant will help curb the urban heat island effect, while helping to minimize visual intrusions into the roadway and the adjacent residential properties. The ILA provided will not meet the minimum requirements, but the intent of the guidelines is being met on a site with several physical constraints by providing landscaping and a partial masonry wall.

WHEREAS: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since they have significant physical constraints imposed by their frontage along three public rights-of-way.

WHEREAS: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant since the proposed development cannot be built on the site while complying with the requirements requested to be waived.

(Waiver #6) WHEREAS: The waiver will not adversely affect adjacent property owners as the landscape buffer area will only have a small intrusion for the purpose of installing a bike rack and the landscape requirements will still be met.

WHEREAS: Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. Community Form Goal 1, Policy 9 calls to ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements. Community Form Goal 1, Policy 10 calls to mitigate the impacts caused when incompatible developments unavoidably occur adjacent to one another. Buffers should be used between uses that are substantially different in intensity or density. Buffers should be variable in design and may include landscaping, vegetative berms and/or walls and should 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. Residential uses that develop adjacent to agricultural land uses may be required to provide

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 24, 2023

NEW BUSINESS

CASE NO. 23-WAIVER-0026

screening and buffering to protect both the farmer and homeowners. Community Form Goal 1, Policy 12 calls for the proposal to Design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Encourage the placement of parking lots and garage doors behind or beside the building rather than facing the street. The use of alleys for access to parking lots is encouraged, especially in Downtown Louisville, Urban Center Neighborhoods, Traditional Neighborhoods and Traditional Marketplace Corridors. Encourage elimination or reduction of parking minimums in areas readily accessible to transit routes. Community Form Goal 1, Policy 20 calls to mitigate adverse visual intrusions when there are impacts to residential areas, roadway corridors, and public spaces. Economic Development goal 2 policy 3 calls to Encourage design elements that address the urban heat island effect and energy efficiency, such as the planting and preservation of trees, cool roofs and green infrastructure, for new development. The waiver of this requirement for the bike rack is justified as it enables the site to be used by multiple types of transportation with only minimal intrusion into the LBA.

WHEREAS: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the landscape buffer areas can still be provided along 93% of the remaining boundary.

WHEREAS: The applicant has not incorporated other design measures that exceed the minimums of the district to compensate for non-compliance with the requirements to be waived. However, the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant since the intrusion is for critical infrastructure and the result of physical constraints related to having three frontages along public rights-of-way.

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the request Waiver #1 from LDC Section 5.5.1.A.3.a to allow parking in front of the principal structure and to not provide a 3' masonry, stone, or concrete wall adjacent to the streets (23-WAIVER-0026 & 23-WAIVER-0029), Waiver #2 from LDC Section 5.5.1.A.5 to allow a detached canopy for a gas station to be between the principal structure and the public street (23-WAIVER-0030), Waiver #3 from LDC Section 5.5.2.A.3.b to allow the applicant to not provide vehicular access to/from the alley (23-WAIVER-0031), Waiver #5 from LDC Section 10.2.10 to allow the applicant to

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 24, 2023

NEW BUSINESS

CASE NO. 23-WAIVER-0026

not provide ILA within the vehicle use area (23-WAIVER-0027), Waiver #6 from LDC Section 10.2.10 to allow encroachment into the required LBA (23-WAIVER-0028).

The vote was as follows:

YES: Commissioners Pennix, Fischer, and Carlson.

ABSTAIN: Commissioner Brown and Clare

ABSENT: None

Waiver #4: Waiver from Land Development Code Section 5.6.1.C.1 to allow a commercial establishment to not have 50% of wall surfaces at street level consisting of clear windows and doors (23-WAIVER-0032).

00:17:17 On a motion by Commissioner Pennix, seconded by Commissioner Fischer, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, May 10th & April 19th were adopted:

WHEREAS: The extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant since there are no physical constraints preventing compliance with the regulations to be waived. The windows can be provided if the applicant changed the interior layout of the structure.

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the request Waiver #4 from LDC Section 5.6.1.C.1 to allow a commercial establishment to not have 50% of wall surfaces at street level consisting of clear windows and doors (23-WAIVER-0032). Due to there not being a unanimous vote. The case will be **CONTINUED** to the May 25th, 2023, PC hearing.

The vote was as follows:

YES: Commissioners Pennix and Fischer

ABSTAIN: Commissioner Brown and Clare

NO: Commissioner Carlson

ABSENT: None

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 24, 2023

NEW BUSINESS

CASE NO. 23-EXTENSION-0006

Request:	Second Extension of Expiration Date
Project Name:	Covington by the Park
Location:	4501 Taylorsville Lake Road, 15400 Taylorsville Road, 4200, 4201 & 4111 Yellow Brick Road
Owner:	Long Run Creek Property Dev
Applicant:	Long Run Creek Property Dev
Representative:	Bardenwerper, Talbott & Roberts
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson
Case Manager:	Dante St. Germain, AICP, Planner II

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

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

Agency Testimony:

00:20:33 Dante St. Germain presented the case and produced a PowerPoint presentation (see staff report and recording for detailed presentation.)

The following spoke in support of the proposal:

Nick Pregliasco, Bardenwerper, Talbott & Roberts, 1000 N. Hurstbourne Parkway, Louisville, KY 40223

Summary of testimony of those in support:

00:22:54 Nick Pregliasco spoke in support of the application and presented a PowerPoint presentation (see video)

00:27:05 Commissioner Brown asked if a traffic impact statement was updated. Pregliasco mentioned the prior traffic study could still be used for reference.

00:28:11 Commissioner Fischer inquired about the Future Fund. Pregliasco stated the RR property was transferred to Future Fund.

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 24, 2023

NEW BUSINESS

CASE NO. 23-EXTENSION-0006

00:28:55 Commissioner Carlson asked if the two-year time frame would be enough time for MSD to complete the process. Presliasco stated he doesn't know the exact time frame it would take for MSD to complete the project.

The following spoke in opposition to the proposal:

Steve Porter, 2406 Tucker Station Rd, Louisville, KY 40299

Jeff Frank, Friends of Floyds Fork, 16509 Bradise Rd, Fisherville, KY 40023

Mike Farmer, 15100 Old Axcorsville Rd, Fisherville, KY 40023

Bert Stocker, 16313 Crooked Ln, Fisherville, KY 40023

Summary of testimony of those in opposition:

00:31:39 Steve Porter spoke in opposition of the application. Porter spoke on behalf of the Fisherville Neighborhood Association; Fisherville Neighborhood Association would like to know if the property is going to follow the 2018 guidelines or 2023 guidelines.

00:34:40 Jeff Frank spoke in opposition of the application and presented a PowerPoint presentation. Frank expressed ten reasons why the extension shouldn't be renewed.

00:43:50 Mike Farmer spoke in opposition of the application.

00:46:39 Bert Stocker spoke in opposition of the application.

00:48:57 Tony Kelly elaborated on the case.

Rebuttal

00:50:18 Nick Pregliasco stated R4 is the section that holds the conservation plan, and the RR was transferred to the Future Fund. The request for the extension is needed so that a new plan does not have to be created.

Deliberation:

00:53:27 Commissioners' deliberation.

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 24, 2023

NEW BUSINESS

CASE NO. 23-EXTENSION-0006

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.

00:58:36 On a motion by Commissioner Brown, seconded by Commissioner Pennix, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

RESOLVED, that the Development Review Committee does hereby **DENY** the requested extension of expiration date because the need of change in character, the area and additional documentation would need to be updated to fulfill some of the requirements by the reviewing agencies, also due to there not being a unanimous vote. The case will be **CONTINUED** to the June 15th, 2023, PC hearing.

The vote was as follows:

YES: Commissioners Pennix, Brown, and Carlson.

NO: Fischer and Clare

ABSTAIN: None

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 24, 2023

NEW BUSINESS

CASE NUMBER 23-CAT3-0001

Request:	Review of a Category 3 Development Plan and associated Wavier from Land Development Code section 5.5.1.A.3.b
Project Name:	NuLu Crossing
Location:	700 E. Main St.
Owner:	NuLu Central Station, LLC
Applicant:	Martin Prus, Zygo
Representative:	Ann Richard, LD&D Inc.
Jurisdiction:	Louisville Metro
Council District:	4 – Jecorey Arthur
Case Manager:	Kat Groskreutz, Planning & Design 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:

01:01:37 Kat Groskreutz presented the case and produced a Power Point presentation (see staff report and recording for detailed presentation.)

01:06:35 Commissioner Clare asked if the Overlay district approval provided any conditions and if any of the conditions pertain to the south facade. Groskreutz mentioned the district did provide conditions and public art would be provided for the south, alley facing façade but that all Overlay approval conditions were design based.

01:08:11 Commissioner Brown inquired about the opening of the parking area due to ventilation requirements and how the trash would be collected. Groskreutz confirmed the parking area would be open for ventilation and the trash has the capability to roll out.

The following spoke in support of the proposal:

Ann Richard, Land Design & Development, 503 Washburn Ave, Louisville, KY 40222

Moseley Putney, Putney Architecture, 552 E Market St, Louisville, KY 40206

Nick Campisano, 552 E Market St, Louisville, KY 40206

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 24, 2023

NEW BUSINESS

CASE NUMBER 23-CAT3-0001

Summary of testimony of those in support:

01:08:58 Ann Richards spoke in support of the application and presented a PowerPoint presentation (see video).

01:17:32 Moseley Putney spoke in support of the application. Putney elaborated on the development and described what would be included in the project.

01:20:12 Commissioner Clare asked if lighting would be provided in the alley. Putney stated lighting would be provided.

01:21:34 Commissioner Brown inquired about trash pickup. Putney stated that all trash would be in a common area of the parking deck and can be reached by the trash company.

01:22:22 Nick Campisano spoke in support of the application. Campisano elaborated on the development and what the project would bring to Louisville.

The following spoke in opposition:

None

Deliberation:

01:27:45 Commissioners' deliberation.

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

Waiver of Land Development Code section 5.5.1.A.3.b to not provide vehicular and pedestrian access from an alley.

01:28:52 On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS: The waiver will not adversely affect adjacent property owners. The affected properties will maintain their existing access along Billy Goat Strut Alley.

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 24, 2023

NEW BUSINESS

CASE NUMBER 23-CAT3-0001

WHEREAS: The waiver will not violate specific guidelines of Plan 2040 as safe vehicular and pedestrian circulation are provided for in and around the site. The waiver would facilitate the redevelopment of a previously developed industrial site with a new mixed-use building in an area with adequate population to support a variety of uses

WHEREAS: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as Billy Goat Strut Alley is too narrow to facilitate adequate vehicular and truck maneuverability. The site occupies half of a block and is bordered by three streets in addition to the alley. Vehicular and pedestrian access is proposed on the three streets adjacent to the site. Other aspects of the Land Development Code have been met.

WHEREAS: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as the alley is too narrow to facilitate adequate vehicular and truck maneuverability. Adequate access can be met from the three streets.

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver of Land Development Code section 5.5.1.A.3.b to not provide vehicular and pedestrian access from an alley.

The vote was as follows:

YES: Commissioners Pennix, Fischer, Brown, Clare, and Carlson.

ABSENT: None

ABSTAIN: None

Category 3 Development Plan

01:28:52 On a motion by Commissioner Brown, seconded by Commissioner Fischer, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Category 3 Development Plan.

The vote was as follows:

YES: Commissioners Pennix, Fischer, Brown, Clare, and Carlson.

ABSENT: None

ABSTAIN: None

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 24, 2023

NEW BUSINESS

CASE NUMBER 23-DDP-0013

Request:	Detailed District Development Plan with Binding Elements
Project Name:	Jefferson Green Child Care Center
Location:	Parcel ID 064203250000
Owner:	LDG Development LLC
Applicant:	LDG Development LLC
Representative:	Heritage Engineering
Jurisdiction:	Louisville Metro
Council District:	24 – Madonna Flood
Case Manager:	Dante St. Germain, AICP, Planner II

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

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

Agency Testimony:

01:30:24 Dante St. Germain presented the case and produced a Power Point presentation (see staff report and recording for detailed presentation.)

01:34:00 Commissioner Carlson questioned the access to the daycare from the surrounding apartments. St. Germain mentioned residents would have access by vehicle but not for walking access, the applicant could give more information.

The following spoke in support of the proposal:

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

Christie Leaner-Robinson, LDG Development, 545 S 3rd St, Louisville, KY 40222

Summary of testimony of those in support:

01:35:22 John Campbell spoke in support of the application and presented a PowerPoint presentation (see video).

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 24, 2023

NEW BUSINESS

CASE NUMBER 23-DDP-0013

01:40:55 Christie Leaner-Robinson spoke in support of the application. Leaner-Robinson elaborated on the partnership between Bezos Academy and LDG Partnership.

01:44:07 John Campbell continued his presentation.

01:44:22 Commissioner Brown asked about the extra access easement. Campbell stated the access area would be for small deliveries.

**The following spoke in opposition to the proposal:
None**

Deliberation:

01:45:01 Commissioners' deliberation.

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

Detailed District Development Plan and Binding Elements

01:45:16 On a motion by Commissioner Brown, seconded by Commissioner Pennix, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS: No natural resources are evident on the site. The site has been cleared and has been used as a construction staging area.

WHEREAS: 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.

WHEREAS: No open space provisions are relevant to the proposal.

WHEREAS: 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.

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 24, 2023

NEW BUSINESS

CASE NUMBER 23-DDP-0013

WHEREAS: The overall site design and land uses would be compatible with the existing and future development of the area. The site was always intended to be a commercial outlot outside the apartment complex

WHEREAS: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

RESOLVED the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Revised Detailed District Development Plan, **SUBJECT** to the following Binding Elements:

General Plan Binding Elements (to remain)

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. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.
3. 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. 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.
5. 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 Louisville Metro Department of Public Works and the Metropolitan Sewer District
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 24, 2023

NEW BUSINESS

CASE NUMBER 23-DDP-0013

- c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A 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.
 - e. 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.
 - f. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
6. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
 7. 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.
 8. The property owner shall provide a cross over access easement if the property to the north or east, as shown on the development plan, is ever developed. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.
 9. The materials and design of proposed structures shall be substantially the same as depicted in the photos/rendering as presented at the December 5th, 2013, Planning Commission public hearing.
 10. The property owner shall provide an access easement for the flagpole lot between the properties addressed 1251 and 1257 McCawley Road as shown on the development

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 24, 2023

NEW BUSINESS

CASE NUMBER 23-DDP-0013

plan. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.

11. Any blasting on the property shall be performed by a certified and bonded blasting contractor after a pre-blast survey of the surrounding residential areas has been conducted and evaluated. At a minimum, pre-blast surveys shall be conducted on all residential properties that are first and second tier to the portion of the subject property being rezoned. Upon request, a copy of the pre-blast survey, including any photographs and videotapes, shall be provided to the property owner of properties that are surveyed. Additionally, a blasting schedule shall be provided to the owners of all properties that are surveyed, and to anyone else who requests one.

Proposed Detailed Plan 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 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 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 certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the May 24, 2023, DRC meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 24, 2023

NEW BUSINESS

CASE NUMBER 23-DDP-0013

5. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
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 implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
7. 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 Pennix, Fischer, Brown, Clare, and Carlson

ABSENT: None

ABSTAIN: None

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 24, 2023

NEW BUSINESS

CASE NUMBER 23-DDP-0012

Request: Amendment to the General Plan Binding Elements with a Detailed District Development Plan
Project Name: Blankenbaker Distribution Center West
Location: 2910 Blankenbaker Rd
Owner: Mills Properties Jefferson LLC
Applicant: Stanley Lichtefeld
Jurisdiction: Louisville Metro/Coty of Jeffersontown
Council District: 11 – Kevin Kramer
Case Manager: Ethan Lett, Planner I

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

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

Agency Testimony:

01:46:12 Ethan Lett presented the case and produced a Power Point presentation (see staff report and recording for detailed presentation.)

The following spoke in support of the proposal:

Alex Rosenberg, AL Engineering Inc, 13000 Middletown Industrial Blvd, Louisville, KY 40223

Summary of testimony of those in support:

01:49:46 Alex Rosenberg spoke in support if the application and presented a PowerPoint presentation (see video).

The following spoke in opposition to the proposal:

None

Deliberation:

01:52:47 Commissioners' deliberation

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 24, 2023

NEW BUSINESS

CASE NUMBER 23-DDP-0012

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.

Amendment to the General Plan Binding Elements

01:53:45 On a motion by Commissioner Pennix, seconded by Commissioner Fischer, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS: 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.

WHEREAS: 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.

WHEREAS: There are no open space requirements pertinent to the current proposal. Future multifamily development proposed on the subject site will be required to meet Land Development Code requirements.

WHEREAS: 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.

WHEREAS: 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. Preserved tree canopy provides additional screening and buffering between lower intensity uses. Buildings and parking lots will meet all required setbacks.

WHEREAS: The proposed development is located in a major employment center characterized by established industrial subdivisions and uses of similar intensity. The area has established infrastructure and transportation facilities that will serve the subject site and provide appropriate connectivity to nearby arterial streets. Setbacks, buffering and landscaping will minimize negative impacts of activity on abutting properties with lower intensity land uses. For these reasons, the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 24, 2023

NEW BUSINESS

CASE NUMBER 23-DDP-0012

RESOLVED the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Amendment to the General Plan Binding Elements, **SUBJECT** to the following Binding Elements:

Proposed Detailed District Development Plan Binding Elements

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 and Zoning District Regulations. 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, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works, the Metropolitan Sewer District, and the City of Jeffersontown (10416 Watterson Trail).
 - b. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - 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.

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 24, 2023

NEW BUSINESS

CASE NUMBER 23-DDP-0012

- d. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the May 24, 2023 DRC meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
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 and the City of Jefferson
6. 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.
7. No overnight idling of trucks shall be permitted on-site.
8. The size and location of any proposed freestanding sign must be in compliance with the City of Jeffersontown Sign Ordinance.
9. Any area proposed to be used for outdoor sales, display or storage in accordance with Section 4.4.8 shall be accurately delineated on the development plan.
10. Outdoor lighting (for parking lot illumination and security) shall meet the requirements of Section 4.1.3 of the Land Development Code.
11. If a building permit is not issued within two years 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 Jeffersontown.
12. All off-street parking areas shall be permanently and continually maintained in good condition and free from potholes, weeds, dirt, trash and other debris.

The vote was as follows:

YES: Commissioners Pennix, Fischer, Clare, and Carlson.

ABSENT: Commissioner Brown

ABSTAIN: None

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 24, 2023

NEW BUSINESS

CASE NUMBER 23-DDP-0012

Amendment to the General Plan Binding Elements

01:54:21 On a motion by Commissioner Pennix, seconded by Commissioner Fischer, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS: 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.

WHEREAS: 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.

WHEREAS: There are no open space requirements pertinent to the current proposal. Future multifamily development proposed on the subject site will be required to meet Land Development Code requirements.

WHEREAS: 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.

WHEREAS: 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. Preserved tree canopy provides additional screening and buffering between lower intensity uses. Buildings and parking lots will meet all required setbacks.

WHEREAS: The proposed development is located in a major employment center characterized by established industrial subdivisions and uses of similar intensity. The area has established infrastructure and transportation facilities that will serve the subject site and provide appropriate connectivity to nearby arterial streets. Setbacks, buffering and landscaping will minimize negative impacts of activity on abutting properties with lower intensity land uses. For these reasons, the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

WHEREAS: The proposed development is located in a major employment center characterized by established industrial subdivisions and uses of similar intensity. The area has established infrastructure and transportation facilities that will serve the subject

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 24, 2023

NEW BUSINESS

CASE NUMBER 23-DDP-0012

site and provide appropriate connectivity to nearby arterial streets. Setbacks, buffering and landscaping will minimize negative impacts of activity on abutting properties with lower intensity land uses. For these reasons, the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

RESOLVED the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the city of Jeffersontown that the requested Amendment to the General Plan Binding Elements be **APPROVED, SUBJECT** to the following Binding Elements:

Proposed Detailed District Development Plan Binding Elements

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 and Zoning District Regulations. 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, site disturbance, alteration permit or demolition permit) is requested:
 - e. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works, the Metropolitan Sewer District, and the City of Jeffersontown (10416 Watterson Trail).
 - f. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 24, 2023

NEW BUSINESS

CASE NUMBER 23-DDP-0012

- g. 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.
 - h. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the May 24, 2023 DRC meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
- 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 and the City of Jefferson
- 6. 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.
- 7. No overnight idling of trucks shall be permitted on-site.
- 8. The size and location of any proposed freestanding sign must be in compliance with the City of Jeffersontown Sign Ordinance.
- 9. Any area proposed to be used for outdoor sales, display or storage in accordance with Section 4.4.8 shall be accurately delineated on the development plan.
- 10. Outdoor lighting (for parking lot illumination and security) shall meet the requirements of Section 4.1.3 of the Land Development Code.
- 11. If a building permit is not issued within two years 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 Jeffersontown.
- 12. All off-street parking areas shall be permanently and continually maintained in good condition and free from potholes, weeds, dirt, trash and other debris.

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 24, 2023

NEW BUSINESS

CASE NUMBER 23-DDP-0012

The vote was as follows:

YES: Commissioners Pennix, Fischer, Clare, and Carlson.

ABSENT: Commissioner Brown

ABSTAIN: None

Detailed District Development plan

WHEREAS: 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.

WHEREAS: 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.

WHEREAS: There are no open space requirements pertinent to the current proposal. Future multi-family development proposed on the subject site will be required to meet Land Development Code requirements.

WHEREAS: 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.

WHEREAS: 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. Preserved tree canopy provides additional screening and buffering between lower intensity uses. Buildings and parking lots will meet all required setbacks.

WHEREAS: The proposed development is located in a major employment center characterized by established industrial subdivisions and uses of similar intensity. The area has established infrastructure and transportation facilities that will serve the subject site and provide appropriate connectivity to nearby arterial streets. Setbacks, buffering and landscaping will minimize negative impacts of activity on abutting properties with lower intensity land uses. For these reasons, the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 24, 2023

NEW BUSINESS

CASE NUMBER 23-DDP-0012

01:54:55 On a motion by Commissioner Pennix, seconded by Commissioner Fischer, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted

RESOLVED the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Detailed District Development plan, **SUBJECT** to the following Binding Elements:

Proposed Detailed District Development Plan Binding Elements

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 and Zoning District Regulations. 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, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works, the Metropolitan Sewer District, and the City of Jeffersontown (10416 Watterson Trail).
 - b. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 24, 2023

NEW BUSINESS

CASE NUMBER 23-DDP-0012

- c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the May 24, 2023 DRC meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
- 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 and the City of Jefferson
- 6. 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.
- 7. No overnight idling of trucks shall be permitted on-site.
- 8. The size and location of any proposed freestanding sign must be in compliance with the City of Jeffersontown Sign Ordinance.
- 9. Any area proposed to be used for outdoor sales, display or storage in accordance with Section 4.4.8 shall be accurately delineated on the development plan.
- 10. Outdoor lighting (for parking lot illumination and security) shall meet the requirements of Section 4.1.3 of the Land Development Code.
- 11. If a building permit is not issued within two years 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 Jeffersontown.
- 12. All off-street parking areas shall be permanently and continually maintained in good condition and free from potholes, weeds, dirt, trash and other debris.

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 24, 2023

NEW BUSINESS

CASE NUMBER 23-DDP-0012

The vote was as follows:

YES: Commissioners Pennix, Fischer, Clare, and Carlson.

ABSENT: Commissioner Brown

ABSTAIN: None

Detailed District Development Plan

WHEREAS: 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.

WHEREAS: 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.

WHEREAS: There are no open space requirements pertinent to the current proposal. Future multi-family development proposed on the subject site will be required to meet Land Development Code requirements.

WHEREAS: 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.

WHEREAS: 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. Preserved tree canopy provides additional screening and buffering between lower intensity uses. Buildings and parking lots will meet all required setbacks.

WHEREAS: The proposed development is located in a major employment center characterized by established industrial subdivisions and uses of similar intensity. The area has established infrastructure and transportation facilities that will serve the subject site and provide appropriate connectivity to nearby arterial streets. Setbacks, buffering and landscaping will minimize negative impacts of activity on abutting properties with lower intensity land uses. For these reasons, the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

01:55:34 On a motion by Commissioner Pennix, seconded by Commissioner

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 24, 2023

NEW BUSINESS

CASE NUMBER 23-DDP-0012

Fischer, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted

RESOLVED the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the city of Jeffersontown that the requested Detailed District Development Plan be **APPROVED, SUBJECT** to the following Binding Elements:

Proposed Detailed District Development Plan Binding Elements

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 and Zoning District Regulations. 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, site disturbance, alteration permit or demolition permit) is requested:
 - i. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works, the Metropolitan Sewer District, and the City of Jeffersontown (10416 Watterson Trail).
 - ii. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - iii. 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.

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 24, 2023

NEW BUSINESS

CASE NUMBER 23-DDP-0012

- iv. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the May 24, 2023 DRC meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
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 and the City of Jefferson
6. 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.
7. No overnight idling of trucks shall be permitted on-site.
8. The size and location of any proposed freestanding sign must be in compliance with the City of Jeffersontown Sign Ordinance.
9. Any area proposed to be used for outdoor sales, display or storage in accordance with Section 4.4.8 shall be accurately delineated on the development plan.
10. Outdoor lighting (for parking lot illumination and security) shall meet the requirements of Section 4.1.3 of the Land Development Code.
11. If a building permit is not issued within two years 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 Jeffersontown.
12. All off-street parking areas shall be permanently and continually maintained in good condition and free from potholes, weeds, dirt, trash and other debris.

The vote was as follows:

YES: Commissioners Pennix, Fischer, Clare, and Carlson.

ABSENT: Commissioner Brown

ABSTAIN: None

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 24, 2023

NEW BUSINESS

CASE NUMBER 22-DDP-0109

Request:	Revised Detailed Development Plan with Revisions to Binding Elements and Waiver(s)
Project Name:	Next Level Ranges
Location:	Unaddressed parcel #003910530000 (SE Corner of Electron Dr and Blankenbaker Pkwy
Owner:	Naïve Realty Holdings LLC
Applicant:	Naïve Realty Holdings LLC
Jurisdiction:	Louisville Metro
Council District:	11 – Kevin Kramer
Case Manager:	Jay Lockett, AICP, Planner II

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

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

Agency Testimony:

01:56:26 Jay Lockett presented the case and produced a Power Point presentation (see staff report and recording for detailed presentation.)

The following spoke in support of the proposal:

Kelli Jones, Sabak, Wilson & Lingo, Inc, 608 S 3rd St, Louisville, KY 40202

Jennifer Naïve, 95 Loop Rd, Fisherville, KY 40023

Summary of testimony of those in support:

01:59:01 Kelli Jones spoke in support of the application and presented a PowerPoint presentation (see video).

The following spoke in neutral to the proposal:

Steve Porter, 2406 Tucker Station Rd, Louisville, KY 40299

Summary of testimony of those in neutral:

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 24, 2023

NEW BUSINESS

CASE NUMBER 22-DDP-0109

02:07:08 Steve Porter spoke in neutral of the application. Porter wanted clarification on the hours of operation, information on how the noise will be controlled, and if firearms would be sold at the facility.

The following spoke in opposition to the proposal:
None

Rebuttal

02:09:30 Kelli Jones stated the hours of operation would be Monday-Thursday 10am-8pm and Friday-Sunday 10am-9pm. Jones also stated they have acquired a company to help with properly setting up the gun range and the noise would follow the Land Development Code requirements.

02:11:30 Commissioner Carlson asked if the lead particles from the bullets would be properly contained. Jones stated that a big air sweeper will be provided along with proper gear.

02:12:19 Commissioner Pennix asked if the restaurant would be serving alcohol. Jones stated alcohol will be provided.

02:13:02 Jennifer Naïve responded to Commissioner Pennix question. Naïve stated mentioned that the point-of-sale system that will be used in the restaurant, will keep a record of who has purchased alcohol by scanning the customers ID. At that point the customer will not be allowed in the gun range.

Deliberation:

02:14:20 Commissioners' deliberation.

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

Waiver #1: Waiver from Land Development Code section 5.6.1.C to have less than 50% of facades at street level consist of clear windows.

Waiver #2: Waiver from Land Development Code section 10.2.4.B.3 to permit a required buffer to overlap utility easements by greater than 50%.

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 24, 2023

NEW BUSINESS

CASE NUMBER 22-DDP-0109

02:17:41 On a motion by Commissioner Pennix, seconded by Commissioner Fischer, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

(Waiver #1) WHEREAS: The waiver will not adversely affect adjacent property owners, as the applicant has provided design elements and landscaping to break up the facades.

WHEREAS: The waiver will not violate specific guidelines of Plan 2040 as adequate screening and buffering will be provided around the subject site. The development will have animating features and landscaping so that walls facing public streets do not appear blank.

WHEREAS: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.

WHEREAS: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as the nature of the shooting range use makes clear windows a potential safety hazard on certain parts of the building. The building incorporates other architectural features and landscaping to break up the facades.

(Waiver #2) WHEREAS: The waiver will not adversely affect adjacent property owners, as the applicant will provide required landscaping and screening.

WHEREAS: The waiver will not violate specific guidelines of Plan 2040 as adequate screening and buffering will still be provided around the subject site

WHEREAS: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.

WHEREAS: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as the utility easements and equipment already exist within the required buffer areas. The applicant will still provide all required buffering and planting around the site.

RESOLVED the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver #1 from Land Development Code section 5.6.1.C to have less than 50% of facades at street level consist of clear windows, Waiver #2 from Land Development Code section 10.2.4.B.3 to permit a required buffer to overlap utility easements by greater than 50%.

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 24, 2023

NEW BUSINESS

CASE NUMBER 22-DDP-0109

The vote was as follows:

YES: Commissioners Pennix, Fischer, and Carlson.

ABSENT: Commissioner Brown

ABSTAIN: Commissioner Clare

Revised Detailed District Development plan with revisions to Binding Elements

02:18:41 On a motion by Commissioner Pennix, seconded by Commissioner Fischer, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS: There do not appear to be any environmental constraints or historic resources on the subject site. All required buffering and tree canopy will be required around the subject site.

WHEREAS: 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.

WHEREAS: There are no open space requirements pertinent to the current proposal.

WHEREAS: 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.

WHEREAS: 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.

WHEREAS: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the Revised Detailed District Development Plan with Revised Binding Elements **SUBJECT** to the Binding Elements:

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 24, 2023

NEW BUSINESS

CASE NUMBER 22-DDP-0109

Proposed 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. Any changes, additions, or alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval. Any changes/additions/alterations not so referred shall not be valid.
2. Signs shall be in accordance with Chapter 8 of the Land development Code and the Louisville Metro Code of Ordinances.
3. There shall be no outdoor storage, display or sales permitted on the site.
4. Outdoor lighting (for parking lot illumination and security) shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90-degree cutoff and height of the light standard shall be set so that no light source is visible off-site. (Light levels due to lighting on the subject site shall not exceed 0.5 foot-candles measured at the property line. The applicant shall obtain certification by a qualified expert in measurement of lighting levels prior to requesting a certificate of occupancy. Such certification shall be maintained on site at all times thereafter).
5. 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 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.
 - c. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff and shall be substantially similar to the elevations presented at the May 24, 2023 Development Review Committee meeting. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
6. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land 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.
7. 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

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 24, 2023

NEW BUSINESS

CASE NUMBER 22-DDP-0109

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.

8. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.
9. The dumpster shall not be emptied between the hours of 10 p.m. and 7 a.m.
10. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
11. Public hours of operations for the Gun Range, Restaurant and Gun Shop will be Monday-Thursday 10am-8pm and Friday-Sunday 10am-9pm.

The vote was as follows:

YES: Commissioners Pennix, Fischer, and Carlson.

ABSENT: Commissioner Brown

ABSTAIN: Commissioner Clare

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 24, 2023

NEW BUSINESS

CASE NUMBER 23-DDP-0009

Request: Revised Detailed District Development Plan with Revisions to Binding Elements and Waiver(s)
Project Name: Terex Corp
Location: 2909 Blankenbaker Pkwy
Owner: Lichtefeld Development Trust
Applicant: Lichtefeld Inc
Jurisdiction: Jeffersontown
Council District: 11 – Kevin Kramer
Case Manager: Jay Lockett, 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:

02:20:36 Jay Lockett presented the case and produced a Power Point presentation (see staff report and recording for detailed presentation.)

The following spoke in support of the proposal:

Alex Rosenberg, AL Engineering Inc, 13000 Middletown Industrial Blvd, Louisville, KY 40223

Summary of testimony of those in support:

02:23:43 Alex Rosenberg spoke in support of the application and presented a PowerPoint presentation (see video).

02:26:36 Beth Stuber questioned the previous binding elements and road improvements. Rosenberg stated the road improvements have been updated.

02:28:31 Commissioner Clare asked if an objection was made for building the 5ft sidewalk. Rosenberg stated there was a previous agreement with Jeffersontown concerning the grading.

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 24, 2023

NEW BUSINESS

CASE NUMBER 23-DDP-0009

The following spoke in opposition to the proposal:
None

Deliberation:

02:31:59 Commissioners' deliberation.

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

Waiver #1 Waiver from Jeffersontown Land Development Code section 5.8.1.B to not provide sidewalks in the Blankenbaker Rd right-of-way.

02:33:54 On a motion by Commissioner Clare, seconded by Commissioner Fischer, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS: The waiver will adversely affect adjacent property owners, as future development would have a less complete sidewalk network in the area to support safe pedestrian circulation for employees and customers.

WHEREAS: The waiver will violate specific guidelines of Plan 2040 and the intent of the Jeffersontown Land Development Code. The development is not adequately sharing costs on infrastructure impacts created by the development. The site can and should provide sidewalks in order to support multiple transportation options for employees and customers of businesses in the area.

WHEREAS: The applicant can reasonably comply with multiple listed compliance methods. The sidewalk can be constructed on-site, off-site or a fee-in-lieu could be paid.

WHEREAS: The strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land, as sidewalks can be constructed.

WHEREAS: The site does not have constraints that would prevent sidewalk construction. Sidewalks are available along Electron Dr and Blankenbaker Pkwy, and additional sidewalks are needed in the area to support alternative modes of transportation for customers and employees.

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 24, 2023

NEW BUSINESS

CASE NUMBER 23-DDP-0009

RESOLVED, the Louisville Metro Development Review Committee does hereby **RECOMMEND** that the city of Jeffersontown to **DENY** the requested Waiver from Jeffersontown Land Development Code section 5.8.1.B to not provide sidewalks in the Blankenbaker Rd right-of-way.

The vote was as follows:

YES: Commissioners Fischer, Clare, and Carlson.

ABSENT: Commissioner Brown and Pennix

ABSTAIN: None

Waiver #2 Waiver from Jeffersontown Land Development Code sections 5.5.4.B.1 and 10.2.4 to reduce the required 50-foot landscape buffer area to 15 feet along the eastern property line.

02:34:54 On a motion by Commissioner Clare, seconded by Commissioner Fischer, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS: The waiver will not adversely affect adjacent property owners, as all required planting and screening will still be provided.

WHEREAS: The waiver will not violate specific guidelines of Plan 2040 as adequate screening and buffering will still be provided around the subject site.

WHEREAS: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.

WHEREAS: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as the adjacent residentially zoned site is a parking lot for commercial uses and is not residentially used.

RESOLVED, the Louisville Metro Development Review Committee does hereby **RECOMMEND** that the city of Jeffersontown to **APPROVE** the requested Waiver from Jeffersontown Land Development Code sections 5.5.4.B.1 and 10.2.4 to reduce the required 50-foot landscape buffer area to 15 feet along the eastern property line.

The vote was as follows:

YES: Commissioners Fischer, Clare, and Carlson.

ABSENT: Commissioner Brown and Pennix

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 24, 2023

NEW BUSINESS

CASE NUMBER 23-DDP-0009

ABSTAIN: None

Revised Detailed District Development Plan

02:36:05 On a motion by Commissioner Clare, seconded by Commissioner Fischer, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS: There do not appear to be any environmental constraints or historic resources on the subject site. All required screening and tree canopy will be required around the subject site.

WHEREAS: Provisions for safe and efficient pedestrian transportation within and around the development and the community has not been provided. The lack of sidewalks will create a negative impact on the overall development area.

WHEREAS: There are no open space requirements pertinent to the current proposal.

WHEREAS: 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.

WHEREAS: 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.

WHEREAS: The development plan does not conform to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code, as sidewalks are required and should be provided.

RESOLVED, the Louisville Metro Development Review Committee does hereby **RECOMMEND** that the city of Jeffersontown **DENY** the Revised Detailed District Development Plan with Revised Binding Elements **SUBJECT** to the Binding Elements:

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

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 24, 2023

NEW BUSINESS

CASE NUMBER 23-DDP-0009

elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.

2. The square footage of the development shall not exceed 219,942 square feet of gross floor area.
3. Signs shall be in accordance with the Ch. 8 of the Land Development Code and all ordinances applicable within the City of Jeffersontown.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
6. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, or demolition permit) is requested:
 - a. The development plan must receive full construction approval from the Jeffersontown Department of Permitting, Planning, and Code Enforcement; Jeffersontown Department of 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 Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
7. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
8. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
9. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements.

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 24, 2023

NEW BUSINESS

CASE NUMBER 23-DDP-0009

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 Fischer, Clare, and Carlson.

ABSENT: Commissioner Brown and Pennix

ABSTAIN: None

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 24, 2023

NEW BUSINESS

CASE NUMBER 23-DDP-0123

Request:	Revised Detailed District Development Plan
Project Name:	Unifirst
Location:	12400 Schutte Station PI
Owner:	Unifirst Corp
Applicant:	Vestal Corporation
Jurisdiction:	Louisville Metro
Council District:	11 – Kevin Kramer
Case Manager:	Jay Lockett, ACIP, 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:

02:37:38 Jay Lockett presented the case and produced a Power Point presentation (see staff report and recording for detailed presentation.)

02:39:53 Beth Stuber stepped in stating she spoke with public works and the development on the other side was not constructed properly so due to those circumstances the project in question would be to must of an issue to fix.

The following spoke in support of the proposal:

Cliff Ashburner, Dinsmore & Shoal, 101 S 5th St, Louisville, KY 40202

Summary of testimony of those in support:

02:41:15 Cliff Ashburner spoke in support of the application and presented a PowerPoint presentation (see video)

02:46:47 Commissioner Clare asked if there was a condition of approval for the signage. Lockett stated a binding element could be added for the signage portion.

The following spoke in opposition to the proposal:

None

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 24, 2023

NEW BUSINESS

CASE NUMBER 23-DDP-0123

Deliberation:

Commissioners' deliberation.

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

Revised Detailed District Development plan

On a motion by Commissioner Clare, seconded by Commissioner Fischer, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS: There do not appear to be any environmental constraints or historic resources on the subject site. All required buffering and tree canopy will be required around the subject site.

WHEREAS: 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.

WHEREAS: There are no open space requirements pertinent to the current proposal. The applicant is providing an outdoor seating area for employees.

WHEREAS: 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

WHEREAS: 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.

WHEREAS: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 24, 2023

NEW BUSINESS

CASE NUMBER 23-DDP-0123

RESOLVED the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Revised Detailed District Development Plan, **SUBJECT** to the following Binding Elements:

Existing Binding Elements

All existing General Plan binding elements for Blankenbaker Station II general plan are applicable to the subject 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 for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, 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 Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
6. No overnight idling of trucks shall be permitted on-site.

DEVELOPMENT REVIEW COMMITTEE MINUTES
May 24, 2023

NEW BUSINESS

CASE NUMBER 23-DDP-0123

7. 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.
8. Prior to requesting the certificate of occupancy, the applicant shall install directional signage in the general area as shown on the development plan presented at the Development Review Committee on May 24th, 2023, and the final location of the signage can be determined at the construction phase.

The vote was as follows:

YES: Commissioners Fischer, Clare, and Carlson.

ABSENT: Commissioner Brown and Pennix

ABSTAIN: None


DEVELOPMENT REVIEW COMMITTEE MINUTES
May 10, 2023

ADJOURNMENT

The meeting adjourned at approximately 3:50 p.m.



Chairman



Division Director