

**MINUTES OF THE MEETING
OF THE
DEVELOPMENT REVIEW COMMITTEE
March 2, 2022**

A meeting of the Louisville Metro Development Review Committee was held on Wednesday, March 2, 2022 at 1:00 p.m. via Cisco Webex Video Teleconferencing.

Committee Members present were:

Rich Carlson, Chair
Patti Clare, Vice Chair
Jeff Brown
Pat Seitz

Committee Members absent were:

Glenn Price

Staff Members present were:

Joe Reverman, Assistant Director, Planning and Design Services
Brian Davis, Planning and Design Manager
Julia Williams, Planning and Design Supervisor
Jay Lockett, Planner II
Heather Pollock, Planner I
Molly Clark, Planner I
Laura Ferguson, Legal Counsel
Pamela M. Brashear, Management Assistant

Others present:

Beth Stuber, Transportation
Tony Kelly, MSD

The following matters were considered:

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APPROVAL OF MINUTES

FEBRUARY 16, 2022 DRC MEETING MINUTES

Chair Carlson stated the minutes had an error on page 5 – Jurisdiction has Jeffersonville instead of Jeffersontown and page 6 – replace purview with review.

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

RESOLVED, that the Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on March 16, 2022 with corrections to pages 5 and 6.

The vote was as follows:

YES: Commissioners Brown, Clare and Carlson

NOT PRESENT FOR THIS CASE: Commissioner Price

ABSTAINING: Commissioner Seitz

DEVELOPMENT REVIEW COMMITTEE

March 2, 2022

OLD BUSINESS

CASE NO. 21-MPLAT-0196

Request: Record Plat Amendment
Project Name: Minor Subdivision Plat
Location: 3007 Sprowl Rd
Owner: Vest & Vest LLC
Applicant: Todd Willett
Representative: Todd Willett
Jurisdiction: Jeffersonville
Council District: 11 – Kevin Kramer
Case Manager: Julia Williams

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

Agency Testimony:

00:07:05 Julia Williams discussed the case summary, standard of review and staff analysis from the staff report.

Deliberation

Development Review Committee deliberation.

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

Record Plat Amendment to create two lots from one within the Jefferson Heights Subdivision in Plat Book 3, Page 1

On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today and at the February 16, 2022 DRC meeting was adopted.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** Record Plat Amendment to create two lots from one within the Jefferson Heights Subdivision in Plat Book 3, Page 1.

The vote was as follows:

YES: Commissioners Brown, Seitz, Clare and Carlson

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OLD BUSINESS
CASE NO. 21-MPLAT-0196

NOT PRESENT AND NOT VOTING: Commissioner Price

DEVELOPMENT REVIEW COMMITTEE

March 2, 2022

OLD BUSINESS

CASE NO. 22-WAIVER-0005

Request: Waiver to for a parking lot and drive lanes to encroach into a required Vehicle Use Area Landscape Buffer Area and to omit planting requirements in the LBA area

Project Name: 1405 W Broadway Mixed Use

Location: 1403, 1405 and 1421 W Broadway; 1404 Magazine St

Owner: THPI Edgewood LLC; Bill Stone Real Estate, LLC

Applicant: THPI Edgewood LLC

Representative: QK4

Jurisdiction: Louisville Metro

Council District: 4 – Jecorey Arthur

Case Manager: Jay Lockett, AICP, Planner II

NOTE: COMMISSIONER CLARE RECUSED HERSELF FROM THIS CASE

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

Agency Testimony:

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

The following spoke in favor of this request:

Ashley Bartley, QK4, 1046 East Chestnut Street, Louisville, Ky. 40204

Summary of testimony of those in favor:

Ashley Bartley gave a power point presentation. She discussed the changes prompted from comments made at the last DRC meeting (see recording for detailed presentation).

Deliberation

Development Review Committee deliberation.

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

DEVELOPMENT REVIEW COMMITTEE

March 2, 2022

OLD BUSINESS

CASE NO. 22-WAIVER-0005

Waiver of Land Development Code sections 10.2.10 to encroach into the Vehicle Use Area Landscape Buffer Area adjacent to Esquire Alley as shown on 21-CAT2-0034 and to omit all planting and screening requirements within that buffer on 1404 Magazine St.

On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today and at the February 16, 2022 DRC meeting was adopted.

WHEREAS, the waiver will not adversely affect adjacent property owners, as the buffer area is internal to the parking lot and the alley does not provide access to any sites beyond the subject site; and

WHEREAS, the waiver will violate the comprehensive plan, as the redevelopment of this existing site is compatible with the variety of uses and intensities in the area. It will facilitate the rehabilitation of a historic structure into a mixed-use site that will provide housing as well as neighborhood serving amenities; and

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

WHEREAS, the Louisville Metro Development Review Committee further finds the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as the buffer would be internal to the parking lot and not provide any meaningful screening for the public. The applicant will provide screening, buffering and street trees around other parts of the overall development which will improve the site.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Waiver of Land Development Code sections 10.2.10 to encroach into the Vehicle Use Area Landscape Buffer Area adjacent to Esquire Alley as shown on 21-CAT2-0034 and to omit all planting and screening requirements within that buffer on 1404 Magazine St.

The vote was as follows:

YES: Commissioners Brown, Seitz and Carlson

NOT PRESENT AND NOT VOTING: Commissioners Price and Clare

DEVELOPMENT REVIEW COMMITTEE

March 2, 2022

OLD BUSINESS

CASE NO. 21-WAIVER-0163

Request: A waiver from 5.6.1.C.1 of the Land Development Code to not provide 50% clear windows and doors for facades facing the public ROW; and a waiver from table 10.2.6 of the Land Development Code to provide a 10 FT VUA/LBA instead of 15 FT

Project Name: Proposed McDonalds
Location: 2961 Breckenridge Lane
Owner: Joe & Mary Bauer Family
Applicant: Bill Terry – Weihe Engineers, Inc.
Representative: Bill Terry – Weihe Engineers, Inc.
Jurisdiction: Louisville Metro
Council District: 26 – Brent Ackerson
Case Manager: Molly Clark, Planner I

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

Agency Testimony:

00:23:27 Molly Clark discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Vanessa Stickel,

Summary of testimony of those in favor:

Vanessa Stickel provided renderings stating McDonald's has added 2 architectural features (see recording for detailed presentation).

Deliberation

Development Review Committee deliberation.

Commissioner Clare asked if there's additional proposed plantings on Breckenridge Ln. to mitigate the lack of windows on the façade and encroachment into the buffer area. Vanessa Stickel said there will be 4 street trees along Breckenridge Ln. and some shrubs. Commissioner Clare asked if the site plan meets or exceeds the requirements of the Land Development Code. Vanessa Stickel said yes (see recording for detailed presentation). Commissioner Brown said additional screening would interfere with the

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OLD BUSINESS

CASE NO. 21-WAIVER-0163

site distance. It was a fair compromise (see recording for detailed presentation). Chair Carlson suggests adding a condition that the applicant provide additional street trees and hedges as long as it meets approval of Transportation Planning (with respect to site distance) (see recording for detailed presentation).

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.

Waivers:

Waiver from 5.6.1.C.1 of the Land Development Code to not provide 50% clear windows and doors for façade facing the public Right-of-way (21-WAIVER-0163)

On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today and at the February 16, 2022 DRC meeting was adopted.

WHEREAS, the requested waiver will not adversely affect adjacent property owners, the applicant is meeting all the other requirements. They are providing all the landscaping plantings in the remaining landscape buffers that will provide visual interest and screening for the facades that do not meet the Land Development Code; and

WHEREAS, Guideline 1, policy 4 of Plan 2040 mentions that new development should be compatible with scale and site design of nearby existing development. They are asking for the building design waiver regarding windows being less than 50% but will still be providing some clear windows and doors for around the areas that will have the primary customer entrance. 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; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the façade facing Breckenridge Lane part of the drive thru queuing. The applicant is also providing all the required plantings along Breckenridge Lane that will help screen and bring visual interest to this side of the building; and

WHEREAS, the Louisville Metro Development Review Committee further finds the applicant has incorporated other design measures that compensate for non-compliance with the requirements to be waived but providing all the required plantings in the remaining landscape buffers that will help screen and provide visual interest to the building façades that don't meet the Land Development Code.

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OLD BUSINESS

CASE NO. 21-WAIVER-0163

Waiver from table 10.2.6 of the Land Development Code to provide a 10 FT VUA/LBA instead of the required 15 FT (22-WAIVER-0003)

WHEREAS, the waiver will not adversely affect adjacent property owners since the applicant is still providing all the required plantings along Breckenridge Lane frontage; and

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. 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. The applicant is providing the required amount of plantings along the frontage of Breckenridge Lane within the reduced VUA/LBA; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the applicant does not have enough room on the site to provide a 15 ft buffer; and

WHEREAS, the Louisville Metro Development Review Committee further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land because the applicant has limited room on the site to provide a 15 ft VUA/LBA. The applicant is still providing all the required plantings in the reduced VUA/LBA.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Waiver from 5.6.1.C.1 of the Land Development Code to not provide 50% clear windows and doors for façade facing the public Right-of-way (21-WAIVER-0163) and the Waiver from table 10.2.6 of the Land Development Code to provide a 10 FT VUA/LBA instead of the required 15 FT (22-WAIVER-0003).

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OLD BUSINESS
CASE NO. 21-WAIVER-0163

The vote was as follows:

YES: Commissioners Brown, Seitz, Clare and Carlson
NOT PRESENT AND NOT VOTING: Commissioner Price

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NEW BUSINESS

CASE NO. 21-WAIVER-0078

Request: Waiver to permit a freestanding sign to be located on a street frontage where the building is not located at least 15 feet from the street right-of-way line

Project Name: Freestanding Sign Placement

Location: 4500 Dixie Hwy

Owner: Haq LLC

Applicant: Haq LLC

Representative: Haq LLC

Jurisdiction: Louisville Metro

Council District: 3 – Keisha Dorsey

Case Manager: Beth Jones, AICP, Planner II

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

Agency Testimony:

00:40:40 Beth Jones discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Abdul Haq, 203 Ash Run Road, Louisville, Ky. 40245

Summary of testimony of those in favor:

Abdul Haq said the roof sign company and city agencies decided the location of the sign.

Abdul Haq said he didn't know about the right-of-way issue and moving the sign now will hurt his business (see recording for detailed presentation).

Commissioner Brown said the applicant, in good faith, constructed a sign that was approved but turns out it requires this waiver from the Shively Land Development Code. Beth Jones said she looked for the permits in Accela but couldn't find a site plan within the case file (see recording for detailed presentation).

Commissioner Brown asked if the city of Shively approved it or has any records. Mr. Haq said he doesn't know. Joe Reverman said a complaint was filed and that's why this case is before DRC. It appears that Planning and Design approved some type of freestanding sign in 2019 but there is no hard copy record (see recording for detailed presentation).

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NEW BUSINESS

CASE NO. 21-WAIVER-0078

Commissioner Brown asked how the sign is obstructing anything because there's no left turn out of Kendall Ln. (see recording for detailed presentation).

Deliberation

Development Review Committee deliberation.

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

WAIVER from the City of Shively to permit a freestanding sign to be located on a street frontage where the building is not located at least 15 feet from the street right-of-way line (LDC 8.3.3.F.)

On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, the waiver will adversely affect adjacent property owners in that the current location interferes with sight lines for drivers on Kendall Lane as they approach Dixie Hwy, a six-lane Major Arterial roadway; and

WHEREAS, the waiver violates guidelines of Plan 2040, which requires that: appropriateness must be evaluated in the context of the compatibility of the proposed use or uses with surrounding uses (Community Form 1.2.4); impacts on quality of life must be considered (Community Form 16); and adverse visual intrusions must be considered when there are impacts to residential areas (Community Form 20); and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant in that the sign as exists meets all other standards and requirements; and

WHEREAS, the Louisville Metro Development Review Committee further finds the placement of the sign infringes on sight lines for vehicles at the intersection of Kendall Lane and Dixie Hwy. Application of the regulation would not create an unnecessary hardship on the applicant as options for placement of the sign on the site are available.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **RECOMMEND** that the city of Shively **DENY** the waiver to permit a freestanding sign to

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NEW BUSINESS

CASE NO. 21-WAIVER-0078

be located on a street frontage where the building is not located at least 15 feet from the street right-of-way line (City of Shively LDC 8.3.3.F.)

The vote was as follows:

YES: Commissioners Brown, Seitz, Clare and Carlson

NOT PRESENT AND NOT VOTING: Commissioner Price

DEVELOPMENT REVIEW COMMITTEE

March 2, 2022

NEW BUSINESS

CASE NO. 21-MPLAT-0101

Request: Single family access to collector roadway
Project Name: Minor Subdivision Plat
Location: 7701 and 7705 Old Heady Road
Owner: Alex Mundt and Julie Mundt
Applicant: Richard Matheny, Cardinal Surveying
Representative: Richard Matheny, Cardinal Surveying
Jurisdiction: Louisville Metro
Council District: 20- Stuart Benson
Case Manager: Heather Pollock, Planner I

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

Agency Testimony:

01:15:02 Heather Pollock discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Richard Matheny, 9009 Preston Highway, Louisville, Ky.40219

Summary of testimony of those in favor:

Richard Matheny said he met with Beth Stuber on site and adjusted lots 3 and 4, due to some karst topography. There is a joint access easement for lots 3 and 4.

Richard Matheny said this are will probably stay rural (see recording for detailed presentation).

The following spoke in opposition to this request:

Rita Yung, 7905 Old Heady Road, Louisville, Ky.

Summary of testimony of those in opposition:

Rita Yung said she knows she can't stop them from building on their property but enjoys the peace and quiet of the area (see recording for detailed presentation).

Deliberation

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NEW BUSINESS

CASE NO. 21-MPLAT-0101

Development Review Committee deliberation.

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

WAIVER of Land Development Code (LDC) section 7.8.60.B.4 to allow individual single-family driveway access to a collector level roadway

On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, the waiver will not adversely affect adjacent property owners as access will serve single-family residences and traffic will be the minimum necessary to serve them; and

WHEREAS, Guideline 1, Policy 4 strives ensure new development and redevelopment are compatible with scale and site design of nearby existing development with the desired pattern of development within the Form district. The waiver will not violate specific guidelines of Cornerstone 2040 as the proposed subdivision will accommodate single-family residences and traffic will be the minimum necessary to serve them. The communities abutting Old Heady Rd. are currently low-density single-family zoning; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. The new proposed lots would be difficult to connect to the existing driveways due to the size of the proposed lots and the sharp curve Old Heady Rd. takes adjacent to the subject properties; and

WHEREAS, the Louisville Metro Development Review Committee further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land because the size of the lots would make it difficult to create shared access on this secondary collector level roadway. The lots resulting from the subdivision conform to the zoning and form district regulations applicable to the property.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the waiver of Land Development Code (LDC) section 7.8.60.B.4 to allow individual single-family driveway access to a collector level roadway as shown on the minor plat.

DEVELOPMENT REVIEW COMMITTEE
March 2, 2022

NEW BUSINESS
CASE NO. 21-MPLAT-0101

The vote was as follows:

YES: Commissioners Brown, Seitz, Clare and Carlson
NOT PRESENT AND NOT VOTING: Commissioner Price

DEVELOPMENT REVIEW COMMITTEE

March 2, 2022

NEW BUSINESS

CASE NO. 21-MPLAT-0192

Request: Create a Substandard Lot
Project Name: Minor Subdivision Plat
Location: 2510 Duncan Street
Owner: Terry Strong
Applicant: Charles Podgursky
Representative: Charles Podgursky
Jurisdiction: Louisville
Council District: 5 – Donna Purvis
Case Manager: Julia Williams

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

Agency Testimony:

01:29:15 Julia Williams discussed the case summary, standard of review and staff analysis from the staff report.

Commissioner Brown asked if vehicular access will be restricted. Will there be a note on the plat that wouldn't allow driveways on Columbia or Duncan? Julia Williams said there is not currently a restriction on the plat, but it can be added (see recording for detailed presentation).

The following spoke in favor of this request:

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

Summary of testimony of those in favor:

Charles Podgursky said a driveway can be created with a note stating, 'driveway to be placed on that lot for parking purposes for that house'. There are no sidewalks (see recording for detailed presentation).

Deliberation

Development Review Committee deliberation.

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

DEVELOPMENT REVIEW COMMITTEE

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NEW BUSINESS

CASE NO. 21-MPLAT-0192

A proposed minor plat to create 2 lots from 1 lot within the Traditional Neighborhood Form District. Creating 1 substandard lot through section 7.8.12.G and 7.8.12.E of the Land Development Code (LDC)

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

WHEREAS, the waiver will not adversely affect adjacent property owners as the proposed lots are similar to other lots in the neighborhood. The existing lots have alley access and frontage on Duncan Street and Columbia Street; and

WHEREAS, with the proposed minor plat creating a new lot that would allow for new single-family homes in an existing neighborhood with existing infrastructure only supports guideline 10 policy 5 of the Comprehensive Plan which is to evaluate developments for their impact on the transportation network and air quality. These proposed lots are close to TARC lines as well as existing sidewalk networks and utility connections. The easy access to utility connections also support guideline 15 policy 1 which is to locate development in areas served by existing utilities or capable of being served by public or private utility extensions. The waiver will not violate specific guidelines of Cornerstone 2040 as the proposed subdivision will accommodate single-family residences and traffic will be the minimum necessary to serve them; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. The new proposed lots would be in character with the neighborhood seeing as there are other lots subdivided in a similar fashion. The existing neighborhood has lots that do not meet the current regulations; and

WHEREAS, the Louisville Metro Development Review Committee further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land because the lot has double street frontage that allows for a second lot to also have access. The regulations are restricting the applicant from creating a lot pattern that matches the surrounding neighborhood.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the proposed minor plat to create 2 lots from 1 lot within the Traditional Neighborhood Form District. Creating 1 substandard lot through section 7.8.12.G and 7.8.12.E of the Land Development Code (LDC) **ON CONDITION** that a note is added to the plat stating no driveway access to Duncan shall be permitted.

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NEW BUSINESS
CASE NO. 21-MPLAT-0192

The vote was as follows:

YES: Commissioners Brown, Seitz, Clare and Carlson
NOT PRESENT AND NOT VOTING: Commissioner Price

DEVELOPMENT REVIEW COMMITTEE

March 2, 2022

NEW BUSINESS

CASE NO. 21-DDP-0081

Request: A Revised Detailed District Development Plan with amendment to binding elements
Project Name: Proposed Multi-Family Development
Location: 9118 W Manslick Road
Owner: LDG Development, LLC.
Applicant: Derek Triplett, Land Development and Design, Inc.
Representative: Derek Triplett, Land Development and Design, Inc.
Jurisdiction: Louisville Metro
Council District: 25 – Amy Holton Stewart
Case Manager: Molly Clark, Planner I

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

Agency Testimony:

01:39:52 Molly Clark informed the commissioners of a last-minute issue with regards to having enough right-of-way for Louisville Loop. Transportation Planning and Public Works have reviewed it and said it's all right to move forward (see recording for detailed presentation). Chair Carlson said he thinks the neighbors/interested parties were under the assumption that this case would be continued (see recording for detailed presentation).

Molly Clark discussed the case summary, standard of review and staff analysis from the staff report.

Commissioner Brown said proposed binding element 13 is not applicable and should be removed. Molly Clark agreed (see recording for detailed presentation).

The following spoke in favor of this request:

Cliff Ashburner, Dinsmore and Shohl, 101 South 5th Street, Louisville, Ky. 40202
Derek Triplett, 503 Washburn Avenue, Louisville, Ky. 40222

Summary of testimony of those in favor:

Cliff Ashburner gave a power point presentation. The site is already zoned R-5A for multi-family and 24 units are being added to the previously approved plan (see recording for detailed presentation).

Derek Triplett said there are some flood plains on site so they will be providing flood plain compensation and storm water detention (see recording for detailed presentation).

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NEW BUSINESS

CASE NO. 21-DDP-0081

The following spoke neither for nor against the request:

Councilwoman Amy Holton Stewart, 601 West Jefferson Street, Louisville, Ky. 40202

Summary of testimony of those neither for nor against:

Councilwoman Amy Holton Stewart said some of the neighbors are concerned about the following: traffic – no proposed turning lane; height of the buildings; drainage; deforestation of the property and wildlife; security – any proposed fencing; some neighbors didn't receive notice and the case needs to be continued (see recording for detailed presentation).

The following spoke in opposition to this request:

Daniel Skaggs, 9311 Whitley Road, Louisville, Ky. 40272

Norma Ward, 9119 West Manslick Road, Louisville, Ky.

Summary of testimony of those in opposition:

Daniel Skaggs said the flood plains surround his property and drains under the Gene Snyder freeway (see recording for detailed presentation).

Daniel Skaggs also discussed traffic and notification of this meeting (see recording for detailed presentation).

Norma Ward said she is concerned about the traffic (narrow road and speeding) and drainage (see recording for detailed presentation).

Rebuttal:

Cliff Ashburner said Diane Zimmerman studied the area intersections to measure whether there would be an impact and if that impact would require road improvements. The study revealed road improvements are not necessary. MSD is in control of the flood plain. Regarding privacy – reducing the height of the 3-story buildings, the requirement is to be 50-feet from the property line and the proposal is at least 150-feet from Mr. Skaggs' property with the closest building being greater than 50-feet (see recording for detailed presentation).

Derek Triplett said the entire subject site drains to the Gene Snyder right-of-way (see recording for detailed presentation).

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NEW BUSINESS

CASE NO. 21-DDP-0081

Daniel Skaggs asked if there will be balconies in the back of the property. Cliff Ashburner said yes, all the apartments will have balconies. Also, are there plans to provide a fence between Mr. Skaggs' house and the development? Cliff Ashburner said there's an existing fence (see recording for detailed presentation). Derek Triplett said a fence may require disturbance of some of the trees. Molly Clark showed binding element 12 that states a privacy fence shall be constructed approximately 350-feet on the northern portion of Mr. Skaggs' property line and a 4-board fence along the remaining property (original binding element). Cliff Ashburner said it would be best to place the fence on the applicant's side of the property line so the trees are not disturbed.

Deliberation

Development Review Committee deliberation.

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

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

RESOLVED, that the Louisville Metro Development Review Committee does hereby **CONTINUE** this case to the March 16, 2022 DRC meeting to give the applicant and abutting property owner an opportunity to discuss the screening binding element on the current approved plan.

The vote was as follows:

YES: Commissioners Brown, Seitz, Clare and Carlson
NOT PRESENT AND NOT VOTING: Commissioner Price

DEVELOPMENT REVIEW COMMITTEE

March 2, 2022

NEW BUSINESS

CASE NO. 21-DDP-0116

Request: Revised Detailed District Development Plan with revisions to Binding Elements
Project Name: Sunshine Concrete
Location: 13905 Aiken Rd
Owner: Otte Family Limited Partnership
Applicant: Damon Garrett – Sunshine Builders
Representative: Bardenwarper, Talbott and Roberts
Jurisdiction: Louisville Metro
Council District: 19 – Anthony Piagentini
Case Manager: Jay Lockett, AICP, Planner II

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

Agency Testimony:

02:40:46 Jay Lockett discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

John Talbott, Bardenwerper, Talbott and Roberts, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223
Derek Triplett, Land Design and Development, 503 Washburn Avenue, Louisville, Ky. 40222
Damon Garrett, Sunshine Industries, 901 Lily Creek, Louisville, Ky. 40243

Summary of testimony of those in favor:

John Talbott gave a power point presentation. It's a highly industrialized area. There is a request for road improvements (see recording for detailed presentation).

Derek Triplett discussed the plan and the use. There is a detention basin and a sediment forebay (decrease sediment) (see recording for detailed presentation).

John Talbott said the traffic analysis determined there were not enough left turn warrants to justify any road improvements, however Public Works is requesting a left turn lane. The applicant, Damon Garrett, has agreed to provide it.

Derek Triplett discussed the turn lane and road improvements (see recording for detailed presentation).

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Commissioner Brown asked if there's any screening being provided. Derek Triplett said the landscaping shown on the development plan are trees to meet the tree canopy requirement (Land Development Code). The property is surrounded by like-zones so there are no screening requirements (see recording for detailed presentation).

Damon Garrett stated, per the EPA and other guidelines to be adhered to, there are truck washing stations as well as a water facility on site to control the dust. Also, trees can be added to the right of the entrance (same as on left) if this committee requests it (see recording for detailed presentation).

Deliberation

Development Review Committee deliberation.

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

Revised Detailed District Development Plan and Binding Elements

On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, there do not appear to be any environmental constraints or historic resources on the subject site. Portions of the parent tract is a former quarry that is in the process of being filled. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

WHEREAS, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan; and

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

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; and

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

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

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

The Conditions of Approval per 15CUP1019 remain in effect for the quarry and filling operations on the residual site.

All General Plan binding elements approved under 9-62-82 are applicable to the 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. 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. A minor subdivision plat or legal instrument 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 prior to obtaining a building permit.

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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. An access easement agreement in a form acceptable to the Planning Commission legal counsel shall be created to allow access to the site as shown. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.

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

6. 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. The applicant will provide a row of Type A trees at a minimum of 1 tree per 30 linear feet along the proposed property line adjacent to the existing drive.

The vote was as follows:

YES: Commissioners Brown, Seitz, Clare and Carlson

NOT PRESENT AND NOT VOTING: Commissioner Price

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ADJOURNMENT

The meeting adjourned at approximately 4:07 p.m.

Chair

Planning Director