

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE MEETING
November 18, 2020**

A meeting of the Louisville Metro Development Review Committee was held on Wednesday, November 18, 2020 at 1:00 p.m. via Cisco Webex Video Conferencing. On the recommendation of the Louisville Metro Department of Health and Wellness regarding congregate events and social distancing, the Development Review Committee meeting set for today was held online.

Commissioners present:

Richard Carlson, Chair
Jim Mims, Vice Char
Jeff Brown
Pat Seitz
Te'Andre Sistrunk

Commissioners absent:

None.

Staff members present:

Joe Reverman, Assistant Director, Planning & Design Services
Brian Davis, Planning & Design Manager
Julia Williams, Planning & Design Supervisor
Joel Dock, AICP, Planner II
Jay Lockett, AICP, Planner I
Beth Stuber, Transportation & Planning
Travis Fiechter, Legal Counsel
Rachel Dooley, Management Assistant (minutes)

The following matters were considered

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APPROVAL OF MINUTES

Minutes of the October 28, 2020 Development Review Committee meeting

01:38:37 On a motion by Commissioner Mims, seconded by Commissioner Brown, the following resolution was adopted:

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on October 28, 2020.

The vote was as follows:

YES: Commissioners Mims and Brown.

NO: No one.

Abstain: Commissioners Seitz, Sistrunk, and Carlson.

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NEW BUSINESS

CASE NUMBER 20-MPLAT-0073

Request: **THE APPLICANT FOR THIS CASE IS REQUESTING A CONTINUANCE TO DECEMBER 2, 2020 DRC** - Waiver to not have a shared driveway to a collector level road

Project Name: Kelty Minor Plat
Location: 10850/10900 Brentlinger Lane
Owner: Ronald and Shannon Kelty
Applicant: Ronald and Shannon Kelty
Representative: Cardinal Surveying
Jurisdiction: Louisville Metro
Council District: 22- Robin Engel
Case Manager: Julia Williams, AICP, Planning Supervisor

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

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

Agency Testimony:

00:06:13 Julia Williams stated the applicant would like to continue this case to the December 2, 2020 Development Review Committee meeting (see recording for detailed presentation.)

The following spoke in favor of this request:

No one spoke.

The following spoke against of this request:

No one spoke.

The following spoke in neither for nor against this request:

No one spoke.

Commissioner Deliberation

Commissioner Deliberation (see recording for detailed presentation.)

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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.

00:06:46 On a motion by Commissioner Brown, seconded by Commissioner Mims, the following resolution, based on the Standard of Review and Staff Analysis, testimony heard today, was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby **CONTINUE** this planning case to the December 2, 2020 Development Review Committee meeting.

The vote was as follows:

YES: Commissioners Brown, Seitz, Sistrunk, Mims, and Carlson.

NO: none.

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NEW BUSINESS

CASE NUMBER 19-DDP-0050

Request: Revised Detailed District Development Plan with Waivers
Project Name: Oxmoor Center – West
Location: 7900 Shelbyville Road
Owner: WMB 2, LLC & TWB Oxmoor 2, LLC
Applicant: Brookfield Properties Retail, Inc.
Representative: Frost Brown Todd, LLC
Jurisdiction: Louisville
Council District: 18 – Marilyn Parker

Case Manager: Joel P. Dock, 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:

00:07:48 Joel Dock presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) Mr. Dock detailed the history of the site, aerial photos, case summary, elevations, waivers, and the revised detail district development plan. Joel noted that waiver #2 had not been justified in the staff report. He stated the revised renderings addressed staff's concerns outlined in the standard of review for waivers #3.

00:14:04 Commissioner Brown asked staff if there will be backlit faux windows on the façade. Joel Dock replied the applicant can answer this question. Commissioner Brown and Joel Dock discussed changes to the renderings presented at previous meetings.

00:16:19 Commissioner Sistrunk asked for clarification regarding the orientation of this building to Shelbyville Road with landscaping. Joel Dock detailed the site orientation to Shelbyville Road via Power Point with the applicant's proposed renderings and an existing facility photo (see recording for detailed presentation.)

00:17:32 Commissioner Seitz asked where the site will be located. Joel Dock replied it is in the west parcel of the Oxmoor Center.

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00:18:52 Commissioner Mims asked if the faux windows will be internally lit as shown in the proposed renderings. Joel Dock replied the applicant can answer this question.

The following spoke in favor of this request:

Tim Martin, 400 West Market Street, Suite 3200, Louisville, Kentucky, 40202

Kelli Jones, 400 West Market Street, Suite 3200, Louisville, Kentucky, 40202

Michele Wright, 102 Trout Lilly Drive, Covington, Virginia, 24426

Charles Tapia, 402 S Wa Pella Ave, Mount Prospect IL 60056,

Summary of testimony of those in favor:

00:20:36 Tim Martin, representing the applicant, presented a Power Point slide show (see recording for detailed presentation.) Mr. Martin detailed the history of the site and the previous meetings for this planning case. Tim noted the Board of Zoning Adjustment (BOZA) approved a Conditional Use Permit (CUP) for this site on February 17, 2020. He stated the building will be facing internally, towards the Oxmoor Mall, on the site. Mr. Martin discussed binding element # 6 (see recording for detailed presentation.)

00:24:50 Kelli Jones, representing the applicant, presented a Power Point slide show (see recording for detailed presentation. Ms. Jones noted representatives from Brookfield Properties Retail, Inc., Oxmoor Center, and Capital Grill are present to answer questions. Kelli detailed the west development plan with proposed waivers, proposed pedestrian walkway, concept landscape plan, and waiver # 3 (see recording for detailed presentation.) She noted the signage, landscaping, and orientation of the building via the proposed renderings.

00:42:50 Tim Martin asked the committee to consider modifying Binding Element #6 that would extend the approval to February 17, 2022 and to modify the language to continue use of the property for parking.

00:44:19 Kelli Jones stated she received confirmation that the louvres will be illuminated at night.

00:44:47 Commissioner Mims asked Kelli Jones if there have been waivers requested for the landscape islands. Kelli Jones replied they are meeting the requirements for landscape islands on this site. Commissioner Mims and Kelli Jones

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discussed the pedestrian walkway and the landscape swell along Shelbyville Road (see recording for detailed presentation.) Commissioner Mims asked if the signage on the building façade will include individually raised letters. Kelli Jones replied yes.

00:47:33 Commissioner Carlson asked if Binding Element #11 will need to modify for the development plan changes. Tim Martin stated this Binding Element was a carried over binding element for Oxmoor Center that can be modified. Commissioner Carlson, Tim Martin, and Kelli Jones discussed the building signage (see recording for detailed presentation.) Commissioner Carlson asked if the lighting example shown in the prototypical materials slide will be present on the proposed building. Kelli Jones replied yes and Michele Wright representing Capital Grill can confirm this.

00:53:10 Michele Wright stated the lighting shown in the elevation is a combination of landscape lighting and building wash lighting . This will provide light onto the building. Commissioner Carlson asked if the louver areas will be back lit or from the building wash lighting. Michele replied the louvers are glass panels and will be lit from the back.

00:56:01 Commissioner Seitz asked if parking will be roped off for Capital Grill. Kelli Jones stated there are no plans to rope off parking areas and Charles Tapia can give more information regarding parking.

00:56:45 Charles Tapia stated specific parking regarding valet roped off areas and designation of Capital Grill specific parking spots are being discussed with Oxmoor Center and Capital Grill. Kelli Jones detailed parking availability for this site (see recording for detailed presentation.)

00:59:00 Joel Dock and Commissioner Carlson discussed the removal of Binding Elements 6 and 11 (see recording for detailed presentation.)

The following spoke against of this request:
No one spoke.

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

Commissioner Deliberation

01:02:35 Commissioner Deliberation (see recording for detailed presentation.).

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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.

#1 - Waiver of Land Development Code (LDC), section 5.5.2.A to orient the primary customer entrance away from public streets

#3 - Waiver of LDC, section 5.9.2.A.1.b.i to allow pedestrian connection to be located greater than 50' from transit stop

#4 - Waiver of LDC, section 10.2.10 to allow for existing encroachments in the landscape buffer areas

01:04:08 On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution, based on the Standard of Review and Staff Analysis, testimony heard today, was adopted:

(#1 WAIVER) WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners as the orientation of the primary entrance at this location does not affect the use of, or access to, adjacent properties; and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Plan 2040 as the orientation does not limit pedestrian accessibility or multi-modal accessibility. The orientation does not by itself detract from the established character of the area. The primary entrance is oriented towards the centrally located shopping center and interior parking lots. Pedestrian connectivity and public walks will be provided to the customer entrance. A similar orientation for a proposal in the east corner of the shopping center was approved in docket 19-DDP-0051; and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant as the customer entrance and building could be rotated 90 degrees and comply with minimum regulations of the district; and

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant as the orientation of the proposed structure is consistent with the approval of a similar use approved for the east corner. The primary entrance is oriented towards the centrally located shopping center and interior parking lots. Pedestrian connectivity and public walks will be provided to the customer entrance; and

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(#3 WAIVER) WHEREAS, the Committee further finds that the waiver will not adversely affect adjacent property owners as pedestrian connectivity will be provided from newly constructed public sidewalks; and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Plan 2040 as accessibility will be provided with proximity (100') of the transit stop while avoiding a drainage facility. The connection is provided at the intersection and will capture foot traffic crossing Shelbyville Road; and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as connectivity is maintained without spanning drainage facility; and

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant as connectivity is provided within 100' and does not result in a span of sidewalk across a drainage feature. The connection will also capture pedestrian traffic from the intersection; and

(#4 WAIVER) WHEREAS, the Committee further finds that the waiver will not adversely affect adjacent property owners as existing conditions create the lack of conformance with the current regulation and no greater encroachment into the area appears to be made. All planting material and screening as required by Chapter 10 of the Land Development Code will be provided; and

WHEREAS, the Committee further finds that the Guideline 3, Policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The existing conditions create the lack of conformance with the current regulation and no greater encroachment into the area appears to be made. All planting material and screening as required by Chapter 10 of the Land Development Code will be provided; and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as existing conditions create the lack of conformance with the current regulation and no greater encroachment into the area appears to be made. All planting material and screening as required by Chapter 10 of the Land Development Code will be provided; and

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WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as existing conditions create the lack of conformance with the current regulation and no greater encroachment into the area appears to be made. All planting material and screening as required by Chapter 10 of the Land Development Code will be provided; now, therefore be it:

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver of Land Development Code section 5.5.2.A to orient the primary customer entrance away from public streets **AND** section 5.9.2.A.1.b.i to allow pedestrian connection to be located greater than 50' from transit stop **AND** section 10.2.10 to allow for existing encroachments in the landscape buffer areas.

The vote was as follows:

YES: Commissioners Brown, Seitz, Sistrunk, Mims, and Carlson.

NO: none.

ABSTAIN: Commissioner Seitz.

#2 - Waiver of LDC, section 5.6.1.C to not provide clear windows and doors on at least 50% of the wall surfaces at street-level.

01:05:30 On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution, based on testimony at the public hearing today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will adversely affect adjacent property owners as it will detract from the overall character and appearance that has been provided by similar uses along the corridor and at corners; and

WHEREAS, the Committee further finds that the Plan 2040 Community Form Goal 1, Policy 4 encourages new development and redevelopment to be 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. Development in the area that is of a similar scale consists of windows having views into the building from the public street or architectural features that mitigate and/or provide similar aesthetics to that of a window; and

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WHEREAS, the Committee further finds that the extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant as windows offering views into the building or appropriate mitigation could be provided, such as enhanced landscaping to minimize the impact of blank wall surfaces, additional architectural features or patio area features; and

WHEREAS, the Committee further finds that the applicant has not incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived as appropriate mitigation could be provided, such as enhanced landscaping to minimize the impact of blank wall surfaces, additional architectural features or patio area features; now, therefore be it:

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver of Land Development Code section 5.6.1.C to not provide clear windows and doors on at least 50% of the wall surfaces at street-level .

The vote was as follows:

YES: Commissioners Brown, Seitz, Sistrunk, Mims, and Carlson.
NO: none.

Revised Detailed District Development Plan

01:05:54 On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution, based on the Standard of Review and Staff Analysis, testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites will not be impacted as the site is located within an existing surface parking lot. Trees will be planted within required buffers and landscape islands as required by the LDC; and

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WHEREAS, the Committee further finds that the provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community are provided as public sidewalks and pedestrian connectivity will be provided in the area of development; and

WHEREAS, the Committee further finds that the development of this site does not require provisioning for open space. Proposed landscape islands will help break up surface parking areas and an outdoor patio is provided; and

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

WHEREAS, the Committee further finds that the overall site design and land uses are compatible with the existing and future development of the area as the site is in the Regional Center form district. The regional center serves as an area for the concentration of regional shopping, office, services, entertainment facilities and medium to high-density residential uses. The development site is not adjacent to residential zones or uses. It will not create any significant nuisances upon adjoining property; and

WHEREAS, the Committee further finds that the proposal complies with Land Use and Development Goals 1 & 2: Community Form as the site is compatible with the scale and intensity of uses within the center. No significant negative impacts on the environment or from traffic will be created. The proposal further concentrates mixed-uses within a current activity center, which encourages a more compact pattern of development and efficient land use pattern. The proposal complies with Land Use and Development Goal 3: Mobility as the site is accessible via safe pedestrian walkways from public ways and necessary pedestrian improvements (sidewalks) within the public right-of-way have been provided. The development promotes public transit and pedestrian use. Lastly, Plan 2040 calls for out-lot development in underutilized parking lots of existing development to promote utilization of existing infrastructure; now, therefore be it:

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Revised Detail District Development Plan **SUBJECT** to the elimination of existing binding elements 6 and 11 for this site only and the following:

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended

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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. Total building area for Oxmoor Center shall not exceed 1,171,072 square feet of gross floor area; gross leasable space shall not exceed 959,751 square feet. Additional gross building area and/or gross leasable space may be permitted if a revised district development plan is approved together with either (i) additional parking provided pursuant to LDC Article 9, or (ii) approval of an appropriate parking waiver, both of which require filing a revised development plan.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. Outdoor storage is not permitted on site except as permitted by LDC Sec. 4.4.8 and as designated on an approved revised development 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 the Department of Inspections, Permits and Licenses and Transportation and the Metropolitan Sewer District
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. Crossover and parking agreements shall be obtained. A copy of the recorded instrument(s) shall be submitted to the Department of Planning and Design Services. Annual re-certification is required.
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.

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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. 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 Planning Commission shall require a full traffic and air quality analysis, including an arterial analysis for Shelbyville Road, before considering any additional development of the general area known as Oxmoor Center/the Bullitt Farm. This binding element shall apply to any commercial, retail, residential or office development. The aforementioned analysis shall include expected traffic from all approved developments within the impact area, as defined by the Department of Public Works. It shall also include any proposed roadway improvements expected to be completed before completion of the proposed development. The goal of the traffic analysis is to recommend appropriate mitigation measures to accommodate expected traffic from the proposed development. Mitigation measures for traffic and air quality shall include, but not limited to, recommended signal timing adjustments along Shelbyville Road and construction of Bunsen/Bowling Parkway, in part or whole. The Developer should also furnish additional mitigation recommendations, as required, at impacted intersections.

The vote was as follows:

YES: Commissioners Brown, Seitz, Sistrunk, Mims and Carlson.

NO: none.

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NEW BUSINESS

CASE NUMBER 19-DDP-0055

Request: Revised Detailed District Development Plan with Waivers
Project Name: Chic-Fil-A
Location: 11801 Plantside Dr
Owner: Blankenbaker Investments, LLC.
Applicant: Chic-Fil-A Inc.
Representative: GBC Design
Jurisdiction: Jeffersontown
Council District: 20 – Stuart Benson

Case Manager: Jay Lockett, AICP, 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:

01:07:07 Jay Lockett presented the case via Power Point slide show (see staff report and recording for detailed presentation.) Mr. Lockett detailed the applicant's request, proposed plan, site aerial photos, proposed renderings, and staff findings.

01:10:13 Commissioner Mims asked if the site will require all of the proposed parking. Jay Lockett replied the number falls within the allowable number of parking spaces in the City of Jeffersontown development code.

The following spoke in favor of this request:

Nate Thompson, 2956 Anderson Circle South East, Smyrna, Georgia, 30080
Allan Wiley, 565 White Pond Drive, Akron, Ohio, 44320

Summary of testimony of those in support of the proposal:

01:11:10 Nate Thompson, representing the applicant, stated the extra amount of parking spaces are for curbside delivery/pickup parking and will be marked accordingly. Mr. Thompson stated there will be an extra long two lane drive through for customers. The site will allow for people to safely walk to the restaurant without walking through the drive lanes. Nate noted that waiver not to provide a direct pedestrian connection to Blankenbaker Parkway is due to elevation difference between the site and Blankenbaker Parkway.

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01:18:04 Commissioner Brown asked if there will be no pedestrian connections from the connecting roads. Nate Thompson replied there will be a connection on Plantside Drive. Commissioner Brown and Nate Thompson agreed to move the pedestrian walkway in front of the drive through stop bar for safety and easier access.

01:20:12 Commissioner Mims asked Jay Lockett if the waiver, 20-WAIVER-0016, is for Blankenbaker Parkway of Plantside Drive. Jay replied the waiver is for encroaching into the 40-foot scenic corridor setback along Blankenbaker Parkway.

01:21:50 Commissioner Mims noted there are landscape islands for the parking lot. Allen Wiley replied there will be landscape islands in the parking lot and increased landscaping because of the proposed waiver encroachment.

01:22:22 Commissioner Brown asked Jay Lockett if the landscaping will be included in the proposed binding elements. Jay Lockett replied staff felt the landscaping is justified with the waiver as presented but if needed Commissioners can choose to include language for extra landscaping. Mr. Lockett noted that the City of Jeffersontown will have the final approval for this site.

**The following spoke in opposition:
No one spoke.**

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

Commissioner Deliberation

01:23:46 Commissioner Deliberation (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.

01:25:57 On a motion by Commissioner Brown, seconded by Commissioner Mims, the following resolution, based on the Standard of Review and Staff Analysis, testimony heard today, was adopted:

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(#1 WAIVER) WHEREAS, the Louisville Metro Development Review Committee finds that the will not adversely affect adjacent property owners, as all required landscaping and screening will still be provided on the subject site; and

WHEREAS, the Committee further finds that the waiver will not violate the comprehensive plan, as it will allow for development of an existing commercial site within an established activity center. All required screening and planting will be provided on the subject site; and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. The encroachment has been minimized and all required screening and planting will be provided; and

WHEREAS, the Committee further finds that the Strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land; and

(#2 WAIVER) WHEREAS, the Committee further finds that will not adversely affect adjacent property owners, as circulation of pedestrians in and around the subject site have been provided; and

WHEREAS, the Committee further finds that the waiver will not violate the comprehensive plan, as it will allow for development of an existing commercial site within an established activity center. Pedestrians can still access the site safely via the pedestrian connection to Plantside Drive; and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. Pedestrian connection will still be provided to Plantside Drive; and

WHEREAS, the Committee further finds that the Strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as it would require significant grading within the scenic corridor area to build an ADA compliant walkway. Adequate pedestrian access can be provided via Plantside Drive; now, therefore be it:

RESOLVED, the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the City of Jeffersontown to **APPROVE** the requested Waiver from Jeffersontown Land Development Code section 10.3.6 to allow a drive lane to encroach into the 40-foot scenic corridor setback. **AND** the requested Waiver from Jeffersontown Land Development Code section 5.9.2.A.1.b to not provide direct pedestrian connection to Blankenbaker Parkway.

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The vote was as follows:

YES: Commissioners Brown, Seitz, Sistrunk, Mims, and Carlson.

NO: none.

Revised Detailed District Development Plan with revisions to Binding Elements

01:27:02 On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution, based on the Standard of Review and Staff Analysis, testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that there do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

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

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

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

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

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

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

All General Plan Binding Elements 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 and to the City of Jeffersontown for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 20,000 square feet of gross floor area.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. 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.
5. 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 the City of Jeffersontown Public Works and the Metropolitan Sewer District.
 - b. Encroachment permit must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

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CASE NUMBER 19-DDP-0055

- d. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. 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 the development of this site and shall advise them to the content of these binding elements. These binding elements shall run with the land and the owner or the property and the occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during the development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in the development of this site, shall be responsible for compliance with these Binding Elements

The vote was as follows:

YES: Commissioners Brown, Seitz, Sistrunk, Mims, and Carlson.

NO: none.

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NEW BUSINESS

CASE NUMBER 20-DDP-0053

Request: Detailed District Development Plan
Project Name: Bluegrass Harley Davidson
Location: Parcel 001500410000 on Terra Crossing Blvd
Owner: JDG 1849
Applicant: Schipper Realty, LLC
Representative: AL Engineering, Inc.
Jurisdiction: Louisville Metro
Council District: 19 – Anthony Piagentini

Case Manager: Jay Lockett, AICP, 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:

01:28:10 Jay Lockett presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) Mr. Lockett detailed the applicant's request, proposed plan, practice driving tract, aerial site photos, elevation renderings, and staff findings.

The following spoke in favor of this request:

Alex Rosenberg, 13000 Middletown Industrial Boulevard, Suite A, Louisville, Kentucky, 40223

Evan Schipper, 11701 Gateworth Way, Louisville, Kentucky, 40299

Summary of testimony of those in favor:

01:30:37 Alex Rosenberg, representing the applicant, presented a Power Point slide show (see recording for detailed presentation.) Mr. Rosenberg detailed the history of the site, proposed use, aerial photos, and development plan. Alex clarified the riding academy will be utilizing the paved course for safety training purposes, not for test driving. He noted the site will host the dealership with retail and a motorcycle service department.

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01:34:20 Commissioner Brown asked if there will be hours of operation for training activities. Alex Rosenberg replied there are set times for classes on the weekends. Evan Schipper explained the riding academy program takes place on Friday evenings through the weekend until Sunday afternoon (see recording for detailed presentation.)

The following spoke against of this request:
No one spoke.

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

Commissioner Deliberation

01:36:29 Commissioner Deliberation (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.

Revised DDP

01:37:17 On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution, based on the Standard of Review and Staff Analysis, testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that there are no significant cultural or natural resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

WHEREAS, the Committee further finds that the 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

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WHEREAS, the Committee further finds that there is no open space requirements associated with this request; and

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

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

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

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

All General Plan Binding Elements 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. 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

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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 building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

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

The vote was as follows:

YES: Commissioners Brown, Seitz, Sistrunk, Mims, and Carlson.

NO: none.

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ADJOURNMENT

The meeting adjourned at approximately 2:40 p.m.

Chairman

Division Director