

**MINUTES OF THE MEETING  
OF THE  
DEVELOPMENT REVIEW COMMITTEE  
November 4, 2015**

A meeting of the Development Review Committee was held on, November 4, 2015 at 1:00 p.m. in the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

**Committee Members present were:**

Chip White, Vice Chairman  
Robert Kirchdorfer, Commissioner  
Jeff Brown, Commissioner  
Rob Peterson, Commissioner

**Committee Members absent were:**

David Tomes, Chairman

**Staff Members present were:**

Brian Davis, Planning Supervisor  
Steve Hendrix, Planning Supervisor  
Julia Williams, Planner II  
Joel Dock, Planner I  
Sherie' Long, Landscape Architect  
Tammy Markert, Transportation Planning  
Jonathan Baker, Legal Counsel  
Tony Kelly, MSD  
Pamela M. Brashear, Management Assistant

The following matters were considered:

**DEVELOPMENT REVIEW COMMITTEE**  
**November 4, 2015**

**APPROVAL OF MINUTES**

**OCTOBER 14, 2015 DRC MEETING MINUTES**

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

**RESOLVED**, that the Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on October 14, 2015.

**The vote was as follows:**

**YES: Commissioners Brown, Kirchdorfer and Peterson**  
**NOT PRESENT FOR THIS CASE: Commissioner Tomes**  
**ABSTAINING: Commissioner White**

**DEVELOPMENT REVIEW COMMITTEE**  
**November 4, 2015**

**NEW BUSINESS**

**CASE NO. 15MINORPLAT1089**

Case No: 15MINORPLAT1089  
Project Name: 5466 Bruce Avenue  
Location: 5466 Bruce Avenue  
Owners/Applicants: Two Studs, LLC  
Representative: Two Studs, LLC – Charlie Wendell Jr.  
Project Area/Size: 1.0 Acre  
Existing Zoning District: R-5, Single Family Residential  
Existing Form District: N, Neighborhood  
Jurisdiction: Louisville Metro  
Council District: 25 – David Yates  
**Case Manager: Joel P. Dock, 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. 5<sup>th</sup> Street.)

**Agency Testimony:**

00:03:52 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

**The following spoke in favor of this request:**

Charles Wendell, Two Studs, LLC, 403 Kroden Court  
David Garber, 2249 Commerce Parkway, LaGrange, Ky. 40031

**Summary of testimony of those in favor:**

00:07:55 Mr. Wendell remarked, "We were just notified about elevations and cross sections on the paved road so we're working on that and will get it as soon as we can. I spoke with someone yesterday and they said we would have to have that submitted and approved before they could stamp the small plat."

00:08:38 Mr. Garber spoke with Tammy at Public Works and she said bring in a profile and typical section of the wide driveway and then she could stamp the plans. It will be a double wide driveway. The lots are long and narrow in the proposed area.

**The following spoke in opposition to this request:**

Annette Doss, 5470 Bruce Avenue, Louisville, Ky. 40214  
Rose Hibbs, 5455 Bruce Avenue, Louisville, Ky. 40214

**DEVELOPMENT REVIEW COMMITTEE**  
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**NEW BUSINESS**

**CASE NO. 15MINORPLAT1089**

**Summary of testimony of those in opposition:**

00:10:32 Ms. Doss stated that the area is Single Family Residential and the owner will be building two homes. She will have a view of the rear. "I think it will hurt my property value."

Ms. Doss has a copy of the petition if the commissioners wish to see it. Also, the previous home on the proposed property was in line with all the others.

00:12:24 Ms. Hibbs said there are no other double driveways on their street.

Ms. Hibbs is concerned this will be setting a precedent. The lots are deep but not very wide.

**Rebuttal:**

00:14:25 Mr. Garber stated, "One of the partners (Rusty Wells) of Two Studs is from Louisville and has lived here all his life. He has been a developer for 30 or 40 years." The applicant is willing to provide a privacy fence so the neighbors will not have to look at the back of the house.

00:16:38 Ms. Hibbs said there are a lot of water problems in the area.

**Deliberation**

00:17:23 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 Kirchdorfer, the following resolution was adopted.

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the minor plat **ON CONDITION** that it not be recorded until the construction plans, bond and permit have been reviewed and approved by Transportation Planning for the roadway within the 30 foot access easement based on the staff report and testimony heard today.

**The vote was as follows:**

**DEVELOPMENT REVIEW COMMITTEE**  
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**NEW BUSINESS**

**CASE NO. 15MINORPLAT1089**

**YES: Commissioners Brown, Kirchdorfer and White**

**NO: Commissioner Peterson**

**NOT PRESENT AND NOT VOTING: Commissioner Tomes**

**The motion did not carry unanimously and will be heard at the November 19, 2015  
Planning Commission meeting.**

**DEVELOPMENT REVIEW COMMITTEE**  
**November 4, 2015**

**NEW BUSINESS**

**CASE NO. 15MOD1016**

Case No: 15MOD1016  
Project Name: 14Cell1004, conditions  
Location: 5811 Lovers Lane (Billtown Road access)  
Owners: Virginia M. Bland (J. Michael Bland POA)  
Applicant: Cellco Partnership d/b/a Verizon Wireless  
Representative: Brent Rice  
Project Area/Size: 22 acres, total site  
Existing Zoning District: R-4, Residential Single Family District  
Existing Form District: Neighborhood  
Jurisdiction: Louisville Metro  
Council District: 22 – Robin Engel  
**Case Manager: Steve Hendrix, Planning Supervisor**

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. 5<sup>th</sup> Street.)

**Agency Testimony:**

00:23:21 Mr. Hendrix discussed the case summary, standard of review and staff analysis from the staff report.

**The following spoke in favor of this request:**

Brent Rice, 201 East Main Street, Lexington, Ky.  
Debbie Bauer, 5808 Billtown Road, Louisville, Ky.

**Summary of testimony of those in favor:**

00:28:20 Mr. Rice represents Cellco Partnership. They want the neighbors to be happy and agreed to the condition because Ms. Bauer requested it but has since changed her mind.

00:29:15 Ms. Bauer said she does not want the fence constructed at this point, or at all.

**Deliberation**

00:29:49 Development Review Committee deliberation.

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**NEW BUSINESS**

**CASE NO. 15MOD1016**

**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 Peterson, seconded by Commissioner Kirchdorfer, the following resolution was adopted.

**WHEREAS**, Removal of the fence requirement might actually help maintain the rural character and the view from Billtown Road; and

**WHEREAS**, Access will still be from Billtown Road with a security gate approved by the Kentucky Transportation Cabinet; and

**WHEREAS**, the property owner of 5808 Billtown Road adjacent to the cell tower property no longer wants a fence installed on her property as initially requested and made a condition of approval on December 18, 2014 by the Planning Commission as per case number 14Cell1004; and

**WHEREAS**, the Louisville Metro Development Review Committee further finds the development plan for the cell tower conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code as approved by the Planning Commission on December 18, 2014.

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** allowing the project to proceed without the construction of the fence on the property line that borders the Bauer property based on the staff report and the testimony heard today.

**The vote was as follows:**

**YES: Commissioners Brown, Kirchdorfer, Peterson and White**

**NOT PRESENT AND NOT VOTING: Commissioner Tomes**

**DEVELOPMENT REVIEW COMMITTEE**  
**November 4, 2015**

**NEW BUSINESS**

**CASE NO. 15STREETS1019**

Case No: 15STREETS1019  
Request: Street Name Change for Cedar Lane, Elm Drive, Evergreen Avenue, Lake Louisville Drive, Walnut Avenue, Wilson Avenue, Witlow Avenue and Woodland Avenue  
Project Name: Park Springs Street Name Changes  
Location: Various Locations within the Lake Louisville/Park Springs Subdivision  
Applicant: Louisville Metro Planning Commission  
Jurisdiction: Louisville Metro  
Council District: 16 – Kelly Downard and 17 – Glen Stuckel  
Case Manager: **Brian Davis, AICP, Planning Supervisor**

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. 5<sup>th</sup> Street.)

**Agency Testimony:**

00:31:14 Mr. Davis discussed the case summary, standard of review and staff analysis from the staff report.

**The following spoke in favor of this request:**

Pat Dominik, Sabak, Wilson and Lingo, 608 South 3<sup>rd</sup> Street, Louisville, Ky. 40202

**Summary of testimony of those in favor:**

00:36:36 Mr. Dominik stated, "There are no current homeowners that have an address on any of these changes." One area of concern is the Lake Louisville stub, which the applicant is proposing to rename as well.

**Deliberation**

00:37:33 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 Peterson, the following resolution was adopted.



**DEVELOPMENT REVIEW COMMITTEE**  
**November 4, 2015**

**NEW BUSINESS**

**CASE NO. 15STREETS1019**

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby place this case on the Consent Agenda for the November 19, 2015 Planning Commission meeting.

**The vote was as follows:**

**YES: Commissioners Brown, Kirchdorfer, Peterson and White**  
**NOT PRESENT AND NOT VOTING: Commissioner Tomes**

**DEVELOPMENT REVIEW COMMITTEE**  
**November 4, 2015**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1157**

Case No: 15devplan1157  
Request: Revised Detailed District Development Plan  
and Waivers  
Project Name: Jefferson Commerce Center 2  
Location: 5101 Jeff Commerce Drive  
Owner: S&F Hotel, LLC  
Applicant: Jefferson United LLC  
Representative: Mindel Scott and Associates  
Jurisdiction: Louisville Metro  
Council District: 2 – Barbara Shanklin  
Case Manager: **Julia Williams, RLA, 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. 5<sup>th</sup> Street.)

**Agency Testimony:**

00:39:16 Mrs. Williams discussed the case summary, standard of review and staff analysis from the staff report.

**The following spoke in favor of this request:**

Kathy Linares, Mindel, Scott and Associates, 5151 Jefferson Boulevard, Louisville, Ky. 40219

**Summary of testimony of those in favor:**

00:43:21 Ms. Linares stated that the revised plan is a reduction in building area (approx. 13%). The amenity area waiver request has changed (industrial recently added). It compares a warehouse building to an office building which is not a fair comparison. "We based ours on the people in this development."

**The following spoke in opposition to this request:**

Mary Moore, 4905 West Batalina Court, Louisville, Ky. 40219  
Rick Blandford, 4605 Sunday Drive, Louisville, Ky. 40219  
Deborah Culver, 4514 Mile of Sunshine Drive, Louisville, Ky.  
Dan Phillips, 4602 Sunday Drive, Louisville, Ky. 40219  
Bill Schuermeyer, 6701 Cape Court, Louisville, Ky.  
Richard Phillips, 4602 Sunday Drive, Louisville, Ky. 40219

**DEVELOPMENT REVIEW COMMITTEE**  
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**NEW BUSINESS**

**CASE NO. 15DEVPLAN1157**

**Summary of testimony of those in opposition:**

00:56:46 Mrs. Moore said she was told there would be a 6 foot berm topped with a 10 foot fence. There's an 18-20 inch drop where the cars will be parked; therefore, it will be visible. They were supposed to level the property, but have raised it about 4 feet. Raising the land has caused a lot of flooding in the area.

Mrs. Moore wants to know what lighting plan will be in effect at night.

01:01:50 Mr. Blandford said there's a lot of standing water, almost like a lake since the geese have shown up. It will also attract mosquitos if something isn't done. The berm is almost useless. Also, "Is the landscaping plan still in place?"

01:04:25 Ms. Culver said her main concern is the drainage. "Along that entire berm, there is one drain, which currently has sand bags in front of it. I'm sure there's a reason for that, but even the one that's there is doing no good. "Until the issues are resolved from Project 1 and all the water is taken off of our subdivision as they promised, I think they should stop and don't go any further until they fix the mess."

01:09:11 Mr. Dan Phillips said they now have stagnate water issues that they've never had before. The drainage should have been put in place first.

01:11:10 Mr. Schuermeyer said the developer has underestimated the wildlife – he has a lot of geese and ducks that have shown up. He couldn't cut the grass until June or July.

01:13:39 Mr. Richard Phillips said he's had MSD and the developer out many times and they've promised to take care of the drainage. "They're not doing anything and I'm not going away."

**Rebuttal:**

01:15:17 Ms. Linares said the fence was eliminated because the building was flipped and the building itself will block the most intense visual and noise disturbances.

Ms. Linares said some trees were removed on the north property line because every tree was not intended to be saved. Only the 50 foot buffer are was to be protected.

01:29:31 Mr. Kelly, MSD, said the Texas Gas easement is very flat and classified as a wetland material. "The Texas Gas representatives are not cooperative while we're trying to enhance the drainage in that area." The 2 drainage pipes may not fix the problems, but won't make it any worse. Ms. Moore remarked, "The Texas gas line was

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**NEW BUSINESS**

**CASE NO. 15DEVPLAN1157**

there when we bought our home in 1971. They should have known it was there when they started this and should have discussed it with Texas gas at that time and how it might affect drainage for this project. Maybe they should have sloped the project the other way instead of bringing dirt in for 2 years.”

**Deliberation**

01:40:00 Development Review Committee deliberation.

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

1:55:39 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted.

**WAIVER #1**  
**Outdoor Amenity Area**

**WHEREAS**, the waiver will not adversely affect adjacent property owners since the amenity area will only serve the subject site; and

**WHEREAS**, the waiver will not violate specific guidelines of Cornerstone 2020 since amenity areas will be provided on the site to accommodate the office use portions of the property; and

**WHEREAS**, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant since the site could either utilize the fee-in-lieu option to cover the portion of the required outdoor amenity area that cannot be provided on site through the process established within the Land Development Code or provide the required 29,300 sf of amenity area on the site. 4,000 sf of amenity space is being provided. The amenity space is 10% of the office square footage. The amount of space provided is not sufficient for the amount of employees expected at the facility; and

**WHEREAS**, the Louisville Metro Development Review Committee further finds the strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the required 29,300 sf of amenity area could be provided on the site.

**WAIVER #2**  
**To permit encroachments into the north 50' LBA**

**DEVELOPMENT REVIEW COMMITTEE**  
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**NEW BUSINESS**

**CASE NO. 15DEVPLAN1157**

**WHEREAS**, the waiver will not adversely affect adjacent property owners since the planting requirements will still be met within the provided area as shown on the development plan. Much of the buffer is TCPA; and

**WHEREAS**, 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 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to 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. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. Existing trees and plants are being used to fulfill the landscape requirements. The encroachment is minor and affects the corner of the 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 planting requirements will still be met on the site; and

**WHEREAS**, the Louisville Metro Development Review Committee further finds the preservation of trees within the 50' buffer exceed the minimums of the district as there are more existing trees than what is required for the buffer.

**WAIVER #3**  
**To permit encroachments into the VUA LBA adjacent to a  
roadway**

**WHEREAS**, the waiver will not adversely affect adjacent property owners since the planting requirements will still be met within the provided area as shown on the development plan; and

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**NEW BUSINESS**

**CASE NO. 15DEVPLAN1157**

**WHEREAS**, the waiver will not violate guideline 3, Compatibility, of Cornerstone 2020, which calls for the protection of roadway corridors and public areas from visual intrusions, for mitigation of parking areas so as not to negatively impact nearby residents and pedestrians, and for parking areas adjacent to streets to be screened and buffered. The waiver will not violate guideline 13, Landscape Character, which calls for the protection of parkways through standards for buffers, landscape treatment, lighting and signs. The purpose of vehicle use area landscape buffer areas is to improve the appearance of vehicular use areas and property abutting roadways. This is still being met because the planting requirements will be provided; 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 roadway acts more like a drive lane and the planting requirements will be provided; and

**WHEREAS**, the Louisville Metro Development Review Committee further finds providing the VUA LBA would create an unnecessary hardship on the applicant since the roadway acts more like a drive lane and because the planting requirements will be provided regardless of the encroachments into the LBA.

**RDDDP**

**WHEREAS**, there does 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**, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community will be provided

**WHEREAS**, Provisions of sufficient open space will be provided; and

**WHEREAS**, the Metropolitan Sewer District 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 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; and

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**NEW BUSINESS**

**CASE NO. 15DEVPLAN1157**

**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** Case No. 15DEVPLAN1157, the waivers of 5.12.2.A.1, 5.5.4.B.1 and 10.2.11 of the Land Development Code as well as the final design of the outdoor amenity area as shown on the development plan, the Revised Detailed District Development Plan and the binding elements listed on page 9 of the staff report based on the applicant's justification, the staff report and testimony heard today and **SUBJECT** to the following Binding Elements:

**Proposed Binding Elements**

**All binding elements from the approved General District 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. 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 Construction Review, Transportation Planning Review, 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. 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.

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**CASE NO. 15DEVPLAN1157**

4. 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.
5. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
6. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the November 4, 2015 Development Review Committee meeting.
7. No idling of trucks shall take place within 200 feet of residences. No overnight idling of trucks shall be permitted on-site.
8. The amenity area shall be shown on the landscape plan submitted for approval.

**The vote was as follows:**

**YES: Commissioners Brown, Kirchdorfer, Peterson and White**  
**NOT PRESENT AND NOT VOTING: Commissioner Tomes**



**DEVELOPMENT REVIEW COMMITTEE**  
**November 4, 2015**

**NEW BUSINESS**

**CASE NO. 15WAIVER1028**

Case No: 15WAIVER1028  
Request: Waiver to allow an LED sign to be closer than 300 feet to a residential zoning district  
Project Name: Saint Athanasius Catholic Church  
Location: 5915 Outer Loop  
Owner: Roman Catholic Bishop of Louisville.  
Applicant: Saint Athanasius Catholic Church  
Representative: William Bardenwerper, Bardenwerper Talbott & Roberts  
Jurisdiction: Louisville Metro  
Council District: 24 – Madonna Flood  
Case Manager: **Sherie' Long, Landscape Architect**

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. 5<sup>th</sup> Street.)

**Agency Testimony:**

01:59:57 Ms. Long discussed the case summary, standard of review and staff analysis from the staff report.

**The following spoke in favor of this request:**

Nick Pregliasco, Bardenwerper, Talbott and Roberts, 1000 North Hurstbourne Parkway, 2<sup>nd</sup> floor, Louisville, Ky. 40223  
Robert Wydell, 192 East River Drive, Shepherdsville, Ky.

**Summary of testimony of those in favor:**

02:09:13 Mr. Pregliasco stated the sign waiver is for the existing sign (to be replaced). The sign will be for advertising services, time for events, etc. Notices were hand-delivered and as for the 10 most directly affected by the sign, 5 support the sign and there were no objections from any of the others.

2:16:45 Mr. Pregliasco stated the hours of operation: eastern standard time 6:00 a.m. until 9:00 p.m. and daylight saving time will be 6:00 a.m. until 10:00 p.m.

02:18:30 Mr. Wydell said the sign will flash one color only, amber.

**Deliberation**

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**NEW BUSINESS**

**CASE NO. 15WAIVER1028**

02:19:10 Commissioner Brown said he would like to see a site plan because the sign could be in the public right-of-way. A survey will show the exact dimensions.

**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.**

2:25:28 On a motion by Commissioner Peterson, seconded by Commissioner Kirchdorfer, the following resolution was adopted.

**WHEREAS**, the waiver will not adversely affect adjacent property owners because many of the adjacent properties, especially across Outer Loop do not object to this changing image sign waiver with respect to distance. Part of the reason for that is because lots of people in the area are members of the St. Athanasius parish. Part of the reason is because Outer Loop is a wide, multi-lane arterial highway. And part of the reason is because it is a non-commercial sign intended to advertise not commercial products, but rather parish church service and school events; and

**WHEREAS**, the waiver will not violate the Comprehensive Plan because, from a Guideline 3 "Compatibility" standpoint, this sign is related to a use that is in keeping with any residential properties in the area, and it is of an aesthetically attractive design. As respects to Guidelines 7 and 8 pertaining to "Traffic" and "Transportation"; the changing image is recognized as not presenting a traffic or road safety hazard as long as the image does not change too frequently; and

**WHEREAS**, the Louisville Metro Development Review Committee finds the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because it has set the sign back at an appropriate distance from the Outer Loop in an area that does not interfere with other important uses of the property that need to be preserved; and

**WHEREAS**, the Louisville Metro Development Review Committee further finds strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because, as stated above, given that most or maybe all neighbors do not object to this sign, locating it elsewhere on this site would interfere with structures and uses that need to be protected and/or would limit St. Athanasius opportunities to appropriately advertise its parish functions.

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 15WAIVER1028, a sign waiver to allow a LED changing image sign to be closer than 300 feet of residential zoning district based on the staff report, the

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**CASE NO. 15WAIVER1028**

report submitted by the applicant and the testimony heard today. The LED sign will have a dimmer and the applicant will provide a site plan/survey showing the new sign is not in the right-of-way. The hours of operation will be 6:00 a.m. to 9:00 p.m. standard time and 6:00 a.m. to 10:00 p.m. daylight saving time.

**The vote was as follows:**

**YES: Commissioners Brown, Kirchdorfer, Peterson and White**

**NOT PRESENT AND NOT VOTING: Commissioner Tomes**

**DEVELOPMENT REVIEW COMMITTEE**  
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**NEW BUSINESS**

**CASE NO. 15WAIVER1029**

Case No: 15WAIVER1029  
Request: Waiver to allow an LED sign to be closer than 300 feet to a residential zoning district  
Project Name: Okolona Church of Christ  
Location: 6105 Outer Loop  
Owner: Okolona Church of Christ  
Applicant: Owner  
Representative: James Griffin, Evans/Griffin  
Jurisdiction: Louisville Metro  
Council District: 24 – Madonna Flood  
Case Manager: **Sherie' Long, Landscape Architect**

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. 5<sup>th</sup> Street.)

**Agency Testimony:**

02:26:55 Ms. Long discussed the case summary, standard of review and staff analysis from the staff report.

**The following spoke in favor of this request:**

James L. Griffin, 4010 Dupont Circle, Suite 478, Louisville, Ky. 40207  
Bob Edison, 7705 Apple Mill Place, Louisville, Ky.

**Summary of testimony of those in favor:**

02:36:55 Mr. Griffin stated they are adding a sign to the existing sign. A survey was taken in 1994. The sign distance is 205 feet to the closest neighbor.

02:39:45 Mr. Edison said after getting approval for the sign, the church intends on landscaping the entire front of the property.

**Deliberation**

02:40:57 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**  
**November 4, 2015**

**NEW BUSINESS**

**CASE NO. 15WAIVER1029**

On a motion by Commissioner Peterson, seconded by Commissioner Kirchdorfer, the following resolution was adopted.

**WHEREAS**, the waiver will not adversely affect adjacent property because the nearest property is approximately 190 feet south of the proposed location of the sign behind a screen fence and existing vegetation. Four (4) homes are within the 300 feet but the view of the sign is buffered by the existing vegetation, solid wood fencing, and a grade change; and

**WHEREAS**, the waiver will not violate the Comprehensive Plan because the sign location is being buffered by existing vegetation, a screen fence, and a change in grade which mitigates the impact of the changing image sign on the existing residential property. The proposal is designed to be compatible with surrounding land uses through the use of techniques to mitigate nuisances and provide appropriate transitions between land uses. The proposal could provide additional appropriate transitions between uses that are substantially different in scale and intensity. The proposal does mitigate the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments. However, the size of the signage is not compatible with the form district pattern and does not contribute to the visual quality of their surroundings. Adding street trees along the street will help to mitigate the height of the sign; 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 because the relief being provided would allow the sign to be updated to the standard desired; and

**WHEREAS**, the Louisville Metro Development Review Committee further finds Strict application of the provisions of the regulation will not deprive the applicant of the reasonable use of the land or would not create an unnecessary hardship on the applicant because the applicant can provide adequate signage without a changing image.

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 15WAIVER1029, to allow a LED changing image sign to be closer than 300 feet to a residential zoning district based on the staff report and presentation made today with the addition of the hours of operation of the LED portion of the sign to be 6:00 a.m. – 9:00 p.m. standard time and 6:00 a.m. – 10:00 p.m. daylight saving time. It will have a dimmer at night and no flashing, blinking or scrolling.

**DEVELOPMENT REVIEW COMMITTEE**  
**November 4, 2015**

**NEW BUSINESS**

**CASE NO. 15WAIVER1029**

**The vote was as follows:**

**YES: Commissioners Brown, Kirchdorfer, Peterson and White**  
**NOT PRESENT AND NOT VOTING: Commissioner Tomes**

**DEVELOPMENT REVIEW COMMITTEE**  
**November 4, 2015**

**NEW BUSINESS**

**CASE NO. 15WAIVER1030**

Case No: 15Waiver1030  
Project Name: Research Drive Building Expansion  
Location: 1733 Research Drive  
Owner(s): Noltemeyer Capital Ltd.  
Applicant: Jeff Robinson, Summit Construction  
Representative: Amy Cooksey, Mindel Scott & Associates  
Jurisdiction: City of Jeffersontown  
Council District: 11 – Kevin Kramer  
Case Manager: **Sherie' Long, Landscape Architect**

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. 5<sup>th</sup> Street.)

**Agency Testimony:**

02:43:08 Ms. Long discussed the case summary, standard of review and staff analysis from the staff report.

**The following spoke in favor of this request:**

Kent Gootee, Mindel, Scott and Associates, 5151 Jefferson Boulevard, Louisville, Ky. 40219

**Summary of testimony of those in favor:**

02:50:28 Mr. Gootee gave his presentation and showed renderings of how the new building will look. The old warehouse doesn't have enough space.

**Deliberation**

02:55:40 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 Kirchdorfer, the following resolution was adopted.

**Waiver #1:** Waiver of the Land Development Code Section 10.2.4.B, to not provide the required 15' landscape buffer area (LBA) along the northeast perimeter.

**DEVELOPMENT REVIEW COMMITTEE**  
**November 4, 2015**

**NEW BUSINESS**

**CASE NO. 15WAIVER1030**

**WHEREAS**, the waiver will not adversely affect adjacent property owners since tree plantings will be provided in the proposed interior landscape areas; and

**WHEREAS**, 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 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to 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. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. The waiver will not violate the comprehensive plan. The adjacent property is similar in scale and intensity, therefore a buffer is not necessary. However, the planting of additional canopy trees between the two parking lots will shade the pavement; reduce the impact of stormwater runoff; and improve air quality; 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 all the other perimeter planting are being provided along with the required tree canopy; 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 and would create an unnecessary hardship on the applicant. To provide the required 15' LBA along this perimeter would impact the ability to provide both the necessary parking and increase the square footage of the proposed building. Both necessary to provide adequate facilities for the operation of the business.



**DEVELOPMENT REVIEW COMMITTEE**  
**November 4, 2015**

**NEW BUSINESS**

**CASE NO. 15WAIVER1030**

**Waiver #2:** Waiver of the Land Development Code Section 10.2.4.B, to allow more than 50% overlap of a utility easement into the 15' required LBA along the rear of the property.

**WHEREAS**, the waiver will not adversely affect adjacent property owners since the existing vegetation located along southeast perimeter is being preserved and additional plantings could be provided if necessary; and

**WHEREAS**, Guideline 3, policy 9 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to 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. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. The waiver request does not violate the comprehensive plan. The required buffer plantings will be provided even with the encroachment of the easements. Plus the existing vegetation provides an adequate buffer which meets the intent of the guidelines; 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 plantings will be provided as required even with the encroachment; and

**WHEREAS**, the Louisville Metro Development Review Committee further finds the applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect). The existing vegetation is being preserved and additional plantings will be provided if need to adequately buffer the site perimeter.

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the City of Jeffersontown, **APPROVAL** of Case No. 15WAIVER1030,

**DEVELOPMENT REVIEW COMMITTEE**  
**November 4, 2015**

**NEW BUSINESS**

**CASE NO. 15WAIVER1030**

the 2 Land Development Code waivers from section 10.2.4.B based on the staff report and testimony heard today.

**The vote was as follows:**

**YES: Commissioners Brown, Kirchdorfer, Peterson and White**

**NOT PRESENT AND NOT VOTING: Commissioner Tomes**

**DEVELOPMENT REVIEW COMMITTEE**  
**November 4, 2015**

**NEW BUSINESS**

**CASE NO. 15WAIVER1031**

Case No: 15Waiver1031  
Project Name: Walmart  
Location: 3706 Diann Marie Road  
Owner: Walmart Real Estate Business Trust  
Applicant: Harrison French & Associates, Ltd.  
Representative: Harrison French & Associates, Ltd.  
Project Area/Size: 18.09 acres  
Existing Zoning District: C-1, Commercial  
Existing Form District: RC, Regional Center  
Jurisdiction: Louisville Metro  
Council District: 17 – Glen Stuckel  
**Case Manager: Sherie' Long, Landscape Architect**

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. 5<sup>th</sup> Street.)

**Agency Testimony:**

02:57:47 Ms. Long discussed the case summary, standard of review and staff analysis from the staff report.

**The following spoke in favor of this request:**

Sarah Smith, 1705 South Walton Boulevard, Arkansas

**Summary of testimony of those in favor:**

03:02:53 Ms. Smith said she has nothing to add but can answer questions if needed.

**Deliberation**

03:03:15 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 Peterson, the following resolution was adopted.

**DEVELOPMENT REVIEW COMMITTEE**

**November 4, 2015**

**NEW BUSINESS**

**CASE NO. 15WAIVER1031**

**WHEREAS**, the waiver will not adversely affect adjacent property owners since the proposed signage reduces the existing signage in size; and

**WHEREAS**, the waiver would not violate specific guidelines of Cornerstone 2020 since the proposed signage is very similar to the existing signage; 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 additional signage is necessary to identify the location of services offered within the building; 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 land or create an unnecessary hardship since the proposed signage is very similar to the existing signage; and is necessary to identify the location of services offered within the building.

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 15WAIVER1031, waiver of chapter 8.3, table 8.3.2, to allow 4 signs on a façade, of the Land Development Code based on the staff report and testimony heard today.

**The vote was as follows:**

**YES: Commissioners Brown, Kirchdorfer, Peterson and White**  
**NOT PRESENT AND NOT VOTING: Commissioner Tomes**

**DEVELOPMENT REVIEW COMMITTEE**  
**November 4, 2015**

**NEW BUSINESS**

**CASE NO. 15MISC1008**

Case No: 15MISC1008  
Project Name: J & J Tool Company  
Location: 3306 Linda Lane  
Owner(s): Kent Barger, J & J Tool Company  
Applicant: Owner  
Representative: James Griffin, Evans/Griffin  
Jurisdiction: Louisville Metro  
Council District: 1 – Jessica Green  
Case Manager: **Sherie' Long, Landscape Architect**

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. 5<sup>th</sup> Street.)

**Agency Testimony:**

03:04:30 Ms. Long discussed the case summary, standard of review and staff analysis from the staff report.

**The following spoke in favor of this request:**

James L. Griffin, 4010 Dupont Circle, Suite 478, Louisville, Ky. 40207

**Summary of testimony of those in favor:**

03:16:10 Mr. Griffin remarked, "We are the last property on this section of Lyndon Ln. and don't need to provide sidewalk service along our frontage for pedestrians to gain access to the Watterson Expressway."

**Deliberation**

03:18:15 Commissioner Brown remarked, "The size of the addition meets the threshold for access management. I know Transportation will address it, if they haven't already, I'm sure they will. I think there will be some plan revisions required but we won't vote on that today."

**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 Peterson, seconded by Commissioner Kirchdorfer, the following resolution was adopted.

**DEVELOPMENT REVIEW COMMITTEE**  
**November 4, 2015**

**NEW BUSINESS**

**CASE NO. 15MISC1008**

**Waiver #1:** Waiver of the Land Development Code Sections 5.8.1.B and 5.9.2.A.1.b.i, to not provide a sidewalk along the frontage of Linda Lane; and not to provide the pedestrian connection from the building entrance to the right-of-way.

**WHEREAS**, the waiver will not adversely affect adjacent property owners since there are no sidewalks located in the vicinity. However, a transit route does serve the area with a stop located within a short walk from the development. Sidewalks and the pedestrian connection to the right-of-way would allow an alternative safe path; and

**WHEREAS**, Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. The waiver request does violate the comprehensive plan since there is a transit stop in the vicinity. However, there are no sidewalks located within the vicinity of this site either along Linda Lane or Cane Run Road; and

**WHEREAS**, the Louisville Metro Development Review Committee finds the extent of waiver of the regulation is not the minimum necessary to afford relief to the applicant since the existing site condition allows for the construction of the sidewalks and the pedestrian connection. There are no site features restricting the construction of sidewalks and the pedestrian connection; and

**WHEREAS**, the Louisville Metro Development Review Committee further finds 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. The strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant since the proposed development can be built on the site while complying with the requirements requested to be waived.

**Waiver #2:** Waiver of the Land Development Code Section 10.2.7, to eliminate planting and screening requirements within the 15' expressway buffer adjacent to I-264.

**WHEREAS**, the waiver will not adversely affect adjacent property owners since there is a difference of grade from the traveling lanes of the Expressway to the property

**DEVELOPMENT REVIEW COMMITTEE**  
**November 4, 2015**

**NEW BUSINESS**

**CASE NO. 15MISC1008**

perimeter of the site. Plus this ascending slope has existing vegetation beyond the property line; and

**WHEREAS**, 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 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to 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. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. The waiver will not violate the comprehensive plan. There is a difference in grade from the traveling lanes of the expressway to the development site. This ascending slope contains existing trees and vegetation which create a natural buffer between the two uses. This natural buffer is however, located in the right-of-way of the expressway, therefore not guaranteed to not be removed in the future; and

**WHEREAS**, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant since the required tree plantings can be provided; and

**WHEREAS**, the Louisville Metro Development Review Committee further finds 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. The strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant since the proposed development can be built on the site while complying with the requirements requested to be waived.

**Waiver #3:** Waiver of the Land Development Code Section 10.2.4, to reduce the rear property perimeter LBA from 25' to 15' along the southern boundary.

**DEVELOPMENT REVIEW COMMITTEE**  
**November 4, 2015**

**NEW BUSINESS**

**CASE NO. 15MISC1008**

**WHEREAS**, the waiver will not adversely affect adjacent property owners since the proposal is to provide the required perimeter screening and tree plantings in the reduced buffer area; and

**WHEREAS**, 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 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to 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. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. The waiver request does not violate the comprehensive plan. The proposal is to provide the required screen and tree planting in the reduced landscape buffer area; 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 reduced buffer will be planted with the required trees and the required screen will also be provided in the reduce buffer area; and

**WHEREAS**, the Louisville Metro Development Review Committee further finds the applicant is incorporating the required plantings and screening in the reduce buffer area. The strict application of the provision of the regulation would deprive the applicant of the reasonable use of the land. If the applicant is required to provide the total 25' LBA that would reduce the available storage and maneuvering area; and not allow the new addition to be the necessary size to accommodate the operation of the facility.

**Waiver #4:** Waiver of the Land Development Code Sections 10.2.4, to eliminate the required 25' property perimeter LBA along the eastern boundary.



**DEVELOPMENT REVIEW COMMITTEE**  
**November 4, 2015**

**NEW BUSINESS**

**CASE NO. 15MISC1008**

**WHEREAS**, the waiver will not adversely affect adjacent property owners since a portion the adjacent abutting property is an access and contains accessory structures for the residential property to the south. Plus the use of the property beyond the access is a commercial warehouse which is a compatible use to the proposal, therefore no buffer is necessary; and

**WHEREAS**, 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 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to 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. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. The waiver does not violate the comprehensive plan since the abutting property along this perimeter is access to the residential property to the south and the location of accessory structures. Plus the next property, east of the access, is a commercial warehouse which is compatible with the use of the subject development; therefore no buffer would be necessary; 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 existing conditions do not warrant the need to provide a buffer along this perimeter; and

**WHEREAS**, the Louisville Metro Development Review Committee further finds the strict applicant of the provisions of the regulation would deprive the applicant of the reasonable use of the land and create an unnecessary hardship. Providing the required 25' LBA would require the applicant to remove a portion of the existing structure which is unreasonable and a hardship.

**DEVELOPMENT REVIEW COMMITTEE**  
**November 4, 2015**

**NEW BUSINESS**

**CASE NO. 15MISC1008**

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** Case No. 15MISC1008, the waivers applied for today based on the staff report as well as the testimony heard today.

**The vote was as follows:**

**YES: Commissioners Brown, Kirchdorfer, Peterson and White**  
**NOT PRESENT AND NOT VOTING: Commissioner Tomes**

**DEVELOPMENT REVIEW COMMITTEE**  
**November 4, 2015**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1109**

Case No:	15DEVPLAN1109
Project Name:	Ken's Self Storage
Location:	6501 Geil Lane
Owner(s):	Winebrenner Capital Management
Applicant:	Stephen B. Cherry, Murphy + Graves + Trimble
Representative:	Liz Piper, Element design
Project Area/Size:	10.73 acres
Jurisdiction:	Louisville Metro
Council District:	2 – Barbara Shanklin
Case Manager:	<b>Sherie' Long, Landscape Architect</b>

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. 5<sup>th</sup> Street.)

**Agency Testimony:**

03:23:53 Ms. Long discussed the case summary, standard of review and staff analysis from the staff report.

3:40:20 Mr. Kelly, MSD, stated "The fill compensation that they're going to have to compensate for is going to be a 1.5 to 1 ratio. This development could potentially help the flooding within this watershed zone."

**The following spoke in favor of this request:**

Liz Piper, Element Design, 1860 Mullett Avenue, Lexington, Ky.

**Summary of testimony of those in favor:**

03:33:07 Ms. Piper said there are on site detention basins and a very generous green space/outdoor amenity area because all the existing vegetation will be removed. "We have a considerable tree canopy to meet and we elected to do what you ask."

**Deliberation**

03:40:57 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**  
**November 4, 2015**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1109**

**Development Plan and Binding Elements**

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

**WHEREAS**, the proposal does not conserve the natural resources of the site which include: floodplain, wetland, existing vegetation, and bat habitat. However, all the resources being impacted are being considered for remediation by the appropriate agencies; and

**WHEREAS**, provisions for safe and efficient vehicular and pedestrian transportation are provided within the development along with connections to the surrounding community; plus Transportation Planning has approved the preliminary development plan; and

**WHEREAS**, the proposal provides a 27,000sf amenity area to be planted with the majority of the required trees to meet the 20% canopy square footage requirement while providing green space. The amenity area will also contain 2 picnic tables and a bench; and

**WHEREAS**, 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 Louisville Metro Development Review Committee finds the overall site design and land uses are compatible with the existing and future development of the area. The selected building materials and proposed plantings, including additional street trees along Jefferson Boulevard, will enhance and improve the overall site development; 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** Case No. 15DEVPLAN1109, the Category 3 Development Plan based on the staff report and testimony heard today.

**The vote was as follows:**

**YES: Commissioners Brown, Kirchdorfer, Peterson and White**

**DEVELOPMENT REVIEW COMMITTEE**  
**November 4, 2015**

**NEW BUSINESS**

**CASE NO. 15DEVPLAN1109**

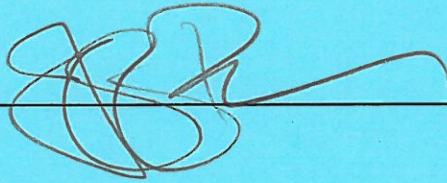
**NOT PRESENT AND NOT VOTING: Commissioner Tomes**

**DEVELOPMENT REVIEW COMMITTEE**  
**November 4, 2015**

**ADJOURNMENT**

The meeting adjourned at approximately 4:50 p.m.

**Chair**

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right, positioned above a horizontal line.

**Planning Director**

A handwritten signature in blue ink, featuring a cursive style with a prominent initial letter and a long horizontal stroke, positioned above a horizontal line.