

**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE MEETING  
September 15, 2021**

A meeting of the Louisville Metro Development Review Committee was held on Wednesday, September 15, 2021 at 1:00 p.m. via Cisco Webex Video Teleconferencing.

**Commissioners present:**

Rich Carlson, Chair  
Jeff Brown  
Patti Clare  
Pat Seitz (arrived at 2:00 p.m.)

**Commissioners absent:**

Jim Mims, Vice Chair

**Staff members present:**

Joe Reverman, Assistant Director, Planning & Design Services  
Julia Williams, Planning Supervisor  
Brian Davis, Planning Manager  
Joe Haberman, Planning Manager  
Jay Lockett, Planner I  
Travis Fiechter, Legal Counsel  
Chris Cestaro, Management Assistant (minutes)

**Other staff present:**

Beth Stuber, Transportation  
Tony Kelly, MSD

The following matters were considered

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**September 15, 2021**

**APPROVAL OF MINUTES**

**Minutes of the September 1, 2021 Development Review Committee meeting.**

00:03:43        On a motion by Commissioner Brown, seconded by  
Commissioner Clare, the following resolution was adopted:

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby  
**APPROVE** the minutes of its meeting conducted on September 1, 2021.

**The vote was as follows:**

**YES:**     Commissioners Brown, Clare, and Carlson.

**NO:**     No one.

**ABSENT:**   Commissioners Mims and Seitz.

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
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**OLD BUSINESS**

**CASE NUMBER 21-DDP-0048**

Request: (CONTINUED from the September 1, 2021 DRC meeting)  
Revised Detailed District Development Plan with replacement  
of binding elements

Project Name: Greyhound Bus Station

Location: 4826 Preston Hwy

Owner: Frank and Victoria Serapiglia

Applicant: Frank and Victoria Serapiglia

Representative: Chris Brown - BTM Engineering

Jurisdiction: Louisville Metro

Council District: 21 - Nicole George

**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:**

00:04:36 Jay Lockett noted that this was continued from the September 1, 2021 DRC meeting. The applicant has revised the curb radii along Meadow Avenue (see staff report and recording for detailed presentation and explanation of changes.)

00:07:30 Commissioner Brown asked if Metro Transportation Planning had reviewed the plan and if they had comments on it. Mr. Lockett said that Beth Stuber, with Metro Transportation Planning, had reviewed the revised plan.

00:08:19 Commissioner Carlson asked about two apparent bus parking spaces, and asked how two parked buses could be accommodated there. Mr. Lockett said the applicant could address that concern.

**The following spoke in favor of the proposal:**

Chris Brown, BTM Engineering, 3001 Taylor Springs Drive, Louisville, KY 40220

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**OLD BUSINESS**

**CASE NUMBER 21-DDP-0048**

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

00:09:17 Chris Brown, the applicant's representative, presented a Power Point presentation which discussed the main issues that were of concern to the Commissioners at the September 1, 2021 DRC meeting and how those concerns have been addressed (see recording for detailed presentation.)

00:14:14 In response to a question from Commissioner Carlson, Mr. Brown explained why the applicant does not want to remove the canopy (rain/weather protection for passengers and drivers.) Commissioner Carlson and Mr. Brown also discussed the right turn onto Meadow Avenue (see recording for detailed discussion.)

00:16:27 In response to a question from Commissioner Brown, Mr. Brown said that the only maneuvering that will be occurring on Meadow Avenue will be buses going out to Preston Highway. Commissioner Brown asked if the applicant was proposing to restrict use of the rest of Meadow Avenue. Mr. Brown said no restriction was being proposed.

**The following spoke in opposition to the proposal:**

No one spoke.

**The following spoke neither for nor against the proposal ("Other"):**

Rachel Roarx, legislative aide for Councilwoman Nicole George, 601 West Jefferson Street, Louisville, KY 40202

**Summary of testimony of those neither for nor against:**

00:20:26 Rachel Roarx expressed concern that the closest signalized intersection would be Alder Avenue at Gilmore Lane. Preston Highway and Meadow is not signalized; a left turn out of the property might encourage drivers to try to find the nearest signalized intersection. Mr. Brown said there would be "a small number" of buses and they would all use the Meadow Avenue/Preston Highway intersection. Ms. Roarx asked about security, hours of operation. Mr. Brown said there will be on-site security though the Greyhound Company; hours of operation will be at various times throughout the day (no set times.) MS. Roarx asked if the facility will be staffed – Mr. Brown said this will not be a fully staffed property, like the larger greyhound Terminal downtown.

00:27:14 In response to a question from Commissioner Carlson, Mr. Brown said this station will not be replacing the large terminal downtown, but will be an auxiliary

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**OLD BUSINESS**

**CASE NUMBER 21-DDP-0048**

passenger terminal. In response to a question from Commissioner Carlson, Mr Brown said that passenger wait times would depend which routes the customers were taking.

00:28:36 In response to a question from Commissioner Clare, Mr. Brown said that people would wait for their buses either in their parked cars, under the canopy, or in the existing building on site.

00:29:06 Commissioner Clare asked for further information on the frequency of bus service to this site. Mr. Brown said there are typically 20-25 boardings per 24 hour period.

**Deliberation:**

00:30:37 Commissioners' deliberation.

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

00:36:22 On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **CONTINUE** this case to the **October 6, 2021** Development Review Committee meeting in order for the applicant to address concerns regarding safe and efficient vehicular and pedestrian movement within the development and the community.

**The vote was as follows:**

**YES: Commissioners Brown, Clare, and Carlson.**

**NO: No one.**

**ABSENT: Commissioners Mims and Seitz.**

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
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**OLD BUSINESS**

**CASE NUMBER 21-WAIVER-0095**

Request: Changing Image Sign Waiver  
Project Name: Changing Image Sign Waiver  
Location: 1960 Bardstown Road  
Owner: St. Francis of Assisi  
Applicant: Smart LED Signs & Lighting  
Representative: Karla Hill  
Jurisdiction: Louisville Metro  
Council District: 8 - Cassie Chambers Armstrong  
**Case Manager: Beth Jones, 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:**

00:37:05 Beth Jones briefly reviewed the case. She said the main concern at the last meeting was that Louisville Metro Urban Design had not had a chance to review the request. Urban Design has now reviewed and approved the request with a change rate on the sign of once per hour (see staff report and recording for detailed presentation.)

00:38:41 In response to a question from Commissioner Carlson, Ms. Jones said Urban Design did not make any recommendations regarding dimming or hours of operation. In response to a question from Joe Reverman, Assistant Director of Metro Planning & Design Services, Ms. Jones read the requirements from the Land Development Code regarding auto-dimming of lighted signage (see recording.)

00:40:33 In response to a question from Commissioner Brown, Ms. Jones said the applicant has committed to plantings trees on the site (see recording.)

**The following spoke in support of the proposal:**

Paul Nee and Karla Hill, Smart LED Signs & Lighting, 9952 Bunsen Way, Louisville, KY 40299

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**OLD BUSINESS**

**CASE NUMBER 21-WAIVER-0095**

Scott U'Sellis, St. Francis of Assisi, 1960 Bardstown Road, Louisville, KY 40205

**Summary of testimony of those in support:**

00:41:17 Paul Nee, the applicant, presented the case and showed a Power Point presentation (see recording for detailed presentation.) Ms. Jones added that this is not the final step; if this waiver request is approved, the applicant will still have to go through the normal sign permitting process.

00:46:00 In response to a question from Commissioner Brown, Ms. Jones and Mr. Nee discussed what types of planting/screening the applicant is proposing. Scott U'Sellis discussed the landscaping and/or fencing in more detail (see recording for detailed discussion.)

00:49:19 In response to a question from Commissioner Clare, Ms. Jones said the Overlay District review addressed the sign timing issue only, not the landscaping or fencing. Joe Haberman, Planning Manager with Louisville Metro Planning & Design Services, said the Overlay District typically does not review for landscaping requirements; a fence or wall would have to be reviewed by the Overlay District. See recording for detailed discussion.

00:54:09 In response to a question from Commissioner Brown regarding tree planting, Ms. Jones said the new information presented today arrived after the staff report had already been completed and published. She showed the slide from the applicant which shows tree planting (see recording.) Mr. Nee said he went on-site, spoke with the St. Francis school representative, and discussed adding either shrubs or fencing.

**\*NOTE: Commissioner Seitz joined the meeting at 2:00 p.m.**

**The following spoke in opposition:**

No one spoke.

**Deliberation:**

00:59:48 Commissioners' deliberation.

01:03:18 Mr. Nee said there were no objections from the homeowners to whom letters were sent out; also, the impact of the light is minimal on nearby residences.

Hours of operation were discussed (dusk to dawn.) The Commissioners wanted to know what other precedents had been set regarding lighting for other church/school uses.

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**OLD BUSINESS**

**CASE NUMBER 21-WAIVER-0095**

**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.**

01:19:19      On a motion by Commissioner Seitz, seconded by Commissioner Brown, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **CONTINUE** this case to the October 6, 2021 Development Review Committee meeting.

**The vote was as follows:**

**YES:      Commissioners Brown, Seitz, Clare, and Carlson.**

**NO:      No one.**

**ABSENT:    Commissioner Mims.**

01:20:40      Travis Fiechter, legal counsel for the Planning Commission, suggested that “a short discussion item” be placed on the October 6<sup>th</sup> DRC agenda, prior to hearing this case at that time. The discussion would be regarding setting actual times for hours of operation, versus “dusk to dawn”.



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

**CASE NUMBER 21-MPLAT-0104**

Request: Waiver to create substandard lots  
Project Name: Schrage Minor Plat  
Location: 1218 Fischer Avenue  
Owner: Gilbert Schrage  
Applicant: Gilbert Schrage  
Representative: Gilbert Schrage  
Jurisdiction: Louisville Metro  
Council District: 10 - Pat Mulvihill  
**Case Manager: Heather Pollock, 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:**

01:22:13 Heather Pollock presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

01:25:31 In response to a question from Commissioner Brown, Ms. Pollock discussed the side-yard setbacks.

01:26:47 In response to a question from Commissioner Carlson, Ms. Pollock discussed housing widths and said that the applicant could provide more information about the width of the proposed structure. Joe Reverman, Assistant Director of Metro Planning & Design Services, said that 25-foot-wide lots is not uncommon in urban areas.

**The following spoke in support of the proposal:**

Gil Schrage, 3309 Natchez Lane, Louisville, KY 40206

**Summary of testimony of those in support:**

01:28:43 Gilbert Schrage, the applicant, said that the existing structure is 16.4 feet wide. He said the wider part at the back is from an addition put on after the house was built. There are many houses on the block and in this area that are 18 feet wide.

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**NEW BUSINESS**

**CASE NUMBER 21-MPLAT-0104**

**The following spoke in opposition to the proposal:**

No one spoke.

**Deliberation:**

01:30:45 Commissioners' deliberation.

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

01:31:21 On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution, based on the staff report and evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners as the proposed lots are similar to other lots in the neighborhood. A majority of the existing lots on this block are below the minimum width of 35 feet; and

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

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

**WHEREAS**, the Committee further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land because the regulations are restricting the applicant from creating a lot pattern that matches the

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**NEW BUSINESS**

**CASE NUMBER 21-MPLAT-0104**

surrounding neighborhood; now, therefore be it

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested minor plat to create two substandard lots within the Traditional Neighborhood Form District through section 7.8.12.G of the Land Development Code.

**The vote was as follows:**

**YES: Commissioners Seitz, Brown, Clare, and Carlson.**

**NO: No one.**

**ABSENT: Commissioner Mims.**

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**NEW BUSINESS**

**CASE NUMBER 21-MPLAT-0122**

Request:	Record Plat Amendment
Project Name:	Ferguson Minor Plat
Location:	125 Indian Hills Trail
Owner:	Bruce & Barbara Ferguson
Applicant:	Bruce & Barbara Ferguson
Representative:	David Winkler, LD&D, Inc. Cliff Ashburner, Dinsmore & Shohl
Jurisdiction:	Indian Hills
Council District:	7 - Paula McCraney
<b>Case Manager:</b>	<b>Heather Pollock, Planner I</b>

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:**

01:32:32 Heather Pollock presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

01:34:57 In response to a question from Commissioner Brown, Ms. Pollock said the City of Indian Hill was notified about this application.

**The following spoke in support of the proposal:**

Cliff Ashburner, Dinsmore & Shohl, 101 S 5th St #2500, Louisville, KY 40202

**Summary of testimony of those in support:**

01:35:27 Cliff Ashburner, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

**The following spoke in opposition to the proposal:**

No one spoke.

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**CASE NUMBER 21-MPLAT-0122**

**The following spoke neither for nor against the proposal (“Other”):**

Finn Cato, Cato & Cato Attorneys, 2950 Breckinridge Lane, Louisville, KY 40220

Councilwoman Paula McCraney, 601 West Jefferson Street, Louisville, KY 40202

**Summary of testimony of those neither for nor against:**

01:43:20 Finn Cato, representing the City of Indian Hills, said he has sent two letters to Metro Planning noting that “a number” of Indian Hills residents had expressed concerns about the historical nature of the property; the tree canopy; and the water runoff that might affect the adjacent property owners. He also said that the City has an ordinance, dating back to 2013, requiring a property owner who wishes to subdivide their property get approval from the City of Indian Hills. He said he has spoken to Mr. Ashburner and the property owner and discussed the proposed plan. The City intends to have a first reading of this request at their monthly meeting tomorrow.

01:46:54 In response to concerns from Councilwoman Paula McCraney, Travis Fiechter, legal counsel for the Planning Commission, explained notification procedures (see recording.)

01:49:34 In response to a question from Commissioner Carlson, Julia Williams, Planning Supervisor with Metro Planning & Design Services, said that the case would have been noted on PDS’s Weekly Activity Report; also, notice of this proposal would also have been sent out electronically to all citizens who signed up to receive notifications to District 7, including Councilwoman McCraney’s office.

01:51:53 In response to a question from Commissioner Brown, Mr. Cato said the Indian Hills ordinance states that Indian Hills has to approve a subdivision request.

01:52:27 In response to a question from Commissioner Carlson, Mr. Fiechter advised the Committee on procedure/s for this case. Mr. Fiechter and Mr. Cato discussed procedural issues.

**Deliberation:**

01:55:19 Commissioners’ deliberation.

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

01:56:32 On a motion by Commissioner Brown, seconded by Commissioner Clare,

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**NEW BUSINESS**

**CASE NUMBER 21-MPLAT-0122**

the following resolution, based on the staff report and evidence and testimony heard today, was adopted:

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Record Plat Amendment to create 2 lots from 1 in the Indian Hills Subdivision in Plat Book 6, Page 2.

**The vote was as follows:**

**YES: Commissioners Brown, Clare, Seitz, and Carlson.**

**NO: No one.**

**ABSENT: Commissioner Mims**

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

**CASE NUMBER 21-MPLAT-0121**

Request:	Waiver to create substandard lots
Project Name:	Rebound Minor Plat
Location:	433 and 435 Dr W J Hodge Street
Owner:	Rebound, Inc
Applicant:	Richard Matheny
Representative:	Richard Matheny
Jurisdiction:	Louisville Metro
Council District:	4 - Jecorey Arthur
<b>Case Manager:</b>	<b>Jay Lockett, Planner I</b>

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:**

01:57:20 Jay Lockett presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) He noted that there is a typo in the staff report: on page 2, under "Standard of Review", there is a mention of "Mary Street and East Oak Street". Should read, "The waiver will not adversely affect adjacent property owners as the proposed lots are similar to other lots in the neighborhood. The existing lots have alley access, and they have frontage on Dr. W. J. Hodge Street and street parking."

**The following spoke in support of the proposal:**

Kathryn Matheny, Cardinal Surveying, 9009 Preston Hwy, Louisville, KY 40219

**Summary of testimony of those in support:**

02:00:25 Kathryn Matheny, the applicant's representative, presented the applicant's case and using the proposed plat (see recording for detailed presentation.)

**The following spoke in opposition to the proposal:**

No one spoke.

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**NEW BUSINESS**

**CASE NUMBER 21-MPLAT-0121**

**Deliberation:**

02:02:37 Commissioners' deliberation.

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

02:03:26 On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners as the proposed lots are similar to other lots in the neighborhood. The existing lots have alley access, and they have frontage on Dr. W. J. Hodge Street and street parking; and

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

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

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

**RESOLVED**, the Louisville Metro Development Review Committee does hereby



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**NEW BUSINESS**

**CASE NUMBER 21-MPLAT-0121**

**APPROVE** the requested minor plat to create 2 substandard lots within the Traditional Neighborhood Form District through section 7.8.12.G of the Land Development Code.

**The vote was as follows:**

**YES: Commissioners Brown, Clare, Seitz, and Carlson.**

**NO: No one.**

**ABSENT: Commissioner Mims.**

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**NEW BUSINESS**

**CASE NUMBER 21-WAIVER-0110**

Request: Waiver to allow accessory structure with larger footprint than principal structure  
Project Name: Pole Barn Garage  
Location: 10013 Blue Lick Rd  
Owner: John Woods  
Applicant: Kayla Woods  
Representative: Kayla Woods  
Jurisdiction: Louisville Metro  
Council District: 24 - Madonna Flood  
**Case Manager: Jay Lockett, 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:**

02:04:20 Jay Lockett presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

**The following spoke in support of the proposal:**

Kayla Woods, 10013 Blue Lick Road, Louisville, KY 40229

**Summary of testimony of those in support:**

02:06:55 Kayla Woods, the applicant's representative, explained why the applicant was making the request (see recording for detailed presentation.)

02:07:58 In response to a question from Commissioner Carlson, Ms. Woods said the proposed height is 14 feet. She said it will be a "pole-built structure" but will be fully enclosed and will have garage doors facing the driveway.

**The following spoke in opposition:**

No one spoke.

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**NEW BUSINESS**

**CASE NUMBER 21-WAIVER-0110**

**Deliberation**

02:09:06 Commissioners' deliberation.

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

02:11:01 On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that the will not adversely affect adjacent property owners, as all required setbacks will be met on the subject site. The site is relatively large, and the structure will not encroach upon neighboring residential properties or structures; and

**WHEREAS**, the Committee further finds that the waiver will not violate the comprehensive plan, as it will fit with the surrounding neighborhood and allow the applicant to securely store equipment and personal vehicles; 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. All other requirements of the Land Development Code will be met on the subject site; 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, as the proposed structure is reasonable on a lot this large and will not adversely affect any neighboring properties; now, therefore be it

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver of Land Development Code section 5.4.2.C.2 to permit an accessory structure with a larger footprint than the principal structure.

**The vote was as follows:**

**YES: Commissioners Brown, Clare, Seitz, and Carlson.**

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**CASE NUMBER 21-WAIVER-0110**

**NO: No one.**

**ABSENT: Commissioner Mims.**

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**NEW BUSINESS**

**CASE NUMBER 21-WAIVER-0116**

Request: Waiver to permit a driveway in public realm area that does not lead to a garage or the private yard area  
Project Name: Driveway  
Location: 1236 Central Ave  
Owner: Lucas Haukeness  
Applicant: Lucas Haukeness  
Representative: Lucas Haukeness  
Jurisdiction: Louisville Metro  
Council District: 6 - David James  
**Case Manager: Jay Lockett, 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:**

02:11:49 Jay Lockett presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

**The following spoke in support of the proposal:**

Lucas Haukeness, 1236 Central Avenue, Louisville, KY

**Summary of testimony of those in support:**

02:14:31 Lucas Haukeness, the applicant, presented the case and showed a Power Point presentation (see recording for detailed presentation.)

02:24:04 Commissioner Clare asked Mr. Haukeness if anyone had talked to him about trying to get a joint easement on a neighbor's property, which might allow him to pull in and drive/park behind his house. Mr. Haukeness said no but he would be interested in hearing about that.

02:26:06 In response to questions from Commissioner Seitz, Mr. Haukeness said that, although it is a straight road, the street in front of his house is narrow and drivers speed. Other residents in the area also have issues with their cars being hit

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and damaged. He said his car is not bigger or wider than usual.

02:26:57 In response to questions from Commissioner Carlson, Mr. Haukeness reiterated that this is a two-way street but it is very narrow and people drive fast. He said he has to be careful not to open his car door at the wrong time, or pulling out into traffic. Mr. Luckett said there is 36 feet of pavement on this section of Central Avenue.

**The following spoke in opposition:**

No one spoke.

**Deliberation:**

02:28:36 Commissioners' deliberation.

02:33:10 Travis Fiechter, legal counsel for the Planning Commission, discussed possible resolutions with Mr Haukeness regarding the driveway belonging to his neighbor to the north, which appeared to be divided along the property line (see recording for detailed discussion.)

02:34:37 In response to a question from Mr Haukeness, Commissioner Brown said that 25 feet was the minimum length from the head of the parking space to the sidewalk.

**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.**

02:36:41 On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution, based on the standard of review and staff analysis, and evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that the waiver will adversely affect adjacent property owners, as parking cars in front of the property is likely to block the public sidewalk. This could create a hazard for neighbors using the pedestrian network to move through the neighborhood; and

**WHEREAS**, the Committee further finds that the waiver will violate the comprehensive plan. Mobility Goal 2, Policy 1 states: Provide transportation facilities and systems that accommodate all users and allow for context-sensitive solutions that recognize the

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

**CASE NUMBER 21-WAIVER-0116**

distinguishing characteristics of each of the Form Districts. Mobility Goal 2 Policy 2 states: Coordinate use of rights-of-way with community design policies. Ensure accessible rights-of-way to accommodate mobility needs of all transportation network users.

Mobility Goal 3 Policy 19 states: Encourage design standards that address design issues such as the minimum and maximum length and width and the gradient of driveways to ensure that the driveway or curb cut functions properly and is safe for all users. Mobility Goal 3, Policy 21 states: Prevent safety hazards caused by direct residential access to high speed roadways. The proposed driveway area would be less than 20 feet from the edge of the sidewalk to the front walkway of the property. This length is inadequate, and vehicles would likely overhang onto the public walk and cause a safety hazard.

Pedestrians, especially those with limited mobility or those pushing children in strollers, would be negatively impacted by the proposed driveway. For this reason, the proposal would violate the Comprehensive Plan by not adequately providing for all users of the transportation network; 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. Adequate on-street parking is available near the subject site. The structure was built in 1937 and does not appear to have ever had a driveway. While the applicant may have reasonable concerns of safety due to unsafe driving of others on Central Ave, this is a general concern in many areas of the city and not unique to the subject site; now, therefore be it

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **DENY** the requested Waiver of Land Development Code section 5.4.1.C.2 to permit a driveway that does not lead to either a garage or the rear yard.

**The vote was as follows:**

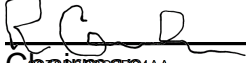
**YES: Commissioners Mims, Brown, Seitz, Clare, and Carlson.**

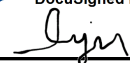
**NO: No one.**

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
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**ADJOURNMENT**

The meeting adjourned at approximately 3:38 p.m.

DocuSigned by:  
  
Chairman

DocuSigned by:  
  
Division Director