

**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE MEETING  
October 5, 2022**

A meeting of the Louisville Metro Development Review Committee was held on Wednesday, October 5, 2022 at 1:00 p.m. at the Old Jail Courtroom, located at 514 West Jefferson Street, Louisville, KY 40202 and also via Cisco Webex Video Teleconferencing.

**Commissioners present:**

Rich Carlson, Chair  
Patti Clare, Vice Chair  
Jeff Brown  
Glenn Price  
Suzanne Cheek

**Commissioners absent:**

No one.

**Staff members present:**

Joe Reverman, Assistant Director, Planning & Design Services  
Julia Williams, Planning Supervisor  
Molly Clark, Planner II  
Amy Brooks, Planner I  
Dante St. Germain, Planner II  
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**  
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**APPROVAL OF MINUTES**

**Minutes of the September 14, 2022 Development Review Committee meeting.**

00:04:07 On motion by Commissioner Brown ,seconded by Commissioner Price, the following resolution was adopted:

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on September 14, 2022.

**The vote was as follows:**

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

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**October 5, 2022**

**OLD BUSINESS**

**CASE NUMBER 22-DDP-0054**

**NOTE: Commissioner Cheek recused herself from hearing this case.**

Project Name: Mike's Car Wash  
Location: 10501/10511 Preston Highway  
Owner(s): 291 Harbison LLC  
Applicant: Mike's Car Wash  
Jurisdiction: Louisville Metro  
Council District: 23-James Peden  
**Case Manager: Julia Williams, AICP, Planning Supervisor**

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

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

**Agency Testimony:**

00:04:63 Julia Williams presented the case, showed a Power Point presentation, and responded to questions from the Commissioners (see staff report and recording for detailed presentation.)

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

Cliff Ashburner, Dinsmore & Shohl, 101 South Fifth Street, Louisville, KY 40202

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

00:12:11 Cliff Ashburner, the applicant's representative, presented the applicant's case, showed a Power Point presentation, and responded to questions from the Commissioners (see recording for detailed presentation.)

00:17:31 In response to a question from Commissioner Carlson, Mr. Ashburner and staff discussed the approval from Kentucky State Transportation regarding the right-in-right-out road configuration. Beth Stuber, with Metro Transportation, gave an update regarding where this case was in the approval process at the State level (see recording for detailed discussion.)

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**OLD BUSINESS**

**CASE NUMBER 22-DDP-0054**

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

No one spoke.

**Deliberation:**

00:19:15 Travis Fiechter, legal counsel for the Planning Commission, discussed binding element #13 and Metro Council review (see recording for detailed discussion.)

Binding element #13 reads as follows:

Any significant changes or alterations to the proposed structures (e.g. building height, number of units, number of buildings), any increase in density on the property, any changes in use on the property, and/or any amendments to the binding elements shall be reviewed before the Planning Commission with final action to be determined by Metro Council.

**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.**

00:21:09 On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **CONTINUE** this case to the October 6, 2022 Planning Commission public hearing, because binding element #13 requires a recommendation from the full Planning Commission to Metro Council.

**The vote was as follows:**

**YES: Commissioners Price, Brown, Clare, and Carlson.**  
**ABSENT / RECUSED: Commissioner Cheek.**

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

**CASE NUMBER 22-CFR-0015**

Project Name: Jeffersontown Police Headquarters  
Location: 10410 Taylorsville Rd  
Owner: City of Jeffersontown Kentucky  
Applicant: Matt Meunier  
Jurisdiction: Jeffersontown  
Council District: 20- Stuart Benson  
**Case Manager: Amy Brooks, 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:**

00:21:57 Amy Brooks presented the case, showed a Power Point presentation, and responded to questions from the Commissioners (see staff report and recording for detailed presentation.)

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

Eric Chambers, 2360 Chauvin Drive, Lexington, KY 40517

Bruce Swetnam, 10405 Watterson Trail, Louisville, KY 40299

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

00:27:19 Bruce Swetnam, the applicant's representative, presented the applicant's case, showed a Power Point presentation, and responded to questions from the Commissioners (see recording for detailed presentation and discussion.)

00:30:14 In response to a question from Commissioner Clare, Mr. Swetnam discussed plans for sidewalks along Neal Drive (see recording.)

00:30:49 In response to questions from Commissioner Carlson, Mr. Swetnam discussed rock removal on the Eastview extension side, which will require some excavation but no blasting (see recording.)

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**NEW BUSINESS**

**CASE NUMBER 22-CFR-0015**

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

No one spoke.

**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.**

00:31:37 On a motion by Commissioner Brown, seconded by Commissioner Price, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Community Facility Review for a new 39,178 square foot Jeffersontown Police Headquarters building.

**The vote was as follows:**

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

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

**CASE NUMBER 22-DDP-0060**

Project Name: The Vernon  
Location: 1575 Story Avenue  
Owner(s): Vernon LLC  
Applicant: The Vernon Club LLC  
Jurisdiction: Louisville Metro  
Council District: 4-Jecorey Arthur  
**Case Manager: Julia Williams, AICP, Planning Supervisor**

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

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

**Agency Testimony:**

00:32:24 Julia Williams presented the case, showed a Power Point presentation, and responded to questions from the Commissioners (see staff report and recording for detailed presentation.)

00:38:11 In response to questions from Commissioner Brown, Ms. Williams and Commissioner Clare discussed the original binding element #13 and the screening behind 1550 Frankfort Avenue (see recording for detailed discussion.)

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

Nick Pregliasco, Bardenwerper Talobott & Roberts PLLC, 1000 North Hurstbourne Parkway, Louisville, KY 40223

Ted Bernstein, 503 Washburn Avenue, Louisville, KY 40222

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

00:40:20 Nick Pregliasco, the applicant's representative, presented the applicant's case, showed a Power Point presentation, and responded to questions from the Commissioners (see recording for detailed presentation and discussion.)

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**NEW BUSINESS**

**CASE NUMBER 22-DDP-0060**

**The following spoke in opposition:**

No one spoke.

**Deliberation:**

00:48:32 Commissioners' deliberation.

Ms. Williams read revised binding element #13 into the record, as follows:

A six-foot screen shall be maintained along the common property line with 1550 Frankfort Avenue.

**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.**

00:49:21 On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that there do not appear to be any environmental constraints. The historic resources on the subject site are preserved; and

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

**WHEREAS**, the Committee further finds that there are no open space requirements pertinent to the current proposal. Future multi-family development proposed on the subject site will be required to meet Land Development Code requirements; and

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

**WHEREAS**, the Committee further finds that the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape



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buffering and screening will be provided. Buildings and parking lots will meet all required setbacks; and

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

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

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
  - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to occupying the front patio. Such plan shall be implemented within 6 months of plan approval and shall be maintained thereafter.
  - c. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 18, 2010, Planning Commission public hearing.
4. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the

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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. Uses shall be restricted to a bowling alley, entertainment and events facility, offices and residential. Any other use of the property shall require review and decision by the Planning Commission.
6. The present front yard setback shall be retained.
7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system on the site.
8. 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.
9. A six-foot screen shall be maintained along the common property line with 1550 Frankfort Avenue.

**The vote was as follows:**

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

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**NEW BUSINESS**

**CASE NUMBER 22-DDP-0076**

Project Name: 3620 Charlane Parkway  
Location: 3620 Charlane Parkway  
Owner(s): Charlane Village LLC  
Applicant: Elder Construction  
Jurisdiction: City of Jeffersontown  
Council District: 20- Stuart Benson  
**Case Manager: Julia Williams, AICP, Planning Supervisor**

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

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

**Agency Testimony:**

00:50:17 Julia Williams presented the case, showed a Power Point presentation, and responded to questions from the Commissioners (see staff report and recording for detailed presentation.)

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

Nick Pregliasco, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway, Louisville KY 40223

Mike Hill, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222 (signed in but did not speak)

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

00:52:28 Nick Pregliasco, 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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**NEW BUSINESS**

**CASE NUMBER 22-DDP-0076**

**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.**

00:56:09 On a motion by Commissioner Brown, seconded by Commissioner Cheek, the following resolution, based on the applicant's justification and evidence and testimony heard today, was adopted:

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

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

**WHEREAS**, the Committee further finds that 49% of the site is preserved in open space; and

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

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

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

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

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1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee and to the City of Jeffersontown for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
  - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works, The City of Jeffersontown 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.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these

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binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

7. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the November 15, 2018 Planning Commission meeting.

**The vote was as follows:**

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

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**NEW BUSINESS**

**CASE NUMBER 22-MPLAT-0070**

Project Name: 416 Washburn Avenue  
Location: 416 Washburn Avenue  
Owner(s): Andrew D. Ernspiker Jr.  
Applicant: Land Design & Development Inc.  
Jurisdiction: City of Lyndon  
Council District: 7 – Paula McCraney  
**Case Manager: Clara Schweiger, 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:**

00:56:50 Julia Williams presented the case on behalf of Clara Schweiger, showed a Power Point presentation, and responded to questions from the Commissioners (see staff report and recording for detailed presentation.)

00:59:54 In response to a question from Commissioner Brown, staff said the applicant can answer in more detail about if the sight distance was acceptable for the proposed driveway.

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

Mike Hill, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

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

01:00:40 Mike Hill, the applicant's representative, presented the applicant's case, showed a Power Point presentation, and responded to questions from the Commissioners (see recording for detailed presentation.)

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

No one spoke.

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**NEW BUSINESS**

**CASE NUMBER 22-MPLAT-0070**

**Deliberation:**

01:06:37 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.**

01:08:22 On a motion by Commissioner Brown, seconded by Commissioner Price, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **CONTINUE** this case to the **October 19, 2022 Development Review Committee** meeting to give the staff an opportunity to review sight distance for the proposed driveway location.

**The vote was as follows:**

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



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**NEW BUSINESS**

**CASE NUMBER 22-DDP-0062**

Project Name: Culvers Proposed Drive-thru Restaurant  
Location: 10601 Fischer Park Drive  
Owner(s): JR Real Estate, LLC  
Applicant: Land Design & Development, INC  
Jurisdiction: Louisville Metro  
Council District: 17 – Markus Winkler  
**Case Manager: Molly Clark, Planner II**

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

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

**Agency Testimony:**

01:08:55 Molly Clark presented the case, showed a Power Point presentation, and responded to questions from the Commissioners (see staff report and recording for detailed presentation.) Sidewalks and pedestrian circulation was discussed.

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

Mike Hill, Land Design & Development 503 Washburn Avenue, Louisville, KY 40222

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

01:17:13 Mike Hill, the applicant's representative, presented the case, showed a Power Point presentation, and responded to questions from the Commissioners (see recording for detailed presentation.)

01:24:25 Mr. Hill, the Commissioners, and Transportation staff discussed the proposed pedestrian connections (see recording for detailed discussion.)

01:35:26 The Commissioners and Mr. Hill discussed parking and traffic flow.

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

No one spoke.

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**NEW BUSINESS**

**CASE NUMBER 22-DDP-0062**

**Deliberation:**

01:38:46 Ms. Clark handed the Commissioners a potential revision to a pedestrian connection for their review (see recording.)

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

**Waivers:**

**Waiver #1 - from section 5.9.2.B.ii of the Land Development Code to not provide a pedestrian connection from the Westport Road right-of-way to the proposed entrance, (22-WAIVER- 0170)**

**Waiver #2 - from section 10.2.4 to reduce the VUA/LBA Buffer (22-WAIVER-0172)**

01:41:22 On a motion by Commissioner Brown, seconded by Commissioner Cheek, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

**(Waiver #1) WHEREAS**, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners since the applicant because there are environmental constraints such as steep slopes that make the connection difficult. The applicant is still providing pedestrian connection to Fischer Park Drive, an adjacent private road; and

**WHEREAS**, the Committee further finds that Community Form Goal 1, Policy 12 calls to ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. This waiver would allow safer pedestrian access to the entrance. Community Form Goal 2, Policy 7 calls to encourage activity centers to include a mixture of compatible land uses in order to reduce traffic congestion by requiring fewer trips, support and enhance alternative modes of travel, and encourage vitality and a sense of place. Community Form Goal 2, Policy 14 calls to encourage adjacent development sites to share entrance and parking facilities in order to reduce the number of curb cuts and the amount of surface parking. Community Form Goal 2, Policy 16 calls to encourage activity centers to be easily accessible by bicycle, car, transit, and for pedestrians and people with disabilities.

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Mobility Goal 3, Policies 1-5, 9, 12, 17, 18, 20 call to provide transportation services and facilities to promote and accommodate growth and change in activity centers through improved access management. Provide walking and bicycling opportunities to enable activity centers to minimize single-occupant vehicle travel. Encourage a mix of complementary neighborhood serving businesses and services in neighborhood and village centers to encourage short trips easily made by walking or bicycling; 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 because there are environmental constraints such as steep slopes that make the connection difficult; and

**WHEREAS**, the Committee further finds that the strict application of the provisions of the regulations would create an unnecessary hardship on the applicant because there are environmental constraints such as steep slopes that make the connection difficult; and

**(Waiver #2) WHEREAS**, the Committee further finds that the waiver will not adversely affect adjacent property owners since the applicant is still going to provide all the required plantings; and

**WHEREAS**, the Committee further finds that Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. This site, although located in the Town Center Form District, is surrounded primarily by development that are designed according to the Suburban Form District standards. Community Form Goal 1, Policy 6 calls to discourage non-residential expansion into existing residential areas unless applicant can demonstrate that any adverse impact on residential uses will be mitigated. Evaluation of impacts may include, but not be limited to, displacement of residents, loss of affordable housing units, traffic, parking, signs, lighting, noise, odor, and stormwater. Appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential. This site is being proposed next to another hotel and will be surrounded by other commercial developments without displacing any current residents. Community Form Goal 1, Policy 20 calls to mitigate adverse visual intrusions when there are impacts to residential areas, roadway corridors, and public spaces. This site is not adjacent to existing residential uses and will still be providing all the required plantings in all landscape buffer areas; and

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**WHEREAS**, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the applicant is going to provide all the required plantings. The buffer is being reduced due to the applicant reusing the existing park which allows for only 10 feet of buffer area width; and

**WHEREAS**, the Committee further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because the applicant is still providing all the required plantings; now, therefore be it

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver #1 - from section 5.9.2.B.ii of the Land Development Code to not provide a pedestrian connection from the Westport Road right-of-way to the proposed entrance, (22-WAIVER- 0170); **AND** the requested Waiver #2 - from section 10.2.4 to reduce the VUA/LBA Buffer (22-WAIVER-0172).

**The vote was as follows:**

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

**Revised Detailed District Development Plan and Binding Elements**

01:42:10 On a motion by Commissioner Brown, seconded by Commissioner Cheek, 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 there do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

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

**WHEREAS**, the Committee further finds that there are no open space requirements pertinent to the current proposal. Future multi- family development proposed on the subject site will be required to meet Land Development Code requirements; and

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

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

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

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Revised Detailed District Development plan, **ON CONDITION** that the development plan is updated to relocate the crosswalk and pedestrian connection on the Culver's side of the proposed development as drafted today, and **SUBJECT** to the following binding elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee (and to the City of Lyndon, St. Matthews, Hurstbourne, or Middletown etc) for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing

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shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.

5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance is requested:
  - a) The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b) The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - c) A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
  - d) The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the October 5, 2022 DRC meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
  
6. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
  
7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
  
8. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

**The vote was as follows:**

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

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**NEW BUSINESS**

**CASE NUMBER 22-DDP-0033**

Project Name: Hogan Smyrna Village  
Location: 8912 Smyrna Parkway  
Owner(s): Smyrna Multifamily Investment  
Applicant: Smyrna Multifamily Investment  
Jurisdiction: Louisville Metro  
Council District: 23 – James Peden  
**Case Manager: Dante St. Germain, AICP, Planner II**

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

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

**Agency Testimony:**

01:43:03 Dante St. Germain presented the case, showed a Power Point presentation, and responded to questions from the Commissioners (see staff report and recording for detailed presentation.) Right-of-way for the sidewalks, and street name, were discussed.

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

Mike Hill, Land Design & Development 503 Washburn Avenue, Louisville, KY 40222

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

01:52:12 Mike Hill, the applicant's representative, presented the case, showed a Power Point presentation, and responded to questions from the Commissioners (see recording for detailed presentation.)

02:03:20 In response to questions from Commissioner Carlson, Mr. Hill said the applicant would work with EMS/911 to make a safer nstreet name and address situation (see recording.)

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

No one spoke.



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

John Torsky, Legislative Aide for Councilman Peden, 601 West Jefferson Street,  
Louisville, KY 40202

**Summary of testimony of those neither for nor against (Other):**

02:05:05 John Torsky, representing Councilman James Peden, said the Councilman is not opposed to apartments at this location. The Councilman is concerned because there were three public meetings, and Metro Council approval, during which residents were told that they were going to get four restaurants, a strip center, and very low impact mini-storage, all in one-story buildings. Four years later, the developer has come back with this plan for 192 apartment units, all in three-story buildings, with no neighborhood meetings, no LD&T, and no full Planning Commission hearing required. This is a drastically different plan, which would have required multiple meetings. He also said the design does not meet the Highview Neighborhood Plan standards.

02:11:53 Ms. St. Germain noted that this site is not within the study area for the Highview Neighborhood Plan.

**Rebuttal:**

02:13:03 Mr. Hill delivered rebuttal (see recording for detailed presentation.)

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

**Waiver from 10.3.5 to permit encroachment into the required 50’ parkway buffer area and the required 75’ parkway building setback by proposed structures (22-WAIVER-0087)**

02:13:33 On a motion by Commissioner Brown, seconded by Commissioner Price, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

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**WHEREAS**, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners as the required parkway buffer does not impact any neighboring properties; and

**WHEREAS**, the Committee further finds that the waiver will not violate specific guidelines of Plan 2040 as Plan 2040 encourages the development, preservation and maintenance of an interconnected system of scenic corridors and parkways. Plan 2040 encourages the preservation of important cultural resources, landscapes and scenic vistas in the design, maintenance and development of major thoroughfares and parkways. The site plan as proposed would place two buildings within the required parkway building setback, and one building within the required parkway buffer area. However, the right-of-way in this vicinity is very wide due to the inclusion of KY-6320 within the parkway right-of-way, and the provision of the full parkway buffer would introduce unnecessary extension of the green space between the Smyrna Parkway edge of pavement and the buildings; and

**WHEREAS**, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the provision of the full required buffer would necessitate significantly rearranging the site; and

**WHEREAS**, the Committee further finds that strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the provision of the full required buffer would necessitate significantly rearranging the site; now, therefore be it

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver from 10.3.5 to permit encroachment into the required 50' parkway buffer area and the required 75' parkway building setback by proposed structures (22-WAIVER-0087)

**The vote was as follows:**

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

**Revised Detailed District Development Plan with revised Binding Elements**

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**CASE NUMBER 22-DDP-0033**

02:15:32 On a motion by Commissioner Brown, seconded by Commissioner Price, 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 site is undeveloped and no natural resources are evident; and

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

**WHEREAS**, the Committee further finds that open space is being provided in compliance with the requirements of the Land Development Code; and

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

**WHEREAS**, the Committee further finds that the overall site design is generally in compliance with existing and planned future development in the area. Multi-family development is generally appropriate for this location, and the site has adequate access to I-265; and

**WHEREAS**, the Committee further finds that the development plan conforms to applicable requirements of the Land Development Code with the exception of the requested waiver, and generally conforms to the guidelines of the Comprehensive Plan; now, therefore be it

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

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.

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2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
  - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

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7. The materials and design of proposed structures shall be substantially the same as depicted in the renderings as presented at the October 5, 2022 Development Review Committee meeting.
8. In lieu of a sidewalk being installed along the site's Smyrna Pkwy frontage the developer will construct a sidewalk from the entrance north along Smyrna Pkwy to E. Manslick Rd.

**The vote was as follows:**

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

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

**CASE NUMBER 22-DDP-0056**

Project Name: Simple Body Shop  
Location: 3703 Hopewell Road  
Owner(s): J John Gutterman  
Applicant: John Thornton  
Jurisdiction: Louisville Metro  
Council District: 20 – Stuart Benson  
**Case Manager: Dante St. Germain, AICP, Planner II**

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

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

**Agency Testimony:**

02:18:16 Dante St. Germain presented the case, showed a Power Point presentation, and responded to questions from the Commissioners (see staff report and recording for detailed presentation.)

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

Nick Pregliasco, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway, Louisville, KY 40223

Kent Gootee, Mindel Scott & Associates, 5151 Jefferson Boulevard, Louisville, KY 40219

John Thornton, 6333 Mistflower Circle, Louisville, KY 40059

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

02:29:06 Nick Pregliasco, the applicant's representative, presented the case, showed a Power Point presentation, and responded to questions from the Commissioners (see recording for detailed presentation.)

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02:44:29 Kent Gootee, an applicant's representative, discussed the landscaping and buffering, and also how and why the site was laid out as it is (see recording for detailed presentation.)

02:48:10 Mr. Pregliasco concluded the presentation and responded to questions from the Commissioners (see recording.) Topics included parkway buffer mitigation, building design features, and particularly the site shape and boundaries. The site layout was also discussed.

02:59:09 Mr. Pregliasco, the Commissioners and Travis Fiechter, legal counsel for the Planning Commission, discussed binding elements (see recording.)

03:06:29 John Thornton, the applicant, explained more about what he was planning for the use (see recording.)

03:09:39 Ms. St. Germain, Mr. Pregliasco, and the Commissioners further discussed binding elements. Commissioner Carlson said he would like some specific binding elements worked out and presented to the Commissioners. (see recording.)

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

No one spoke.

**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.**

03:20:20 On a motion by Commissioner Brown, seconded by Commissioner Price, the following resolution was adopted:

**RESOLVED;** the Louisville Metro Development Review Committee does hereby **CONTINUE** this case to the **October 19, 2022** Development Review Committee. To give the applicant time to work with staff to address binding element issues which were identified at today's meeting.

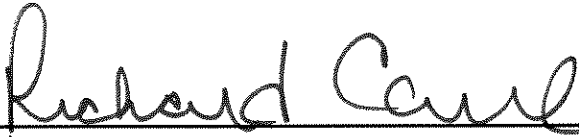
**The vote was as follows:**


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

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ADJOURNMENT

The meeting adjourned at approximately 4:30 p.m.

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Division Director