

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE MEETING
October 19, 2022**

A meeting of the Louisville Metro Development Review Committee was held on Wednesday, October 19, 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

Commissioners absent:

Suzanne Cheek

Staff members present:

Brian Davis, Assistant Director, Planning & Design Services
Julia Williams, Planning Supervisor
Molly Clark, Planner II
Dante St. Germain, Planner II
Clara Schweiger, Planner I
Jay Lockett, 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

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APPROVAL OF MINUTES

Minutes of the October 5, 2022 Development Review Committee meeting.

00:03:54 On 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 October 5, 2022.

The vote was as follows:

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

ABSENT: Commissioner Cheek.

DEVELOPMENT REVIEW COMMITTEE MINUTES

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CASE NUMBER 21-CAT-0021

NOTE: This case was heard out of order. It was originally docketed as Item #8.

Project Name: Saint Anthony Gardens
Location: 2900 Fordhaven Rd
Owner(s): St Anthony P2, LLC.
Applicant: Land Development and Design
Jurisdiction: Louisville Metro
Council District: 25 - Amy Holton Steward
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:

00:04:28 Molly Clark said 247 notices were sent out for this case; half of them were returned by the Post Office. The Unit # was not put on the address labels for the multi-family developments. This case will be continued to the November 2, 2022 DRC meeting to give adequate notice time.

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.

00:05:30 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 November 2, 2022 DRC meeting to allow time for adequate notification to adjoining property owners.

The vote was as follows:

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CASE NUMBER 21-CAT-0021

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

ABSENT / RECUSED: Commissioner Cheek.

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OLD BUSINESS

CASE NUMBER 22-MPLAT-0070

NOTE: Although the jurisdiction of the subject site is in the City of Lyndon, the Louisville Metro DRC Committee takes final action on this matter, instead of recommending action to the City of Lyndon.

Project Name: 416 Washburn Avenue
Location: 416 Washburn Avenue
Owner(s): Andrew D. Ernsperger 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:

00:06:07 Clara Schweiger presented the case and showed a Power Point presentation (See staff report and recording for detailed presentation.)

The following spoke in favor of the proposal:

Ann Richard, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

Summary of testimony of those in favor:

00:07:52 Ann Richard, the applicant's representative, presented the applicant's Sight Distance Exhibit, showed a Power Point presentation, and responded to questions from the Commissioners (see recording for detailed presentation and discussion.)

The following spoke in opposition to the proposal:

No one spoke.

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OLD BUSINESS

CASE NUMBER 22-MPLAT-0070

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.

00:12:26 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 at the October 5th DRC meeting and at today's meeting, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners because the direct access to the lot will be in keeping with the established pattern along Washburn Avenue; and

WHEREAS, the Committee further finds that Mobility Goal 2 of the comprehensive plan calls to plan, build and maintain a safe, accessible and efficient transportation system. Policy 1 call to provide transportation facilities and systems that accommodate all users and allow for context-sensitive solutions that recognize the distinguishing characteristics of each of the Form Districts; and

WHEREAS, the Committee further finds that the new access is not going to interfere with a safe, accessible and efficient transportation system; 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 all other Land Development Code requirements are being met. Additionally, this is a double lot and all the other houses on the street have direct access to Washburn Avenue, and the alley abutting the property is unimproved; 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 it would require the applicant to improve the unimproved alley, or it would require a driveway to be constructed through the back yard of the neighboring parcel; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver from 7.8.60.B.4 to allow a direct access to a collector level roadway.

The vote was as follows:

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

ABSENT: Commissioner Cheek.

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NEW BUSINESS

CASE NUMBER 22-DDP-0056

Project Name: Simple Body Shop
Location: 3703 Hopewell Road
Owner(s): 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:

00:13:13 Dante St. Germain noted that this case was initially presented at the October 5, 2022 DRC meeting. She presented the revised waiver request, 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

Kathy Linares, Mindel Scott & Associates, 5151 Jefferson Boulevard, Louisville, KY 40219

Summary of testimony of those in support:

00:22:20 Nick Pregliasco, the applicant's representative, presented the applicant's revised plan and binding elements, showed a Power Point presentation, and responded to questions from the Commissioners (see recording for detailed presentation and discussion.)

00:33:30 Commissioner Carlson and Mr. Pregliasco discussed concerns about air wrenches and battery-powered wrenches (binding element #9.) Mr. Pregliasco said that

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the applicant would only doing painting. Commissioner Carlson discussed potential uses, specifically auto body work, on this site. Mr. Pregliasco said one of the binding elements specifically addresses sound/noise beyond the property line.

00:37:10 Commissioner Clare expressed concern that the applicant could not prevent sound from going beyond the wall on a 0-lot line. Travis Fiechter, egal counsel for the Planning Commission, discussed proposed binding element #11 and said that could be applied over the site.

The following spoke in opposition:

No one spoke.

Deliberation:

00:38:24 Commissioners' deliberation.

00:40:51 Mr. Fiechter suggested the following language for the applicant's proposed binding element #9:

No sound generated from tools utilized on auto repair or auto body shall be audible from the residentially-zoned properties across Hopewell Road.

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 10.3.7.A.1 to permit encroachment into the required Gene Snyder Freeway buffer area (22-WAIVER-0074)

Waiver #2: from 10.2.4.B.3 to permit a required Landscape Buffer Area to overlap a utility easement by more than 50% (22-WAIVER-0077)

Waiver#3: from 5.9.2.A.1.a.ii to not provide a roadway connection to the undeveloped properties to the north & south (22-WAIVER-0167)

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Waiver #1:

00:42:39 On a motion by Commissioner Brown, seconded by Commissioner Price, the following resolution, based on the evidence and testimony heard today and at the October 5, 2022 DRC meeting, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the additional landscaping provided by the applicant as shown on the development plan does mitigate the impact in the Gene Snyder buffer; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested **Waiver #1**: from 10.3.7.A.1 to permit encroachment into the required Gene Snyder Freeway buffer area (22-WAIVER-0074).

The vote was as follows:

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

ABSENT: Commissioner Cheek.

Waiver #2: from 10.2.4.B.3 to permit a required Landscape Buffer Area to overlap a utility easement by more than 50% (22-WAIVER-0077)

Waiver#3: from 5.9.2.A.1.a.ii to not provide a roadway connection to the undeveloped properties to the north & south (22-WAIVER-0167)

00:43:49 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 as well as the October 5, 2022 DRC meeting, was adopted:

(Waiver #2) WHEREAS, the Louisville Metro Development Review Committee finds that the waiver would not adversely affect adjacent property owners, as the overlap is required due to underground utilities next to the right-of-way and the required plantings will still be provided; and

WHEREAS, the Committee further finds that the waiver will not violate the Comprehensive Plan as the required plantings will be provided; 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 as the overlap is likely to occur regardless of where the applicant places the parking on the lot; and

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the overlap is necessitated by the existence of a utility easement next to the right-of- way; and

(Waiver #3) WHEREAS, the Committee further finds that the waiver would not adversely affect adjacent property owners, as Hopewell Road provides access to both the subject site and the commercial center to the north. Connecting the two sites through a narrow parcel unlikely to redevelop in the future would not serve a useful purpose. Providing access to the property to the south is unnecessary for the same reason; and

WHEREAS, the Committee further finds that the waiver will not violate the Comprehensive Plan as adequate connectivity is provided by Hopewell Road; and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the connection to the north would be required to be made through a narrow, undeveloped parcel which is unlikely to redevelop in the future. This would represent an expense to the applicant which would not provide useful connectivity. The connection to the south is also unnecessary as that parcel also has direct access to Hopewell Road; and

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the connection would be required to be made through a narrow, undeveloped parcel which is unlikely to redevelop in the future. This would represent an expense to the applicant which would not provide useful connectivity. The connection to the south is also unnecessary as that parcel also has direct access to Hopewell Road; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested **Waiver #2** from 10.2.4.B.3 to permit a required Landscape Buffer Area to overlap a utility easement by more than 50% (22-WAIVER-0077); and requested **Waiver#3**: from 5.9.2.A.1.a.ii to not provide a roadway connection to the undeveloped properties to the north & south (22-WAIVER-0167).

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The vote was as follows:

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

ABSENT: Commissioner Cheek.

00:44:42 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 as well as the October 5, 2022 DRC meeting, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that there do not appear to be any environmental constraints or natural resources on the site. No historic assets are evident on the 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. Louisville Metro Public Works has provided preliminary approval of the plan; and

WHEREAS, the Committee further finds that no open space provisions are relevant to the proposal; and

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

WHEREAS, the Committee further finds that the overall site design and land uses would be compatible with the existing and future development of the area with the full required Gene Snyder Freeway buffer provided. The scale of the proposed structure is similar to the scale of adjacent structures. Without the waiver, the site would be adequately buffered from the Gene Snyder Freeway; 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, with the exception of the requested waivers; now, therefore be it

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NEW BUSINESS

CASE NUMBER 22-DDP-0056

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Revised Detailed District Development Plan, **SUBJECT** to the following revised 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. 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 Louisville Metro Public Works, the Metropolitan Sewer District and Construction Review.
 - 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. Landscaping shall include, at a minimum, the landscaping shown on the approved development plan.
 - 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.

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6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system.
7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
8. As a condition to the granting of the Gene Snyder buffer waiver: (i) no building shall be located within the Gene Snyder buffer; and (ii) four large shrubs and two type A trees shall be planted and maintained on the side of building facing the Gene Snyder as shown on the approved development plan. Applicant shall fully comply with all signage requirements of Louisville Metro Ordinance Sections 155.30-32.
9. No sound generated from tools utilized in auto repair or auto body work shall be audible from the residentially zoned properties across Hopewell Road.
10. No inoperable vehicles shall be stored on site or on adjacent sites for later repair on the site. No vehicle shall be parked on the site for a time in excess of 24 hours Monday through Friday, and only parked in a designated parking space or inside the building.
11. Any auto paint repair of a vehicle shall be a partial painting with painting of entire vehicles prohibited. No fumes from paint shall be detectable from the residentially zoned properties across Hopewell Road.

The vote was as follows:

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

ABSENT: Commissioner Cheek.

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NEW BUSINESS

CASE NUMBER 22-MPLAT-0134

Project Name: Minor Subdivision Plat
Location: 12401 Oakland Hills Trail
Owner(s): Geri Keller
Applicant: Geri Keller
Jurisdiction: Louisville Metro
Council District: 22 – Robin Engel
Case Manager: Julia Williams, AICP, Planning Supervisor

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

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

Agency Testimony:

00:46:56 Julia Williams presented the case, showed a Power Point presentation, and responded to questions from the Committee members. Notification, and the “build-to” line was discussed (see staff report and recording for detailed presentation.)

The following spoke in support of the proposal:

Richard Matheny, Cardinal Surveying, 9009 Preston Highway, Louisville, KY 40229

Summary of testimony of those in support:

00:51:32 Richard Matheny, the applicant’s representative, presented the applicant’s case (see recording for detailed presentation and discussion.)

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.

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NEW BUSINESS

CASE NUMBER 22-MPLAT-0134

00:53:23 On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution, based on the Staff Finding and evidence and testimony heard today, was adopted:

RESOLVED the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Record Plat Amendment to change the 30' build to line to a 30' building limit line within the Oakland Hills subdivision in Plat Book 50, Page 58.

The vote was as follows:

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

ABSENT: Commissioner Cheek.

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NEW BUSINESS

CASE NUMBER 22-FFO-0006

Project Name: Valhalla Maintenance Facility
Location: 706 Johnson Rd
Owner(s): Valhalla Golf Partners, LLC
Applicant: Valhalla Golf Partners, LLC
Representative(s): Sabak, Wilson and Lingo
Jurisdiction: Louisville Metro
Council District: 19 – Anthony Piagentini
Case Manager: Jay Luckett, 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:

00:54:04 Jay Luckett presented the case, showed a Power Point presentation, and responded to questions from the Commissioners (see staff report and recording for detailed presentation.)

00:55:56 Travis Fiechter, legal counsel for the Planning Commission, explained that the Louisville Metro Council recently changed the floodplain ordinance (see recording for detailed presentation and discussion.) Mr. Luckett said he does not think that any of the disturbance on this plan is within the floodplain area.

The following spoke in support of the proposal:

Matt Wolff, Sabak Wilson & Lingo, 608 S. Third Street, Louisville, KY 40202

Summary of testimony of those in support:

00:57:20 Matt Wolff, 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.)

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NEW BUSINESS

CASE NUMBER 22-FFO-0006

01:04:20 Julia Williams, Planning Supervisor, noted that Tony Kelly, an MSD representative, was available to answer any questions regarding the MSD station, drainage, floodplain issues, etc.

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.

01:05:22 On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution, based on the Staff Findings and evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Floyds Fork Development Review Overlay.

The vote was as follows:

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

ABSENT: Commissioner Cheek.

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NEW BUSINESS

CASE NUMBER 22-DDP-0102

Project Name: Old Taylorsville Road Covered Porch
Location: 15112 Old Taylorsville Road
Owner(s): Blackbird Bend LLC
Applicant: Kurt Mason
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:

01:06:01 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.)

01:08:58 Commissioner Brown asked if some of the gravel in the front parking area was in the right-of-way, and access management. Ms. St. Germain said she did not receive any comments about that from Metro Transportation Planning (see recording for detailed discussion.)

The following spoke in support of the proposal:

Kurt Mason, 9108 Danby Court, Louisville, KY 40291

Summary of testimony of those in support:

01:11:04 Kurt Mason, the applicant's representative, presented the applicant's case and responded to questions from the Commissioners (see recording for detailed presentation.) The gravel area was discussed.

The following spoke in opposition to the proposal:

No one spoke.

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NEW BUSINESS

CASE NUMBER 22-DDP-0102

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

Revised Detailed District Development Plan

01:15:45 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 all environmental assets and natural resources that exist on the site shall be maintained; 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. Louisville Metro Public Works has provided preliminary approval of the plan; and

WHEREAS, the Committee further finds that no open space provisions are relevant to the proposal; and

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

WHEREAS, the Committee further finds that the overall site design and land uses would be compatible with the existing and future development of the area. The area intended to be constructed as a covered porch was previously under roof as part of the existing structure; and

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

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CASE NUMBER 22-DDP-0102

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

1. The development will be in accordance with the approved district development plan. No further development will occur unless a district development plan is approved by the Planning Commission.
2. The development plan will be in accordance with the Floodplain Regulations of the Zoning District Regulations.
3. Before a certificate of occupancy is issued:
 - a. Variances must be received from the Board of Zoning Adjustment to allow the building to encroach into the required side yards.
 - b. The property owner or developer must obtain approval from the Planning Commission of a plan for screening (buffering and landscaping) of the site.
4. The size and location of any proposed business identification sign must be approved by the Planning Commission prior to issuance of any sign permits.
5. The plan for screening will be implemented and maintained by the property owner.
6. No parking will be allowed over the lateral field.
7. The use of the property will be limited to an auction house only as permitted in the C-2 Commercial District and to those uses allowed in the C-1 Commercial District.
8. No certificates of occupancy or building permit will be issued more than one year from the date of approval of the plan or rezoning whichever is later or the property shall not be used in any manner.
9. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use.
10. The above binding elements may be amended as provided for in the Zoning District Regulations.

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CASE NUMBER 22-DDP-0102

The vote was as follows:

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

ABSENT: Commissioner Cheek.

Floyds Fork Development Review Overlay

01:16:12 On a motion by Commissioner Brown, seconded by Commissioner Price, the following resolution, based on the Staff Findings and evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Floyds Fork Development Review Overlay.

The vote was as follows:

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

ABSENT: Commissioner Cheek.

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NEW BUSINESS

CASE NUMBER 22-DDP-0089

Project Name: 24/7 Storage Mini-Warehouse
Location: 354 Farmington Avenue
Owner(s): 354 Farmington Ave LLC
Applicant: 354 Farmington Ave LLC
Jurisdiction: Louisville Metro
Council District: 21 – Nicole George
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:

01:16:40 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:

Alex Rosenberg, AL Engineering, 13000 Middletown Industrial Boulevard, Louisville, KY 40223

Summary of testimony of those in support:

01:19:33 Alex Rosenberg, the applicant's representative, presented the applicant's case (see recording for detailed presentation.)

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

Rachel Roarx, representing Councilwoman Nicole George, 601 West Jefferson Street, Louisville, KY 40202

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

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NEW BUSINESS

CASE NUMBER 22-DDP-0089

01:20:21 Rachel Roarx, representing Councilwoman Nicole George, asked what the new landscaping will be on the site. Ms. St. Germain said the applicant will be required to submit a new landscape plan.

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.

01:21:27 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 or natural resources on the site. No historic assets are evident on the 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. Louisville Metro Public Works has provided preliminary approval of the plan; and

WHEREAS, the Committee further finds that no open space provisions are relevant to the proposal; and

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

WHEREAS the Committee further finds that the overall site design and land uses would be compatible with the existing and future development of the area. The site is already partially developed with mini-warehouses. Expansion of the mini-warehouse use is consistent with a previously approved plan; and

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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, SUBJECT to the following existing 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. The development shall not exceed 89,000 square feet of gross floor area.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville, 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.

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6. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the August 5, 2015 DRC meeting.

The vote was as follows:

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

ABSENT: Commissioner Cheek.

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ADJOURNMENT

The meeting adjourned at approximately 2:25 p.m.

Chairman

Division Director