

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

A meeting of the Development Review Committee was held on April 19, 2023 at 1:00 p.m. in the Old Jail building court room, located at 514 West Liberty Street, Louisville, Kentucky 40202.

Committee Members present were:

Rich Carlson,
Chair Patti Clare, Vice Chair
Michelle Pennix
Jeff Brown
Bill Fischer

Committee Members absent were:

Staff Members present were:

Brian Davis, Assistant Director
Julia Williams, Planning Manager
Beth Stuber, Engineer Supervisor
Laura Ferguson, Assistant County Attorney
Mary Willis, Management Assistant
John Michael Lawler, Planner I
Jay Lockett, Planner II
Ethan Lett, Planner I
Dante St. Germain, Planner II
Beth Jones, Planner II

The following matters were considered:

**DEVELOPMENT REVIEW COMMITTEE MINUTES
APRIL 19, 2023**

APPROVAL OF MINUTES

MARCH 29, 2023, DRC MEETING MINUTES

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

RESOLVED, that the Development Review Committee does hereby **APPROVE** the Minutes of its meeting conducted on March 29, 2023.

The vote was as follows:

**YES: Commissioners Pennix, Fischer, Brown, Clare,
and Carlson**

ABSENT: None

ABSTAIN: None

DEVELOPMENT REVIEW COMMITTEE MINUTES

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NEW BUSINESS

CASE NO. 22-DDP-0129

Request:	Revised Detailed District Development Plan with revised Binding Elements, and Waiver and Parking Waiver – CONTINUE TO 4/20/2023 PLANNING COMMISSION
Project Name:	7 Brew
Location:	12525 Shelbyville Rd
Owner:	IPH Holdings LLC
Applicant:	7 Brew
Representative:	Kinetic Design & Development
Jurisdiction:	Louisville Metro
Council District:	17 – Markus Winkler
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:

00:04:53 Dante St. Germain spoke about the case and stated that the case would need to be continued to Planning Commission on 04/20/2023.

The following spoke in favor of the proposal:

None

Summary of testimony of those in favor:

None

The following spoke in opposition to the proposal:

None

Deliberation:

00:05:35 Commissioners' deliberation.

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NEW BUSINESS

CASE NO. 22-DDP-0129

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.

00:05:50 On a motion by Commissioner Brown, seconded by Commissioner Fischer, to continue case 22-DDP-0129 to Planning Commission on April 20, 2023.

The vote was as follows:

YES: Commissioners Pennix, Fischer, Brown, Clare, and Carlson.

ABSTAIN: None

ABSENT: None

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NEW BUSINESS

CASE NO. 23-WAIVER-0026

Request:	Waivers associated with a Category 2B plan for a proposed gas station and convenience store
Project Name:	Sethi Station
Location:	2124 W Market St
Owner:	Sethi Properties, LLC
Applicant:	Sethi Properties, LLC
Representative:	John Miller, Miller Wihry
Jurisdiction:	Louisville Metro
Council District:	5 – Donna Purvis
Case Manager:	John Michael Lawler, 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:

00:07:21 John Michael Lawler presented the case and produced a PowerPoint presentation (see staff report and recording for detailed presentation.)

The following spoke in favor of the proposal:

John Miller, Miller/Wihry INC, 1387 S 4th Street, Louisville, KY 40208

Charles Keyes, Keyes Architects & Associates, 4717 Preston Hwy, Louisville, KY 40213

Summary of testimony of those in favor:

00:13:25 John Miller spoke in favor of the proposal and gave a PowerPoint presentation (see video).

00:20:01 Charles Keyes stepped in and continued the presentation.

00:22:16 Commissioner Carlson asked if the interior could be modified so the front window could be clear. Keyes stated that it wasn't possible.

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CASE NO. 23-WAIVER-0026

00:23:11 Commissioner Pennix questioned the design and maintenance of the property. Miller clarified the maintenance aspect would lean towards landscaping.

00:25:20 Commissioner Clare asked how the applicant is proposing to mitigate the decrease in landscape and increasing the hardscape. Miller stated there aren't any new buildings within the area.

00:27:51 Commissioner Brown asked staff if they had any recommendations on how to mitigate waivers 1, 2, 3, and 5. Lawler gave his recommendations.

The following spoke in opposition to the proposal:

None

Summary of testimony of those in opposition:

None

Deliberation:

00:30:39 Commissioners' deliberation.

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

00:33:48 On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

RESOLVED, that the Development Review Committee does hereby **CONTINUE** this case to the May 10, 2023, Development Review Committee Meeting.

The vote was as follows:

YES: Commissioners Pennix, Fischer, Brown, Clare, and Carlson.

ABSTAIN: None

ABSENT: None

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NEW BUSINESS

Case No. 23-MPLAT-0028

Request:	Waiver from LDC Section 5.2.2 to allow a lot to be less than the minimum required width of 35'
Project Name:	Iroquois Court Minor Plat
Location:	5302 Iroquois Ct
Owner:	Fatima Elmakkaouy
Applicant:	Fatima Elmakkaouy
Representative:	John Miller, Miller Wihry
Jurisdiction:	Louisville Metro
Council District:	21 – Betsy Ruhe
Case Manager:	John Michael Lawler, 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:

00:34:58 John Michael Lawler presented the case and produced a Power Point presentation (see staff report and recording for detailed presentation.)

00:39:00 Commissioner Brown inquired about the width of the driveway and the new easement that is being proposed. Lawler stated that information would need to come from the applicant.

The following spoke in support of the proposal:

John Miller, Miller/Wihry INC, 1387 S 4th Street, Louisville, KY 40208

Yusef Elbuwa, 5302 Iroquois Court, Louisville, KY 40214

Summary of testimony of those in support:

00:40:05 John Miller spoke in favor of the proposal and presented a PowerPoint presentation (see video).

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Case No. 23-MPLAT-0028

00:42:19 Commissioner Brown asked for the width of the driveway and if it was permitted. Miller stated the driveway was roughly 22 feet in length and couldn't confirm if a permit was issued.

The following spoke in opposition:

Ann Ramser, 307 E Kenwood Dr, Louisville, KY 40214

Summary of testimony of those in opposition:

00:43:18 Ann Ramser wanted more clarification about the development. Yusef Elbuwa stated his mother owns the property and due to the squatters, the homes needed to be rebuilt.

Deliberation:

00:49:25 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.

Waiver from LDC Section 5.2.2 to allow a lot to be less than the minimum required width of 35'

00:54:13 On a motion by Commissioner Clare, seconded by Commissioner Pennix, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS: The waiver will not adversely affect adjacent property owners as the new lot configurations will fit in with surrounding properties that have similarly narrow lot widths. The lot immediately across Iroquois Ct that fronts on Iroquois Ave only has 30 feet of frontage. Several other lots in and around this block face have less than 35 feet of width as well

WHEREAS: 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. Since there are homes in this

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immediate block that still maintain narrow lots, the proposal for the lot line shift is in keeping with the existing character of the neighborhood, and the desired pattern of development within the Traditional Form.

WHEREAS: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since they are shifting the lot line to the minimum amount to allow each home to be on their own lot. These lots are also unique because of their location on a walking court.

WHEREAS: 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 since they are shifting the lot line the minimum amount to get each existing structure onto its own lot. The applicant must also work within the unique circumstances that are brought about by this site being a walking court.

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver from LDC Section 5.2.2 to allow a lot to be less than the minimum required width of 35'

The vote was as follows:

YES: Commissioners Pennix, Fischer, Clare, and Carlson.

ABSTAIN: Brown

ABSENT: None

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NEW BUSINESS

CASE NUMBER 23-MPLAT-0025

Request:	Minor Subdivision Plat
Project Name:	Buechel Bank Rd Minor Plat
Location:	1928 Buechel Bank Rd
Owner:	Unique Remodeling LLC
Applicant:	Charles Podgursky
Representative:	Charles Podgursky
Jurisdiction:	Louisville Metro
Council District:	2 – Barbara Shanklin
Case Manager:	Ethan Lett, 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:

00:55:48 Ethan Lett presented the case and produced a Power Point presentation (see staff report and recording for detailed presentation.)

00:58:18 Commissioner Brown questioned if the plat had already been approved. Julia Williams stated the plat was never recorded and the plan expired.

00:59:16 Commissioner Carlson inquired about the width around the property. Lett stated the width would be roughly the same.

The following spoke in support of the proposal:

Charles Podgursky, 7321 New LaGrange Rd Ste 111, Louisville, KY 40222

Summary of testimony of those in support:

00:59:46 Charles Podgursky spoke in favor of the proposal.

The following spoke in opposition to the proposal:

None

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CASE NUMBER 23-MPLAT-0025

Deliberation:

01:01:34 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.

01:02:15 On a motion by Commissioner Brown, seconded by Commissioner Fischer, 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 Record Plat Amendment to create three buildable lots from one.

The vote was as follows:

YES: Commissioners Pennix, Fischer, Brown, Clare, and Carlson

ABSTAIN: None

ABSENT: None

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NEW BUSINESS

CASE NUMBER 22-DDP-0123

Request:	Revised Detailed District Development Plan
Project Name:	UniFirst
Location:	12400 Schutte Station Pl
Owner:	Unifirst
Applicant:	Vestal Corporation
Jurisdiction:	Louisville Metro
Council District:	11 – Kevin Kramer
Case Manager:	Jay Lockett, 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:

01:03:36 Jay Lockett presented the case and produced a Power Point presentation (see staff report and recording for detailed presentation.)

01:05:18 Commissioner Brown questioned the shared access. Lockett stated that it is a workplace form district, so it isn't required.

The following spoke in support of the proposal:

Tony Browning, Kelley Construction, 12550 Lake Station Place, Louisville, KY 40299

Summary of testimony of those in support:

01:06:41 Tony Browning spoke in favor of the proposal and stated he was there to answer any questions.

01:07:06 Commissioner Brown asked why the entrance access wasn't shareable and which entrance would the trucks be primarily using. Browning stated the entrances are not equipped for certain types of trucks and both entrances will be used.

The following spoke in opposition to the proposal:

None

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CASE NUMBER 22-DDP-0123

Deliberation:

01:11:33 Commissioners' deliberation.

01:16:13 Commissioner Carlson asked if the entrances could be shared. Browning stated the biggest issue would be the tractor trailers entering the development.

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.

01:17:41 On a motion by Commissioner Brown, seconded by Commissioner Carlson, 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** the requested Revised Detailed District Development Plan to the May 10th, 2023, Development Review Committee Meeting.

The vote was as follows:

YES: Commissioners Pennix, Fischer, Brown, Clare, and Carlson.

ABSTAIN: None

ABSENT: None

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NEW BUSINESS

CASE NUMBER 23-DDP-0005

Request:	Revised Detailed District Development Plan with Waiver
Project Name:	Lot #9 Blankenbaker Commerce Center
Location:	2501 Technology Drive
Owner:	LS Development, LLC
Applicant:	LS Development, LLC
Representative:	Nick McCart
Jurisdiction:	Jeffersontown
Council District:	11 – Kevin Kramer
Case Manager:	Chris Karrer, Planner I

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

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

Agency Testimony:

01:18:37 John Michael Lawler presented the case and produced a Power Point presentation (see staff report and recording for detailed presentation.)

The following spoke in support of the proposal:

Charles Keyes, Keyes Architects & Associates, 4717 Preston Hwy, Louisville, KY 40213

Nick McCart, Keyes Architects & Associates, 4717 Preston Hwy, Louisville, KY 40213

Summary of testimony of those in support:

01:22:17 Charles Keyes spoke in favor of the application and gave a small presentation.

01:24:09 Nick McCart finished the small presentation and discussed the landscaping details.

01:25:36 Commissioner Brown inquired about the additional trees that were discussed in the staff report. McCart replied yes and that he is open to suggestions.

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01:26:11 John Michael Lawler stated there will be amendments to binding elements to help clear up some of the language. Commissioner Carlson asked which binding elements were going to be involved.

The following spoke in opposition to the proposal:

None

Deliberation:

01:28:15 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.

Waiver from Land Development Code (Jeffersontown) section 10.2.4.B.8 to allow parking and a retaining wall to encroach into the 15' perimeter LBA (23-WAIVER-0033)

01:28:30 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 waiver will not adversely affect adjacent property owners since the additional parking is consistent with what is already on site. The applicant has agreed to exceed the planting requirements for this site.

WHEREAS: 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. Community Form Goal 1, Policy 12 calls for Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Encourage the placement of parking lots and garage doors behind or beside the building rather than facing the street. Economic Development goal 2 policy 3 calls to Encourage design elements that address the urban heat island effect and energy efficiency, such as the planting and preservation of trees, cool roofs and green infrastructure, for new development. Livability Goal 1 Goal 5 calls to encourage development that recognizes

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and incorporates the unique characteristics of identified general landscape types and native plant communities (e.g., upland hardwood forest) throughout Louisville Metro. Plantings in excess of site requirements will reduce impacts on adjacent properties by providing a greater number of property perimeter trees along the shared property line.

WHEREAS: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since trees will still be installed in the buffer.

WHEREAS: 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. Landscape buffering will still be provided.

RESOLVED, the Louisville Metro Development Review Committee does hereby **RECOMMENDED** that the city of Jeffersontown **APPROVE** waiver from Land Development Code (Jeffersontown) section 10.2.4.B.8 to allow parking and a retaining wall to encroach into the 15' perimeter LBA (23-WAIVER-0033)

The vote was as follows:

YES: Commissioners Pennix, Fischer, Brown, Clare, and Carlson.

ABSTAIN: None

ABSENT: None

Revised Detailed District Development plan with Revisions to Binding Elements

01:29:31 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: 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.

WHEREAS: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works approved the preliminary development plan.

WHEREAS: There are no open space requirements pertinent to the current proposal.

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WHEREAS: 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.

WHEREAS: 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.

WHEREAS: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

RESOLVED, that the Development Review Committee does hereby **RECOMMEND** that the city of Jeffersontown **APPROVE** on the condition that landscaping is provided that is substantially similar to what was presented at the April 19, 2023 DRC meeting and the requested Revised Detailed District Development Plan, **SUBJECT** to the following binding elements.

Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission, except for land uses permitted in the established zoning district.
2. The only permitted freestanding sign shall be a monument style sign, located as shown on the approved development plan. No portion of the sign, including the leading edge of the sign frame, shall be closer than 25 feet to front property line. The sign shall not exceed 30 square feet in area per side and 5 feet in height. No sign shall have more than two sides.
3. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants, balloons, or banners shall be permitted on the site.
4. There shall be no outdoor storage on the site.
5. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff so that no light source is visible off-site. Lighting levels attributable to the fixtures located on the subject site shall not exceed two foot candles at the property line.
6. Construction fencing shall be erected at the edge of the area of development prior to any grading or construction to protect the existing tree stands and their root systems from

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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.

- 7a. The applicant shall submit a plan for approval by the Planning Commission staff landscape architect showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Any modification of the tree preservation plan requested by the applicant may be approved by the Planning Commission staff landscape architect if the changes are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
 - a. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
 - b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
 - c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
 - d. Location of construction fencing for each tree/tree mass designated to be preserved.
- 7b. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a. The development plan must receive full construction approval from the 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.
8. 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. 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.
9. There shall be no outdoor music (live, piped, radio or amplified), outdoor entertainment, or outdoor PA system permitted on the site.
10. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the

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binding elements. The property owner/developer shall ensure their compliance with the binding elements.

11. If work is required within the easement causing removal or damage of landscape materials, the property owner will be responsible for replacement of materials according to the approved landscape plan.

The vote was as follows:

YES: Commissioners Pennix, Fischer, Brown, Clare, and Carlson.

ABSTAIN: None

ABSENT: None

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NEW BUSINESS

CASE NUMBER 22-DDP-0121

Request:	Revised Detailed District Development Plan with a Waiver
Project Name:	Olympia Park Plaza Lot 3
Location:	4805 Olympia Park Plaza
Owner:	Springdale Venture LLC
Applicant:	Denton Floyd Real Estate
Jurisdiction:	Louisville Metro
Council District:	16 – Scott Reed
Case Manager:	Jay Lockett, 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:

01:30:32 Jay Lockett presented the case and produced a Power Point presentation (see staff report and recording for detailed presentation.)

01:33:52 Commissioner Brown asked if a traffic impact study was completed on the previous proposal. Lockett stated he believes one was completed.

The following spoke in support of the proposal:

Nick Pregliasco, Bardenwerper, Talbott & Roberts, 1000 N. Hurstbourne Parkway, Louisville, KY 40223

Summary of testimony of those in support:

01:36:40 Nick Pregliasco spoke in favor of the proposal and presented a PowerPoint presentation (see recording for details).

The following spoke in opposition to the proposal:

None

Deliberation:

01:47:50 Commissioners' deliberation.

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NEW BUSINESS

CASE NUMBER 22-DDP-0121

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 of Land Development Code section 10.3.7 to reduce the 50-foot Gene Snyder Buffer to 30 feet.

01:48:36 On a motion by Commissioner Brown, seconded by Commissioner Fischer, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS: The waiver will not adversely affect adjacent property owners as the applicant will provide all required plantings and screening within the buffer area.

WHEREAS: The waiver will not violate specific guidelines of Plan 2040 as the applicant will provide adequate screening and buffering.

WHEREAS: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the encroachment is minimal and all required screening and planting will be provided.

WHEREAS: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as the buffer is the same as approved under the previous plans on the site, consistent with the adjacent sites and the same as shown on the record plat for the overall development.

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested waiver of Land Development Code section 10.3.7 to reduce the 50-foot Gene Snyder Buffer to 30 feet.

The vote was as follows:

YES: Commissioners Pennix, Fischer, Brown, Clare, and Carlson.

ABSTAIN: None

ABSENT: None

Revised Detailed District Development plan with Revisions to Binding Elements

01:49:12 On a motion by Commissioner Brown, seconded by Commissioner Fischer, 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: There do not appear to be any environmental constraints or historic resources on the subject site.

WHEREAS: 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.

WHEREAS: All required open space, including recreational open space is being met on the subject site.

WHEREAS: 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.

WHEREAS: 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.

WHEREAS: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

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

Proposed 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.

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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 Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
 - b. A general crossover access and shared parking agreement in a manner acceptable to Planning Commission legal counsel shall be recorded with the adjacent properties. A copy of the recorded document shall be submitted to the Office of Planning and Design services prior to requesting a building permit.
 - 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.
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.
7. The developer shall contribute \$80.00 per unit towards future signal upgrades to be provided at the signalized intersections of KY 22 and North Hurstbourne; KY 22 and Summitt Plaza; KY 22 and Interstate 265 southbound on-ramp; KY 22 and Norton Healthcare Boulevard; and KY 22 and Chamberlain Lane. The contribution shall be required prior to construction approval. The contribution shall be required prior to construction approval for Tract 3 only.

DEVELOPMENT REVIEW COMMITTEE MINUTES

April 19, 2023

NEW BUSINESS

CASE NUMBER 22-DDP-0121

8. A street name change for the section of Olympia Park Plaza abutting Tract 3 shall be approved prior to construction approval for Tract 3.
9. The building shall be constructed with materials and techniques consistent with those described in the Design 27 Noise Study and Sound Transmission Class Review dated February 20, 2023.

The vote was as follows:

YES: Commissioners Pennix, Fischer, Brown, Clare, and Carlson.

ABSTAIN: None

ABSENT: None

DEVELOPMENT REVIEW COMMITTEE MINUTES

April 19, 2023

NEW BUSINESS

CASE NUMBER 23-WAIVER-0058

Commissioner Brown left before case 23-WAIVER-0058 started.

Request:	Waiver to permit more than two menu boards on a site
Project Name:	Menu Board Waiver
Location:	3232 Bardstown Rd
Owner:	Jack In The Box, Inc
Applicant:	Jack In The Box, Inc
Jurisdiction:	Louisville Metro
Council District:	16 – Scott Reed
Case Manager:	Beth Jones, AICP, Planner II

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

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

Agency Testimony:

01:50:46 Beth Jones presented the case and produced a Power Point presentation (see staff report and recording for detailed presentation.)

The following spoke in support of the proposal:

Brooke Alini, 2328 Florence Ave, Cincinnati, OH 45206

Summary of testimony of those in support:

01:54:39 Brooke Alini spoke in favor of the application and to answer any questions.

The following spoke in opposition to the proposal:

None

Deliberation:

01:55:44 Commissioners' deliberation.

DEVELOPMENT REVIEW COMMITTEE MINUTES

April 19, 2023

NEW BUSINESS

CASE NUMBER 23-WAIVER-0058

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.

23-WAIVER-0058 from Land Development Code 8.3.3.C. to permit more than two menu boards on a site

01:56:23 On a motion by Commissioner Clare, seconded by Commissioner Pennix, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS: The waiver will not adversely affect property owners to the north, south and east in that they are all similar commercial uses located along a major arterial. Adverse effects on the adjacent multifamily property will be mitigated by adherence to the proposed conditions.

WHEREAS: The waiver will not violate guidelines of Plan 2040, which requires that appropriateness must be evaluated in the context of the compatibility of the proposed use with surrounding uses (Community Form 1.2.4) in that though the site is located in a Suburban Marketplace Corridor form district. Adverse impacts on quality of life (Community Form 16) will be minimized with adherence to the proposed condition. The design of the proposed sign will not lessen the adverse visual intrusion on the residential areas in the vicinity (Community Form 20) in that the additional menu boards will produce more ambient light than the previously existing condition.

WHEREAS: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant in that the number of menu boards being requested is appropriate for the number of drive-thru lanes approved for the site.

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 proposed sign has incorporated other design measures that exceed the minimums of the district and result in a net beneficial effect provided the proposed conditions adding dimming technology and requiring shut-off during non-business hours are accepted.

DEVELOPMENT REVIEW COMMITTEE MINUTES

April 19, 2023

NEW BUSINESS

CASE NUMBER 23-WAIVER-0058

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested 23-WAIVER-0058 from LDC 8.3.3.C. to permit more than two menu boards on a site.

The vote was as follows:

YES: Commissioners Pennix, Fischer, Clare, and Carlson.

ABSTAIN: None

ABSENT: Commissioners Brown.

DEVELOPMENT REVIEW COMMITTEE MINUTES
April 19, 2023

ADJOURNMENT

The meeting adjourned at approximately 2:58 p.m.

Chairman

Division Director