

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE MEETING
AUGUST 1, 2018**

A meeting of the Louisville Metro Development Review Committee was held on July 18, 2018 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, KY 40202.

Commissioners present:

Jeff Brown (Acting Chair)
Donald Robinson
Lula Howard

Commissioners absent:

David Tomes, Chair
Rich Carlson, Vice Chair
Emma Smith

Staff members present:

Emily Liu, Director, Planning & Design Services
Joseph Reverman, Assistant Director, Planning & Design Services
Brian Davis, Planning Manager
Jay Lockett, Planner I
Ross Allen, Planner I
Dante St. Germain, Planner I
John Carroll, Legal Counsel
Beth Stuber, Transportation
Chris Cestaro, Management Assistant

The following matters were considered

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Election of Chairperson for this meeting

00:01:47 On a motion by Commissioner Robinson, seconded by Commissioner Howard, the following resolution was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby elect Commissioner Brown as Acting Chair for this meeting.

The vote was as follows:

YES: Commissioners Robinson and Howard.

NOT PRESENT: Commissioners Tomes, Carlson, and Smith.

ABSTAINING: Commissioner Brown.

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APPROVAL OF MINUTES

June 20, 2018 Meeting Minutes

00:03:54 On a motion by Commissioner Robinson, seconded by Commissioner Howard, the following resolution was adopted:

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on July 18, 2018.

The vote was as follows:

YES: Commissioners Robinson and Brown.

NOT PRESENT: Commissioners Tomes, Carlson, and Smith.

ABSTAINING: Commissioner Howard.

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NEW BUSINESS

CASE NUMBER 17DEVPLAN1230

Request: Landscape Waiver as associated with a Category 2B
Development Plan
Project Name: Retail Center
Location: 3901, 3905, and 3911 Taylorsville Road and 2949 Breckinridge
Lane
Owner(s): Triple M Investments Inc.
Applicant: Triple M Investments, Inc.
Representative: Chris Brown - BTM Engineering Inc.
Jurisdiction: Louisville Metro
Council District: 26 – Brent Ackerson

Case Manager: Ross Allen, Planner I

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

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

Agency Testimony:

00:04:25 Ross Allen presented the case (see staff report and recording for detailed presentation.) This case was continued from the July 18, 2018 DRC meeting.

00:08:29 In response to a question from Commissioner Howard, Mr. Allen said the proposed Lot 3 is where the car wash was. He said the applicant can answer that in more detail.

09:08:10 In response to a question from Commissioner Brown, Mr. Allen pointed out the exact location of the waiver request. The dumpster location was discussed.

00:10:51 Commissioner Howard asked about the north side of the property and if there are utility easements. She also asked if dumpster pads would be located along the north and northeast side.

The following spoke in favor of this request:

Christopher Brown, BTM Engineering, 3001 Taylor Springs Drive, Louisville, KY

Summary of testimony of those in favor:

00:12:32 Christopher Brown presented the case and showed a Power Point presentation (see recording for detailed presentation.)

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00:19:00 In response to a question from Commissioner Howard, Mr. Brown said he was aware of the resident who sent an e-mail regarding concerns about potential dumpster odor. He said there was dumpster and recycling collection almost in that exact same spot with the previous K-Mart use, and it was not fully screened. He added that this will be primarily office use and training, with some storage of office-associated items. Commissioner Howard said the odor the resident was communicating about was probably coming from the K-Mart, which had a restaurant.

00:20:42 In response to a question from Commissioner Brown, Mr. Brown pointed out the location of parking. it will be striped by the applicant. The generator will have routine testing as required; however, the newer types of generators are much quieter and this is not a diesel. Fencing in this area will be replaced by LDC-required fencing and landscaping.

The following spoke in opposition to this request:

No one spoke.

Deliberation:

00:22:43 The Commissioners concurred that the proposal is justified.

An audio/visual recording of the Planning Commission hearing 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.

00:24:04 On a motion by Commissioner Howard, seconded by Commissioner Robinson, the following resolution, based on the Standard of Review and Staff Analysis and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the applicant states, "The waiver will not adversely affect adjacent property owners since the required screening per Chapter 10 of the Land Development Code will be provided while maintaining the existing building and vehicular maneuvering area on the site." Staff has found that the applicant as required by LDC 5.7.1 (Transition Zone Standards) as referencing Chapter 10 Part 2 section 4 (C.4 per Table 10.2.2) would require the applicant to provide a 25 ft. and/or 35 LBA as adjacent to the residential dwellings as found along the northwestern and northeastern property lines with the required plantings of three Large Type A of Medium Type B trees with an eight ft. screen. The subject site has existing screening in place beginning approximately 82 ft. interior to the rear property line (perpendicular to Breckenridge Lane) and running in a northeastern/southwestern direction for approximately 260 ft. while the remainder of the rear property line is screened by fences of the residential property owner's rear yards along Berkshire Ave. The rear property line does have an estimated 22 ft. greenspace but the applicant/owner has indicated on the development plan that there is an existing 23 ft. utility easement and existing 16 ft. sewer easement running along the rear property line. The northeastern property line, running in a northwestern/southeastern direction and perpendicular

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to Taylorsville Rd., has a very narrow green space running the length of the property and contains an existing 16 ft. wide sanitary sewer easement with an overhead utility easement. The applicant intends to provide the screening (eight ft. as required by Chapter 10) along both the northwestern and northeastern property lines as adjacent to residential dwellings with existing pavement present prior to the proposal, existing conditions; and

WHEREAS, the Committee further finds that the applicant states, "Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The waiver will not violate the Comprehensive Plan since screening will be provided as required by the Land Development Code along the property boundaries with existing parking and the existing building which will be renovated and used with the current plan proposal." Staff has found that the applicant as required by LDC 5.7.1 (Transition Zone Standards) as referencing Chapter 10 Part 2 section 4 (C.4 per Table 10.2.2) would require the applicant to provide a 25 ft. and/or 35 LBA as adjacent to the residential dwellings as found along the northwestern and northeastern property lines with the required plantings of three Large Type A of Medium Type B trees with an eight ft. screen. The subject site has existing screening in place beginning approximately 82 ft. interior to the rear property line (perpendicular to Breckenridge Lane) and running in a northeastern/southwestern direction for approximately 260 ft. while the remainder of the rear property line is screened by fences of the residential property owner's rear yards along Berkshire Ave. The rear property line does have an estimated 22 ft. greenspace but the applicant/owner has indicated on the development plan that there is an existing 23 ft. utility easement and existing 16 ft. sewer easement running along the rear property line. The northeastern property line, running in a northwestern/southeastern direction and perpendicular to Taylorsville Rd., has a very narrow green space running the length of the property and contains an existing 16 ft. wide sanitary sewer easement with an overhead utility easement. The applicant intends to provide the screening (eight ft. as required by Chapter 10) along both the northwestern and northeastern property lines as adjacent to residential dwellings with existing pavement present prior to the proposal, existing conditions. It is undetermined what potential impacts that placement of the dumpsters and newly stripped parking will have along the portion of the northeastern or parking/maneuvering area along the northwestern property line will have upon adjacent residents; and

WHEREAS, the Committee further finds that the applicant states, "The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since VUA LBAs will be provided on the site drives and along the roadways with screening along the north and east property boundaries. New landscape islands will also be provided within the existing vehicular use area." It is undetermined what nuisances/impacts may occur as a result of the proposed

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development. Many of the current conditions are existing conditions though the use for the areas has intensified; and

WHEREAS, the Committee further finds that the applicant states, "The strict application of the provisions of the regulations would create an unnecessary hardship on the applicant by requiring large portions on the existing building and the VUA area around the building with existing parking to be eliminated on the site."; now, therefore be it

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver from LDC 5.7.1.B.3.a /10.2.4.A to not provide a 25 ft. or 35 ft. Landscape Buffer Area with required plantings along the 1,071 ft. northeastern property line and 586 ft. northwestern property line adjacent to R-5 zoned residential parcels on proposed Lot 1.

The vote was as follows:

YES: Commissioners Robinson, Howard, and Brown.

NNOT PRESENT: Commissioners Tomes, Carlson, and Smith.

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NEW BUSINESS

CASE NUMBER 18WAIVER1008

Request:	At applicant's request, the Waiver has been moved to the August 6, 2018 BOZA hearing in association with 18VARIANCE1026.
Project Name:	12400 Old Henry Road
Location:	12400 Old Henry Road
Owner(s):	Mr. and Mrs. Douglas Michael
Applicant:	Mr. and Mrs. Douglas Michael
Representative:	Glen Price – Frost Brown Todd, PLLC
Jurisdiction:	City of Middletown
Council District:	19 – Julie Denton
Case Manager:	Ross Allen, 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:

00:25:50 Ross Allen said the case has been moved to the August 6, 2018 Board of Zoning Adjustment meeting.

The following spoke in favor of this request:

No one.

An audio/visual recording of the Planning Commission hearing 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.

No action was taken on this case.

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NEW BUSINESS

CASE NUMBER 18DEVPLAN1066

Request:	Detailed District Development Plan
Project Name:	La Quinta del Sol
Location:	13811 Terra View Trail
Owner:	Sachi, LLC
Applicant:	Sachi, LLC
Representative:	Robert Adams - Adams Law Group
Jurisdiction:	Louisville Metro
Council District:	19 – Julie Denton
Case Manager:	Jay Lockett, Planner I

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

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

Agency Testimony:

00:27:24 Jay Lockett presented the case (see staff report and recording for detailed presentation.)

The following spoke in favor of this request:

Sundeep Dronawat, Sachi LLC, 12015 Hunting Crest Drive, Louisville, KY 40059

Summary of testimony of those in favor:

00:29:22 Sundeep Dronawat, the applicant, said he was available to answer questions.

The following spoke in opposition to this request:

No one spoke.

Deliberation:

00:30:16 The Commissioners concurred that the proposal is justified.

An audio/visual recording of the Planning Commission hearing 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.

00:31:10 On a motion by Commissioner Howard, seconded by Commissioner Robinson, the following resolution, based on the Standard of Review and Staff Analysis and the testimony presented today, was adopted:

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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 will approve the preliminary development plan; and

WHEREAS, the Committee further finds that there are no open space requirements pertinent to the current proposal; and

WHEREAS, the Committee further finds that the Metropolitan Sewer District 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 Detailed District Development Plan, **SUBJECT** to the following binding elements:

The site is subject to all General District Development Plan binding elements, in addition to the following:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. 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

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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 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 minor subdivision plat or legal instrument shall be recorded creating the lot lines as shown on the development plan.
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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
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.

The vote was as follows:

YES: Commissioners Robinson, Howard, and Brown.

NOT PRESENT: Commissioners Tomes, Carlson, and Smith.

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NEW BUSINESS

CASE NUMBER 18WAIVER1025

Request:	Waiver to not provide the 15-foot PEC landscape buffer
Project Name:	Copper Chase Business Park
Location:	10000 Grassland Drive
Owner:	Paul and Mildred Quinn
Applicant:	Paul and Mildred Quinn
Representative:	Land Design & Development
Jurisdiction:	City of Jeffersontown
Council District:	11 – Kevin Kramer
Case Manager:	Jay Lockett, Planner I

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

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

Agency Testimony:

00:31:54 Jay Lockett presented the case (see staff report and recording for detailed presentation.)

The following spoke in favor of this request:

Derek Triplett, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

Paul Quinn, 10815 Easum Road, Louisville, KY 40299

Summary of testimony of those in favor:

00:33:43 Derek Triplett presented the applicant's case and showed a presentation (see recording for detailed presentation.)

The following spoke in opposition to this request:

No one spoke.

Deliberation:

00:37:00 The Commissioners concur that the proposal is justified.

An audio/visual recording of the Planning Commission hearing 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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00:37:51 On a motion by Commissioner Howard, seconded by Commissioner Robinson, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners since the City of Jeffersontown is the adjacent property owner and they support the waiver to allow for a public multi-use path; and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 3, Policy 9 of Cornerstone 2020 calls for protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate. Guideline 3, Policies 21 and 22 call for appropriate transitions between uses that are substantially different in scale and intensity or density, and mitigation of the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, Policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter airborne and waterborne pollutants. Property is still functionally buffered from the next property by a stream buffer area and the multi-use path; 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 since all other required buffers and plantings will be provided on site; and

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as the buffer area in question is requested to be waived to allow for public recreational use, and providing the buffer would significantly limit the narrow site; now, therefore be it

RESOLVED, that the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the City of Jeffersontown that the requested **Waiver** of Land Development Code (Jeffersontown) section 10.2.4.B to not provide the 15' PEC landscape buffer area along the northern property line be **APPROVED**.

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The vote was as follows:

YES: Commissioners Robinson, Howard, and Brown.

NOT PRESENT: Commissioners Tomes, Carlson, and Smith.

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NEW BUSINESS

CASE NUMBER 18WAIVER1028

Request:	Waiver to not provide a 3-foot masonry wall
Project Name:	Oscars Hardware
Location:	1515 South Shelby Street
Owner:	Paul Fussenegger
Applicant:	Planning and Construction Associates
Representative:	Planning and Construction Associates
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
Case Manager:	Jay Lockett, Planner I

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

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

Agency Testimony:

00:38:49 Jay Lockett presented the case and showed elevations (see staff report and recording for detailed presentation.)

00:41:59 Commissioner Brown expressed concern about the handicapped parking and maneuvering space being placed near the entrance of the building. Mr. Lockett said he had spoken with Mark Dutrow, with Metro Transportation Planning, who had discussed this with the applicant.

The following spoke in favor of this request:

Patrick Miller, Planning & Construction Associates, 1200 Delore Avenue, Louisville, KY 40217

Summary of testimony of those in favor:

00:42:40 Patrick Miller, the applicant, Patrick Miller, the applicant, said he was available to answer any questions. He added that Mark Dutrow, with Metro Transportation Planning, told him to move the parking back where it was originally. He said he was working with staff to resolve the issue.

The following spoke in opposition to this request:

No one spoke.

Deliberation:

00:43:37 The Commissioners concur that the proposal is justified.

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An audio/visual recording of the Planning Commission hearing 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.

00:44:16 On a motion by Commissioner Robinson, seconded by Commissioner Howard, the following resolution, based on the Standard of Review and Staff Analysis and evidence heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners, as the overall design will still be a substantial improvement in the site from its historic conditions; and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 2, Policy 15 states to encourage the design, quantity and location of parking in activity centers to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations. Guideline 3, Policy 1 states to ensure compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. Guideline 3, Policy 23 states that setbacks, lot dimensions and building heights should be compatible with those of nearby developments that meet form district guidelines. The proposed fencing represents a reasonable compromise between the concerns of security, aesthetics and site functionality, and the overall site design will not violate the comprehensive plan; 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; and

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as they could potentially incur ongoing costs and security concerns associated with securing and maintaining the perimeter of their property; now, therefore be it

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the requested **Waiver** of Land Development Code section 5.5.1.A.3.a to not provide a masonry wall.

The vote was as follows:

YES: Commissioners Robinson, Howard, and Brown.

NOT PRESENT: Commissioners Tomes, Carlson, and Smith.

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NEW BUSINESS

CASE NUMBER 18WAIVER1023

Request:	Waiver to allow an accessory structure with a footprint that exceeds the footprint of the principal structure on a lot
Project Name:	Trena Trail Garage
Location:	6110 Trena Trail
Owner:	Steven Jupin
Applicant:	Steven Jupin
Representative:	Steven Jupin
Jurisdiction:	Louisville Metro
Council District:	12 – Rick Blackwell
Case Manager:	Dante St. Germain, 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:

00:45:24 Dante St. Germain presented the case (see staff report and recording for detailed presentation.)

00:49:58 In response to a question from Commissioner Howard, Ms. St. Germain said there is no private yard area requirement for the Neighborhood form district (only for Traditional Neighborhood form district.)

00:50:49 In response to a question from Commissioner Brown, Ms. St. Germain explained side yard requirements (see recording.)

The following spoke in favor of this request:

Steven Jupin, 6110 Trena Trail, Louisville, KY

Summary of testimony of those in favor:

00:51:30 Steven Jupin, the applicant, explained why he is requested the waiver. He said that, for 6-7 years, he has been “fighting” with MSD to get them to clean up this back area. He said this area does not drain at all. He said that putting concrete back there will prevent mosquitos, animals, and piles of dead brush put back there by a neighbor. He said that, three houses over, the property owners have extended their property line so that MSD cannot put a drainage line back there. He explained that he wants this garage to store and work on classic cars.

00:53:21 Commissioner Robinson asked about noise and if the structure will be insulated. Mr. Jupin said it would, and added that the existing garage is insulated also.

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00:53:36 In response to a question from Commissioner Brown, Mr. Jupin said the proposed structure would be 12 feet (unsure what the height to the peak of the gable would be.) They discussed building permits.

00:55:49 In response to a question from Commissioner Howard, Ms. St. Germain showed an aerial photo which shows a wider view of the neighborhood.

The following spoke in opposition to this request:

No one spoke.

Deliberation:

00:58:24 Commissioner Howard said there is already an existing accessory structure on the property that is larger than the house. Adding a second garage, also larger than the primary structure, would be excessive. Commissioner Robinson agreed. Commissioner Brown also agreed; in addition, he said there will be no screening or mitigation provided. The possibility of a smaller proposed structure was discussed.

01:01:50 Mr. Jupin, Joseph Reverman (Assistant Director of Planning & Design Services), and the Commissioners discussed the possibility of a smaller proposed structure. Commissioner Howard said she would appreciate something showing the dimensions of the site and the proposed structure.

An audio/visual recording of the Planning Commission hearing 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.

01:08:16 On a motion by Commissioner Howard, seconded by Commissioner Robinson, the following resolution was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby **CONTINUE** this case to the **August 15, 2018 Development Review Committee** meeting to allow the applicant time to see if he can modify the plan to better conform to the development site.

The vote was as follows:

YES: Commissioners Robinson, Howard, and Brown.

NOT PRESENT: Commissioners Tomes, Carlson, and Smith.

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NEW BUSINESS

CASE NUMBER 18WAIVER1024

Request:	Waiver to not require plantings in a Vehicular Use Area Landscape Buffer Area
Project Name:	Shanks Lane Landscaping
Location:	3801 Shanks Lane
Owner:	Usher Holding Co. Inc.
Applicant:	Ryan Usher
Representative:	Ryan Usher
Jurisdiction:	Louisville Metro
Council District:	1 – Jessica Green
Case Manager:	Dante St. Germain, 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:

01:09:16 Dante St. Germain presented the case (see staff report and recording for detailed presentation.)

The following spoke in favor of this request:

Ryan Usher, 3801 Shanks Lane, Louisville, KY 40216

Bill Usher Jr.,

Summary of testimony of those in favor:

01:13:02 Ryan Usher, the applicant, presented his case and showed a Power Point presentation (see recording for detailed presentation.

01:16:47 Commissioner Brown asked where the applicant's property line was, because none of the parking shown on the applicant's photos shows up on the landscape plan. He added that the parking shown in the photos is in a public right-of-way. Mr. Usher said the parking shown in the photos is also shared with the cemetery. Commissioner Brown explained why parking for private businesses cannot be permitted in a public ROW unless the businesses have an encroachment permit.

01:18:27 Commissioner Howard asked who provided all of the pavement outside of the fenced area. Mr. Usher said his company did. Bill Usher Jr., an applicant, said this paving was "done a long time ago" and has been there at least 15 years. He said this is not a thru street anymore and the cemetery has a gate across it. Commissioner Brown said this is still a public ROW and confirmed that the applicant has to be back from the road all the way back to their

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property line (fence line.) Mr. Usher said the employee cars are separated from the over-100 transport trucks for safety reasons.

01:20:33 Mr. Usher said they cannot put trees up against the fence because it is a TSA security fence, and trees could give people an access to get over the fence. This is a secured area that has hazardous materials.

The following spoke in opposition to this request:

No one spoke.

Deliberation:

01:21:52 Commissioner Brown suggested that the case be continued to give the applicant time to come back with a revised landscape plan. He said he felt the applicant should provide the landscaping as required by the original rezoning (under the old Land Development Code.) He was also concerned about the encroachment into the ROW, which is not negotiable. Commissioner Howard said the development plan shows the existing ILA's will remain; this means the seven existing 6-foot-tall evergreens trees will remain (on the right side.) Types of landscaping that could be provided by the applicant were discussed.

An audio/visual recording of the Planning Commission hearing 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.

01:29:20 On a motion by Commissioner Howard, seconded by Commissioner Robinson, the following resolution was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby **CONTINUE** this case to the **September 5, 2018 Development Review Committee** meeting to allow the applicant time to prepare an alternate landscape plan that might meet the original Article 12 requirements; to apply for an encroachment permit from Louisville Metro Department of Public Works; will address the removal of the asphalt in the public ROW; and will show the 30-foot access point.

The vote was as follows:

YES: Commissioners Robinson, Howard, and Brown.

NOT PRESENT: Commissioners Tomes, Carlson, and Smith.

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ADJOURNMENT

The meeting adjourned at approximately 2:30 p.m.

Chairman

Division Director