

**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE MEETING  
February 5, 2020**

A meeting of the Louisville Metro Development Review Committee was held on January 22, 2020 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, KY 40202.

**Commissioners present:**

David Tomes, Chair  
Jeff Brown  
Jim Mims

**Commissioners absent:**

Rich Carlson, Vice Chair

**Staff members present:**

Joe Reverman, Assistant Director, Planning & Design Services  
Brian Davis, Planning & Design Manager  
Joel Dock, Planner II  
Dante St. Germain, Planner II  
Jay Lockett, Planner I  
Lacey Gabbard, Planner I  
Travis Fiechter, Legal Counsel  
Beth Stuber, Transportation

The following matters were considered

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
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**APPROVAL OF MINUTES**

**January 22, 2020 DRC Meeting Minutes**

00:05:55 On a motion by Commissioner Brown, seconded by Commissioner Mims, the following resolution was adopted:

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on January 22, 2019.

**The vote was as follows:**

**YES: Commissioner Mims and Brown**

**ABSENT: Commissioner Carlson**

**ABSTAIN: Commissioner Tomes**

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

**CASE NUMBER 19-DDP-0073**

**Request:** Revised Detailed District Development Plan and Binding Elements – Requesting Continuance to 03/18/2020  
**Project Name:** Jagers  
**Location:** 6221 Dutchmans Lane  
**Owner:** Oldroad LLC  
**Applicant:** Oldroad LLC  
**Representative:** Greenberg Farrow  
**Jurisdiction:** City of St. Matthews  
**Council District:** 26 – Brent Ackerson  
**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:**

00:07:00 Dante St. Germain stated the applicant asked to continue this case to March 18, 2020 Development Review Committee meeting to revise the development plan (see staff report and recording for detailed presentation.)

**The following spoke in favor of this request:**

No one spoke.

**The following spoke in opposition to this request:**

No one spoke.

**Deliberation:**

00:7:27 Commissioners' deliberation (see recording for detailed presentation).

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

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**NEW BUSINESS**

**CASE NUMBER 19-DDP-0073**

00:07:40 On a motion by Commissioner Brown, seconded by Commissioner Mims, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **CONTINUE** this Planning Case to the March 18, 2020 Development Review Committee Meeting.

**The vote was as follows:**

**YES: Commissioners Mims, Brown, and Tomes.**

**ABSENT: Commissioner Carlson.**

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**NEW BUSINESS**

**CASE NUMBER 19-MPLAT-0092**

**Request:** Minor Plat Waiver  
**Project Name:** Eastern Ave Minor Plat  
**Location:** 3020 Eastern Avenue  
**Owner/Applicant:** 1218 Payne Street, LLC  
**Representative:** Richard Matheny  
**Jurisdiction:** Louisville Metro  
**Council District:** 9 – Bill Hollander  
**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:**

00:08:35 Jay Lockett presented the case via the Minor Plat PDF (see staff report and recording for detailed presentation.) Mr. Lockett noted there are discussions ongoing between the fire department, the applicant, and public works regarding additional pavement or road improvements.

**The following spoke in favor of this request:**

Richard Matheny, 9009 Preston Highway, Louisville, Kentucky, 40229

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

00:10:18 Richard Matheny, representing the applicant, stated there was confusion of the plats reviewed and the fire department will contact public works with their approval of this Waiver.

00:10:59 Commissioner Mims asked for clarification regarding the pavement discussions. Richard Matheny replied Louisville fire department commented they need to have adequate access from the road to allow the 150 foot hose to reach structures.

**The following spoke in opposition to this request:**

No one spoke

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**CASE NUMBER 19-MPLAT-0092**

**Deliberation:**

00:11:52 Commissioners' deliberation (see recording for detailed presentation).

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

00:12:05 On a motion by Commissioner Brown, seconded by Commissioner Mims, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds the waiver will not adversely affect adjacent property owners since the resulting lots will be consistent with the lot sizes in the area and the form district standards; and

**WHEREAS**, the Louisville Metro Development Review Committee further finds Community Form Guideline 1 policy B.3 of Cornerstone 2020 calls for a mix of residential housing choices and densities for the neighborhood; Community Form Guideline 3 policy A.3 calls for a development that is compatible with adjacent residential areas; Community Form Guideline 3 policy A.23 calls for the creation of lot patterns and setbacks that are compatible with those of nearby developments that meet form district standards; Livability/Environment Guideline 10 calls for development that is approved by MSD and is compatible with floodplain guidelines. The proposed waiver would allow creation of lots that are consistent with the pattern of development in the area. MSD has approved the plat and will review construction plans for compliance with local regulatory floodplain standards; and

**WHEREAS**, the Louisville Metro Development Review Committee further finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since all other requirements of the Land Development Code will be met; and

**WHEREAS**, the Louisville Metro Development Review Committee further The strict application of the provision of the regulation would deprive the applicant of the reasonable use of the land because the width requirement would prevent the creation of 4 lots even though the existing lot large enough for subdivision under the form district standards; now, therefore be it,

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**NEW BUSINESS**

**CASE NUMBER 19-MPLAT-0092**

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the **Waiver** from the Land Development Code section 5.3.1.C to reduce the required width from 50 feet to 49.75 feet for lot 1.

**The vote was as follows:**

**YES: Commissioners Mims, Brown, and Tomes.**

**ABSENT: Commissioner Carlson.**

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**NEW BUSINESS**

**CASE NUMBER 19-MPLAT-0087**

**Request:** Minor Plat Waiver  
**Project Name:** Glen Rose Minor Plat  
**Location:** 4733 Glen Rose Road  
**Owner/Applicant:** Jeffrey and Felisa Bishop  
**Representative:** Richard Matheny  
**Jurisdiction:** Louisville Metro  
**Council District:** 24 – Madonna Flood  
**Case Manager:** **Jay Lockett, Planner I**

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

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

**Agency Testimony:**

00:13:09 Jay Lockett presented the case via the Plat PDF (see staff report and recording for detailed presentation.) Mr. Lockett stated this is a Record Plat Amendment to create four lots from three existing lots.

00:14:05 Commissioner Mims asked if there will be a property service connection for the sewer easement. Jay Lockett state MSD will have to approve the easement and the applicant will be answer this question.

**The following spoke in favor of this request:**

Richard Matheny, 9009 Preston Highway, Louisville, Kentucky, 40229

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

00:16:30 Richard Matheny stated there is a 10 foot private easement allowed by MSD as it crosses only one property line and it serves the home on Tract 1. Mr. Matheny noted the metal barn will remain for a possible future home site.

**Summary of testimony of those in opposition:**

No one spoke.

**Deliberation:**

00:18:18 Commissioners' deliberation (see recording for detailed presentation).

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**NEW BUSINESS**

**CASE NUMBER 19-MPLAT-0087**

**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.**

00:18:25      On a motion by Commissioner Brown, seconded by Commissioner Mims, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Record Plat Amendment to create 4 lots from 3.

**The vote was as follows:**

**YES: Commissioners Mims, Brown, and Tomes.**

**ABSENT: Commissioner Carlson.**

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**NEW BUSINESS**

**CASE NUMBER 20-WAIVER-0008**

**Request:** Building Design Waiver  
**Project Name:** Dollar General Store  
**Location:** 7701 Smyrna Parkway  
**Owner/Applicant:** Kennie and Patricia Combs/ SC Development LLC  
**Representative:** Wyatt Tarrant & Combs, LLP  
**Jurisdiction:** Louisville Metro  
**Council District:** 23-James Peden  
**Case Manager:** **Joel P. Dock, 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:**

00:19:33 Joel Dock presented the case (see staff report and recording for detailed presentation). Mr. Dock noted this is a continued case from the January 8, 2020 Development Review Committee Meeting to review the type of windows that will be provided.

00:22:10 Joe Reverman asked if there were changes to the West Building Façade. Joel Dock replied they have added windows since the previous DRC Meeting. Joe Reverman and Joel Dock discussed the type of window glazing for this site (see recording for detailed presentation).

**The following spoke in favor of this request:**

Jon Baker, 400 W. Market Street, Suite 2000 Louisville, Kentucky, 40202

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

00:23:33 Jon Baker, Wyatt Tarrant & Combs, spoke on behalf of the applicant. Mr. Baker stated the applicant has revised the design so the East facing façade is the same as the West facing façade. The design features the windows which are not clear because of shelving inside of the store. The design meets the character of the form district requirements.

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00:25:53 Joe Reverman stated there were concerns with the rear façade from the previous meeting. John Baker detailed the rear residential C-1 adjacent lot. He stated there will be a new fence and plantings installed along the property line.

**The following spoke in opposition of this request:**

No one spoke.

**Deliberation:**

00:27:40 Commissioners' deliberation (see recording for detailed presentation).

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

00:28:02 On a motion by Commissioner Brown, seconded by Commissioner Mims, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds the waiver will not adversely affect adjacent property owners as the proposed windows will not detract from the existing character of these properties or cause a nuisance through the design upon these properties. The user to the east is an auto garage, across Outer Loop an auditorium or gymnasium for an elementary school is nearest to the roadway which does not provide clear windows, and two other adjacent properties are vacant. The property owner to the rear/south is not impacted by the facades in question; and

**WHEREAS**, the Louisville Metro Development Review Committee further finds Plan 2040 Community Form Goal 1, Policy 4 encourages new development and redevelopment to be 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. The character of Outer Loop in the immediate area consists of users in multi-tenant buildings or stand-alone services with parking lots between structures and the roadway. Immediately adjacent to the proposal are two auto service garages that provide bays opening to the roadway. A retail strip center with clear windows for tenants is present roughly ¼ mile east of the site. Based on a review using Google Streetview many of the clear windows are occupied by advertisements interrupting views into the business. The proposal is consistent with the design of Dollar General Stores

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located in throughout suburban areas of Louisville Metro. The materials proposed are consistent with the desired pattern of development as multiple building materials are proposed and the façade facing outer Loop contains a wall plane projection at the entrance, as well as clear windows in the area of the entrance. The faux windows provide architectural interest as they mimic a “real” window and provide awnings above. For these reasons, the requested waiver appears to be compliant with Plan 2040; and

**WHEREAS**, the Louisville Metro Development Review Committee further finds the full extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant as display windows are specifically authorized and the internal layout can be revised to relocated restrooms and storage to walls not containing windows as two facades are not required to comply with the regulation; and

**WHEREAS**, the Louisville Metro Development Review Committee further 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 as the proposal does not negatively affect adjacent property owners and maintains consistency with Plan 2040; now, therefore be it,

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the **Waiver** of Land Development Code, section 5.6.1.C.1 to not provide clear windows and doors on at least 50% of the wall surfaces at street-level.

**The vote was as follows:**

**YES: Commissioners Brown, Mims, and Tomes.**

**ABSENT: Commissioner Carlson**

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**NEW BUSINESS**

**CASE NUMBER 19-WAIVER-0109**

**Request:** Waiver  
**Project Name:** HB Mold Warehouse  
**Location:** 3001 Watterson Trail  
**Owner/Applicant:** Hallam Properties, LLC  
**Representative:** John Flynn II, Flynn Construction Services, LLC  
**Jurisdiction:** Jeffersontown  
**Council District:** 11 – Kevin Kramer  
**Case Manager:** **Lacey Gabbard, AICP, Planner I**

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

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

**Agency Testimony:**

00:28:56 Lacey Gabbard presented the case (see staff report and recording for detailed presentation.). Ms. Gabbard noted that during construction there were site conditions not noted in the previous development plan that required parking, access, and a retaining wall to encroach on the LBA. She stated the applicant will be willing to discuss landscape mitigation with Commissioners today.

**The following spoke in favor of this request:**

John Campbell, 642 South Fourth Street, Suite 100, Louisville, Kentucky, 40202

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

00:30:53 John Campbell, representing the applicant, presented a handout with pictures of this site to Commissioners (see recording for detailed presentation). Mr. Campbell noted the encroachment does not negatively impact Watterson Trail because Watterson Trail is elevated along the property line. He stated trees have already been planted, and the landscape plantings will be planted if approved.

**The following spoke in opposition to this request:**

No one spoke

**Deliberation:**

00:33:53 Commissioners' deliberation (see recording for detailed presentation).

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**CASE NUMBER 19-WAIVER-0109**

**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.**

00:34:04 On a motion by Commissioner Mims, seconded by Commissioner Brown, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds The waiver will not adversely affect adjacent property owners, since the property perimeter where the waiver request applies is adjacent to a neighboring building façade which does not have windows, and a grassy area that divides the subject site from a parking lot in the neighboring property to the north; and

**WHEREAS**, the Louisville Metro Development Review Committee further finds Land Use & Development Goal 1, Policy 20 calls for mitigation of adverse visual intrusions when there are impacts to residential areas, roadway corridors, and public spaces. Land Use & Development Goal 1, Policy 10 calls for mitigation of impacts caused when incompatible developments unavoidably occur adjacent to one another. Buffers should be used between uses that are substantially different in intensity or density.

The subject site and the abutting property are both zoned PEC Planned Employment Center. PVA lists the subject site's use as Manufacturing/Warehouse, and the abutting site to the north is listed as Commercial Office. The intensity of uses does not appear to be substantially different and no known adverse visual intrusions should occur; and

**WHEREAS**, the Louisville Metro Development Review Committee further finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the property perimeter where the waiver request applies is adjacent to a neighboring building façade which does not have windows, and a grassy area that divides the subject site from a parking lot in the neighboring property to the north. Staff recommends the Committee discuss with the applicant the site characteristics which resulted in the need to shift the parking lot, access, and retaining wall. Additionally, staff recommends the Committee discuss with the applicant whether there is an opportunity for additional plantings as mitigation for the requested waiver; and

**WHEREAS**, the Louisville Metro Development Review Committee further 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

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as, according to the applicant, there are site conditions which necessitated the encroachment for which the waiver is requested.; now, therefore be it,

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the City of Jeffersontown that the **Waiver** of Land Development Code 10.2 to allow parking, retaining wall and access to encroach into required LBA be **APPROVED**

**The vote was as follows:**

**YES: Commissioners Mims, Brown, Tomes.**

**ABSENT: Commissioner Carlson**

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**NEW BUSINESS**

**CASE NUMBER 19-DDP-0027**

**Request:** District Development Plan  
**Project Name:** Drake's  
**Location:** 2701 S. Hurstbourne Pky  
**Owner/Applicant:** Mike Hirons, EPT Nineteen, Inc.  
**Representative:** Michael E. Neikirk  
**Jurisdiction:** Jeffersontown  
**Council District:** 11 – Kevin Kramer  
**Case Manager:** **Lacey Gabbard, AICP, Planner I**

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

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

**Agency Testimony:**

00:35:14 Lacey Gabbard presented the case via the Development Plan PDF (see staff report and recording for detailed presentation.) Ms. Gabbard stated the applicant is proposing to build a new restaurant and a future building on the site.

00:36:13 Commissioner Brown asked if there were changes to the binding elements. Lacey Gabbard stated there are no changes to the binding elements.

00:36:31 Commissioner Mims asked if this development will affect the parking for the AMC StonyBrook Theatre. Beth Stuber replied they do not need to provide a traffic study and it will have plenty of parking for this area.

**The following spoke in favor of this request:**

Tiffany Lehmen, 306 N. Market Street, Suite 101, Mt. Carmel, Illinois, 62863

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

00:37:41 Tiffany Lehmen, speaking on behalf of the applicant, stated they are not increasing impervious area and plan to replace a number of trees. She stated the plan shows they will have adequate parking for this site.

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00:39:00 Joe Reverman inquired about the smaller building presented on the plan. Tiffany Lehmen stated the use of this proposed building is undecided and is present on the plan for future use.

00:39:33 Lacey Gabbard referred to the parking requirements and AMC StonyBrook Theatre parking requirement on the Development Plan (see recording for detailed presentation).

**The following spoke in opposition to this request:**

No one spoke

**Deliberation:**

00:39:52 Commissioners' deliberation (see recording for detailed presentation).

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

00:40:11 On a motion by Commissioner Mims, seconded by Commissioner Brown, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds 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 Louisville Metro Development Review Committee further finds provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided. Public Works and MSD have provided preliminary approval; and

**WHEREAS**, the Louisville Metro Development Review Committee further finds There are no open space requirements associated with this proposal; and

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

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

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

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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 Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - c. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
  - d. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
6. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
8. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the

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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 Mims, Brown, and Tomes.**

**ABSENT: Commissioner Carlson.**

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**NEW BUSINESS**

**CASE NUMBER 19-DDP-0074**

**Request:** District Development Plan and Landscape Waiver  
**Project Name:** Greater Louisville Association of Realtors  
**Location:** 12300 Sycamore Station Place  
**Owner/Applicant:** SHE, LLC  
**Representative:** Curtis Mucci, Mindel Scott  
**Jurisdiction:** Louisville Metro  
**Council District:** 20 – Stuart Benson  
**Case Manager:** **Lacey Gabbard, AICP, Planner I**

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

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

**Agency Testimony:**

00:41:12 Lacey Gabbard presented the case via (see staff report and recording for detailed presentation.) Ms. Gabbard noted this proposal is for a new building with a waiver to omit the 15-foot LBA along the property property line. This is to allow a required a sewer and drainage easement for MSD and plantings will be placed elsewhere on the site.

**The following spoke in favor of this request:**

Curtis Mucci, 5151 Jefferson Boulevard, Louisville, Kentucky, 40219  
Kent Gootee, 5151 Jefferson Boulevard, Louisville, Kentucky, 40219  
Steve Porter, 2406 Tucker Station Road, Louisville, Kentucky, 40299

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

00:43:05 Curtis Mucci, representing the applicant, detailed the proposed site plan and waiver request. Mr. Mucci stated the waiver is needed because of the location of an existing MSD easement.

00:44:10 Commissioner Mims and Curtis Mucci discussed the use of the site (see recording for detailed presentation).

00:44:29 Curtis Mucci asked for an amendment to Binding Element 5.d in concerns to the final elevations and renderings. Commissioner Brown, Lacey Gabbard, and Travis Feitcher discussed the new language for 5.d as presented in the staff report on page 9 (see recording for detailed presentation).

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00:46:20 Curtis Mucci asked for an amendment to Binding Element 5.c, he read the proposed binding element from the staff report (see recording for detailed presentation). Commissioner Mims, Joe Reverman and Lacey Gabbard discussed binding element 5.c (see recording for detailed presentation).

00:48:10 Kent Gootee, Mindel Scott & Associates, stated he agrees with the Binding Elements and renderings as presented today.

00:48:46 Steve Porter spoke in support of this application.

**The following spoke in opposition to this request:**

No one spoke

**Deliberation:**

00:49:23 Commissioners' deliberation (see recording for detailed presentation).

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

**Waiver of Land Development Code section 10.2 to omit the 15 foot perimeter Landscape Buffer Area along the Northern property line to allow for a required Sewer and Drainage easement**

00:50:13 On a motion by Commissioner Brown, seconded by Commissioner Mims, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds the waiver will not adversely affect adjacent property owners since both the subject site and the adjacent property to the north are internal to the Blankenbaker Station I development. The waiver is being requested to allow for a S&D easement, which will provide open space between the two properties. The adjacent property to the north is a parking lot, which is currently unscreened; and

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**WHEREAS**, the Louisville Metro Development Review Committee further finds Land Use & Development Goal 1, Policy 20 calls for mitigation of adverse visual intrusions when there are impacts to residential areas, roadway corridors, and public spaces. Land Use & Development Goal 1, Policy 10 call for mitigation of the impacts caused when incompatible developments unavoidably occur adjacent to one another. Buffers should be used between uses that are substantially different in intensity or density. 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.

The property to the north of the subject site is zoned C-2 and is currently used as a parking lot. Both the subject site and the property to the north are internal to the Blankenbaker Station 1 development. Neither the intensity nor density of the uses is substantially different. Additionally, the applicant is proposing to provide the required plantings on the east and west sides of the proposed building; and

**WHEREAS**, the Louisville Metro Development Review Committee further finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since MSD will not permit the applicant to plant in the easement. The applicant is proposing to provide the required plantings on the east and west sides of the proposed building; and

**WHEREAS**, the Louisville Metro Development Review Committee further finds 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 MSD will not permit the applicant to plant in the proposed easement on the north side of the property; now, therefore be it,

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested **Waiver** of Land Development Code section 10.2 to omit the 15 foot perimeter Landscape Buffer Area along the Northern property line to allow for a required Sewer and Drainage easement.

**The vote was as follows:**

**YES: Commissioners Mims, Brown, and Tomes.**

**ABSENT: Commissioner Carlson.**

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**NEW BUSINESS**

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**Revised Development Plan**

00:50:45 On a motion by Commissioner Brown, seconded by Commissioner Mims, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, the following resolution was adopted:

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

**WHEREAS**, the Louisville Metro Development Review Committee further finds there are no open space requirements pertinent to the current proposal; and

**WHEREAS**, the Louisville Metro Development Review Committee further finds 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 Louisville Metro Development Review Committee further finds the overall site design and land uses are compatible with the existing and future development of the area. With the exception of the north property line where the waiver is requested, 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 Louisville Metro Development Review Committee further finds 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 District Development Plan, **SUBJECT** to the following binding elements **WITH THE MODIFICATION** to Binding Element 5.c to expressly state: the connection to the north.

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1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing 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 Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - c. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners to the north of the subject site and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to

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the office responsible for permit issuance will occur only after receipt of said instrument.

- d. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
  
6. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
  
7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
  
8. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements

**The vote was as follows:**

**YES: Commissioners Mims, Brown, and Tomes.**

**ABSENT: Commissioner Carlson**

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**NEW BUSINESS**

**CASE NUMBER 20-INTERP-0001**

**Request:** Land Use Interpretation  
**Project Name:** Tyler Town Center Use Interpretation  
**Location:** 12610 Taylorsville Rd  
**Owner/Applicant:** Portland Christian School System  
**Representative:** Bardenwarper, Talbott and Roberts  
**Jurisdiction:** Louisville Metro  
**Council District:** 20 – Stuart Benson  
**Case Manager:** **Jay Lockett, AICP, Planner I**

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

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

**Agency Testimony:**

00:51:51 Jay Lockett presented the case (see staff report and recording for detailed presentation). The applicant is requesting a land use interpretation per the Tyler Town Center PD document. The document states DRC shall determine if a specific land use is appropriate if it is not listed in the plan. In this case, the applicant is asking if a car wash would be appropriate in Limited Land Use Category 2, which permits other automobile related uses on the subject site. Nothing is proposed at this time, but a determination is needed to as to whether a car wash is appropriate.

00:53:50 Travis Fietcher asked if the vague language is normal practice. Jay Lockett replied language varies between PD's and this process is created to determine the use. Commissioner Mims, Commissioner Brown, Joe Reverman, and Jay Lockett discussed the language used for interpretation of this site (see recording for detailed presentation).

**The following spoke in favor of this request:**

Paul B. Whitty 1000 N. Hurstbourne Parkway, Louisville, Kentucky, 40223

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

00:58:37 Paul Whitty, representing the applicant, presented a Power Point slide show (see recording for detailed presentation). Mr. Whitty detailed 3.1.2 of the Tyler Town center Land Use and the Use Index Table.

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01:02:38 Commissioner Mims and Paul Whitty discussed the 3.1.2.b portion of the Tyler Town Center Land Use (see recording for detailed presentation). Commissioner Tomes and Paul Whitty discussed the Use Index Table regarding LU2 for Automobile service stations.

**The following spoke in opposition to this request:**

Jim Thorne, 13808 Round Top Place, Louisville, Kentucky, 40299

Kevin Wall, 13601 Dickens Court, Louisville, Kentucky 40299-8439

**Summary of testimony of those in opposition:**

01:06:03 Jim Thorne stated he is opposed because the specific uses should only be allowed in this area and a car wash would not be consistent with the neighborhood.

01:07:50 Kevin Wall, president of the Grenden Fields Patio Homes association, stated he is opposed to the car wash because it would cause pollution via trash and noise from vacuums. He is also opposed because of water runoff could cause instability to a nearby sink hole. Mr. Wall noted there would be accessibility issues from Taylorsville Road.

**Rebuttal:**

01:18:59 Paul Whitty stated the oppositions concerns would be better addressed at the plan review stage of the proposed development process. Mr. Whitty agreed the language could be more specific regarding uses for this area.

**Deliberation:**

01:21:20 Commissioners' deliberation (see recording for detailed presentation).

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01:26:47 On a motion by Commissioner Brown, seconded by Commissioner Mims, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, the following resolution was adopted:

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**RESOLVED**, the Louisville Metro Development Review Committee does hereby **CONFIRM** that a car wash is an allowable use within Limited Use Category 2 of the Tyler Town Center PDD.

**The vote was as follows:**

**YES: Commissioners Mims, Brown, and Tomes.**

**ABSENT: Commissioner Carlson.**

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**ADJOURNMENT**

The meeting adjourned at approximately 3:25 p.m.

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Chairman

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Division Director