

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE MEETING
December 16, 2020**

A meeting of the Louisville Metro Development Review Committee was held on Wednesday, December 16, 2020 at 1:00 p.m. via Cisco Webex Video Teleconferencing. On the recommendation of the Louisville Metro Department of Health and Wellness regarding congregate events and social distancing, the Development Review Committee meeting set for today was held online.

Commissioners present:

Jim Mims, Vice Chair
Jeff Brown
Pat Seitz.
Te'Andre Sistrunk

Commissioners absent:

Richard Carlson, Chair.

Staff members present:

Emily Liu, Director, Planning & Design Services
Joe Reverman, Assistant Director, Planning & Design Services
Brian Davis, Planning & Design Manager
Julia Williams, AICP, Planning Supervisor
Joel Dock, AICP, Planner II
Jay Lockett, AICP, Planner I
Rachel Mandell, Planner I
Molly Clark,
Laura Ferguson, Legal Counsel
Beth Stuber, Transportation
Rachel Dooley, Management Assistant (minutes)

The following matters were considered

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APPROVAL OF MINUTES

Minutes of the December 2, 2020 Development Review Committee meeting.

00:05:06 On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution was adopted:

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on December 2, 2020.

The vote was as follows:

YES: Commissioners Brown, Sistrunk, Seitz, and Mims.

NO: No one.

ABSENT: Commissioner Carlson.

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NEW BUSINESS

CASE NUMBER 20-DDP-0065

Request:	Revised Detailed District Development Plan and Waiver
Project Name:	Logistics Airpark
Location:	5540 and 5530 Minor Lane
Owner:	Logistics Air Park LLC
Applicant:	Logistics Air Park LLC
Jurisdiction:	Louisville Metro
Council District:	13- Mark Fox
Case Manager:	Julia Williams, ACP, Planning Supervisor

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

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

Agency Testimony:

00:06:08 Julia Williams presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) Ms. Williams detailed the waiver for the line adjustment to lot 5 for the Landscape Buffer Area (LBA).

00:10:28 In response to a question from Commissioner Brown, Ms. Williams stated there are no changes to the binding elements as the building is under construction and there are no changes to the previous renderings.

The following spoke in favor of this request:

Jim Calvery, 6060 Dutchmans Lane, Ste 110, Louisville, Kentucky, 40205

Summary of testimony of those in support of the proposal:

00:11:37 Jim Calvery, representing the applicant, noted the landscape plan is being revised to show additional landscape plantings. There will be no plantings in the newly fenced in archeological site.

00:14:10 In response to Commissioner Mims question, Julia Williams replied there have been no response from adjacent property owners for this request.

The following spoke in opposition:

No one spoke.

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The following spoke in neither for nor against:

No one spoke.

Commissioner Deliberation

00:14:43 Commissioner 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 from 10.2.4.B.8 to eliminate the required 15' LBA along the internal road (Lot 5), to not provide the plantings within the archeological site (Lot 2), and to permit the encroachment of the building and sidewalks into the 15' LBA as shown on the development plan (20-WAIVER-0114)

00:15:27 On a motion by Commissioner Brown, seconded by Commissioner Seitz, 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 the waiver will not adversely affect adjacent property owners since the waivers are all internal to the site; and

WHEREAS, the Committee further finds the Community Form Goal 1 Policy 9 and 10 states that when incompatible developments unavoidably occur adjacent to one another impacts are to be mitigated. Appropriate transitions are to be provided between uses that are substantially different in scale and intensity or density of development. Examples include vegetative buffers of variable designs, open spaces, landscaping and/or a transition of densities, site design, building heights, building design, materials and orientation that is compatible with those of nearby residences. Buffers should 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. The waiver will not violate Plan 2040 as the buffer and plantings are being provided where they will be most effective on the plan; and

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WHEREAS, the Committee further finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the buffer and plantings are being provided where they will be most effective; and

WHEREAS, the 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 the buffer and plantings are being provided where they will be most effective; now, therefore be it:

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver from 10.2.4.B.8 to eliminate the required 15' LBA along the internal road (Lot 5), to not provide the plantings within the archeological site (Lot 2), and to permit the encroachment of the building and sidewalks into the 15' LBA as shown on the development plan (20-WAIVER-0114).

The vote was as follows:

YES: Commissioners Brown, Sistrunk, Seitz, and Mims.

NO: No one.

ABSENT: Commissioner Carlson.

Revised Detailed District Development Plan

00:16:36 On a motion by Commissioner Brown, seconded by Commissioner Sistrunk, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that there do not appear to be any 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 the 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 approvals; and

WHEREAS, the Committee further finds the open space is not required for the site. Outdoor amenity areas are being provided; and

WHEREAS, the Committee further finds the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage

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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 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 the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code; now, therefore be it:

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

Existing Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. 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. The façade elevations submitted at this time shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:

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- 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. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A minor plat shall be approved and recorded creating the lots as shown on the approved 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. 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 the 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. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
8. No deliveries shall be permitted by any commercial use between 10:00pm and 7:00am.
9. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the development site and the adjoining property owner(s) to the

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North and recorded prior to development of that site for any non- residential use. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.

10. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between all parcels shown on the approved development. Rights of access shall be retained for the benefit of the public to access the archaeological feature on Lot 2. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services. Such agreement shall be recorded prior to construction plan approval.
11. A unified signage plan shall be created that sets consistent standards for the design, appearance and location of signs within the development. This plan shall be submitted for review and approval by Planning Commission staff prior to issuance of certificate of occupancy.
12. Landscaping shall be provided which is substantially similar to that described on the applicant's landscape exhibit presented at the 2/7/19 public hearing of the Planning Commission.
13. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the 2/7/19 Planning Commission meeting. One tree shall be planted within 15 feet of the building, for each 50 feet of façade length facing public streets or residentially used property. Trees may be clustered but distance between trees shall not exceed 100 feet. Tree species shall be selected from the Preferred Plant List that will equal or exceed the height of the adjacent building, at maturity. This shall be in addition to trees required in parking lot interior landscape areas.
14. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.
15. The following roadway improvement shall be made prior to the occupancy of the subject site: Outer Loop Road at Minor Lane
 - a. Remove the existing raised median on the west leg of the intersection to provide dual left turns from Outer Loop Road to Minor Lane.

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- b. Add an additional southbound lane on the north leg of the intersection to provide 1 right turn lane, 1 shared through-left turn lane and 1 exclusive left turn lane. Widening on this leg will require significant shoulder widening to provide positive off-tracking for heavy making a right turn from Minor Lane to Outer Loop Road.
- c. Widen the northbound approach of Briarcliff Road north of the Old Outer Loop Road to provide full pavement width for two lanes. Reconfigure the northbound lanes to provide 1 exclusive left turn lane and 1 shared through right turn lane.
- d. Provide a westbound right turn lane on Outer Loop Road to Minor Lane.

Minor Lane Extension at Development Drive

Configure the newly created intersection with stop control on the southbound approach of Minor Lane.

Any revision to these recommendations shall be in coordination with KYT and shall be presented to Director of Public Works for review and approval.

16. The following M-2 uses are prohibited unless approved by the Planning Commission in a public hearing. Any application for amendment shall include notification of all those that spoke at the public hearing, as well as 1st and 2nd tier adjoining property owners.

Auction sales, outdoor

Fairgrounds

Flea market

Railroad freight terminal and yards

River terminals

Outdoor storage of materials and equipment

Waterfront shipping

Uses, manufacture, processing, treatment, or storage of the following:

Aluminum extrusion

Animal pound

Coal and coke, storage and sales

Foundry products (electrical only) Hosiery mill

Insecticides, fungicides, disinfectants, and related industrial and household chemical compounds (blending only)

Paint and coating, except manufacturing gun cotton nitro-cellulose lacquers and reactive resin cooking

Poultry or rabbit, packaging or slaughtering (wholesale)

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Tire treading and vulcanizing shop

17. The following M-1 uses are prohibited:
Uses, manufacture, processing, treatment, or storage of the following:
Adhesive, excluding manufacturing of basic components
Chemicals (packaging only)
18. The developer shall adhere to LDC section 4.4.6 as it pertains to inactive cemeteries.

The vote was as follows:

YES: Commissioners Brown, Sistrunk, Seitz, and Mims.

NO: No one.

ABSENT: Commissioner Carlson

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NEW BUSINESS

CASE NUMBER 19-DDP-0028

Joel Dock had technical issues, Commissioners returned to this case at 1:35p.m.

Request:	Detailed District Development Plan and Amendment to Record Plat
Project Name:	MIB Distribution
Location:	13105 Middletown Industrial Blvd
Owner:	Lichtefeld, Inc
Applicant:	Lichtefeld, Inc.
Jurisdiction:	City of Middletown
Council District:	19 – Anthony Piagentini
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:

00:35:20 Joel Dock presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) Mr. Dock detailed the history of the Middletown Industrial Subdivision site and the retention easement for the subdivision. He noted MSD approval for this development plan. A fee in lieu has been requested for the City of Middletown due to the lack of sidewalks and pedestrian connections to this site. The City of Middletown has agreed to accept a fee in lieu option on condition of approval of the detailed district development plan.

00:39:01 In response to a question from Commissioner Mims, Mr. Dock stated the fee in lieu is in order as there are no connecting sidewalks on either side of this development.

00:40:02 Commissioner Brown asked if there are signal contribution for the North of English Station Road. Joel Dock replied there is a note about the signal contribution on the development plan that can be made into a binding element. Commissioner Mims and Commissioner Brown discussed the contribution amount as a binding element (see recording for detailed presentation.) Beth Stuber stated \$3,500 would be an appropriate amount for this site. Commissioners and staff agreed to create the following binding element, 2.d, for the signal contribution:

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A signal contribution shall be paid in the amount of \$3,500 for the northern intersection of N. English Station Road & Aiken Road prior to construction approval.

The following spoke in favor of this request:

Alex Rosenberg, 13000 Middletown Industrial Boulevard, Suite A, Louisville, Kentucky, 40223

Mark Lichtefield, 908 8th Street, Louisville, Kentucky, 40203

Summary of testimony of those in support of the proposal:

00:43:19 Alex Rosenberg, representing the applicant, presented a Power Point slide show (see recording for detailed presentation.) Mr. Rosenberg detailed the history of the site, proposed development plan, the requested fee in lieu, and proposed renderings.

00:47:08 Commissioner Brown asked Alex Rosenberg if the applicant is ok with the signal contribution. Mark Lichtefield replied yes, they will contribute \$3,500 for the northern intersection of N. English Station Road & Aiken Road. Alex Rosenberg asked when the contribution will be due. Commissioner Brown replied prior to permits.

00:48:40 In response to a question from Commissioner Mims, Joel Dock replied there were no interested party comments submitted for this case.

00:48:57 Commissioner Brown asked staff if the Development Review Committee will take final action on the amendment to the record plat or will Middletown. Joel Dock replied the Planning Commission is the deciding authority for subdivisions in Jefferson County.

00:49:19 Commissioner Mims and Joel Dock discussed approving the amended record plat first to create a buildable lot before the before then approved the Development plan.

The following spoke in opposition:

No one spoke.

The following spoke in neither for nor against:

No one spoke.

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NEW BUSINESS

CASE NUMBER 19-DDP-0028

Commissioner Deliberation

00:50:00 Commissioner 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.

Amendment to Record Plat

00:50:21 On a motion by Commissioner Brown, seconded by Commissioner Sistrunk, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Amendment to Record Plat

The vote was as follows:

YES: Commissioners Brown, Sistrunk, Seitz, and Mims.

NO: No one.

ABSENT: Commissioner Carlson.

Revised Detailed District Development Plan

00:51:10 On a motion by Commissioner Brown, seconded by Commissioner Seitz, 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 the proposed improvements do not adversely impact natural resources; and

WHEREAS, the Committee further finds the provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community will be provided as necessary; and

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WHEREAS, the Committee further finds the development of this site does not require provisioning for open space. A rear portion of the site containing intermittent streams will not be disturbed by the proposal; and

WHEREAS, the Committee further finds the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions 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 the overall site design and land uses are compatible with the existing and future development of the area that contains a mix of industrial warehouse and office uses that have been appropriately located within the M-2 zoning district and Workplace form; and

WHEREAS, the Committee further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan as the proposed development is located amongst similar uses within the Workplace form district and all requirements of the Land Development code have been met; now, therefore be it:

RESOLVED, that the Land Development & Transportation Committee does hereby **RECOMMEND** that the City of Middletown **APPROVE** the Detailed District Development plan **SUBJECT** to the following Binding Elements with the addition of 2.d:

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. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter

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- c. A minor plat or legal instrument shall be recorded which amends the record plat to reflect that the site is now a buildable lot and subject to approved development plan Binding Elements. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - d. A signal contribution shall be paid in the amount of \$3,500 for the northern intersection of N. English Station Road & Aiken Road prior to construction approval.
- 3. 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.
- 4. 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.
- 5. 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.

The vote was as follows:

YES: Commissioners Brown, Sistrunk, Seitz, and Mims.

NO: No one.

ABSENT: Commissioner Carlson

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NEW BUSINESS

CASE NUMBER 20-WAIVER-0131

Request: Waiver to allow a proposed gas station to have less than 50% clear glass windows on facades facing public rights-of-way

Project Name: RaceTrac Outer Loop

Location: 8000 Air Commerce Dr

Owner: Louisville Renaissance Zone Corp

Applicant: RaceTrac Petroleum, LLC

Jurisdiction: Louisville Metro

Council District: 13— Mark Fox

Case Manager: Jay Luckett, 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:

00:18:46 Jay Luckett presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) Mr. Luckett noted the applicant will plant additional landscaping within 15 feet of the building to mitigate the waiver.

00:23:04 In response to a question from Commissioner Brown, Mr. Luckett stated the renderings show 7 trees in addition to the standard required street and buffer trees to compensate for the lack of windows.

The following spoke in favor of this request:

Brendan Sexton, 200 Galleria Parkway SE, Ste 900, Atlanta, GA, 30339

Matt McLaren, 111 Main St #201, Louisville, Kentucky, 40202

Summary of testimony of those in support of the proposal:

00:24:33 Brendan Sexton, applicant's representative, detailed RaceTrac's business and what it will bring to the community.

00:26:01 Matt McLaren presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.) Mr. McLaren noted the façade

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will be mixed building materials to provide architectural interest and there will be additional landscaping in lieu of glazing.

00:29:02 Commissioner Sistrunk asked if there are architectural reliefs that would resemble a window pattern. Matt McLaren replied there are reliefs on the north facing elevation and other articulating on the other building faces.

00:30:19 In response to a question from Commissioner Mims, Jay Lockett replied there have been no comments in opposition. Mr. Lockett asked Commissioners to approve the waiver on condition that the applicant will provide additional landscaping in addition to any required landscaping.

The following spoke in opposition:
No one spoke.

The following spoke in neither for nor against:
No one spoke.

Commissioner Deliberation

00:31:29 Commissioner 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.

00:32:53 On a motion by Commissioner Brown, seconded by Commissioner Seitz, 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 the waiver will not adversely affect adjacent property owners as the resultant development will be in keeping with other development in the area; and

WHEREAS, the Committee further finds the waiver will not violate the Comprehensive Plan. The resultant development will be compatible with other development in the area and the form district; and

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CASE NUMBER 20-WAIVER-0131

WHEREAS, the Committee further finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since all other aspects of the Land Development Code are being met for the subject site, including other building design standards; and

WHEREAS, the Committee further finds the applicant has incorporated other design measures that exceed the minimums of the district and compensate for the non-compliance. They have proposed to plant 7 additional trees within 15 feet of the building facades that will be visible from Air Commerce Dr and Universal Way; now, therefore be it:

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver of Land Development Code section 5.6.1.C.1 to allow a proposed gas station to have less than 50% clear glass windows on facades facing public rights-of-way **ON THE CONDITION** that the applicant provides the 7 seven additional trees as presented in the 20-CAT2-0026 site plan.

The vote was as follows:

YES: Commissioners Sistrunk, Seitz, Brown, and Mims

NO: No one.

ABSENT: Commissioner Carlson

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NEW BUSINESS

CASE NUMBER 20-CAT3-0015

Request:	Category 3 Development Plan with a waiver
Project Name:	Midway Distribution Center
Location:	11300 Midway Dr
Owner:	Dae Song 1 LLC
Applicant:	Lichtefeld, Inc.
Jurisdiction:	Jeffersontown
Council District:	11– Kevin Kramer
Case Manager:	Jay Luckett, ACP, 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:

00:52:45 Jay Luckett presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) Mr. Luckett stated the waiver is to allow an existing driveway easement to remain and the applicant will be recording the easement to give the adjacent property owner the right to maintain the use of the drive.

00:56:17 Commissioner Mims asked for clarification of the waiver location. Jay Luckett stated the waiver is located in the south portion of the site (see recording for detailed presentation.)

00:57:27 Commissioner Mims asked if the City of Jeffersontown have commented regarding this request. Jay Luckett replied they will take final action for this request after the Development Review Committee makes their recommendation.

The following spoke in favor of this request:

Alex Rosenberg, 13000 Middletown Industrial Boulevard, Suite A, Louisville, Kentucky, 40223

The Wades of Midway, 112155 Midway Drive, Louisville, Kentucky, 40299

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CASE NUMBER 20-CAT3-0015

Summary of testimony of those in support of the proposal:

00:58:11 Alex Rosenberg, representing the applicant, presented a Power Point slide show (see recording for detailed presentation.) Mr. Rosenberg detailed the proposed utility improvements and the existing Midway Drive easement waiver. Alex stated that adjacent property owners agree with these changes. In keeping with Louisville MSD requirements, the applicant will be providing a storm water detention area.

01:05:33 Commissioner Brown, Commissioner Mims, and Jay Luckett discussed the condition for the maintenance of the private shared road between Lichtfeld and the adjacent property owners (see recording for detailed presentation.)

01:09:22 The Wades of Midway stated they are in agreement with this request.

The following spoke in opposition:

No one spoke.

The following spoke in neither for nor against:

No one spoke.

Commissioner Deliberation

01:10:30 Commissioner 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 Jeffersontown Land Development Code section 10.2.4 to allow a drive lane to encroach into the 15' PEC property perimeter landscape buffer area

01:12:24 On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

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CASE NUMBER 20-CAT3-0015

WHEREAS, the Louisville Metro Development Review Committee finds the waiver will not adversely affect adjacent property owners since it is necessary to allow the adjacent property owner to maintain their existing property access; and

WHEREAS, the Committee further finds the Comprehensive Plan requires landscape buffer areas to separate incompatible uses, reduce runoff from impervious surfaces and protect residential properties. The requested waiver will not violate the Comprehensive Plan, as all required plantings and screening will still be provided on the subject site and the waiver will allow an adjacent property owner to maintain existing vehicular access; and

WHEREAS, the Committee further finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since all other required buffers will be provided except for the area of encroachment for the existing driveway; and

WHEREAS, the Committee further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and create an unnecessary hardship on the applicant, as it would require the relocation of an existing driveway that serves an adjacent property, therefore be it:

RESOLVED, the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the City of Jeffersontown to **APPROVE** the requested Waiver of Jeffersontown Land Development Code section 10.2.4 to allow a drive lane to encroach into the 15' PEC property perimeter landscape buffer area.

The vote was as follows:

YES: Commissioners Sistrunk, Seitz, Brown, and Mims

NO: No one.

ABSENT: Commissioner Carlson

Category 3 Development Plan

01:13:25 On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

DEVELOPMENT REVIEW COMMITTEE MINUTES
December 16, 2020

NEW BUSINESS

CASE NUMBER 20-CAT3-0015

RESOLVED, the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the City of Jeffersontown to **APPROVE** the requested Category 3 Development Plan.

The vote was as follows:

YES: Commissioners Sistrunk, Seitz, Brown, and Mims.

NO: No one.

ABSENT: Commissioner Carlson

DEVELOPMENT REVIEW COMMITTEE MINUTES

December 16, 2020

NEW BUSINESS

CASE NUMBER 20-PARKWAIVER-0008

Request: Parking Waiver to exceed the maximum allowable parking for a Medical Office and a Waiver to allow parking and circulation in front of a building in a traditional form district

Project Name: Park DuValle Community Health Center

Location: 3828 Bardstown Rd

Owner: Park DuValle Community Health Center

Applicant: Park DuValle Community Health Center

Jurisdiction: Louisville Metro

Council District: 10– Pat Mulvihill

Case Manager: Jay Luckett, 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:

01:14:38 Jay Luckett presenting the case showed a Power Point presentation (see staff report and recording for detailed presentation.) Mr. Luckett noted that the proposed site development and parking location is similar to the existing structure and is in keeping with the development pattern of the surrounding area.

01:16:55 Commissioner Brown asked staff to elaborate the general waiver. Jay Luckett the site is within a traditional form district and this waiver will allow for parking between the primary façade and the front.

01:17:39 Commissioner Seitz asked if there will be enough handicap parking spaces available. Jay Luckett replied the applicant can answer this question.

The following spoke in favor of this request

Ann Richard, 503 Washburn Avenue, Louisville, Kentucky, 40205

Steve Wiser, 2862 Riedling Drive, Louisville, Kentucky, 40206

Ann Hagan-Grigsby, 3015 Wilson Avenue, Louisville, Kentucky, 40211

DEVELOPMENT REVIEW COMMITTEE MINUTES

December 16, 2020

NEW BUSINESS

CASE NUMBER 20-PARKWAIVER-0008

Summary of testimony of those in support of the proposal:

01:18:26 Ann Richard, representing the applicant, in response to Commissioner Seitz stated the existing Baptist East Medical office and office space structure will be demolished. Ann noted the Park Duvalle facility will provide ADA parking spaces as required by the ADA located at the front and back doors of the facility. Ms. Richard stated Steve Wiser, architect, and Ann Hagan-Grigsby are present at this meeting.

01:20:32 Ann Hagan-Grigsby, Park Duvalle Community Health Center Chief Executive Officer, detailed Park Duvalle and its mission (see recording for detailed presentation.) Ms. Hagan-Grigsby stated this site will be an expansion for their Health center.

01:22:54 Steve Wiser detailed the parking improvements for limited mobility patients and that they reduced parking by 30 spaces. The health center will no longer park on Reynolds Lane despite the reduced parking.

01:24:17 Ann Richard presented the Park Duvalle Community Health proposal via Power Point slide show (see recording for detailed presentation.) Ms. Richard noted they are working with KDOT to clean up the accesses on Reynolds Lane and Bardstown Road. Ann detailed the parking waiver to exceed the maximum allowable parking (see recording for detailed presentation.)

01:29:09 In response to a question from Commission Mims, Commissioner Brown said what is proposed is a step in the right direction to clean up the access management for this site. Commissioner Mims and Commissioner Brown discussed the approval process for KDOT in relation to this site (see recording for detailed presentation.)

The following spoke in opposition:

No one spoke.

The following spoke in neither for nor against:

No one spoke.

Commissioner Deliberation

01:30:52 Commissioner Deliberation (see recording for detailed presentation.)

DEVELOPMENT REVIEW COMMITTEE MINUTES

December 16, 2020

NEW BUSINESS

CASE NUMBER 20-PARKWAIVER-0008

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 (20-WAIVER-0112) of Land Development Code section 5.5.1.A.3 and 5.9.2.C to allow a parking lot in front of a building in the Town Center form district.

01:32:58 On a motion by Commissioner Brown, seconded by Commissioner Sistrunk, 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, as many nearby sites have parking and drive areas in front of the building; and

WHEREAS, the Committee further finds the waiver will not violate the comprehensive plan, as it will allow for the development of a community serving medical office use in an existing commercial activity center. The waiver will not allow an unreasonable circumvention of the regulations or cause a hazard to the public; and

WHEREAS, the Committee further finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. The applicant will provide required landscaping and buffering around the site; and

WHEREAS, the Committee further finds the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as it would prevent them from providing adequate parking to accommodate their staff and patients, and make it more difficult to allow efficient drop-off of patients, therefore be it:

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver (20-WAIVER-0112) of Land Development Code section 5.5.1.A.3 and 5.9.2.C to allow a parking lot in front of a building in the Town Center form district.

The vote was as follows:

YES: Commissioners Sistrunk, Seitz, Brown, and Mims

NO: No one.

ABSENT: Commissioner Carlson

DEVELOPMENT REVIEW COMMITTEE MINUTES

December 16, 2020

NEW BUSINESS

CASE NUMBER 20-PARKWAIVER-0008

Parking Waiver (20-PARKWAIVER-0008) to allow a proposed medical office to have 36 spaces instead of the maximum 27 spaces allowed by Land Development Code table 9.3.1.B

01:34:00 On a motion by Commissioner Brown, seconded by Commissioner Seitz, 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 the proposal would allow for the development of a community serving medical office use within an established activity center. The applicant has adequately demonstrated that additional parking is necessary to serve the proposed use; and

WHEREAS, the Committee further finds the applicant has provided as many spaces as possible on the subject site and made a good faith effort to secure agreements with other sites for joint-use parking but was unsuccessful; and

WHEREAS, the Committee further finds the requirements found in Table 9.1.3B do not allow for the provision of parking spaces needed to accommodate the parking needs of the proposed use. A parking study was performed for similar facilities that demonstrated a higher parking need than allowed by the Land Development Code; and

WHEREAS, the Committee further finds the requested increase is the minimum necessary to accommodate the proposed use, therefore be it:

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Parking Waiver (20-PARKWAIVER-0008) to allow a proposed medical office to have 36 spaces instead of the maximum 27 spaces allowed by Land Development Code table 9.3.1.B.

The vote was as follows:

YES: Commissioners Sistrunk, Seitz, Brown, and Mims

NO: No one.

ABSENT: Commissioner Carlson

DEVELOPMENT REVIEW COMMITTEE MINUTES
December 16, 2020

NEW BUSINESS

CASE NUMBER 20-MPLAT-0167

Request: Waiver from Table 5.2.2 to not provide the minimum lot width
Project Name: East Kentucky Minor Subdivision Plat
Location: 605 E. Kentucky Street
Owner: David Beach
Applicant: C.R.P Associates, Inc.
Representative: Charles Podgursky
Jurisdiction: Louisville Metro
Council District: 4 – Barbara Sexton Smith
Case Manager: Rachel Mandell, 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:

01:35:2 Rachel Mandell presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) Ms. Mandell noted while the lots are compliant with the minimum lot area requirements, they do not meet the minimum lot width of 25 feet. Neither of the proposed lots will have driveway access to East Kentucky Street.

01:37:56 In response to a question from Commissioner Mims, Rachel Mandell said this site is located in Smoketown and no comments from neighbors.

The following spoke in favor of this request:

Charles Podgursky, 7321 New LaGrange Road, Louisville, Kentucky, 40222

Summary of testimony of those in support of the proposal:

01:39:56 Charles Podgursky, applicant representative, stated there is a client ready to build single family homes on the divided lots.

01:41:29 Commissioner Brown asked staff if there is on street parking on East Kentucky Street. Commissioner Brown replied this road has full time on street parking buffered by the bike lane

DEVELOPMENT REVIEW COMMITTEE MINUTES

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NEW BUSINESS

CASE NUMBER 20-MPLAT-0167

The following spoke in opposition:

No one spoke.

The following spoke in neither for nor against:

No one spoke.

Commissioner Deliberation

01:43:15 Commissioner 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.

01:44:22 On a motion by Commissioner Brown, seconded by Commissioner Sistrunk, 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 the waiver will not adversely affect adjacent property owners as the subdivision of land will be conforming with the existing lot patterns on E. Kentucky St; and

WHEREAS, the Committee further finds the Guideline 1, Policy 4 strives to ensure new development and redevelopment are compatible with scale and site design of nearby existing development with the desired pattern of development within the Form district. The waiver will not violate specific guidelines of Cornerstone 2040 as the proposed subdivision will provide narrow but deep lots that accommodate residential uses. Additionally, the lot formation will ensure that single family homes are consistent in scale to the shotgun style housing on E. Kentucky St; and

WHEREAS, the Committee further finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.

The proposed lots are compliant with the minimum lot area required for the UN zoning district in the Traditional Neighborhood form district but required widths cannot be met given the shape of the lot. The depth of the lot compensates for the substandard lot width; and

DEVELOPMENT REVIEW COMMITTEE MINUTES
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NEW BUSINESS

CASE NUMBER 20-MPLAT-0167

WHEREAS, the Committee further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land because the lot areas required by the Traditional Neighborhood form district are met. Additionally, the existing lot is out of character for the neighborhood. The creation of two lots will be more conforming to the lot character fronting E. Kentucky St; now, therefore be it:

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver from Table 5.2.2 of the Land Development Code to not provide the minimum lot width of 25 feet as permitted under 7.1.85.

The vote was as follows:

YES: Commissioners Brown, Sistrunk, Seitz, and Mims.

NO: No one.

ABSENT: Commissioner Carlson.

DEVELOPMENT REVIEW COMMITTEE MINUTES

December 16, 2020

NEW BUSINESS

CASE NUMBER 20-MPLAT-0141

Request: Waivers from Table 5.3.1 to not provide the minimum lot width and 7.8.60.B.4 to allow individual single-family access from a collector level roadway

Project Name: Minor Lane Minor Subdivision Plat

Location: 1124 & 1126 Minor Lane

Owner: Andrew Properties, LLC

Applicant: Cardinal Surveying

Representative: Richard Matheny

Jurisdiction: Louisville Metro

Council District: 13 – Mark Fox

Case Manager: Rachel Mandell, 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:

01:45:13 Rachel Mandell presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) Ms. Mandell noted the site was originally two lots in the Meadow Hill Subdivision. Each lot is requesting access off of Minor Lane, a collector level road.

01:48:11 In response to a question from Commissioner Sistrunk, Rachel Mandell stated the average minimum lot size for this neighborhood is around 50 feet.

01:48:25 Commissioner Mims, Commissioner Sistrunk, and Rachel Mandell discussed the location of the waivers (see recording for detailed presentation.) asked

The following spoke in favor of this request:

Kathy Matheny, 9009 Preston Highway, Louisville, Kentucky, 40219

Summary of testimony of those in support of the proposal:

01:49:48 Kathy Matheny, representing the applicant, stated the applicant had a double lot with a demolished structure and is requesting waivers to build a single-family home and driveway connection to Minor Lane (see recording for detailed presentation.)

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NEW BUSINESS

CASE NUMBER 20-MPLAT-0141

01:51:32 Commissioner Sistrunk asked why the applicant did not split the lot down the middle. Kathy Matheny replied the existing house allows it and that the proposed single-family home will be larger.

The following spoke in opposition:

No one spoke.

The following spoke in neither for nor against:

No one spoke.

Commissioner Deliberation

01:53:27 Commissioner 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 from Table 5.3.1 of the Land Development Code to not provide the minimum lot width of 50 feet for revised lot 16. (20-WAIVER-0129)

01:54:42 On a motion by Commissioner Brown, seconded by Commissioner Seitz, 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 the waiver will not adversely affect adjacent property owners as one of the bordering properties is the existing single-family residence, and the lot width of the created vacant property provides ample space for the development of a new single-family home to meet required setbacks; and

WHEREAS, the Committee further finds the Guideline 1, Policy 4 strives to ensure new development and redevelopment are compatible with scale and site design of nearby existing development with the desired pattern of development within the Form district. The waiver will not violate specific guidelines of Cornerstone 2040 as the proposed

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NEW BUSINESS

CASE NUMBER 20-MPLAT-0141

subdivision will accommodate single-family residences with large lot sizes, which is in line with the Neighborhood form; and

WHEREAS, the Committee further finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. The setback requirements are met for the existing residence on the lot with the proposed subdivision. Additionally, the lot was originally two lots per the Meadow Hill Subdivision, and the minor plat is to recreate two lots while accommodating the existing structure and the proposed new single-family residence; and

WHEREAS, the Committee further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land because the lot areas required by the Neighborhood form district are met. Additionally, the setback requirements are met for the existing structure on the lot with the proposed substandard width, therefore be it:

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver from Table 5.3.1 of the Land Development Code to not provide the minimum lot width of 50 feet for revised lot 16. (20-WAIVER-0129).

The vote was as follows:

YES: Commissioners Sistrunk, Seitz, Brown, and Mims

NO: No one.

ABSENT: Commissioner Carlson

Waiver from section 7.8.60.B.4 of the Land Development Code to allow individual single-family driveway access to a collector level roadway.

01:55:25 On a motion by Commissioner Brown, seconded by Commissioner Seitz, 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 the waiver will not adversely affect adjacent property owners as access will serve a single-family residence and traffic will not be significantly impacted; and

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WHEREAS, the Committee further finds the Guideline 1, Policy 4 strives ensure new development and redevelopment are compatible with scale and site design of nearby existing development with the desired pattern of development within the Form district. The waiver will not violate specific guidelines of Cornerstone 2040 as the proposed subdivision will accommodate single-family residences and traffic will be the minimum necessary to serve them. The subdivision is also in line with the existing street pattern and the original subdivision plat; and

WHEREAS, the Committee further finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. The existing driveway serving the lot is on the Western corner. The subdivision would create a lot on the East side of the property, making it unreasonable to have a shared drive; and

WHEREAS, the Committee further finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. The existing driveway serving the lot is on the Western corner. The subdivision would create a lot on the East side of the property, making it unreasonable to have a shared drive, therefore be it:

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver from section 7.8.60.B.4 of the Land Development Code to allow individual single-family driveway access to a collector level roadway.

The vote was as follows:

YES: Commissioners Sistrunk, Seitz, Brown, and Mims

NO: No one.

ABSENT: Commissioner Carlson

DEVELOPMENT REVIEW COMMITTEE MINUTES

December 16, 2020

NEW BUSINESS

CASE NUMBER 20-CAT2-0022

Request: Waiver from Section 5.9.2.A.1.b.i to not provide a pedestrian connection
Project Name: Global Distribution Way Warehouse Parking Lot
Location: 6001 Global Distribution Way
Owner: Exeter 6001 Global Distribution LLC
Applicant: Exeter 6001 Global Distribution LLC
Representative: Marv A. Blomquist
Jurisdiction: Louisville Metro
Council District: 24 – Madonna Flood
Case Manager: Molly Clark, 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:

01:56:40 Molly Clark presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) Ms. Clark noted the site is a warehouse with office space that houses one company with two entrances, one entrance is connected to the adjacent right of way with pedestrian connection.

2:00:00 Commissioner Mims and Molly Clark discussed the pedestrian access to the main entrance of the warehouse and the approval from Transportation planning (see recording for detailed presentation.)

The following spoke in favor of this request:

Marv Blomquist, 10529 Devonwood Circle, Louisville, Kentucky, 40223

Summary of testimony of those in support of the proposal:

02:02:38 Marv Blomquist, representing the applicant, stated there is an existing pedestrian access to the building. Mr. Blomquist explained to provide an additional access through the 8-foot berms and over the MSD easement between the parking area and Fegenbush Lane would not make financial sense. Marv said the applicant is expanding their employee base thus needing more parking triggering the waiver.

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NEW BUSINESS

CASE NUMBER 20-CAT2-0022

02:06:02 Commissioner Mims and Marc Blomquist discussed the pedestrian access to the ware house and the nearest TARC stop location (see recording for detailed presentation.)

02:08:47 Molly Clark stated TARC had no comment regarding this site and the TARC stops for this area is located on both sides of the street on Fegenbush Lane.

The following spoke in opposition:
No one spoke.

The following spoke in neither for nor against:
No one spoke.

Commissioner Deliberation

02:10:05 Commissioner 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.

02:12:00 On a motion by Commissioner Brown, seconded by Commissioner Sistrunk, 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 the waiver will not adversely affect adjacent property owners, most of the site is already developed, the parking area that is being expanded makes up a small portion of the site; and

WHEREAS, the Committee further finds the Guideline 1 policy 6, the comprehensive plans calls for the Discouragement of nonresidential expansion into existing residential areas unless applicant can demonstrate that any adverse impact on residential uses will be mitigated. The applicant is proposing to expand parking to the side of the development rather than towards the existing residential subdivision across the street. The parking will be located behind an already landscaped area that is located in the R4 portion of the property and screened from the road. With guideline 11 policy 6, Cornerstone 2040 also calls for the encouragement of a more compact development

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patter in activity Centers that result in efficient land use and cost-effective infrastructure investment. The development already has a heavily landscaped area with a retention basin and berms between the development and the adjacent right of way. It would cause the applicant a financial burden to build a pedestrian connection over this landscaped area; and

WHEREAS, the Committee further finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. The new proposed lot would be difficult to connect to the adjacent right of way on the other side of the retention basin. The existing site already has pedestrian connection to another entrance for the same business; and

WHEREAS, the Committee further finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. The new proposed lot would be difficult to connect to the adjacent right of way on the other side of the retention basin. The existing site already has pedestrian connection to another entrance for the same business, therefore be it:

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver from section 5.9.2.A.1.b.i from the Land Development Code to waive the required pedestrian connection to the adjacent right of way.

The vote was as follows:

YES: Commissioners Sistrunk, Seitz, Brown, and Mims

NO: No one.

ABSENT: Commissioner Carlson

DEVELOPMENT REVIEW COMMITTEE MINUTES
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NEW BUSINESS

CASE NUMBER 20-MPLAT-0135

Request:	Waiver from Table 5.3.1 to not provide the minimum lot width
Project Name:	Cleo Avenue Minor Subdivision Plat
Location:	1343 Cleo Avenue
Owner:	Brentwood Property Design and Investment
Applicant:	Clarisa De Luna
Representative:	Clarisa De Luna
Jurisdiction:	Louisville Metro
Council District:	2 – Barbara Shanklin

Case Manager: **Molly Clark, 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:

02:13:23 Molly Clark presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) Ms. Clark stated the applicant wishes to divide one lot into three lots, each a least 6,00 square feet in area and 33.33 feet wide, for single family homes.

02:15:53 Commissioner Seitz, Commissioner Sistrunk, and Molly Clark discussed the average lot size for the neighborhood (see recording for detailed presentation.)

02:17:32 Commissioner Brown expressed concern with the pavement width of 18foot and asked if the applicant has requested a waiver for right of way dedication. Molly Clark replied she did not receive a notice for a waiver for a right of way from Transportation Planning.

02:18:23 Commissioner Mims and Commissioner Brown discussed the Land Development Code to allow the applicant to apply for a waiver from the fire department with congruous from Public Works to deviate from the 18-foot standard pavement width (see recording for detailed presentation.) Commissioners discussed the dedication of right of way and a waiver for the pavement width prior to allowing the divide of this lot due to lot size (see recording for detailed presentation.)

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NEW BUSINESS

CASE NUMBER 20-MPLAT-0135

02:20:18 Joe Reverman stated the applicant would have to comply regardless if the Commission approved the waiver. Mr. Reverman asked Molly Clark if the lot minimum of 6,000 square feet would be met with the right of way dedication. Molly Clark replied yes, the reduced lots would meet minimum square feet allowed (see recording for detailed presentation.)

The following spoke in favor of this request:

Clarisa De Luna, 11200 Cherry Lane, Louisville, Kentucky, 40223

Summary of testimony of those in support of the proposal:

02:22:32 Clarisa De Luna, applicant, stated their intention is to create affordable housing, bring in street lights, and housing in the area are on an average 6,000 square feet on Cleo Avenue (see recording for detailed presentation.)

02:24:38 Commissioner Sistrunk asked in terms of affordable housing will the proposed homes be rented or for sale. Clarisa De Luna replied the single-family homes will be for sale.

The following spoke in opposition:

No one spoke.

The following spoke in neither for nor against:

No one spoke.

Commissioner Deliberation

02:25:14 Commissioner Deliberation (see recording for detailed presentation.) Commissioners, Joe Reverman, and Laura Ferguson discussed approving the waiver on the condition that the applicant addresses the dedication of right of way and the pavement width (see recording for detailed presentation.) Commissioner Seitz expressed concern with the width of the lot, two lots would be within the standards of Cleo Avenue. Commissioner Brown, Commissioner Mims, and Commissioner Sistrunk agreed it should be divided into two lots instead.

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

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02:30:57 On a motion by Commissioner Brown, seconded by Commissioner Seitz, 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 the waiver will not adversely affect adjacent property owners as access will serve single-family residences and traffic will be the minimum necessary to serve them; and

WHEREAS, the Committee further finds the Guideline 21, Policy 1 encourages a variety of housing types including, but not limited to detached and attached single family, multi-family, mixed use, zero lot line, average lot, cluster and co-housing. The applicant is proposing slightly smaller lots in terms of width to be able to fit 3 single family houses. The houses will also be built in an area with existing infrastructure. The easy access to utility connections also support guideline 15 policy 1 which is to locate development in areas served by existing utilities or capable of being served by public or private utility extensions. The smaller lots create more housing with an area that would have only had one single family house. The waiver will not violate specific guidelines of Cornerstone 2040 as the proposed subdivision will accommodate single-family residences and traffic will be the minimum necessary to serve them; and

WHEREAS, the Committee further finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. The proposed lots are wide enough to fit single family homes and the lots meet the required minimum area. In this case, the regulation is limiting the applicant from building more housing in the neighborhood on proposed lots that are in character with the neighborhood; and

WHEREAS, the Committee further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land because the lots do meet minimum area and is in character with other lots in the neighborhood. The lots resulting from the subdivision conform to the zoning and form district regulations applicable to the property, therefore be it:

RESOLVED, the Louisville Metro Development Review Committee does hereby **DENY** the requested waiver from the Land Development Code (LDC) section 5.3.1.C to reduce the required minimum lot width from 50 feet to 33.33 as it adversely affects the adjacent property owners who have an average lot width of 45-50 feet **AND** it would violate guidelines of Cornerstone 2040 by having the insufficient area for single family

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CASE NUMBER 20-MPLAT-0135

residential use **AND** that the minimum necessary to afford relief to the applicant is not in approval of the waiver as the area has a 50 foot minimum **AND** there were no design features incorporated to mitigate the impact the waiver would have had.

The vote was as follows:

YES: Commissioners Sistrunk, Seitz, Brown, and Mims

NO: No one.

ABSENT: Commissioner Carlson

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NEW BUSINESS

CASE NUMBER 20-MPLAT-0165

Request:	Waiver from Table 5.2.2 to not provide the minimum lot width and to not meet the minimum lot area
Project Name:	Lexington Road Minor Subdivision Plat
Location:	1224 Lexington Road
Owner:	Weiss & Smith Real Estate LLC
Applicant:	C.R.P Associates, Inc.
Representative:	Charles Podgursky
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Molly Clark, 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:

02:32:49 Molly Clark presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) Ms. Clark stated the minor subdivision plat is to create two lots from one and that each lot will be around 2,600 square feet in area and will be 24 feet wide. Molly noted the applicant will remove the existing structure on the proposed new lot and each lot will have road frontage.

02:35:19 Commissioner Brown asked if there will be an issue with the pavement width for the new lot frontage or it will need a waiver from the Fire Department. Molly Clark replied that Jim Martin, Louisville Fire, did not comment on any issues and they have a waiver for the dedication of right of way.

The following spoke in favor of this request:
No one spoke.

The following spoke in opposition:
No one spoke.

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The following spoke in neither for nor against:

No one spoke.

Commissioner Deliberation

02:39:57 Commissioner 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 from the Land Development Code section 5.2.2 to reduce the required minimum lot width from 35 ft to 24 ft.

02:41:03 On a motion by Commissioner Brown, seconded by Commissioner Seitz, 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 the waiver will not adversely affect adjacent property owners as access will serve single-family residences and traffic will be the minimum necessary to serve them; and

WHEREAS, the Committee further finds the With the proposed minor plat creating a new lot that would allow for a new single family home in an existing neighborhood with existing infrastructure only supports guideline 10 policy 5 of the Comprehensive Plan which is to evaluate developments for their impact on the transportation network and air quality. These proposed lots are close to TARC lines as well as existing sidewalk networks and utility connections. The easy access to utility connections also support guideline 15 policy 1 which is to locate development in areas served by existing utilities or capable of being served by public or private utility extensions. The waiver will not violate specific guidelines of Cornerstone 2040 as the proposed subdivision will accommodate single-family residences and traffic will be the minimum necessary to serve them; and

WHEREAS, the Committee further finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. The new proposed lots would be in character with the neighborhood seeing as there are other lots subdivided in a similar fashion. The existing neighborhood has lots that do not meet the current regulations; and

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WHEREAS, the Committee further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land because the lot has double street frontage that allows for a second lot to also have access. The regulations are restricting the applicant from creating a lot pattern that matches the surrounding neighborhood, therefore be it:

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver from the Land Development Code section 5.2.2 to reduce the required minimum lot width from 35 ft to 24 ft.

The vote was as follows:

YES: Commissioners Sistrunk, Seitz, Brown, and Mims

NO: No one.

ABSENT: Commissioner Carlson

A proposed minor plat to create 2 substandard lots within the Traditional Neighborhood Form District through section 7.8.12.G of the Land Development Code (LDC)

02:41:51 On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested minor plat to create 2 substandard lots within the Traditional Neighborhood Form District through section 7.8.12.G of the Land Development Code (LDC).

The vote was as follows:

YES: Commissioners Sistrunk, Seitz, Brown, and Mims

NO: No one.

ABSENT: Commissioner Carlson

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ADJOURNMENT

The meeting adjourned at approximately 3:45 p.m.

Chairman

Division Director