

**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE MEETING  
November 16, 2022**

A meeting of the Louisville Metro Development Review Committee was held on Wednesday, November 16, 2022 at 1:00 p.m. at the Old Jail Courtroom, located at 514 West Jefferson Street, Louisville, KY 40202 and also via Cisco Webex Video Teleconferencing.

**Commissioners present:**

Rich Carlson, Chair  
Patti Clare, Vice Chair  
Jeff Brown  
Glenn Price  
Michelle Pennix

**Commissioners absent:**

Suzanne Cheek

**Staff members present:**

Brian Davis, Assistant Director, Planning & Design Services  
Julia Williams, Planning & Design Supervisor  
Chris French, Planning & Design Supervisor  
Molly Clark, Planner II  
Dante St. Germain, Planner II  
Jay Lockett, Planner II  
Clara Schweiger, Planner I  
Travis Fiechter, Legal Counsel  
Laura Ferguson, Legal Counsel  
Sean McDowell, Management Assistant  
Chris Cestaro, Management Assistant (minutes)

**Other staff present:**

Beth Stuber, Transportation  
Tony Kelly, MSD

The following matters were considered

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**November 16, 2022**

**APPROVAL OF MINUTES**

**Minutes of the November 2, 2022 Development Review Committee meeting.**

00:03:32        On motion by Commissioner Brown, seconded by Commissioner Price, the following resolution was adopted:

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on November 2, 2022.

**The vote was as follows:**

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

**ABSTAIN:    Commissioner Pennix.**

**ABSENT:    Commissioner Cheek.**

**DEVELOPMENT REVIEW COMMITTEE MINUTES  
November 2, 2022**

**NEW BUSINESS**

**CASE NUMBER 22-WAIVER-0160**

**NOTE:** This case was taken out of order. It was heard first because it will be **CONTINUED** to the November 30, 2022 DRC meeting.

Request:	CONTINUED TO NOV 30th 2022 DRC... Building Design Waiver
Project Name:	Klondike Lane Retail
Location:	3606 ½ Klondike Lane
Owner:	Alvarado Raul Magallanes Garcia Floric Magallanes
Applicant:	Charles Podgursky
Representative:	Charles Podgursky
Jurisdiction:	Louisville Metro
Council District:	26 – Brent Ackerson
<b>Case Manager:</b>	<b>Molly Clark, Planner II</b>

**Agency Testimony:**

00:04:54 Brian Davis, Assistant Director of Planning & Design Services, said the applicant has requested that this case be continued.

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

00:05:47 On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **CONTINUE** this case to the November 30, 2022 Development Review Committee meeting.

**The vote was as follows:**

**YES:** Commissioners Clare, Brown, Price, Pennix, and Carlson.  
**AABSENT:** Commissioner Cheek.

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**November 16, 2022**

**NEW BUSINESS**

**CASE NUMBER 22-DDP-0048**

Project Name: Glenmary Club  
Location: 10200 Glenmary Farm Drive  
Owner: AL CAT LLC/Valley Station Towne Center LLC  
Applicant: Chris Thieneman  
Representative: Dentons Bingham Greenebaum LLP  
Jurisdiction: Louisville Metro  
Council District: 22 – Robin Engel  
**Case Manager: Chris French, Planning & Design 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:**

00:07:26 Chris French noted that this case was CONTINUED from the November 2, 2022 DRC meeting. On November 7, 2022, The Board of Zoning Adjustment approved the Conditional Use Permit for a private proprietary club, and added some Conditions of Approval (see minutes from the BOZA meeting conducted on November 7, 2022.) He presented the case and responded to questions from the Committee members (see staff report and recording for detailed presentation.)

**The following spoke in favor of the proposal:**

Jeff McKenzie, Dentons Bingham Greenebaum LLP, 3500 PNC Tower, Louisville, KY 40202

Chris Thieneman, 2606 Alia Circle, Louisville, KY 40222

Derek Triplett, Land Design & Development, 503 Washburn Ave # 101, Louisville, KY 40222

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

00:09:47 Jeff McKenzie discussed the BOZA meeting and confirmed that there were no changes to the development plan. He responded to questions from the

## DEVELOPMENT REVIEW COMMITTEE MINUTES

November 16, 2022

### NEW BUSINESS

#### CASE NUMBER 22-DDP-0048

Commissioners regarding parking and potential seating (see recording for detailed discussion.)

00:12:37 Derek Triplett, an applicant's representative, and Mr. McKenzie answered questions from Commissioners Carlson and Brown regarding the outside perimeter of the building, seating capacity, and parking (see recording for detailed discussion.)

#### **The following spoke in opposition to the proposal:**

Don Cox, 500 W. Jefferson Street, Louisville, KY 40202

#### **Summary of testimony of those in opposition to the proposal:**

00:18:48 Don Cox, the opposition's representative, also discussed on-street parking concerns, noise from the pickleball court, and requested a binding element requiring proof of membership for any wedding/event attendees (see recording for detailed presentation.)

00:26:55 In response to a question from Commissioner Carlson, Mr. Cox said he had informed the applicant's attorney of the opposition's binding element requests but had not discussed them with him.

#### **Rebuttal:**

00:28:36 Jeff McKenzie addressed Mr. Cox's concerns during rebuttal. He said Mr. Cox's proposed binding element restrictions were already discussed at the BOZA meeting. He reiterated that this is a "membership only" club and the use has been agreed to with Conditions of Approval by BOZA. He responded to questions from the Commissioners regarding lighting on the pickleball court, parking, seating, and hours of operation (see recording for detailed presentation.)

#### **00:34:35 Commissioner deliberation.**

00:35:30 The Commissioners discussed a suggested binding element from Commissioner Brown which read::

"The applicant would ensure any on-street parking associated with this use does not obstruct any public right-of-way."

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**November 16, 2022**

**NEW BUSINESS**

**CASE NUMBER 22-DDP-0048**

See recording for detailed discussion. It was decided to not include this as a binding element.

00:37:30 Mr. French reviewed what was discussed in previous meetings and also at the BOZA meeting on November 7, 2022 and how the parking and noise issues could be handled going forward (see recording for detailed discussion.)

**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.**

00:42:58 On a motion by Commissioner Brown seconded by Commissioner Price, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that the proposed development includes the reuse of existing development on the site. New development proposed on the property will not negatively impact natural resources because this development is located away from natural resource areas; and

**WHEREAS**, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation will be provided using existing access points for both vehicles and pedestrians. These areas will be improved based on review and approval by Transportation Planning; and

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

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

**WHEREAS**, the Committee further finds that the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided; and

## DEVELOPMENT REVIEW COMMITTEE MINUTES

November 16, 2022

### NEW BUSINESS

#### CASE NUMBER 22-DDP-0048

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

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

All binding elements from the approved General District Development Plan in case #9-67-88 are applicable to this site, in addition to the following:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Prior to any permit application being submitted (including but not limited to building, parking lot, change of use, or site disturbance permit):
  - a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations, 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 of the Land Development Code prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
3. A certificate of occupancy must be received from the appropriate building 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

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**November 16, 2022**

**NEW BUSINESS**

**CASE NUMBER 22-DDP-0048**

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. Lighting will not be provided at the pickleball court.

**The vote was as follows:**

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

**ABSENT: Commissioner Cheek.**



**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**November 16, 2022**

**OLD BUSINESS**

**CASE NUMBER 21-DDP-0121**

**NOTE: This case was taken out of order. It was heard first because it will be CONTINUED to the November 30, 2022 DRC meeting.**

Project Name:	Proposed Grocery Store
Location:	10201 Brownsboro Road
Owner(s):	The Deerfield Co.
Applicant:	Dinsmore & Shohl, LLP
Jurisdiction:	Louisville Metro
Council District:	17 – Markus Winkler
<b>Case Manager:</b>	<b>Molly Clark, Planner II</b>

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:**

00:44:01 Molly Clark said she received emails this morning from interested parties. These were printed out and handed out to the Committee members before she began her presentation. She presented the case, showed a Power Point presentation, and responded to questions from the Commissioners (see staff report and recording for detailed presentation).

**The following spoke in favor of the proposal:**

Cliff Ashburner, PNC Tower, 101 S 5th St #2500, Louisville, KY 40202

Diane Zimmerman, Diane Zimmerman Traffic Engineering LLC, 12803 High Meadows Pike, Louisville, KY 40059

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

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

## DEVELOPMENT REVIEW COMMITTEE MINUTES

November 16, 2022

### OLD BUSINESS

#### CASE NUMBER 21-DDP-0121

00:49:01 Cliff Ashburner the applicant's representative, presented the applicant's case, showed a Power Point presentation, and responded to questions from the Committee members (see recording for detailed presentation and discussion.)

00:58:37 Diane Zimmerman presented the traffic impact study, including entrances and traffic flow (see recording for detailed presentation.)

01:01:00 Mr. Ashburner resumed and concluded the presentation. Hours of operation and traffic were discussed by the Committee members, Mr. Ashburner, and Ms. Zimmerman; trees and landscaping were discussed by Ann Richard, landscape architect, and Julia Williams, Planning & Design Supervisor (see recording for detailed discussions.)

01:10:54 Commissioner Brown and Mr. Ashburner discussed the sidewalks and signal poles, which did not appear to be within the public right-of-way.

01:12:31 In response to a question from Commissioner Clare, Mr. Ashburner explained how a driver could take a left turn onto Brownsboro Road from the development. Other turning traffic patterns were discussed. In response to a question from Commissioner Pennix, Mr. Ashburner said there are no connections directly between the surrounding residential developments (Worthington Glen) and the site.

#### **The following spoke neither for nor against the proposal ("Other"):**

Janet Mattern, 5305 Pacer Lane Unit 103, Louisville, KY 40241

Bridget Wingate, 10303 Trotters Point Unit 301, Louisville, KY 40241

#### **Summary of testimony of those neither for nor against the proposal:**

01:17:04 Janet Mattern, representing the Worthington Glen Condo Association, referred to emails sent to the case manager with their concerns (emails are on file.) Concerns include noise pollution, light pollution, safety concerns, and the back of their building, which include tennis & pickleball courts, a swimming pool, and a clubhouse. The proposed freight loading area is right behind their swimming pool, and they are concerned about privacy and buffering. They are currently having problems with drivers cutting through Worthington Glen to get from both Ballardsville Road and Brownsboro Road to avoid the congested intersections (see recording for detailed presentation.)

## **DEVELOPMENT REVIEW COMMITTEE MINUTES**

**November 16, 2022**

### **OLD BUSINESS**

#### **CASE NUMBER 21-DDP-0121**

01:25:40      Bridget Wingate, the president of the Worthington Glen Condo Association, said the main concern is traffic, particularly turning left, and traffic cut-throughs.

#### **Rebuttal:**

01:29:44      Mr. Ashburner delivered rebuttal (see recording for detailed presentation.) He said there will be restrictions on overnight parking in the Publix's lot; there will be security at night; hours of operation will be 7 a.m. to 10:00 p.m.; lighting as addressed in the Land Development Code; and other concerns (see recording for detailed presentation.)

01:40:08      In response to a question from Commissioner Carlson, Mr. Ashburner agreed that there will be a binding element to the effect that the applicant will work with adjacent property owners on their landscaping plan, particularly in respect to the swimming pool area. Mr. Ashburner said yes, and discussed the tree canopy requirements (see recording for detailed presentation.)

#### **Deliberation:**

01:41:21      Committee deliberation.

01:41:27      Commissioner Brown expressed concern about not the level of access on the new driveway. Diane Zimmerman discussed the traffic impact studies that were dated December, 2021 and the May 6, 2022. She said the May 6<sup>th</sup> study was when the State insisted that traffic from Tract 2 be included, and it all needed to be routed out to 1694. The delay Commissioner Brown is seeing is if the entire site is developed with no access to Hickory Forest (see recording for detailed discussion.)

01:45:21      Mr. Ashburner said there is no building being proposed today on Tract 2.

01:46:19      In response to questions from Commissioner Clare, Mr. Ashburner and Commissioner Brown discussed why the access onto Ballardsville a right-only (see recording.)

**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.**

## DEVELOPMENT REVIEW COMMITTEE MINUTES

November 16, 2022

### OLD BUSINESS

CASE NUMBER 21-DDP-0121

#### Waivers:

**(Waiver #1) - Waiver from 5.6.1.C.1 to not provide 50% clear windows and doors to facades facing the right of way. (21-WAIVER-0165)**

**(Waiver #2) Waiver from 10.2.4.B.3 to allow a landscape buffer to have a utility easements overlap over 50% (22-WAIVER-0210)**

01:48:00 On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

**(Waiver #1) WHEREAS**, the Louisville Metro Development Review Committee finds that the requested waiver will not adversely affect adjacent property owners because the applicant is providing all the requiring plantings along Brownsboro Road and Ballardsville Road which will create screening of the facades from the public right of way; and

**WHEREAS**, the Committee further finds that Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. Community Form Goal 1, Policy 12 calls for the proposal to Design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Encourage the placement of parking lots and garage doors behind or beside the building rather than facing the street. The use of alleys for access to parking lots is encouraged, especially in Downtown Louisville, Urban Center Neighborhoods, Traditional Neighborhoods and Traditional Marketplace Corridors. Encourage elimination or reduction of parking minimums in areas readily accessible to transit routes. Community Form Goal 2, Policy 11 calls for ensuring appropriate placement, design and scale of centers in Traditional Neighborhood, Neighborhood and Village Form Districts to ensure compatibility with nearby residences. Community Form Goal 2, Policy 15 calls for parking in activity centers should reflect the area's associated Form District standards to balance safety,

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**November 16, 2022**

**OLD BUSINESS**

**CASE NUMBER 21-DDP-0121**

traffic, transit, pedestrian, environmental and aesthetic considerations.

**WHEREAS**, the Committee further finds that the extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant since the applicant is providing all the requiring plantings along Brownsboro Road and Ballardsville Road which will create screening of the facades from the public right of way; and

**WHEREAS**, the Committee further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because the applicant is providing all the requiring plantings along Brownsboro Road and Ballardsville Road which will create screening of the facades from the public right of way; and

**(Waiver #2) WHEREAS**, the Committee further finds that the waiver will not adversely affect adjacent property owners since the applicant is proposing to still provide all the required plantings in the landscape buffer areas; and

**WHEREAS**, the Committee further finds that Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. Community Form Goal 1, Policy 6 calls to discourage non-residential expansion into existing residential areas unless applicant can demonstrate that any adverse impact on residential uses will be mitigated. Evaluation of impacts may include, but not be limited to, displacement of residents, loss of affordable housing units, traffic, parking, signs, lighting, noise, odor, and stormwater. Appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential. Community Form Goal 1, Policy 9 calls to ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements. Community Form Goal 1, Policy 10 calls to mitigate 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. Buffers should be variable in design and may include landscaping, vegetative berms and/or

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**November 16, 2022**

**OLD BUSINESS**

**CASE NUMBER 21-DDP-0121**

walls and 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. Residential uses that develop adjacent to agricultural land uses may be required to provide screening and buffering to protect both the farmer and homeowners. Community Form Goal 1, Policy 12 calls for the proposal to Design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Community Form Goal 1, Policy 20 calls to mitigate adverse visual intrusions when there are impacts to residential areas, roadway corridors, and public spaces. Economic Development goal 2 policy 3 calls to Encourage design elements that address the urban heat island effect and energy efficiency, such as the planting and preservation of trees, cool roofs and green infrastructure, for new development. Livability Goal 1 Goal 5 calls to encourage development that recognizes and incorporates the unique characteristics of identified general landscape types and native plant communities (e.g., upland hardwood forest) throughout Louisville Metro. Livability Goal 1 Goal 6 calls to encourage the natural process of landscape succession by adding to and connecting a system of natural corridors that can provide habitat areas and allow for migration; and

**WHEREAS**, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the applicant is still going to provide all the required plantings in the required landscape buffer area; and

**WHEREAS**, the Committee further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant since the applicant is still going to provide all the required plantings in the landscape buffer area; now, therefore be it

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested **(Waiver #1)** Waiver from 5.6.1.C.1 to not provide 50% clear windows and doors to facades facing the right of way. (21-WAIVER-0165) **AND** the requested **(Waiver #2)** Waiver from 10.2.4.B.3 to allow a landscape buffer to have a utility easement overlap over 50% (22-WAIVER-0210).

## DEVELOPMENT REVIEW COMMITTEE MINUTES

November 16, 2022

### OLD BUSINESS

CASE NUMBER 21-DDP-0121

The vote was as follows:

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

**ABSENT: Commissioner Cheek.**

### **Revised General and Detailed District Development plan with Proposed General and Detailed Plan Binding Elements**

01:49:24 On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution, based on the staff report and evidence and testimony heard today, was adopted:

**WHEREAS, the Louisville Metro Development Review Committee finds that** there do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

**WHEREAS,** the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan; and

**WHEREAS,** the Committee further finds that there are no open space requirements pertinent to the current proposal. Future multi- family development proposed on the subject site will be required to meet Land Development Code requirements; and

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

**WHEREAS,** the Committee further finds that the overall site design and land uses 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; and

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

## DEVELOPMENT REVIEW COMMITTEE MINUTES

November 16, 2022

### OLD BUSINESS

#### CASE NUMBER 21-DDP-0121

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

#### General Plan 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.
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)
  - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
  - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to



## DEVELOPMENT REVIEW COMMITTEE MINUTES

November 16, 2022

### OLD BUSINESS

#### CASE NUMBER 21-DDP-0121

- requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
- d. 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 prior to obtaining a building permit.
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.
9. The property owner shall provide a cross over access easement if the property to the east is ever developed for a nonresidential use. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.
10. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.

#### **Detailed Plan Binding Elements**

All binding elements from the approved General Development Plan are applicable to this site, in addition to the following:

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**November 16, 2022**

**OLD BUSINESS**

**CASE NUMBER 21-DDP-0121**

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance is requested:
  - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
  - c. The appropriate variance shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
  - d. 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.
  - e. A minor subdivision plat creating the lots as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
  - f. 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

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**November 16, 2022**

**OLD BUSINESS**

**CASE NUMBER 21-DDP-0121**

- copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
- g. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the November 16, 2022 DRC meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
8. The property owner shall provide a cross over access easement if the property to the East is ever developed for a nonresidential use. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.
9. No idling of trucks shall take place within 200 feet of residences. No overnight idling of trucks shall be permitted on-site.
10. If transit is added along Brownsboro Road or Ballardsville Road in the future, the Owner/Developer shall dedicate a 5 ft x 25 ft public facilities easement parallel to the roadway right-of-way in the locations shown on the development plan.

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**November 16, 2022**

**OLD BUSINESS**

**CASE NUMBER 21-DDP-0121**

11. A Certificate of Occupancy for any building shall not be requested or issued until the earlier to occur of completion (excluding grass, landscaping and sidewalks) of the KTC/Metro Works KY 22 road improvements project along the subject property's frontages or October 31, 2012.
12. The right-of-way shall be dedicated at the intersection of Brownsboro Road and Ballardsville Road.
13. The applicant shall work with the Worthington Glen Condominium Association regarding the installation of plantings adjacent to the Worthington Glen pool and community center.

**The vote was as follows:**

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

**ABSENT: Commissioner Cheek.**

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**November 16, 2022**

**NEW BUSINESS**

**CASE NUMBER 21-MPLAT-0180**

Project Name:	Minor Subdivision Plat
Location:	1770 Plantside Dr
Owner(s):	Mavtar LLC
Applicant:	Mavtar LLC
Jurisdiction:	Jeffersontown
Council District:	11 – Kevin Kramer
<b>Case Manager:</b>	<b>Julia Williams</b>

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:**

01:59:32 Julia Williams presented the case, showed a Power Point presentation, and responded to questions from the Commissioners (see staff report and recording for detailed presentation).

**The following spoke in favor of the proposal:**

No one spoke.

**The following spoke in opposition to the proposal:**

No one spoke.

**02:02:58 Commissioner deliberation.**

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

02:03:09 On a motion by Commissioner Brown seconded by Commissioner Price, the

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**November 16, 2022**

**NEW BUSINESS**

**CASE NUMBER 21-MPLAT-0180**

following resolution, based on the Staff Finding and evidence and testimony heard today, was adopted:

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Record Plat Amendment to create two lots from one lot within the Bluegrass Research & Industrial Park in Plat Book 24, Page 16.

**The vote was as follows:**

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

**ABSENT: Commissioner Cheek.**

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**November 16, 2022**

**NEW BUSINESS**

**CASE NUMBER 22-WAIVER-0178**

Project Name: West Broadway Commercial  
Location: 1209 and 1211 W Broadway  
Owner(s): Quadrant Hotels, LLC.  
Applicant: Quadrant Hotels, LLC.  
Jurisdiction: Louisville Metro  
Council District: 4 – Jecorey Arthur  
**Case Manager: Jay Luckett, AICP, Planner II**

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

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

**Agency Testimony:**

02:03:49 Jay Luckett presented the case, showed a Power Point presentation, and responded to questions from the Commissioners (see staff report and recording for detailed presentation).

**The following spoke in favor of the proposal:**

Mike Hill, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

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

02:08:16 Mike Hill, the applicant's representative, presented the case, showed a Power Point presentation, and responded to questions from the Committee members (see recording for detailed presentation.)

**The following spoke in opposition to the proposal:**

No one spoke.

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

## DEVELOPMENT REVIEW COMMITTEE MINUTES

November 16, 2022

### NEW BUSINESS

#### CASE NUMBER 22-WAIVER-0178

02:14:39      Commissioners' deliberation.

#### Waivers

**Waiver #1 - Waiver** of Land Development Code section 5.5.1.A.3 and 5.9.2.C to allow a drive-thru lane in front of a building in the Traditional Marketplace Corridor form district.

**Waiver #2 - Waiver** of Land Development Code section 10.2.10 to allow a proposed drive-thru lane, existing parking areas and a proposed dumpster to encroach into required Vehicle Use Area Landscape Buffer Areas as shown on the development plan.

02:14:54      On a motion by Commissioner Brown, seconded by Commissioner Price, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

**(Waiver #1) WHEREAS**, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners, as the only adjacent site is also a restaurant with drive-thru in front; and

**WHEREAS**, the Committee further finds that the waiver will not violate the comprehensive plan, as it will allow for additional commercial development in an existing commercial activity center. The waiver will not allow an unreasonable circumvention of the regulations or cause a hazard to the public. The applicant will provide screening of the drive-thru via a masonry wall; and

**WHEREAS**, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. The resultant development will still be an improvement over existing conditions on the subject site with respect to the current Land Development Code; and

**WHEREAS**, the Committee further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as it prevents the development of additional commercial uses on an existing commercial site; and

**(Waiver #2) WHEREAS**, the Committee further finds that the will not adversely affect adjacent property owners, as other portions of the site will have an increase in buffering and plantings over current conditions; and



**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**November 16, 2022**

**NEW BUSINESS**

**CASE NUMBER 22-WAIVER-0178**

**WHEREAS**, the Committee further finds that the waiver will not violate the comprehensive plan, as it will allow for continued use of an existing commercial site within an established activity center. The waiver will not allow an unreasonable circumvention of the regulations or cause a hazard to the public. The proposed development will have an increase in buffering and planting and a decrease in impervious surface; and

**WHEREAS**, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. Other areas of the subject site will provide increased buffers and planting; and

**WHEREAS**, the Committee further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as it would require removal of existing drive areas and prevent the redevelopment of an existing commercial site; now, therefore be it

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested **Waiver** of Land Development Code section 5.5.1.A.3 and 5.9.2.C to allow a drive-thru lane in front of a building in the Traditional Marketplace Corridor form district (Waiver #1), **AND** the requested **Waiver** of Land Development Code section 10.2.10 to allow a proposed drive-thru lane, existing parking areas and a proposed dumpster to encroach into required Vehicle Use Area Landscape Buffer Areas as shown on the development plan (Waiver #2).

**The vote was as follows:**

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

**ABSENT: Commissioner Cheek.**

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**November 16, 2022**

**NEW BUSINESS**

**CASE NUMBER 22-DDP-0106**

Project Name:	Bob Ray Co.
Location:	723 Lyndon Lane
Owner(s):	CHIP Investment Properties LLC
Applicant:	CHIP Investment Properties LLC
Jurisdiction:	City of Lyndon
Council District:	7- Paula McCraney
<b>Case Manager:</b>	<b>Clara Schweiger, Planner I</b>

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:**

02:15:55 Clara Schweiger presented the case, showed a Power Point presentation, and responded to questions from the Commissioners (see staff report and recording for detailed presentation). She noted that there is a Conditional Use Permit (CUP) request that is scheduled to be heard at the December 5, 2022 Board of Zoning Adjustment meeting. The applicant is working with Metro Historic Preservation staff regarding binding element #17.

02:19:00 In response to a question from Travis Fiechter, legal counsel for the Planning Commission, Ms. Schweiger said the Conditions of Approval that are proposed to be eliminated. Ms. Schweiger said those will be discussed at the December BOZA meeting and will not be taken into consideration today.

**The following spoke in favor of the proposal:**

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

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

02:19:26 Ann Richard, the applicant's representative, presented the applicant's case, showed a Power Point presentation, and responded to questions from the Commissioners (see recording for detailed presentation and discussion).

## DEVELOPMENT REVIEW COMMITTEE MINUTES

November 16, 2022

### NEW BUSINESS

#### CASE NUMBER 22-DDP-0106

**The following spoke in opposition to the proposal:**

No one spoke.

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

#### **Deliberation**

**02:22:33 Committee deliberation.**

02:22:47 On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

**WHEREAS**, the Development Review Committee finds that there do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

**WHEREAS**, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan; and

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

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

**WHEREAS**, the Committee further finds that the overall site design and land uses 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 except where waivers have been approved. Buildings and parking lots will meet all required setbacks except where variances have been approved; and

## DEVELOPMENT REVIEW COMMITTEE MINUTES

November 16, 2022

### NEW BUSINESS

#### CASE NUMBER 22-DDP-0106

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

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

#### Existing Binding Elements and Conditions of Approval with Changes

##### 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 Lyndon for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. ~~The development shall not exceed 13,057 square feet of gross floor area (including 5,095 square feet of office space, 831 square feet of 2<sup>nd</sup> floor mezzanine, and 7,131 square feet designated for vehicle maintenance and storage).~~
3. Signs shall be in accordance with Chapter 8 and as presented at the public hearing (80 square feet and 10 feet tall) or the City Lyndon sign regulation, if more restrictive.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
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 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.

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**November 16, 2022**

**NEW BUSINESS**

**CASE NUMBER 22-DDP-0106**

6. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Develop Louisville Division of Construction Review 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 road closure approval for Railroad Avenue shall be approved. (The alley closure is not essential prior to permit).~~
  - e. A legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
  - f. ~~The appropriate variances and conditional use permit shall be obtained to allow the development as shown on the approved district development plan.~~
7. If a building permit is not issued within two years of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission and the City of Lyndon.
8. A certificate of occupancy must be received form the appropriate code enforcement department prior to occupancy of the new structure or land for the proposed new building and use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
9. There shall be no outdoor PA system audible beyond the property line.
10. 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

## DEVELOPMENT REVIEW COMMITTEE MINUTES

November 16, 2022

### NEW BUSINESS

#### CASE NUMBER 22-DDP-0106

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.

11. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the September 1, 2005 Planning Commission meeting **and the November 16, 2022 Development Review Committee meeting.**
12. No idling of trucks shall take place within 200 feet of single family residences. No overnight idling of trucks shall be permitted on-site.
13. ~~Tree Canopy shall be met by working with the City of Lyndon to determine an alternative City of Lyndon site on which Tree Canopy requirements can be fulfilled.~~
14. A 25' wide landscape easement shall be located on the R4 property to the east. An existing garage is permitted to encroach into this area but no other structures may encroach. This area shall remain green space. Vegetation located in this 25' wide LBA shall meet Chapter 10 guidelines and must be maintained by the easement holder.
15. The property shall be surrounded with a black vinyl chain link fence, no less than six feet in height.
16. There shall be no vehicular access from the site to Grant Avenue or the unnamed alley at the south corner of the site.
17. The site will be documented at the National Register level. All documentation materials will be submitted to the Historic Preservation staff prior to ground disturbance.

**The vote was as follows:**

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

**ABSENT: Commissioner Cheek.**

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**November 16, 2022**

**NEW BUSINESS**

**CASE NUMBER 22-DDP-0096**

Project Name: 114 Urton Lane  
Location: 114 Urton Lane  
Owner(s): DF Construction Co, LLC  
Applicant: DF Construction Co, LLC  
Jurisdiction: City of Middletown  
Council District: 19 – Anthony Piagentini  
**Case Manager: Clara Schweiger, Planner I**

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

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

**Agency Testimony:**

02:23:34 Clara Schweiger presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation).

**The following spoke in favor of the proposal:**

Charles Podgursky, CRP Associates, 7321 New LaGrange Road, Louisville, KY 40222

Dan Surrell, 1537 Brice Road, Roundsburg, Ohio 43068

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

02:25:27 Charles Podgursky addressed staff's issues from the staff report and responded to questions from the Commissioners (see recording for detailed presentation and discussion). He said the applicant was asked to dedicate right-of-way along the frontage, to be 50 feet from centerline. According to a 2017 minor plat, there is already a 50 foot dedication. Therefore, he requested that the applicant not provide an additional 50 feet.

**The following spoke in opposition to the proposal:**

No one spoke.

## DEVELOPMENT REVIEW COMMITTEE MINUTES

November 16, 2022

### NEW BUSINESS

CASE NUMBER 22-DDP-0096

02:28:25 Commissioner deliberation.

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

02:28:46 On a motion by Commissioner Brown, seconded by Commissioner Price, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that there do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

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

**WHEREAS**, the Committee further finds that provisions of sufficient open space has been provided and meet the needs of the proposed development; and

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

**WHEREAS**, the Committee further finds that the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks; and

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

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



## DEVELOPMENT REVIEW COMMITTEE MINUTES

November 16, 2022

### NEW BUSINESS

#### CASE NUMBER 22-DDP-0096

#### Existing Binding Elements with Changes

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. No further subdivision of the land into a greater number of lots than originally approved will occur without approval of the Planning Commission and the City of Middletown. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or Planning Commission's designee and the City of Middletown for review and approval: any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising sign, small freestanding sign, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance permit) is requested:
  - a) The development plan must receive full construction approval from Louisville Metro Public Works and the Metropolitan Sewer District.
  - b) Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - c) A minor subdivision plat shall be recorded dedicating additional right-of-way to Urton Lane to provide a total of 50 feet from centerline. 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) The property owner/developer, prior to Certificate of Occupancy, must obtain City of Middletown approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit, which at a minimum shall include a 6 foot tall vinyl fence the entire length of the North side of the property and a 4 foot tall, 4 board

## DEVELOPMENT REVIEW COMMITTEE MINUTES

November 16, 2022

### NEW BUSINESS

#### CASE NUMBER 22-DDP-0096

- wood fence along the entire length of the South side of the property. Such landscape plan shall be implemented expeditiously as buildings are completed and shall be maintained thereafter. There shall be no removal of the existing landscaping or required landscaping without the written consent of the City. In the event any tree or other landscaping is removed without written consent of the City, the City may require the owner/applicant to replace with a tree of similar size and age (when cut), or as approved by the City Commission. Any replacement tree or trees shall be such as are deemed adequate by the City to mitigate the impact.
- e) A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
  - f) Unless a building permit or a clearing and grading permit is issued within two years from the date of the City of Middletown's approval therein, then the development plan must return to the Planning Commission and the City of Middletown for re-approval before any work can commence.
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 and the City of Middletown.
6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
7. The materials and design of the ~~proposed~~ **multi-family** structures shall be the same as depicted in the photographs present at the November 9<sup>th</sup>, 2017, City of Middletown Commission meeting. **The materials and design of the proposed office and model home shall be the same as depicted in the renderings present at the November 16, 2022 Development Review Committee Meeting.**
8. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other

## DEVELOPMENT REVIEW COMMITTEE MINUTES

November 16, 2022

### NEW BUSINESS

#### CASE NUMBER 22-DDP-0096

qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 part 1.3 of the land development code.

9. All street signs shall be installed by the Developer, and shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street, and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
10. Development shall be responsible for utility relocation if required, final surface overlay, and striping associated with road improvements. Developer shall contact the Middletown Fire Protection District (MFPD) and request that MFPD sign off on the utility plat for the purpose of relocating and realigning the drainage easement on the North side of the development with the existing and proposed drainage structures. Construction plans, bond, and permits are required by Metro Public Works prior to construction approval. Developer shall not request a certificate of occupancy until road improvements are complete.
11. The developer shall construct Urton Road improvements and Shelbyville Road right-turn per the approved schematic and Kentucky Transportation Cabinet and Metro Public Works standards and requirements. The developer shall be responsible for utility relocation (if required), final surface overlay, signage, stumping and signal modification associated with road improvements. Construction plans, bond, and encroachment permits shall be obtained prior to construction. Developer shall not apply for a Certificate of Occupancy until these road improvements are complete.
12. The proposed project shall be developed in conformance with the Campus Form District design standard to ensure that this development located at the northern edge of the Campus will be integrated with the future developments to the west and south in terms of function, design connectively, open space, building materials and landscape standards.
13. The Applicant, its successors and assigns, shall maintain the apartments and site in a high state of repair, including, but not limited to:
  - a) Maintenance of exterior finishes, no peeling paint, broken or non-functioning light fixtures, holes in exterior, windows and stairways in good condition.
  - b) Maintenance of grounds, including regular mowing, landscape upkeep and

## DEVELOPMENT REVIEW COMMITTEE MINUTES

November 16, 2022

### NEW BUSINESS

#### CASE NUMBER 22-DDP-0096

- replacement of any plant material which might die, sidewalks repaired, exterior lighting kept functioning, common areas picked up and kept clean.
- c) Retention ponds must be kept clean and attractive.
  - d) Maintenance of parking, no significant pavement degradation allowed, no abandoned cars allowed to remain in parking area, keep any signage painted and well kept.
  - e) Applicant, its successors and assigns, acknowledges and agrees that the City of Middletown has additional authority (along with Louisville Metro) to enforce these binding elements, including the duty to maintain the property.
14. The Applicant, its successors and assigns, shall develop a set of rules and regulations for the residents of the apartments, to help ensure that the structures and ground remain in the high state of repair. Such rules shall be sent to the City of Middletown for review and approval, prior to the issuance of a Certificate of Occupancy on any building shown on the Revised Detailed Development Plan.
15. The Applicant, its successors and assigns, agrees that during the construction phase, the site shall be kept mowed and picked up, to the greatest reasonable extent possible, given the necessities of the construction operations.

#### The vote was as follows:

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

**ABSENT: Commissioner Cheek.**

## DEVELOPMENT REVIEW COMMITTEE MINUTES

November 16, 2022

### NEW BUSINESS

#### CASE NUMBER 22-DDP-0067

Project Name: Garrett Bridwell Multi-Family  
Location: Old Heady Road (Parcel ID 004702930000 & 004702940000)  
Owner(s): Blankerton Old Heady Development  
Applicant: Blankerton Old Heady Development  
Jurisdiction: Louisville Metro  
Council District: 20 – Stuart Benson  
**Case Manager: Dante St. Germain, AICP, Planner II**

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

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

#### **Agency Testimony:**

02:29:36 Dante St. Germain presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation).

#### **The following spoke in favor of the proposal:**

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

Damon Garrett, 901 Lily Creek Road #101, Louisville, KY 40243

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

02:34:39 Derek Triplett, the applicant's representative, presented the applicant's case, showed a Power Point presentation, and responded to questions from the Committee members (see recording for detailed presentation and discussion). He noted that these will be condominiums, and so the existing binding elements should be left in place.

02:44:47 In response to a question from Commissioner Carlson Damon Garrett, representing Sunshine Industries, discussed the building materials, and binding elements (see recording.)

## DEVELOPMENT REVIEW COMMITTEE MINUTES

November 16, 2022

### NEW BUSINESS

#### CASE NUMBER 22-DDP-0067

02:46:27 Ms. St. Germain discussed building materials (see recording.)

#### **The following spoke in opposition to the proposal:**

Harlan Toy, 4820 Saddle Bend Way, Louisville, KY 40299

Kurt Gutting, 6400 Chenoweth Run Road, Louisville, KY 40299

Patricia and Arnold Thompson, 5020 Old Heady Road, Louisville, KY 40299

Josh Reynolds, 13300 Stepping Stone Way, Louisville, KY 40299

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

02:47:26 Patricia Thompson said she lives directly across the street behind the proposed development. She said the original plans called for one story, not two; also heard that it would be an “inter-generational” development. She said there have been many confusing changes to the proposal over time. Traffic and the roadway are also concerns; also a lack of vegetative buffer (see recording for detailed presentation.)

02:58:27 Kurt Gutting said he originally did not oppose the development when it was one-story structures. He emphasized that Old Heady Road is very narrow and winding. He said the proposal does not fit the neighborhood or the land around it (see recording for detailed presentation.)

03:03:12 Harlan Toy said he agreed with previous commenters and said the original proposal, with the originally-proposed density, was not objectionable. Chenoweth Run Road is extremely narrow and is a cut-through to the Gene Snyder Freeway; also Old Heady Road is very congested (see recording for detailed presentation.)

03:06:15 Josh Reynolds said there is a petition of approximately 190 signatures opposing the newly-increased density. He asked if the units will be sold to buyers, or if it will be rental property (apartments). See recording for detailed presentation.

#### Rebuttal:

03:10:03 Mr. Garrett presented rebuttal and responded to questions from the Commissioners (see recording for detailed presentation.)

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**November 16, 2022**

**NEW BUSINESS**

**CASE NUMBER 22-DDP-0067**

03:19:21 Mr. Gutting made some statements about the proposed height of the structures.

03:20:28 Arnold Thompson made some statements about binding elements.

**03:21:37 Commissioners' deliberation.**

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

03:23:07 On a motion by Commissioner Brown, seconded by Commissioner Price, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that the pond on the site is being preserved. Tree canopy will be provided on the site; and

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

**WHEREAS**, the Committee further finds that required open space is being provided; and

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

**WHEREAS**, the Committee further finds the overall site design and land uses would be compatible with the existing and future development of the area as the proposal is not significantly higher density than the previously approved plan; and

**WHEREAS**, the Committee further finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of

## DEVELOPMENT REVIEW COMMITTEE MINUTES

November 16, 2022

### NEW BUSINESS

#### CASE NUMBER 22-DDP-0067

the Land Development Code. The proposal would increase the variety of housing and the amount of housing in the neighborhood; now, therefore be it

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

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
  - a. The development plan must receive full construction approval from 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 certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
  - d. The materials and design of proposed multi-family structures shall be substantially the same as depicted in the rendering as presented at the November 16, 2022 Development Review Committee meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.



## DEVELOPMENT REVIEW COMMITTEE MINUTES

November 16, 2022

### NEW BUSINESS

#### CASE NUMBER 22-DDP-0067

- e. A minor subdivision plat or legal instrument shall be recorded creating Tracts 1 and 2 and dedicating right-of-way along Old Heady Road as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
7. No residential structures shall be permitted within 250 feet of the edge of pavement of the Gene Snyder Freeway's nearest travel lane.
8. The landscape plan shall be in compliance with Chapter 10 of the LDC but shall include no less vegetation than that shown in the landscape exhibit presented at the July 15, 2021 Planning Commission hearing. Developer shall plant a 6' shrub screen and one Type A tree every 50 linear feet (to match the proposed subdivision's screen) along the future Urton Lane Corridor ROW dedication as shown on the landscaping exhibits presented at the July 15, 2021 hearing. Pursuant to the Declaration of Condominium Regime (Declaration), these plantings shall be located in the common areas and maintained/replaced by the condominium association. The Declaration shall be reviewed and approved by the Planning Commission legal counsel.
9. At the time the developer turns control of the condominium association over to the condominium owners, the developer shall provide sufficient funds to ensure there is no less than \$3000 cash in the condominium association account. No condominium association funds shall be used by the developer to fulfill either the developers obligations under Plan 2040 or any improvement submitted as part of

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**November 16, 2022**

**NEW BUSINESS**

**CASE NUMBER 22-DDP-0067**

the approved development plan, including but not limited to plantings and paving. Notwithstanding the foregoing, the condominium association funds may be used for the post-construction maintenance obligations of common elements, including maintenance of the condominium open space. The subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement.

**The vote was as follows:**

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

**ABSENT: Commissioner Cheek.**

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**November 16, 2022**

**NEW BUSINESS**

**CASE NUMBER 22-DDP-0094**

Project Name: Baptist Health Freestanding Emergency Room  
Location: 7702 Bardstown Road  
Owner(s): Will Realty, LLC  
Applicant: Land Design and Development  
Jurisdiction: Louisville Metro  
Council District: 22 – Robin Engel  
**Case Manager: Molly Clark, Planner II**

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

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

**Agency Testimony:**

03:24:29 Molly Clark presented the case, showed a Power Point presentation, and responded to questions from the Committee members. There was much discussion regarding the waiver request, and the applicant's proposal to plant trees on the school site (see staff report and recording for detailed presentation and discussion.)

**The following spoke in favor of the proposal:**

Nick Pregliasco, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway, Louisville, KY 40223

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

Howard Ferriell, 2701 Eastpointe Parkway, Louisville, KY 40223

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

03:32:04 Nick Pregliasco, the applicant's representative, presented the applicant's case, showed a Power Point presentation, and responded to questions from the Committee members (see recording for detailed presentation and discussion).

## DEVELOPMENT REVIEW COMMITTEE MINUTES

November 16, 2022

### NEW BUSINESS

#### CASE NUMBER 22-DDP-0094

03:45:42 Howard Ferriell, an applicant's representative, gave some background about the proposed facility and details about the type of operations there (see recording for detailed presentation.)

#### **The following spoke in opposition to the proposal:**

No one spoke.

#### **Rebuttal:**

No rebuttal.

**03:49:21 Commissioners' deliberation.**

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

#### **Waivers:**

- 1. Waiver from 5.6.1.C.1.to allow proposed buildings to not have 50% clear windows and doors facing the public right of way. (22-WAIVER-0182)**
- 2. Waiver from 10.1.4.A to not preserve 20% of the existing tree canopy for a site containing greater than 50% of existing tree canopy (22-WAIVER-0200).**

03:50:21 On a motion by Commissioner Brown, seconded by Commissioner Price, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

**(Waiver #1) WHEREAS**, the Louisville Metro Development Review Committee finds that the requested waiver will not adversely affect adjacent property owners since the applicant is proposing to plant all the required plantings along all the landscape buffers along Bardstown Road that will create screening from the road; and

**WHEREAS**, the Committee further finds that Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be

## DEVELOPMENT REVIEW COMMITTEE MINUTES

November 16, 2022

### NEW BUSINESS

#### CASE NUMBER 22-DDP-0094

promoted to enhance compatibility of development and redevelopment projects. Community Form Goal 1, Policy 12 calls for the proposal to Design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Encourage the placement of parking lots and garage doors behind or beside the building rather than facing the street. The use of alleys for access to parking lots is encouraged, especially in Downtown Louisville, Urban Center Neighborhoods, Traditional Neighborhoods and Traditional Marketplace Corridors. Encourage elimination or reduction of parking minimums in areas readily accessible to transit routes.

Community Form Goal 2, Policy 11 calls for ensuring appropriate placement, design and scale of centers in Traditional Neighborhood, Neighborhood and Village Form Districts to ensure compatibility with nearby residences. Community Form Goal 2, Policy 15 calls for parking in activity centers should reflect the area's associated Form District standards to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations; and

**WHEREAS**, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the applicant is proposing to plant all the required plantings along all the landscape buffers Bardstown Road that will create screening from the road; and

**WHEREAS**, the Committee further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because the applicant is proposing to plant all the required plantings along all the landscape buffers along Bardstown Road that will create screening from the road; and

**(Waiver #2) WHEREAS**, the Committee further finds that the applicant will provide off-site tree planting adjacent to the area that would mitigate the impact of the trees they are failing to preserve; and

**WHEREAS**, the Committee further finds that there are no open space requirements pertinent to the current proposal. Future multi-family development proposed on the subject site will be required to meet Land Development Code requirements; now, therefore be it

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver #1 - Waiver from 5.6.1.C.1.to allow proposed

## DEVELOPMENT REVIEW COMMITTEE MINUTES

November 16, 2022

### NEW BUSINESS

#### CASE NUMBER 22-DDP-0094

buildings to not have 50% clear windows and doors facing the public right of way. (22-WAIVER-0182); **AND** the requested Waiver #2 - Waiver from 10.1.4.A to not preserve 20% of the existing tree canopy for a site containing greater than 50% of existing tree canopy (22-WAIVER-0200).

**The vote was as follows:**

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

**ABSENT: Commissioner Cheek**

#### **Revised Detailed District Development Plan**

03:52:06 On a motion by Commissioner Brown, seconded by Commissioner Price, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that there do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

**WHEREAS**, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan; and

**WHEREAS**, the Committee further finds that there are no open space requirements pertinent to the current proposal. Future multi-family development proposed on the subject site will be required to meet Land Development Code requirements; and

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

**WHEREAS**, the Committee further finds that the overall site design and land uses 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

## DEVELOPMENT REVIEW COMMITTEE MINUTES

November 16, 2022

### NEW BUSINESS

#### CASE NUMBER 22-DDP-0094

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

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

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - d. 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.
  - e. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created

## DEVELOPMENT REVIEW COMMITTEE MINUTES

November 16, 2022

### NEW BUSINESS

#### CASE NUMBER 22-DDP-0094

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.

- f. **The appropriate conditional use permit shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.**
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
8. The property owner shall provide a cross over access easement if the properties to the north and west are ever developed for a nonresidential use. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.
9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the November 16, 2022 Development Review Committee meeting.
10. No idling of trucks shall take place within 200 feet of residences. No overnight idling of trucks shall be permitted on-site.



**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**November 16, 2022**

**NEW BUSINESS**

**CASE NUMBER 22-DDP-0094**

11. The Applicant shall plant the equivalent to 26 Type A, 2 inch caliper trees on the Bates Elementary School property, location of the tree plantings to be determined by JCPS.

**The vote was as follows:**

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

**ABSENT: Commissioner Cheek**

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**November 16, 2022**

**NEW BUSINESS**

**CASE NUMBER 22-DDP-0043**

Project Name: Billtown Commercial Development  
Location: 6503 Billtown Road  
Owner(s): Donald & Linda Rogers  
Applicant: Land Design and Development  
Jurisdiction: Louisville Metro  
Council District: 20 – Stuart Benson  
**Case Manager: Molly Clark, Planner II**

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

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

**Agency Testimony:**

03:53:12 Molly Clark presented the case, showed a Power Point presentation, and responded to questions from the Committee members (see staff report and recording for detailed presentation and discussion.)

**The following spoke in favor of the proposal:**

Nick Pregliasco, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway, Louisville, KY 40223

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

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

04:01:46 Nick Pregliasco, the applicant's representative, presented the applicant's case, showed a Power Point presentation, and responded to questions from the Committee members (see recording for detailed presentation and discussion).

04:16:30 In response to questions from Commissioner Brown, Ann Richard, an applicant's representative, discussed the proposed median or some kind of divider for traffic control. This will be finalized during the construction phase and will work with the State (see recording for detailed discussion.)

## **DEVELOPMENT REVIEW COMMITTEE MINUTES**

**November 16, 2022**

### **NEW BUSINESS**

#### **CASE NUMBER 22-DDP-0043**

04:18:03 After discussion between Commissioner Brown and Mr. Pregliasco, it was agreed to eliminate binding elements #9, 18, and 19.

04:19:55 After some discussion, Ms. Clark said binding element #4E could be added stating that the necessary variance will be approved by the Board of Zoning Adjustment prior to issuance of construction permits.

#### **The following spoke in opposition to the proposal:**

No one spoke.

#### **Rebuttal:**

No rebuttal.

04:21:46 Commissioners' deliberation.

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

#### **Waivers:**

1. **(Waiver #1) Waiver from section 5.6.1.C.1 to waive the required 50% clear windows and doors on facades facing the public right of way (22-WAIVER-0181)**
2. **(Waiver #2) Waiver from section 8.2.1.D.6 to permit a changing image sign to be located within 300ft of a residential zone or residential use and to allow it changing image area to be more than 50% (22-WAIVER-0211)**
3. **(Waiver #3) Waiver from section 10.3.7 to reduce the 50 ft Gene Snyder Freeway Buffer from 50 ft to 5 ft (22-WAIVER-0212)**
4. **(Waiver #4) Waiver from section 10.2.4 to reduce the 25 ft property perimeter LBA from 20 ft to 5 ft (22-WAIVER-0213)**

## DEVELOPMENT REVIEW COMMITTEE MINUTES

November 16, 2022

### NEW BUSINESS

#### CASE NUMBER 22-DDP-0043

04:22:14 On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

**(Waiver #1) WHEREAS**, the Louisville Metro Development Review Committee finds that the requested waiver will not adversely affect adjacent property owners since the applicant is proposing to plant all the required plantings along all the landscape buffers along both Gellhaus Road and Billtown Road that will create screening from the road; and

**WHEREAS**, the Committee further finds that Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. Community Form Goal 1, Policy 12 calls for the proposal to Design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Encourage the placement of parking lots and garage doors behind or beside the building rather than facing the street. The use of alleys for access to parking lots is encouraged, especially in Downtown Louisville, Urban Center Neighborhoods, Traditional Neighborhoods and Traditional Marketplace Corridors. Encourage elimination or reduction of parking minimums in areas readily accessible to transit routes. Community Form Goal 2, Policy 11 calls for ensuring appropriate placement, design and scale of centers in Traditional Neighborhood, Neighborhood and Village Form Districts to ensure compatibility with nearby residences. Community Form Goal 2, Policy 15 calls for parking in activity centers should reflect the area's associated Form District standards to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations; and

**WHEREAS**, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the applicant is proposing to plant all the required plantings along all the landscape buffers along both Gellhaus Road and Billtown Road that will create screening from the road; and

## DEVELOPMENT REVIEW COMMITTEE MINUTES

November 16, 2022

### NEW BUSINESS

#### CASE NUMBER 22-DDP-0043

**WHEREAS**, the Committee further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because the applicant is proposing to plant all the required plantings along all the landscape buffers along both Gellhaus Road and Billtown Road that will create screening from the road; and

**(Waiver #2) WHEREAS**, the Committee further finds that the waiver will not adversely affect adjacent property owners in that the sign will include a sensor that shuts the changing image panel off from dusk until dawn; and

**WHEREAS**, the Committee further finds that the waiver will not violate guidelines of Plan 2040, which requires that appropriateness must be evaluated in the context of the compatibility of the proposed use or uses with surrounding uses (Community Form 1.2.4) and impacts on quality of life must be considered (Community Form 16). The design of the proposed sign will lessen the adverse visual intrusion on the residential areas in the vicinity (Community Form 20); and

**WHEREAS**, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant in that the total sign area and height that proposed by the applicant are less than would be permitted; and

**WHEREAS**, the Committee further finds that the proposed sign has incorporated other design measures that exceed the minimums of the district and result in a net beneficial effect in that the sign is significantly smaller in area than would otherwise be permitted; and

**(Waiver #3) WHEREAS**, the Committee further finds that the waiver will not adversely affect adjacent property owners since the site is over 800 feet from the actual freeway; and

**WHEREAS**, the Committee further finds that Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. Community Form Goal 1, Policy 6 calls to discourage non-residential expansion into existing residential areas unless applicant can demonstrate that any adverse impact on residential uses will be mitigated. Evaluation of impacts may include, but not be limited to, displacement of residents, loss of affordable housing units, traffic, parking, signs, lighting, noise, odor, and stormwater. Appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and

## DEVELOPMENT REVIEW COMMITTEE MINUTES

November 16, 2022

### NEW BUSINESS

#### CASE NUMBER 22-DDP-0043

may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential. Community Form Goal 1, Policy 9 calls to ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements. Community Form Goal 1, Policy 10 calls to mitigate 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. Buffers should be variable in design and may include landscaping, vegetative berms and/or walls and 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. Community Form Goal 1, Policy 12 calls for the proposal to Design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Encourage the placement of parking lots and garage doors behind or beside the building rather than facing the street; and

**WHEREAS**, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the actual freeway is over 800 feet away from the proposed development. The freeway buffer on the plan would not be screening from the actual freeway; and

**WHEREAS**, the Committee further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant since the actual freeway is over 800 feet away from the proposed development. The freeway buffer on the plan would not be screening from the actual freeway; and

**(Waiver #4) WHEREAS**, the Committee further finds that the waiver will not adversely affect adjacent property owners since there is already a 20 ft buffer on the R4 property next door at Ramsey Middle School. The applicant is also providing additional screening along the backs of the proposed buildings and the middle school with a 13,000 sf tree preservation area; and

**WHEREAS**, the Committee further finds that Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the

## DEVELOPMENT REVIEW COMMITTEE MINUTES

November 16, 2022

### NEW BUSINESS

#### CASE NUMBER 22-DDP-0043

scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects.

Community Form Goal 1, Policy 6 calls to discourage non-residential expansion into existing residential areas unless applicant can demonstrate that any adverse impact on residential uses will be mitigated. Evaluation of impacts may include, but not be limited to, displacement of residents, loss of affordable housing units, traffic, parking, signs, lighting, noise, odor, and stormwater. Appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential. Community Form Goal 1, Policy 9 calls to ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements. Community Form Goal 1, Policy 10 calls to mitigate 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. Buffers should be variable in design and may include landscaping, vegetative berms and/or walls and 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. Community Form Goal 1, Policy 12 calls for the proposal to Design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Encourage elimination or reduction of parking minimums in areas readily accessible to transit routes. Community Form Goal 1, Policy 20 calls to mitigate adverse visual intrusions when there are impacts to residential areas, roadway corridors, and public spaces; and

**WHEREAS**, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since there is already a 20 ft buffer on the R4 property next door at Ramsey Middle School. The applicant is also providing additional screening along the backs of the proposed buildings and the middle school with a 13,000 sf tree preservation area; and

**WHEREAS**, the Committee further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant since there is

## DEVELOPMENT REVIEW COMMITTEE MINUTES

November 16, 2022

### NEW BUSINESS

#### CASE NUMBER 22-DDP-0043

already a 20 ft buffer on the R4 property next door at Ramsey Middle School. The applicant is also providing additional screening along the backs of the proposed buildings and the middle school with a 13,000 sf tree preservation area; now, therefore be it

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested (Waiver #1) Waiver from section 5.6.1.C.1 to waive the required 50% clear windows and doors on facades facing the public right of way (22-WAIVER-0181); **AND** the requested (Waiver #2) Waiver from section 8.2.1.D.6 to permit a changing image sign to be located within 300ft of a residential zone or residential use and to allow it changing image area to be more than 30% (22-WAIVER-0211); **AND** the requested (Waiver #3) Waiver from section 10.3.7 to reduce the 50 ft Gene Snyder Freeway Buffer from 50 ft to 5 ft (22-WAIVER-0212); **AND** the requested (Waiver #4) Waiver from section 10.2.4 to reduce the 25 ft property perimeter LBA from 20 ft to 5 ft (22-WAIVER-0213).

**The vote was as follows:**

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

**ABSENT: Commissioner Cheek**

#### **Revised Detailed District Development Plan**

04:23:46 On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that there do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

**WHEREAS**, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan; and

**WHEREAS**, the Committee further finds that there are no open space requirements pertinent to the current proposal. Future multi- family development proposed on the subject site will be required to meet Land Development Code requirements; and



**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**November 16, 2022**

**NEW BUSINESS**

**CASE NUMBER 22-DDP-0043**

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

**WHEREAS**, the Committee further finds that the overall site design and land uses 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; and

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

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Revised Detailed District Development Plan,, ON **CONDITION** that a raised median is provided in the center of Gelhaus to reinforce the right-in/right-out access; and **SUBJECT** to the following binding elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use site disturbance, alteration permit or demolition permit) is requested:

## DEVELOPMENT REVIEW COMMITTEE MINUTES

November 16, 2022

### NEW BUSINESS

#### CASE NUMBER 22-DDP-0043

- a. The development plan must receive full construction approval from Develop Louisville, Louisville Public Works 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 Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
  - e. The necessary variance will be approved by the Board of Zoning Adjustment prior to issuance of any building permits.
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. These shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
8. No idling of trucks shall take place within 200 feet of residential uses. No overnight idling of trucks shall be permitted on-site.
9. ~~The Gellhaus Lane access shall be right in only unless Metro Public Works approves either a full cut at this point of access or a right in/right out. If a right in/right out, such access should be constructed in concert with a deceleration right turn lane into the adjoining Jefferson County Public School property, thereby assuring that any right turns out intending to make a U turn back in the direction~~

## DEVELOPMENT REVIEW COMMITTEE MINUTES

November 16, 2022

### NEW BUSINESS

#### CASE NUMBER 22-DDP-0043

~~of the Gellhaus Lane/Billtown Road intersection are unlikely to make that U-turn using Longview Farm Drive. **Eliminated at today's meeting 11/16/22**~~

10. Developer shall work with MSD and JCPS to better define the ditch along the JCPS frontage on Gellhaus Lane to improve the flow of stormwater entering the existing storm pipe.
11. Hours of operation shall be limited from 5:00 a.m. to midnight.
12. Freestanding signage shall be limited to monument, not pylon, style, otherwise in accordance with the sign regulations of the LDC. Gas prices shall be advertised with LED lighting, not manually changed pricing numbers.
13. There shall be no exterior access to bathrooms.
14. Trash receptacles shall be placed for ease of use at multiple points under the gas canopy and along the front facades of the retail and restaurant buildings.
15. Dumpsters shall be fully enclosed with a solid fence screen.
16. Commercial use on the site shall not permit check cashing stores, laundromats, pawn shops, medical labs, hotel/motels, funeral homes and homeless shelters.
17. The developer shall prohibit construction access and construction and maintenance vehicles from using Billtown Farms subdivision streets.
18. ~~Developer shall contribute \$10,000 for the future construction of a right turn lane from Billtown Road to Gellhaus Lane. Developer shall post a bond with Metro Public Works prior to full construction approval for the site, to be used for the road construction project. Developer's bond will be released on April 7, 2026 if the turn lane has not been constructed. **Eliminated at today's meeting 11/16/22**~~
19. ~~Property Owner/Developer shall pre-grade the rights-of-way along the site's frontage with both Billtown and Gellhaus for preparation of constructing a future right turn lane, which will be installed at a later time. Property Owner/Developer shall include within its construction plans the full design of the right turn lane and the pre-grading specifications to be completed as part of the site development. Area shall be graded, seeded and strawed prior to the issuance of Certificate of Occupancy for the gas station construction plans; bond and encroachment permit shall be required by KTC for work in the Billtown Road right-of-way and from~~

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**November 16, 2022**

**NEW BUSINESS**

**CASE NUMBER 22-DDP-0043**

~~Louisville Metro Public Works for work within the Gellhaus right-of-way.~~  
***Eliminated at today's meeting 11/16/22***

**The vote was as follows:**

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

**ABSENT: Commissioner Cheek**

**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
**November 16, 2022**

**NEW BUSINESS**

**CASE NUMBER 22-WAIVER-0160**

**CHANGE IN MEETING DATE**

04:24:45      After the last case was heard, and before the meeting adjourned, Brian Davis, Assistant Director of Planning & Design Services, said that, after this case had been heard and continued to the November 30<sup>th</sup> DRC meeting, the applicant requested that the date of continuance be moved to December 14, 2022.

**Motion to Reconsider:**

04:25:41      On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **RECONSIDER** its decision made regarding the date of Continuance for Case No. 22-WAIVER-0160, and to **RESCHEDULE** the date of Continuance to **December 14, 2022 Development Review Committee meeting.**

**The vote was as follows:**

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

**ABSENT: Commissioner Cheek**

DEVELOPMENT REVIEW COMMITTEE MINUTES  
November 16, 2022

ADJOURNMENT

The meeting adjourned at approximately 5:32 p.m.

Richard Auk 11/30/22  
Chairman

B. J. S.  
Division Director