

**MINUTES OF THE MEETING
OF THE
DEVELOPMENT REVIEW COMMITTEE
January 4, 2023**

A meeting of the Development Review Committee was held on January 4, 2023 at 1:00 p.m. in the Old Jail Building, located at 514 West Liberty Street, Louisville, Kentucky 40202.

Committee Members present were:

Rich Carlson, Chair
Jeff Brown

Due to a lack of quorum, the Committee Members present acted as Hearing Officers and listened to testimony but did not vote. The cases were voted on at the January 5, 2023 Planning Commission meeting.

Committee Members absent were:

Patti Clare, Vice Chair
Michelle Pennix

Staff Members present were:

Brian Davis, Assistant Director
Julia Williams, Planning Manager
Beth Stuber, Engineer Supervisor
Laura Ferguson, Assistant County Attorney
Sean McDowell, Management Assistant
John Michael Lawler, Planner I
Clara Schweiger, Planner I
Molly Clark, Planner II
Beth Jones, Planner II
Jay Lockett, Planner II

The following matters were considered:

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January 4, 2023

NEW BUSINESS

CASE NO. 22-WAIVER-0230

Request: Waiver to Permit Parking in Front of a Structure and to Not Provide Access via the Alley
Project Name: Gateway on Broadway
Location: 1404 Magazine Street; 1401, 1403, 1405, and 1421 West Broadway
Owner: Housing Partnership Inc.
Applicant: Housing Partnership Inc.
Jurisdiction: Louisville Metro
Council District: 4 – Jecorey Arthur
Case Manager: Jay Lockett, AICP, Planner II

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

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the DRC meeting. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 South 5th Street.)

Agency Testimony:

00:05:09 Jay Lockett explained that the 2 waivers associated with the case concern 1404 Magazine Street. Lockett presented the applicant's proposal to renovate an existing warehouse structure on 1405 West Broadway for office and residential use. He clarified that the structure on 1404 Magazine Street is being renovated for storage use and parking. Jay Lockett stated that the structure on 1405 West Broadway is a registered historic site and parking will be provided alongside and in front of the main building. Lockett mentioned that a small portion of pavement is on the site of the structure located at 1404 Magazine Street and there is discussion on whether the appropriate amount is there. He confirmed that access to the alley will not be provided and the applicant will construct a wall on Magazine Street to screen the parking lot.

00:09:17 Commissioner Brown asked if the previous plan was a Category 2B.

00:09:29 Jay Lockett agreed. Lockett suggested adding an easement requirement for the existing pavement on the site.

00:09:50 Commissioner Brown stated that an easement is not needed.

The following spoke in favor of this request:

Ashley Bartley, 9920 Corporate Campus Drive, Suite 1200, Louisville, KY 40223

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NEW BUSINESS

CASE NO. 22-WAIVER-0230

Summary of testimony of those in favor:

00:10:10 Ashley Bartley stated that the main building will be renovated into affordable housing but have mixed use on the first floor. Bartley emphasized that due to existing conditions, making a connection to the alley is not feasible.

00:12:40 Commissioner Carlson asked what percentage of the main building will be office, residential, and retail.

00:12:47 Ashley Bartley responded that there will be 116 units on floors 2 through 5 and a drive-through ATM on the lower level. Bartley stated that due to it being affordable housing, there will be reduced parking.

00:13:21 Commissioner Carlson asked if the main building will have the same general appearance as it does now.

00:13:27 Ashley Bartley agreed. Bartley stated that the main building is receiving funding and going through architectural reviews.

00:13:41 Commissioner Carlson reiterated that the main building is not in use.

00:13:45 Ashley Bartley confirmed that it has been vacant for decades.

Deliberation

00:14:44 Commissioner Brown stated that the waivers are warranted because the buildings are being reused.

00:14:56 Commissioner Carlson agreed that reuse of a vacant building is good.

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

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DEVELOPMENT REVIEW COMMITTEE

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NEW BUSINESS

CASE NO. 22-WAIVER-0229

Request: Waiver to Permit Changing Image Sign within 300 Feet of Residential Zone and Changing Image Sign Area Waiver
Project Name: Changing Image Sign Waiver
Location: 5101 US Highway 42
Owner: The Temple
Applicant: Golden Rule Signs
Jurisdiction: Louisville Metro
Council District: 16 – Scott Reed
Case Manager: Beth Jones, AICP, Planner II

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

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the DRC meeting. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 South 5th Street.)

Agency Testimony:

00:15:43 Beth Jones presented the proposal to put a new sign in the center of the buffer zone, where the existing one is located. Jones explained that the buffer zone is infringing on a parking lot and residential properties. She stated that the changing image portion of the sign can make up 30% of the area, but the applicant is asking for 60%.

00:19:50 Commissioner Brown asked if the applicant can make the sign bigger and eliminate the second waiver. Brown questioned what the maximum size is for 30%.

00:20:04 Beth Jones explained that the maximum size is 24 square feet, but the applicant is asking for 30 square feet.

00:20:12 Commissioner Brown suggested that if the applicant makes the sign bigger, there can be a larger square footage of the changing image.

00:20:18 Beth Jones disagreed. Jones explained that if the sign is not in a neighborhood, it can be 60 square feet.

00:20:47 Commissioner Brown reiterated that the residential properties are behind the detention basin.

00:20:54 Beth Jones agreed.

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NEW BUSINESS

CASE NO. 22-WAIVER-0229

00:22:05 Commissioner Carlson asked if the residential properties have screening in between.

00:22:08 Beth Jones agreed.

00:22:21 Commissioner Carlson asked if the condominiums are more than 300 feet from the sign.

00:22:37 Beth Jones confirmed that the condominiums are, but the parking lot is not.

The following spoke in favor of this request:

Seth McNeal, 1083 Brooks Industrial Road, Shelbyville, KY 40065

Summary of testimony of those in favor:

00:23:56 Seth McNeal said that he is here on behalf of the Temple to represent Golden Rule Signs.

00:24:26 Commissioner Brown asked if the sign is modular. Brown questioned if the applicant is willing to go down to 24 square feet.

00:24:36 Seth McNeil agreed that the sign is modular. McNeil explained that the distance from the road to the sign makes it less visible. He stated that going down to 24 square feet will make it worse.

00:25:11 Commissioner Carlson asked if the vegetation will be removed.

00:25:29 Seth McNeil said that he is not aware. McNeil explained that the vegetation belongs to the residential properties.

00:25:38 Commissioner Brown surmised that when the area was rezoned, the vegetation was made a requirement.

00:25:50 Julia Williams agreed that the screening is there due to rezoning.

Deliberation

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NEW BUSINESS

CASE NO. 22-WAIVER-0229

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NEW BUSINESS

CASE NO. 22-CAT3-0004

Request: Category 3 Plan with a Building Façade Waiver
Project Name: West Muhammad Ali Commercial/Multi-Family Development
Location: 720 West Muhammad Ali Boulevard
Owner: LDG Land Holdings, LLC
Applicant: Sabak Wilson & Lingo, Inc.
Dinsmore & Shohl, LLP
Jurisdiction: Louisville Metro
Council District: 4 – Jecorey Arthur
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. This report was available to any interested party prior to the DRC meeting. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 South 5th Street.)

Agency Testimony:

00:27:19 Molly Clark presented the applicant's proposal to build a 128,494 square foot structure with 5 stories. Clark stated that the first floor will be commercial space and the remaining 4 floors will be comprised of 268 units. She suggested the need for a condition of approval and clarified that the waiver is for the first floor, where there is existing parking.

00:30:10 Commissioner Brown asked if the case has gone through the DDRO.

00:30:12 Molly Clark responded that it received approval.

00:30:17 Commissioner Brown asked if the DDRO acted on the waiver during their review.

00:30:22 Molly Clark stated that Historic Preservation was made aware of the waiver and reviewed the building design. Clark reiterated that the case received approval.

The following spoke in favor of this request:

Cliff Ashburner, 101 South 5th Street, Suite 2500, Louisville, KY 40202

Summary of testimony of those in favor:

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NEW BUSINESS

CASE NO. 22-CAT3-0004

00:31:10 Cliff Ashburner confirmed that the DDRO approved the proposal under case number 22-OVERLAY-0018 on September 28th, 2022. Ashburner explained that the condition of approval concerns the frontage, where the retail space will be. He stated that this area will be activated so as not to showcase billboards or signage, but public art.

00:39:53 Commissioner Carlson stated that there is no requirement for parking in the area. Carlson asked where the residents who live there and the people who work there will park.

00:40:26 Cliff Ashburner responded that 1 to 1 parking will be provided per unit.

00:40:43 Commissioner Carlson clarified that the first floor will be commercial space. Carlson questioned the reason for not having clear windows there.

00:40:58 Cliff Ashburner explained that the glazing requirement applies to 7th and 8th Streets, not Muhammad Ali. Ashburner stated that the waiver is needed to screen the parking lot with building material.

00:41:45 Commissioner Carlson asked if the reason for the glazing requirement is for pedestrians to look inside the building.

00:42:12 Cliff Ashburner agreed. Ashburner stated that the glazing requirement is not designed for this sort of structure. He emphasized that the front of the building will be on Muhammad Ali, while the corners will wrap around 7th and 8th Streets.

The following spoke neither for nor against the request:

Bill Wells, 400 South 8th Street, Apartment 1411, Louisville, KY 40203

Summary of testimony of those neither for nor against:

00:44:24 Bill Wells stated that he knows the area well. Wells said that when he received the public notice 1 week ago, it indicated a degree of violation as he is disabled. He explained that when he came to the office, he was unable to speak with the staff.

00:50:09 Commissioner Carlson advised that he bring it back to the building, rather than make general statements.

00:50:25 Bill Wells responded that the general is to the nature of asking for a waiver and the specific of the design.

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NEW BUSINESS

CASE NO. 22-CAT3-0004

00:50:39 Commissioner Carlson asked if he is against the waiver.

00:50:44 Bill Wells said that he is against the nature of noticing him. Wells stated that out of all the people in his apartment building, he showed up.

00:52:57 Commissioner Carlson explained that their mission is to evaluate the request for a waiver using the criteria. Carlson pointed out that Bill Wells is complaining about the criteria, which is a much larger discussion to be had.

00:53:27 Bill Wells maintained that the notice failed to get to his mailbox, which has not been considered in the design process. Wells stated that citizens have a right to speak.

00:55:32 Commissioner Carlson asked if he has ideas and stated that he would love to hear them.

00:55:38 Bill Wells insisted that the process was not honored as he just received the notice.

00:55:47 Commissioner Carlson stated that this is what the process is, and procedures are. Carlson explained that he will need to contact his Metro Council representative to adopt a new resolution on notice requirements.

00:56:24 Bill Wells stated that he has gone through his current and former Metro Council representative and is being dismissed because he is disabled.

00:56:38 Commissioner Carlson explained that at the beginning of each Metro Council meeting, citizens can make complaints or suggestions for their consideration.

00:56:55 Bill Wells asked if he can read a poem.

00:57:25 Commissioner Carlson said that he does not see how that is pertinent.

00:57:29 Bill Wells responded that the design and gifts inherent to life are the reason we are here. Wells said to look at the audience, who has the access and wealth to both affect and effect the area. He stated that the design should mirror nature and not have so harsh of a front.

Rebuttal

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NEW BUSINESS

CASE NO. 22-CAT3-0004

00:59:01 Cliff Ashburner stated that the purpose of this hearing is to review the waiver request. Ashburner acknowledged that the review is limited and asked the Committee to consider the fact that the DDRO has approved the design.

01:00:30 Commissioner Carlson asked if he agrees to the proposed condition of approval.

01:00:40 Cliff Ashburner clarified that the proposed condition of approval is an additional right-of-way on 7th and 8th Streets. Ashburner agreed.

Deliberation

01:00:56 Commissioner Brown stated that it is not practical for a structure of this size to have windows on all sides. Brown said that he supports both the plan and waiver as it meets all the requirements of the Land Development Code.

01:01:30 Commissioner Carlson agreed.

01:01:32 Commissioner Brown concluded that Bill Wells can make an appeal to the Planning Commission.

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NEW BUSINESS

CASE NO. 22-DDP-0055

Request: A Revised Detailed District Development Plan with
Amendment to Binding Elements
Project Name: Warehouse Expansion
Location: 2700 Chestnut Station Court
Owner: Chestnut Station, LLC
Applicant: Mindel Scott & Associates, Inc.
Jurisdiction: Louisville Metro
Council District: 11 – Kevin Kramer
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. This report was available to any interested party prior to the DRC meeting. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 South 5th Street.)

Agency Testimony:

01:02:17 Molly Clark presented the applicant's proposal for a 130,200 square feet addition to an existing warehouse, along with 8,152 square feet of amenities on the site.

01:04:20 Commissioner Carlson asked if she supports the changes to the binding elements.

01:04:26 Molly Clark explained that the original plan had 2 lots that have since become 1. Clark stated that she removed lot 4 from the binding elements to be more consistent.

The following spoke in favor of this request:

Kent Gootee, 5151 Jefferson Boulevard, Louisville, KY 40219
Greg Oakley, 12451 Plantside Drive, Louisville, KY 40299

Summary of testimony of those in favor:

01:05:33 Kent Gootee stated that there will be 2 access points for both visitors and workers. Gootee said that additional parking will be provided for the workers, whereas visitors can use the gated entrance.

01:09:15 Greg Oakley introduced himself as one of the developers and owners of the building, of which Midea resides. Oakley explained that Midea designs appliances

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NEW BUSINESS

CASE NO. 22-DDP-0055

that can be bought at Lowe's and Walmart, as well as both North and South America. He stated that the next phase of their expansion plan is to hire 300 engineers.

Deliberation

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NEW BUSINESS

CASE NO. 22-DDP-0099

Request:	Revised Detailed District Development Plan
Project Name:	Scooter's Coffee
Location:	10515 Taylorsville Road
Owner/Applicant:	DVSJ Holdings, LLC
Jurisdiction:	City of Jeffersontown
Council District:	20 – Stuart Benson
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. This report was available to any interested party prior to the DRC meeting. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 South 5th Street.)

Agency Testimony:

01:11:26 Clara Schweiger stated that the applicant is proposing a 664 square feet drive-through coffee shop. Schweiger explained that the site will be divided into 2 lots, with the coffee shop on lot 1 and lot 2 being reserved for future development. She asked the Committee to look over the binding elements as she received proposed changes to it.

01:15:46 Commissioner Carlson asked if the applicant is aware of the proposed changes.

01:15:55 Clara Schweiger agreed. Schweiger explained that these are the applicant's proposed changes. She stated that she does not recommend the proposed change to binding element 1, as it is not needed.

01:16:28 Commissioner Brown stated that the previous plan included a pedestrian sidewalk. Brown asked if this plan has the same requirement.

01:16:38 Clara Schweiger said no.

01:16:43 Commissioner Brown questioned her answer, reiterating that it was a condition of approval.

01:16:54 Julia Williams agreed with Clara Schweiger. Williams added that the Committee can make it part of the development plan.

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NEW BUSINESS

CASE NO. 22-DDP-0099

01:17:29 Commissioner Brown stated that out of all the proposed changes to the binding elements, the change in hours is the most reasonable. Brown said that the remaining ones are not needed.

The following spoke in favor of this request:

Alex Rosenberg, 13000 Middletown Industrial Boulevard, Suite A, Louisville, KY 40223
James Stapleton, 2100 Envoy Circle, Jeffersontown, KY 40299

Summary of testimony of those in favor:

01:18:11 Alex Rosenberg explained that Scooter's Coffee is a drive-through coffee shop and does not have a walk-up window. Rosenberg stated that he is open to discussing the proposed changes to the binding elements.

The following spoke neither for nor against the request:

Catherine Lyles, 3718 Candlewood Way, Jeffersontown, KY 40299
Shelbi Frazier, 10607 Taylorsville Road, Louisville, KY, 40299

Summary of testimony of those neither for nor against:

01:21:27 Catherine Lyles asked that the creek near her home not be obstructed and the easement on her corner not be crossed over. She wanted specifications on the sound and visual buffers being provided.

01:23:07 Shelbi Frazier stated that on behalf of the neighborhood, she is requesting a fence and shrubs be provided to divide the development from the neighboring homes. Frazier explained that this will create a barrier between the parking lot and road, as well as children walking to and from the bus stop. She suggested that the fence be made of long-lasting, weather resistant material. Shelbi Frazier made mention of a sign that reads "No Thru Traffic". Frazier asked that it be moved closer to Taylorsville Road as it is hard to see.

01:26:50 Commissioner Carlson advised her to contact the Public Works department about the sign.

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NEW BUSINESS

CASE NO. 22-DDP-0099

Rebuttal

01:27:24 Alex Rosenberg stated that a storm water detention basin is being proposed to mitigate the drainage from the creek. Rosenberg said that he is following the standard requirements for sound buffering and will not ask for a variance or waiver. He explained that when lot 2 is developed, it will require individual approval and mitigating factors, such as landscaping can be discussed then.

01:31:32 Commissioner Carlson reminded him that there is a question about a fence.

01:31:35 Alex Rosenberg responded that there is no fence being proposed.

01:31:39 Commissioner Carlson said that the neighbors are asking him to propose one.

01:31:42 Alex Rosenberg replied that the proposed fence is for lot 2, which is the site of the future development.

01:31:55 Commissioner Brown stated that the original plan required an 8-foot high fence along Candlewood Way, which is now a part of lot 2. Brown explained that when the new development plan comes in, neighbors can ask for mitigating factors then.

01:32:38 Catherine Lyles asked Alex Rosenberg if he could put a fence along her land.

01:32:49 Alex Rosenberg stated that he will have to speak with his client as there is a 25-foot buffer requirement.

01:33:20 James Stapleton introduced himself as a franchisee for Scooter's Coffee. Stapleton stated that he wants to create an aesthetic that appeals to the neighborhood.

01:34:50 Shelbi Frazier asked if she needs to come back when the development plan for lot 2 is proposed.

01:35:17 Commissioner Carlson agreed. Carlson stated that the proposed fence is more pertinent to lot 2.

01:36:33 James Stapleton stated that there is no proposed plan for lot 2. Stapleton explained that when the dilapidated houses are removed, the area will become green space until a development comes in.

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NEW BUSINESS

CASE NO. 22-DDP-0099

Deliberation

01:37:23 Commissioner Brown said that he sees no reason not to recommend approval as it meets the Land Development Code requirements.

01:37:34 Commissioner Carlson agreed.

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NEW BUSINESS

CASE NO. 22-DDP-0117

Request:	Revised Detailed District Development Plan
Project Name:	Zoom Group
Location:	4545 Taylorsville Road
Owner/Applicant:	Zoom Group, Inc.
Jurisdiction:	Louisville Metro
Council District:	11 – Kevin Kramer
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. This report was available to any interested party prior to the DRC meeting. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 South 5th Street.)

Agency Testimony:

01:37:59 Clara Schweiger presented the applicant's proposal to construct a 345 square feet addition to an existing building and provide 6 parking spaces. Schweiger explained that the construction of an elevator is needed to make the second floor more accessible.

01:41:21 Commissioner Brown asked if KYTC has been made aware of and commented on the sign and parking being in the right-of-way.

01:41:29 Beth Stuber stated that KYTC is aware but has not commented.

The following spoke in favor of this request:

Cliff Ashburner, 101 South 5th Street, Suite 2500, Louisville, KY 40202
Matt Wolff, 608 South 3rd Street, Louisville, KY 40202

Summary of testimony of those in favor:

01:43:13 Cliff Ashburner explained that the Zoom Group is an organization whose mission is to provide opportunities for adults with developmental disabilities. Ashburner stated that the addition of the elevator will make the building more ADA compliant. He concluded that the 2 entrances on Taylorsville Road will be made into one, as several clients carpool or ride the bus.

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NEW BUSINESS

CASE NO. 22-DDP-0117

01:50:04 Matt Wolff said that the original plan had 2 parallel parking spaces, one of which was in the right-of-way. Wolff stated that the spaces were limited to 1 and slid back. He clarified that the sign was an existing one.

Deliberation

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NEW BUSINESS

CASE NO. 22-DDP-0117

Request: Revised Detailed District Development Plan with Waivers
Project Name: Speckman Retail Addition
Location: 719 & 721 Speckman Road
Owner/Applicant: Speckman Commercial LLC
Jurisdiction: City of Middletown
Council District: 19 – Anthony Piagentini
Case Manager: Julia Williams, AICP, Planning Manager

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

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Agency Testimony:

01:51:36 Julia Williams stated that the applicant is proposing a 7,834 square feet commercial building. Williams explained that a bank exists on the lot and will remain and be divided into a separate one. She concluded that cross access to the bank will need to be provided.

01:55:58 Commissioner Brown asked if the waiver is in front of 2 parking spaces.

01:56:06 Julia Williams agreed. Williams explained that a buffer is required between the parking and right-of-way.

01:56:34 Commissioner Brown expressed his concern with the waiver for 2 parking spaces. Brown stated that he hopes the applicant can scale back to the bare minimum and eliminate the spaces.

01:57:12 Julia Williams reminded him that Middletown can have more parking.

The following spoke in favor of this request:

Ted Bernstein, 503 Washburn Avenue, Louisville, KY 40222

Summary of testimony of those in favor:

01:58:24 Ted Bernstein stated that shrubs can be planted in the 2 parking spaces.

Deliberation

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02:01:53 Commissioner Brown recommended that the applicant screens the parking lot.

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CASE NO. 22-DDP-0117

ADJOURNMENT

The meeting adjourned at approximately 3:07 p.m.

Chair

Planning Director