

**MINUTES OF THE MEETING
OF THE
DEVELOPMENT REVIEW COMMITTEE
January 18, 2023**

A meeting of the Development Review Committee was held on January 18, 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
Patti Clare, Vice Chair (Virtual)
Bill Fischer (Virtual)
Jeff Brown

Committee Members absent were:

Michelle Pennix

Staff Members present were:

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

The following matters were considered:

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APPROVAL OF MINUTES

JANUARY 4, 2023 DRC MEETING MINUTES

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted:

RESOLVED, that the Development Review Committee does hereby **APPROVE** the Minutes of its meeting conducted on January 4, 2023.

The vote was as follows:

YES: Commissioners Brown and Carlson

ABSENT: Commissioner Pennix

ABSTAIN: Commissioners Fischer and Clare

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NEW BUSINESS

CASE NO. 22-WAIVER-0229

Request:	Waivers to Permit a Changing Image Sign within 300 Feet Buffer and Permit a Changing Image Sign Larger Than Allowed
Project Name:	Changing Image Sign Waivers
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:

00:05:58 Beth Jones explained that the new sign will be placed in the same location as the existing one. Jones stated that the applicant is asking for 30 square feet of the sign area, which is a larger percentage of what is allowed at 24 square feet.

00:11:59 Commissioner Brown said that the distance from the road to the sign is justification for the waivers.

00:12:11 Commissioner Carlson asked if the landscaping near the residential properties belongs to the Temple.

00:12:30 Beth Jones explained that the landscaping belongs to the residential properties. Jones said that the sign is 45 feet from the road.

00:13:20 Commissioner Clare asked what the hours of operation are.

00:13:25 Beth Jones said that the hours of operation will not be limited. Jones reminded her that the sign will be dimmed at night.

Deliberation

00:14:28 Commissioner Brown stated that the location of the sign and screening warrants the waivers.

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00:14:41 Commissioner Clare suggested that the hours of operation of religious institutions be held to the same standards as non-religious ones.

00:15:02 Commissioner Brown said that the auto-dimming will address that. Brown reiterated that the residential properties are behind a landscape buffer and far enough from the sign to where it will not be seen.

00:15:31 Commissioner Clare agreed. Clare explained that in a previous case, the Committee discussed coming up with a consistent plan but failed to do so.

00:16:26 Commissioner Carlson stated that given the set of circumstances, he is comfortable approving the sign for 24-hour use, so long as it is dimmed at night.

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

Waiver #1 to Permit a Changing Image Sign to Be Located Within 300 Feet of a Residential Zone or Residential Use (Land Development Code 8.2.1.D.6)

Waiver #2 to Permit a Changing Image Sign to Exceed the Maximum Percentage of Total Sign Area Allowed in a Neighborhood Form District (Land Development Code 8.2.1.D.4.a)

00:17:42 On a motion by Commissioner Brown, seconded by Commissioner Fischer, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

(Waiver #1) WHEREAS, the Louisville Metro Development Review Committee finds the waiver will not adversely affect 2 adjacent residential property owners in that, although their properties fall within the standard 300 feet buffer, they are shielded by a significant distance and bordered with mature landscaping. It will not adversely affect the multi-family property in that, whole portions of the site are within the buffer area, the building itself is located over 400 feet from the sign; and

WHEREAS, the Louisville Metro Development Review Committee finds 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 with surrounding uses (Community Form 1.2.4) in that though the site is located in a neighborhood form district, the sign is at a significant distance from actual residential uses and closest to a permitted commercial use. Impacts on quality of life (Community Form 16) are minimal in that the residential sites within the buffer area range from approximately 250 to 415

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feet away from the sign. The design of the proposed sign will not lessen the adverse visual intrusion on the residential areas in the vicinity (Community Form 20) as it is converting from a reader board to a changing image sign; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant in that the applicant is requesting a total sign area and height less than would be permitted for the site; and

WHEREAS, the Louisville Metro Development Review Committee finds 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 overall sign area and height are significantly smaller than would otherwise be permitted; and

(Waiver #2) WHEREAS, the Louisville Metro Development Review Committee finds the waiver will adversely affect residential property owners within the buffer area in that the larger changing image portion of the sign will produce more light than standards are designed to permit; and

WHEREAS, the Louisville Metro Development Review Committee finds 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 with surrounding uses (Community Form 1.2.4) in that though the site is located in a neighborhood form district, the sign is at a significant distance from actual residential uses and closest to a permitted commercial use. Impacts on quality of life (Community Form 16) are minimal in that residential sites within the buffer area are at least 250 feet from the sign. The design of the proposed sign will not lessen the adverse visual intrusion on the residential areas in the vicinity (Community Form 20) as it is converting from a reader board to a changing image sign; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant in that the total area of the proposed sign is smaller in area than would be permitted; and

WHEREAS, the Louisville Metro Development Review Committee finds 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 overall sign area and height are significantly smaller than would otherwise be permitted.

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested **(Waiver #1)** to permit a changing image sign to be located within 300 feet of a residential zone or residential use (Land Development Code

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8.2.1.D.6) **AND (Waiver #2)** to permit a changing image sign to exceed the maximum percentage of total sign area allowed in a neighborhood form district (Land Development Code 8.2.1.D.4.a).

The vote was as follows:

YES: Commissioners Brown, Fischer, Clare, and Carlson

ABSENT: Commissioner Pennix

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NEW BUSINESS

CASE NO. 22-AMEND-0010

Request:	Amendment to Binding Elements for Free Standing Signs
Project Name:	Binding Element Amendment
Location:	201 Blankenbaker Parkway
Owner/Applicant:	Blankenbaker Plaza LLC
Jurisdiction:	City of Douglas Hills
Council District:	19 – Anthony Piagentini
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:

00:19:10 Beth Jones presented the applicant's request to amend Binding Element #9, relating to the area and height of free-standing signs. Jones explained that the applicant is asking that the regulation be changed to meet the current Land Development Code requirements.

The following spoke in favor of this request:

Timothy Mayer, 730 West Main Street, Suite 202, Louisville, KY 40202

Summary of testimony of those in favor:

00:25:13 Timothy Mayer stated that he is here on behalf of the applicant and can answer questions concerning the case.

Deliberation

00:26:29 Commissioner Brown explained that Blankenbaker Parkway did not exist when Binding Element #9 was approved. Brown stated that he sees no reason to hold it to a higher standard than what is allowed in the Land Development Code now.

00:26:29 Commissioners Clare and Fischer agreed.

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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Existing Binding Elements with Proposed Changes (Modification of Binding Element #9)

00:26:52 On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds relevant natural resources are being protected according to the approved development plan. This proposal does not alter any natural resources; and

WHEREAS, the Louisville Metro Development Review Committee finds vehicular and pedestrian transportation are not being impacted by this request; and

WHEREAS, the Louisville Metro Development Review Committee finds there are no open space requirements associated with this request; and

WHEREAS, the Louisville Metro Development Review Committee finds adequate drainage facilities are being provided per MSD requirements and the most recent approved development plan; and

WHEREAS, the Louisville Metro Development Review Committee finds the site meets all required setback regulations, and there are no new landscaping requirements triggered as part of this proposal; and

WHEREAS, the Louisville Metro Development Review Committee finds the proposal conforms to the Louisville Metro Comprehensive Plan and Land Development Code. Further approval by the city of Douglas Hills is required. The Louisville Metro sign permitting process must also be completed.

RESOLVED, the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the city of Douglas Hills that the requested modification of Binding Element #9 be **APPROVED**, **SUBJECT** to the following binding elements:

1. Development of the subject property shall only be in accordance with the approved district development plan, land uses and agreed-upon binding elements unless amended pursuant to the Zoning District Regulations. No further development, deviation from the approved plan or amendment of binding elements shall occur without prior approval of the Planning Commission and the city of Douglass Hills. These binding elements are for the benefit of surrounding areas; therefore, any further development or deviation from the approved plan or amendment of these binding elements shall require notification to the Mayor of

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the city of Douglass Hills at least 4 weeks before the Land Development and Transportation Committee meeting at which any such proposal is considered.

2. Prior to development of the OR-3 and C-1 outparcels, a detailed district development plan shall be submitted to the Planning Commission and the city of Douglass Hills for approval. Each plan shall be in adequate detail and may be subject to additional binding elements, which may relate, but not be limited to, the following items:
 - a. screening, buffering, landscaping
 - b. density, floor area, size and height of buildings
 - c. points of access
 - d. land uses
 - e. signs
 - f. loading berths
 - g. parking
 - h. sidewalks
 - i. site design elements relating to alternative transportation modes
 - j. outdoor lighting
 - k. minor subdivision plat approval
 - l. air pollution
 - m. the timing of construction to coincide with the availability of floor protection measures, municipal sewer and water service and adequate fire protection
 - n. dumpsters
3. This development shall be limited to and shall not exceed the following:
 - a. In the C-1 commercial district, 98,925 square feet of gross floor area for retail and 14,000 square feet of gross floor area for restaurant.
 - b. In the OR-3 office/residential district, 83,000 square feet of gross floor area for 2 story general/professional office.
4. There shall be no medical offices or other uses requiring a parking ration greater than 1 space per 400 square feet of floor area permitted in the OR-3 area unless parking can meet the requirement of the proposed use.
5. In the area zoned C-1, the following uses, otherwise permitted as a matter of right in the C-1 zoning district, shall not be permitted: automobile service stations, beer depots, boarding & lodging houses, bowling alleys, car washes, community residences, garage or yard sales, hotels, motels, ice storage houses, and nursing homes.
6. In the area zoned OR-3, the following uses, otherwise permitted as a matter of right in the OR-3 zoning district, shall not be allowed: boarding & lodging houses, fraternities and sororities, and garage or yard sales.
7. The architectural style and design of the C-1 and OR-3 zoned properties shall be Colonial Williamsburg. The Colonial Williamsburg style and design of the main shopping center building on Tract A shall be substantially similar to that shown on the architectural rendering submitted to the Planning Commission at the

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public hearing on October 26, 1994. Before a building permit is issued, the final proposed architectural plan must be re-approved by the Land Development and Transportation Committee and by the city of Douglas Hills for substantial consistency with this binding element and, as to the main shopping center building, with the rendering submitted as noted above.

8. There shall be only 1 point of access from the Blankenbaker Road extension (Road A) to the area zoned OR-3 (outparcels 4 to 6). There shall be no direct access to Historic Main Street from the 2 outparcels abutting Historic Main Street. There shall be no direct access to the Blankenbaker Road extension from the 2 outparcels located at the corner of Shelbyville Road and the Blankenbaker extension.
9. The only permitted freestanding signs for the main shopping center parcel (Tract A) shall be monument style and shall comply with all applicable sign regulations set forth in the Land Development Code. Free standing signs for the remainder of the development shall be monument in style and must be approved by the Planning Commission and the city of Douglass Hills on the detailed district development plans. Any lighting shall be internal (within the sign) with only the letters being illuminated.
10. No outdoor advertising signs (billboards), small freestanding temporary signs, pennants or banners shall be permitted on the site. This does not include signs advertising the sale or lease of the property.
11. Building mounted signs shall be limited to lettering only with no color backdrop to the lettering other than structural elements and the building façade. Only the letters may be illuminated. Except as otherwise limited by these binding elements, signage shall be limited to the size and location requirements of the applicable sign code.
12. There shall be no outdoor display, storage or sale of merchandise including soft drink machines except that seasonal merchandise may be displayed and sold wholly under canopy between the 2 side walls of the proposed Winn Dixie store. No other outdoor display, storage or sale of merchandise may occur anywhere else on any part of the development site. No rides, mini-fairs, chow wagons, tent sales or comparable activities shall be permitted in the parking lots.
13. The perimeter of the parking area shall contain lighting poles and fixtures of the type and design found as of the date of these binding elements at the Woodlawn Center on Hubbards Lane. Light poles shall not exceed the height of the light poles at Woodlawn Center, and lighting shall no exceed 1 foot candle at the property lines adjacent to the residential areas. Lighting shall be directed down and away from residential areas so as to minimize dispersion of light toward residential areas.
14. No loudspeakers shall be used which would allow sound to be heard from the exterior of any part of any building, except that outside speakers shall be permitted at outside menu boards or bank drive-through windows to the extent

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that sound is not audible from an outside speaker beyond the property lines of the lot on which the speaker is located.

15. Roof-top mechanical items (such as HVAC units) on the Winn Dixie building shall be screened from view. Outside disposal/reclamation areas shall be screened from view within structures faced with the same materials as the main shopping center building to a height of the disposal/reclamation container.
16. Sidewalks shall be constructed with each phase of construction or as outparcels are developed. The developer of each respective phase/outparcel shall install sidewalks as shown on the approved general district development plan for the distance of their road frontage and where shown internally. Additional internal sidewalks may be required for the OR-3 and C-1 outparcels as detailed district development plans are approved.
17. Deliveries shall be restricted to between the hours of 7:00 a.m. and 7:00 p.m. There shall be no overnight parking of delivery vehicles, and signs shall be clearly posted to advise of this prohibition which shall be enforced by the owner or tenant.
18. The applicant shall submit a plan for approval by the Planning Commission staff landscape architect showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading and demolition). Adjustments to the tree preservation plan which are requested by the applicant may be approved by the Planning Commission landscape architect, after consultation with the city of Douglass Hills, if the adjustments are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
 - a. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography and other significant site features – LOJIC topographic information is acceptable)
 - b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.)
 - c. Location of all existing trees/tree masses on the site as shown by serial photo or LOJIC maps
 - d. Location of construction fencing for each tree/tree mass designated to be preserved
19. A landscape buffer/tree preservation area shall be provided as shown on the approved detailed district development plan for Tract A. In this area, the developer shall retain as much natural tree growth as feasible which shall be augmented with such additional number of trees as to satisfy the Planning Commission landscape architect, after consultation with the city of Middletown (with respect to the residential property located in the city of Middletown adjoining Tract A) and with the city of Douglass Hills that an effective screen has been imposed. No trees, except dead trees and undesirable undergrowth, shall be removed from this area until a landscaping/screening plan has been submitted to

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and approved by the Planning Commission staff landscape architect, which plan shall take into account the screening characteristics of the existing vegetation, including details as to the trees to be retained and the number, size and species of additional trees to be planted. Construction of a berm may be substituted for the above in the landscaping/screening plan at the direction or the approval of the Planning Commission landscape architect after consultation with the city of Douglass Hills. This landscape buffer shall be perpetually maintained by the developer or its successor title holder free of weeds, trash and other debris and free of any structure, building or any other development including, but not limited to, paving for vehicles, dumpsters, or trash and garbage collection facilities.

20. Right-of-way 130 feet in width shall be provided as shown on the approved general district development plan along the east boundary of the 100 foot wide electric utility easement from Shelbyville Road to Watterson Trail. If requested to do so by the Planning Commission and the city of Douglas Hills following Planning Commission and Douglas Hills consultation with the State Transportation Cabinet which is devising plans for the construction of the new Blankenbaker Parkway extension, the property owner shall set aside, from Shelbyville Road to the C-1 and OR-3 dividing line, a strip 20 to 30 feet wide within the 130-foot right-of-way, as determined by the Planning Commission and County Works Department with input from the city of Douglass Hills and State Transportation Cabinet, and, to the extent possible, this 20 to 30 foot wide strip shall be set aside as a scenic easement, granted in accordance with the provisions of KRS 65.410 to preserve the natural tree growth and provide for a screen and buffer. Past the C-1 and OR-3 dividing line on Blankenbaker Parkway toward Watterson Trail, a strip the same width, also if and as determined as above, shall be set aside as provided above, in which a berm shall be constructed in accordance with plans approved by the Planning Commission and County Works Department.
21. Before a building permit or alteration permit and/or a certificate of occupancy is requested:
 - a. The development plan must be re-approved by the Jefferson County Department of Public Works and Transportation, the Metropolitan Sewer District, and the city of Douglass Hills.
 - 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 equal 40 feet from the center line of Watterson Trail (a copy of the recorded instrument shall be submitted to the Planning Commission).
 - d. The property owners/developers must obtain approval of the Planning Commission staff landscape architect, after consultation with the city of Douglass Hills, of a detailed screening/buffering/landscape plan as described in article 12 of the Development Code (such plan shall be

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- implemented prior to requesting a certificate of occupancy and maintained thereafter).
- e. An access and crossover easement agreement shall be executed and recorded to guarantee shared access as shown on the approved general district development plan (a copy of the recorded information shall be submitted to the Planning Commission legal counsel).
22. If a building permit is not issued by January 1, 2000, the property shall not be used in any manner until an extension is granted by the Planning Commission or until a revised district development plan is approved by the Planning Commission and the city of Douglass Hills.
23. In no event may business operations in any structure or on any of the commercial or office properties be commenced until the earliest to occur of 30 days following the opening of the Blankenbaker extension at Shelbyville Road or January 1, 2000. A certificate of occupancy must be received from the appropriate code enforcement officer prior to the commencement of business operations in any structure. A C.O. need not be obtained for, and commencement of business operations is not deemed to include, building construction, the stocking of shelves or otherwise preparing the interior of a structure for the commencement of business operations. All binding elements must be implemented prior to requesting issuance of a C.O. on the commercial or office properties, unless specifically waived by the Planning Commission and the city of Douglass Hills.
24. If the developer is required by the State Highway Department to do so or to the extent the developer, in accordance with Binding Element #23, commences business operations prior to the opening of the Blankenbaker extension, the developer shall reconstruct Old Main Street at Shelbyville Road and shall keep Old Main Street open right turn in from and right turn out to Shelbyville Road as presently anticipated and as shown on the approved district development plan. The developers may not amend their plans as set forth in the preceding sentence for construction of the Main Street connector road (Road B as shown on the approved district development plan) unless specifically required to do so by the State Highway Department after public comment at an open meeting to which representatives of the city of Douglass Hills and the Middletown Historic Commission were invited with adequate prior notice.
25. The Developer shall construct 2 transit shelters at the direction of TARC at such time as transit service is available and a C.O. has been obtained.

The vote was as follows:

YES: Commissioners Brown, Fischer, Clare, and Carlson
ABSENT: Commissioner Pennix

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NEW BUSINESS

CASE NO. 22-MPLAT-0115

Request:	Record Plat Amendment of Plat Book 41, Page 65
Project Name/Location:	8001 Cane Run Road
Owner/Applicant:	Riverport Holding, LLC
Jurisdiction:	Louisville Metro
Council District:	12 – Rick Blackwell
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:

00:28:28 Clara Schweiger presented the applicant's proposal to create 2 lots from 1.

00:30:31 Commissioner Brown asked if the Riverport Authority is the applicant.

00:30:38 Clara Schweiger clarified that the Riverport Authority is not the applicant and was not notified.

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.

Record Plat Amendment to Create 2 Lots from 1 within the Riverport Section 4 Subdivision in Plat Book 41, Page 65

00:32:01 On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution, based on the Staff Analysis and Standard of Review 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 2 lots from 1 within the Riverport Section 4 Subdivision in Plat Book 41, Page 65.

The vote was as follows:

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YES: Commissioners Brown, Fischer, Clare, and Carlson

ABSENT: Commissioner Pennix

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NEW BUSINESS

CASE NO. 22-AMEND-0008

Request:	An Amendment to Binding Elements
Project Name/Location:	2425 Portland Avenue
Owner/Applicant:	Gemma Properties, LLC
Jurisdiction:	Louisville Metro
Council District:	5 – Donna Purvis
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:

00:33:12 Clara Schweiger presented the applicant's proposal to amend Binding Element #5 to allow for bars, package liquor stores, and saloons. Schweiger said that the building will be used for microbrewing.

00:35:47 Commissioner Brown asked when Binding Element #5 was added.

00:35:54 Clara Schweiger suggested that when the applicant speaks, she can look through the case file for the answer.

00:36:16 Commissioner Brown asked if Portland Now has reviewed the proposal.

00:36:21 Clara Schweiger stated that the applicant reached out to Portland Now. Schweiger explained that even though Portland Now was a part of the original amendment to Binding Element #5, the neighborhood association is in favor of the changes.

00:36:40 Commissioner Brown stated that he is hesitant because he does not know the origin behind Binding Element #5.

00:36:51 Commissioner Clare agreed. Clare asked if the neighborhood association has addressed this.

00:37:21 Clara Schweiger said no. Schweiger stated that in 2017, the amendment allowed for alcohol sales so long as it was in conjunction with a restaurant.

00:37:46 Commissioner Brown asked who added the amendment in.

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00:38:16 Clara Schweiger confirmed that the Planning Commission added the amendment.

The following spoke in favor of this request:

Taylor Diaz, 229 Shawnee Drive, Louisville, KY 40212
Jennifer Griffin, 7613 Ashleywood Drive, Louisville, KY 40241

Summary of testimony of those in favor:

00:39:26 Taylor Diaz introduced himself as one of the members of the microbrewing business. Diaz stated that he spoke with Portland Now and received overwhelming support.

00:40:25 Commissioner Carlson asked if Portland Now issued a letter of support.

00:40:30 Taylor Diaz acknowledged that he was not aware of a need for one, or else he would have asked. He stated that he is confident Portland Now is willing to write one.

00:40:54 Brian Davis asked what the building will be used for.

00:41:04 Taylor Diaz said that the building will be used for manufacturing and marketing. Diaz explained that there is a paved area in the back, which will be used for sampling.

00:43:01 Jennifer Griffin introduced herself as the owner. Griffin said that 70% of the building belongs to a caterer, with the applicant leasing a small portion for brewing.

00:44:34 Commissioner Carlson stated that the amendment to Binding Element #5 applies to the whole building, so if the caterer leaves, there will be no binding element to prevent it from being a bar.

00:45:19 Taylor Diaz clarified that before the catering business, there was a café with a liquor license to serve alcohol in conjunction with food. Diaz explained that the amendment to Binding Element #5 was not just for catering but to serve alcohol on the premises.

00:45:50 Commissioner Fischer asked if this is a start-up.

00:46:04 Taylor Diaz agreed.

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- 00:46:07 Commissioner Fischer asked if he has a background in brewing.
- 00:46:15 Taylor Diaz answered that he is a home brewer.
- 00:46:39 Commissioner Fischer asked what the hours of operation are.
- 00:47:15 Taylor Diaz stated that he and his partners have 9 to 5 jobs and will brew on the weekends, with hours of operation being a few hours on Fridays, 12:00 pm to 8:00 pm on Saturdays, and 2:00 pm to 8:00 pm on Sundays.
- 00:49:38 Commissioner Brown asked if the case can be continued so language can be crafted to fit the hours of operation and use.
- 00:50:13 Commissioner Clare asked that the applicant work with Portland Now to bring back a letter of support.
- 00:51:35 Taylor Diaz said that he has an email from Richard Meadows of Portland Now supporting the proposal.
- 00:51:54 Commissioner Carlson explained that the Committee is open to the proposal, but do not want to create consequences.
- 00:52:23 Commissioner Fischer asked if the Committee can approve the proposal subject to Portland Now providing a letter of support.
- 00:52:51 Julia Williams stated that the Committee cannot force Portland Now to write a letter of support.
- 00:53:31 Commissioner Fischer clarified that he is not proposing to force Portland Now to write a letter of support, but that it will be up to the applicant to receive a response from them.
- 00:53:51 Julia Williams requested to move the case to the back of the docket.
- 00:54:08 Commissioners Carlson, Fischer, and the applicant agreed.
- 00:54:17 Commissioner Carlson reiterated that the Committee is interested in how Portland Now responds and the hours of operation.
- 00:54:38 Commissioner Clare stated that the hours of operation need to work for both the applicant and caterer.

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00:54:49 On a motion by Commissioner Brown, seconded by Commissioner Clare, the Development Review Committee resolved to **TABLE** case number 22-AMEND-0008. Commissioners Brown, Fischer, Clare, and Carlson **APPROVED** the motion with a voice vote.

02:05:21 On a motion by Commissioner Brown, seconded by Commissioner Clare, the Development Review Committee resolved to **UNTABLE** case number 22-AMEND-0008. Commissioners Brown, Fischer, Clare, and Carlson **APPROVED** the motion with a voice vote.

Deliberation

02:05:58 Clara Schweiger explained that Julia Williams spoke with the applicant to revise the language of Binding Element #5 to permit package liquor sales in conjunction with microbrewing. Schweiger listed the hours of operation as Monday through Friday from 3:30 pm to 10:00 pm, Saturday from 10:00 am to 10:00 pm, and Sunday from 1:00 pm and 10:00 pm.

02:06:55 Commissioner Carlson asked how Portland Now responded.

02:06:58 Julia Williams stated that she spoke with Richard Meadows, who is the President of Portland Now. Williams said that he is supportive of the business.

02:08:21 Commissioner Carlson questioned if the applicant agrees with the changes to Binding Element #5.

02:08:38 Taylor Diaz stated that he supports the changes to Binding Element #5.

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

Amendment to Binding Elements

02:08:57 On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

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

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NEW BUSINESS

CASE NO. 22-AMEND-0008

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

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

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

WHEREAS, the Louisville Metro Development Review Committee finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested amendment to binding elements, **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. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) (NOTE: To be used for sites within a historic preservation district) 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. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in chapter 10 prior to

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requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

3. 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.
4. The curb cut and sidewalk along Portland Avenue adjacent to the subject site shall be removed and restored per Public Works standards. Construction plans, bond, and encroachment permit are required prior to construction approval by Public Works.
5. Package liquor sales are permitted on-site only in conjunction with a microbrewery. Taverns, bars and saloons are permitted with the following hours of operation for sales and service: Monday through Friday 3:30 pm to 10:00 pm, Saturday 10:00 am to 10:00 pm and Sunday 1:00 pm to 10:00 pm. Used car sales are not permitted on site.

The vote was as follows:

YES: Commissioners Brown, Fischer, Clare, and Carlson

ABSENT: Commissioner Pennix

DEVELOPMENT REVIEW COMMITTEE
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NEW BUSINESS

CASE NO. 22-DDP-0103

Request:	A Revised Detailed District Development Plan and a Parking Waiver
Project Name/Location:	10421 Taylorsville Road
Owner/Applicant:	Stock Yards Bank & Trust
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:

00:55:39 Clara Schweiger presented the applicant's proposal to add 7 parking spaces to the existing 5, including 1 ADA. Schweiger said that she received additional information from the applicant that justifies the waiver.

00:59:21 Commissioner Brown questioned what she received.

00:59:22 Clara Schweiger said that she received pictures of the parking lot, which the applicant will present.

The following spoke in favor of this request:

Kathy Linares, 5151 Jefferson Boulevard, Louisville, KY 40219

Summary of testimony of those in favor:

00:59:52 Kathy Linares stated that there are 3 staff members who work here, including a manager that comes in once a week. Linares explained that this leaves the ADA parking as a last resort for customers.

01:09:15 Commissioner Brown questioned the decision to not angle the parking lot.

01:10:06 Commissioner Carlson asked if the bank will provide "No Parking" signs.

01:10:24 Kathy Linares said that the signage is not needed, as the addition of 7 parking spaces will solve the issue.

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CASE NO. 22-DDP-0103

Deliberation

01:12:54 Commissioner Brown recommended a condition of approval to angle the parking lot.

01:13:40 Kathy Linares said that the problem with having angled parking is that it can infringe on the landscape buffer and reduce the amount of space.

01:14:03 Commissioner Brown explained that the perpendicular parking is using up more space. Brown said that the angled parking will not infringe on the drive aisle or landscape buffer.

01:14:19 Kathy Linares agreed that she wants more room for maneuvering but does not want to reduce the drive aisle.

01:14:58 Commissioner Fischer acknowledged that he understands where Commissioners Brown and Carlson are coming from.

01:15:36 Commissioner Carlson explained that the angled parking will make it easier for drivers to see when backing out.

01:15:55 Commissioner Fischer agreed. Fischer stated that the proposal is acceptable.

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.

Parking Waiver of Section 9.1.3 of the Jeffersontown Land Development Code

01:16:33 On a motion by Commissioner Brown, seconded by Commissioner Fischer, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds Guideline 7 Policy 10 states that parking requirements should take into account the density and relative proximity of residences to businesses in the market area, the availability and use of alternative modes of transportation, and the character and pattern of the form district. Additional considerations including hours of operation and opportunities for shared parking may be factored on a site by site basis. On-site parking standards should reflect the availability of on street and public parking. There is no on-street parking permitted available near this site and there is not a connection to the adjacent

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business. The single-family residential in the area also does not allow for nearby on-street parking; and

WHEREAS, the Louisville Metro Development Review Committee finds the applicant made a good faith effort to provide as many parking spaces as possible on the site, on other property under the same ownership, or through joint use provisions because they have proposed to provide 7 additional parking spaces that meet all requirements of the Land Development Code without requiring additional waivers or variances; and

WHEREAS, the Louisville Metro Development Review Committee finds the maximum number of parking spaces are currently provided on the site. The applicant provided photos and information that did not illustrate the need for additional parking spaces; and

WHEREAS, the Louisville Metro Development Review Committee finds the parking study provided by the applicant did not illustrate the need for additional parking spaces on the site.

RESOLVED, the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the city of Jeffersontown that the requested parking waiver of section 9.1.3 of the Jeffersontown Land Development Code be **APPROVED**.

The vote was as follows:

YES: Commissioners Brown, Fischer, Clare, and Carlson

ABSENT: Commissioner Pennix

Revised Detailed District Development Plan and Amendment to Binding Elements

01:17:14 On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

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

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

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CASE NO. 22-DDP-0103

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

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

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

WHEREAS, the Louisville Metro Development Review Committee finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

RESOLVED, the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the city of Jeffersontown that the requested revised detailed district development plan be **APPROVED, ON CONDITION** that angled parking is used at the rear of the site to enforce the one-way circulation around the building, **SUBJECT** to the following binding elements:

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes, additions or alterations of any binding element(s) shall be submitted to the Planning Commission and to the city of Jeffersontown for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. There shall be no direct vehicular access to Fairview Avenue. Access to the site shall be made from the new curb-cut as shown on the development plan.
3. All signage on the site shall meet the requirements of the city of Jeffersontown Sign Ordinance.
4. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.
5. There shall be no outdoor storage, display or sales permitted on the site.
6. Outdoor lighting (for parking lot illumination and security) shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90-degree cut off and height of the light standard shall be set so that no light source is visible off-site. Light levels due to lighting on the subject site shall not exceed 0.5 foot candles measured at the property line. The applicant shall obtain certification by a qualified expert in measurement of lighting levels prior to requesting a certificate of occupancy. Such certification shall be maintained on

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site at all times thereafter. Free standing light fixtures shall be bollard style fixtures only, not to exceed 4 feet in height.

7. 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.
8. A Tree Preservation Plan (TPP) shall be approved by Planning Commission staff prior to transmittal to the office responsible for permit issuance. No clearing and/or grading activities may take place until a Tree Preservation Plan has been approved. The owner/developer shall identify and submit for approval by designated DPDS staff, a plan showing the location of the tree preservation areas on site (exclusive of areas dedicated as public right-of-way) prior to beginning any construction procedure (i.e. clearing, grading, demolition). All construction shall be conducted in accordance with the approved Tree Preservation Plan. A partial plan may be submitted to delineate clearing necessary for preliminary site investigation. All Tree Preservation Plans must be prepared in accordance with the standards set forth by DPDS.
9. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a. The development plan must receive full construction approval from the Jeffersontown Department Public Works and the Metropolitan Sewer District (700 West Liberty).
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation Bureau of Highways.
 - c. A minor subdivision plat or legal instrument shall be recorded dedicating additional right-of-way to Taylorsville Road and Fairview Avenue to provide a total of 65/30 feet from the center line. 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 must obtain approval of a detailed plan for screening (buffering/landscaping) as described in article 12 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 plat or legal instrument shall be recorded consolidating the property into 1 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 the receipt of said instrument.

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10. If a building permit is not issued within 2 years of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner other than a drive-through bank unless a revised district development plan is approved or an extension is granted by the Planning Commission and the city of Jeffersontown.
11. 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.
12. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
13. 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. 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.
14. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.
15. The dumpster shall not be emptied between the hours of 10 p.m. and 7 a.m.
16. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the October 2, 2003 Planning Commission meeting.
17. An original stamped copy of the approved Tree Preservation Plan shall be present on site during all clearing, grading, and construction activity and shall be made available to any DPDS Inspector or enforcement officer upon request.
18. All off-street parking areas shall be permanently and continually maintained in good condition and free from potholes, weeds, dirt, trash and other debris.

The vote was as follows:

YES: Commissioners Brown, Fischer, Clare, and Carlson

ABSENT: Commissioner Pennix

DEVELOPMENT REVIEW COMMITTEE
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NEW BUSINESS

CASE NO. 22-DDP-0124

Request:	A Revised Detailed District Development Plan and a Waiver
Project Name:	Speedwash Car Wash
Location:	4124 Shelbyville Road
Owner/Applicant:	Speedwash 4124, LLC
Jurisdiction:	City of St. Matthews
Council District:	9 – Bill Hollander
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:

01:18:37 Clara Schweiger presented the applicant's proposal to construct a drive-through car wash.

01:22:13 Commissioner Clare clarified that the landscape plan will be the same, but the parking lot will be longer.

01:22:26 Clara Schweiger agreed.

The following spoke in favor of this request:

Kathy Linares, 5151 Jefferson Boulevard, Louisville, KY 40219

Summary of testimony of those in favor:

01:22:51 Kathy Linares explained that the applicant is requesting to bring the sign closer to the road, eliminate 2 islands in exchange for vacuum spaces, and move the dumpster back.

01:27:33 Commissioner Carlson asked what determines the number of vacuum spaces a car wash can have.

01:27:41 Kathy Linares acknowledged that she does not know.

01:29:02 Commissioner Fischer questioned the amount of vacuum spaces.

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CASE NO. 22-DDP-0124

01:29:11 Kathy Linares explained that the approved plan has 14 spaces, but the proposal is for 16.

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.

Waiver from Chapter 12 12.E.6 of the St. Matthews Development Code (22-WAIVER-0277)

01:30:29 On a motion by Commissioner Brown, seconded by Commissioner Fischer, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds the waiver will not adversely affect adjacent property owners since the ILAs proposed on the site will exceed the requirement of the Development Code; and

WHEREAS, the Louisville Metro Development Review Committee finds 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; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the ILAs proposed on the site will exceed the requirement of the Development Code; and

WHEREAS, the Louisville Metro Development Review Committee finds while the applicant is seeking a landscape waiver for the ILAs exceeding 120' between ILAs the applicant is exceeding the square footage of ILAs that are required by the Development Code.

RESOLVED, the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the city of St. Matthews that the requested waiver from chapter 12.E.6 of the St. Matthews Development Code (22-WAIVER-0277) be **APPROVED**.

The vote was as follows:

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NEW BUSINESS

CASE NO. 22-DDP-0124

YES: Commissioners Brown, Fischer, Clare, and Carlson

ABSENT: Commissioner Pennix

Revised Detailed District Development Plan and Amendment to Binding Elements

01:31:30 On a motion by Commissioner Brown, seconded by Commissioner Fischer, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

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

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

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

WHEREAS, the Louisville Metro Development Review Committee finds the Metropolitan Sewer District has approved the preliminary development plan; and

WHEREAS, the Louisville Metro Development Review Committee finds the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadway; and

WHEREAS, the Louisville Metro Development Review Committee finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

RESOLVED, the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the city of St. Matthews that the requested revised detailed district development plan be **APPROVED, ON CONDITION** that the variance is approved, **SUBJECT** to the following binding elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Development Code and agreed upon binding element(s) shall be submitted to the Planning Commission or the Planning

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Commission's designee and to the city of St. Matthews for review and approval; any changes/additions/alterations not so referred shall not be valid.

2. No outdoor advertising signs, small free-standing 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, or alteration permit or demolition permit) is requested:
 - 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 article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
5. If a certificate of occupancy (building permit) is not issued within 1 year 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 St. Matthews.
6. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or 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 St. Matthews.
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

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development of the site shall be responsible for compliance with these binding elements.

9. No overnight idling of trucks shall be permitted on-site.
10. The above binding elements may be amended as provided for the Zoning District Regulations upon approval of the city of St. Matthews.

The vote was as follows:

YES: Commissioners Brown, Fischer, Clare, and Carlson

ABSENT: Commissioner Pennix

DEVELOPMENT REVIEW COMMITTEE
January 18, 2023

NEW BUSINESS

CASE NO. 22-DDP-0086

Request:	Revised Detailed District Development Plan with Revisions to Binding Elements and a Waiver
Project Name:	7804 Beulah Church Fitness Center
Location:	7804 Beulah Church Road
Owner/Applicant:	Daniel Friess
Representative:	Land Design and Development
Jurisdiction:	Louisville Metro
Council District:	23 – Jeff Hudson
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:

01:32:34 Jay Lockett presented the applicant's proposal to construct a fitness center. Lockett acknowledged that there is back and forth on the width of a right-of-way.

01:34:30 Commissioner Brown asked if it complies with KYTC requirements.

01:34:37 Beth Stuber stated that it will line up with the neighboring properties.

01:35:24 Commissioner Brown asked who owns the sidewalk.

01:35:31 Jay Lockett explained that the apartment complex owns the sidewalk. Lockett stated that an easement is needed to connect it to the fitness center.

The following spoke in favor of this request:

Derek Triplett, 503 Washburn Avenue, Suite 101, Louisville, KY, 40222
Dan Friess, 31866 Camino Capistrano, San Juan Capistrano, CA, 92675

Summary of testimony of those in favor:

01:36:34 Derek Triplett stated that membership to the fitness center will be offered to people in the residential properties. Triplett explained that the existing curb cut will be relocated, which will cause portions of the sidewalk to be remodeled.

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01:40:22 Commissioner Brown asked what the hours of operation are.

01:40:33 Derek Triplett stated that the fitness center will be open for 24 hours.

01:40:48 Dan Friess explained that the competing properties have amenities, such as fitness centers and swimming pools. Friess acknowledged that he wants to keep up with the competition in the area.

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.

Waiver of Land Development Code Section 5.5.2.B.1.a to Not Provide Vehicular and Pedestrian Connection to the North

01:30:29 On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds the waiver will not adversely affect adjacent property owners the affected properties will maintain their existing access; and

WHEREAS, the Louisville Metro Development Review Committee finds the waiver will not violate specific guidelines of Plan 2040 as safe vehicular and pedestrian circulation have been provided for in and around the site. The waiver would facilitate the redevelopment of a previously developed commercial site in an area with adequate population to support a variety of uses; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. Other aspects of the Land Development Code have been met; and

WHEREAS, the Louisville Metro Development Review Committee finds the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as the adjacent site to the North is a religious institutional use that is unlikely to redevelop for a commercial use in the near future.

RESOLVED, the Louisville Metro Development Review Committee does hereby

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NEW BUSINESS

CASE NO. 22-DDP-0086

APPROVE the requested waiver of Land Development Code section 5.5.2.B.1.a to not provide vehicular and pedestrian connection to the North.

The vote was as follows:

YES: Commissioners Brown, Fischer, Clare, and Carlson

ABSENT: Commissioner Pennix

Revised Detailed District Development Plan with Revisions to Binding Elements

01:42:47 On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

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. 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.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be

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available in the case file on record in the offices of the Louisville Metro Planning Commission.

4. 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.
5. 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.
6. Prior to requesting a certificate of occupancy, an easement in a form acceptable to Planning Commission legal counsel shall be recorded to permit the pedestrian connection to the south as shown on the development plan.

The vote was as follows:

YES: Commissioners Brown, Fischer, Clare, and Carlson

ABSENT: Commissioner Pennix

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NEW BUSINESS

CASE NO. 22-CAT3-0010

Request:	Category 3 Development Plan with a Waiver
Project Name:	Quadrant Zorn Avenue
Location:	1041 Zorn Avenue
Owner/Applicant:	Quadrant Hospitality LLC
Representative:	Mindel Scott and Associates
Jurisdiction:	Louisville Metro
Council District:	9 – Andrew Owen
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:

01:48:49 Jay Lockett presented the applicant's proposal to demolish a hotel and construct a mixed-use development.

01:51:41 Commissioner Carlson asked if the area has flooding.

01:51:48 Jay Lockett said that River Road does, but the development does not.

01:52:09 Commissioner Carlson asked if flooding can block access to the building, making it difficult for cars to enter and exit.

01:52:21 Jay Lockett explained that the existing access is used for the Galen College of Nursing and gas station.

01:52:37 Commissioner Carlson asked if MSD or Tony Kelly have commented on it.

The following spoke in favor of this request:

Tony Kelly, 700 West Liberty Street, Louisville, KY 40203
Emily Hill, 5151 Jefferson Boulevard, Louisville, KY 40219
Steve Scott, 5151 Jefferson Boulevard, Louisville KY 40219

Summary of testimony of those in favor:

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NEW BUSINESS

CASE NO. 22-CAT3-0010

01:53:20 Tony Kelly stated that the lowest floor will be elevated out of the flood plain. Kelly explained that river flooding can be predicted in advance, as opposed to a flash flood scenario.

01:55:10 Emily Hill said that the signage in the main entrance will be moved to the front of the building. Hill stated that the development will have office, restaurant, and retail space.

02:00:23 Commissioner Brown questioned what will happen to the retaining wall that is supporting the sign.

02:00:31 Emily Hill explained that the wall will remain in place.

02:00:39 Commissioner Brown asked if the traffic assessment is complete.

02:00:46 Emily Hill agreed.

02:01:34 Steve Scott explained that some of the parking is in the flood plain, which will be mitigated with MSD.

02:02:01 Commissioner Clare asked if the sidewalk on Zorn Avenue will go South.

02:02:20 Emily Hill disagreed. Hill explained that to the South is the on-ramp to I-71.

Deliberation

02:02:53 Commissioner Brown acknowledged that the owners on River Road have a process in place to protect their properties. Brown elaborated that the flooding is predictable and can mitigate the impact.

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

Waiver of Land Development Code Section 5.5.2.B.1.a to Not Provide Vehicular and Pedestrian Connection to Adjacent Sites

02:03:38 On a motion by Commissioner Brown, seconded by Commissioner Fischer, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

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January 18, 2023

NEW BUSINESS

CASE NO. 22-CAT3-0010

WHEREAS, the Louisville Metro Development Review Committee finds the waiver will not adversely affect adjacent property owners the affected properties will maintain their existing access; and

WHEREAS, the Louisville Metro Development Review Committee finds the waiver will not violate specific guidelines of Plan 2040 as safe vehicular and pedestrian circulation have been provided for in and around the site. The waiver would facilitate the redevelopment of a previously developed commercial site in an area with adequate population to support a variety of uses; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as cross connectivity has been provided for the hotel site adjacent to the site. A pedestrian connection is proposed to the east. Other aspects of the Land Development Code have been met; and

WHEREAS, the Louisville Metro Development Review Committee finds the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as the site is higher in elevation than the adjacent sites fronting on River Road. Grading to provide safe connectivity would be difficult and expensive to provide for some of the adjacent properties.

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested waiver of Land Development Code section 5.5.2.B.1.a to not provide vehicular and pedestrian connection to adjacent sites.

The vote was as follows:

YES: Commissioners Brown, Fischer, Clare, and Carlson

ABSENT: Commissioner Pennix

Category 3 Development Plan

02:04:28 On a motion by Commissioner Brown, seconded by Commissioner Fischer, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested category 3 development plan.

The vote was as follows:

DEVELOPMENT REVIEW COMMITTEE
January 18, 2023

NEW BUSINESS

CASE NO. 22-CAT3-0010

YES: Commissioners Brown, Fischer, Clare, and Carlson

ABSENT: Commissioner Pennix

DEVELOPMENT REVIEW COMMITTEE
January 18, 2023

NEW BUSINESS

CASE NO. 22-DDP-0115

Request:	Revised Detailed District Development Plan with Revisions to Binding Elements and a Waiver
Project Name:	Hosparus
Location:	2900, 2902, 2903, 2904, 2905 Stonehaven Court; 3522, 3524, 3526, 3528, 3532 Ephraim McDowell Drive; 2917 Abigail Drive
Owner/Applicant:	Hosparus, Inc.
Representative:	Land Design and Development
Jurisdiction:	Louisville Metro
Council District:	8 – Cassie Chambers Armstrong
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:

02:10:22 Jay Lockett presented the applicant's proposal to construct a hospital and office space.

02:13:58 Commissioner Brown asked if sidewalks are a part of the proposal.

02:14:08 Jay Lockett stated that the applicant is proposing to bring the sidewalks up to standard.

The following spoke in favor of this request:

Mike Hill, 503 Washburn Avenue, Louisville, KY 40222

Summary of testimony of those in favor:

02:15:33 Mike Hill explained that the existing buildings will be demolished for a grief counseling center and office.

02:23:51 Commissioner Carlson questioned the amount of beds in the hospital.

02:23:58 Mike Hill stated that the in-patient unit will have 20 beds.

DEVELOPMENT REVIEW COMMITTEE
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NEW BUSINESS

CASE NO. 22-DDP-0115

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.

Waiver of Land Development Code Section 10.2.10 to Allow Parking Areas to Encroach into the Required 15-Foot Vehicle Use Area Landscape Buffer Area

02:24:20 On a motion by Commissioner Brown, seconded by Commissioner Fischer, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds the waiver will not adversely affect adjacent property owners as the applicant will still provide all required planting and screening around the subject site; and

WHEREAS, the Louisville Metro Development Review Committee finds the waiver will not violate specific guidelines of Plan 2040 as all required planting and screening will be provided on site; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

WHEREAS, the Louisville Metro Development Review Committee finds the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as the lot is narrow and irregularly shaped with a long road frontage, making it difficult to fit all of the site elements without encroachment. The applicant is providing buffer and open space areas in excess of the minimum width on other areas of the site.

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested waiver of Land Development Code section 10.2.10 to allow parking areas to encroach into the required 15-foot vehicle use area landscape buffer area.

The vote was as follows:

YES: Commissioners Brown, Fischer, Clare, and Carlson

ABSENT: Commissioner Pennix

Revised Detailed District Development Plan with Revisions to Binding Elements

DEVELOPMENT REVIEW COMMITTEE
January 18, 2023

NEW BUSINESS

CASE NO. 22-DDP-0115

02:25:04 On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested revised detailed district development plan with revisions to binding elements, **SUBJECT** to the following binding elements:

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.
3. There shall be no outdoor storage on the site.
4. Outdoor lighting shall be directed down and away from surrounding residential properties.
5. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities are permitted within the protected area.
6. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
7. 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.
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. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.

DEVELOPMENT REVIEW COMMITTEE
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NEW BUSINESS

CASE NO. 22-DDP-0115

10. During construction, following preliminary grading, the developer will meet on site with PDS landscape staff to determine if additional plantings are required to fill gaps in the Expressway LBA Screening and supplement the existing right-of-way vegetation. All screening and vegetation requirements in the Expressway LBA required by (LDC 10.2.7) as in effect on the date hereof, beyond the before mentioned, shall be deferred, as long as the existing right-of-way vegetation provides screening. However, if the existing vegetation is removed from the right-of-way, the required plantings per (LDC 10.2.7) as in effect on the date hereof, shall be provided by the property owner. A revised landscape plan shall be submitted for approval within 6 months of the existing right-of-way vegetation removal with installation of the new approved plantings being completed by the end of the next planting season.

The vote was as follows:

YES: Commissioners Brown, Fischer, Clare, and Carlson

ABSENT: Commissioner Pennix

DEVELOPMENT REVIEW COMMITTEE
January 18, 2023

NEW BUSINESS

CASE NO. 22-WAIVER-0238

Request:	Waiver for an Accessory Structure with Foot Print in Excess of the Principal Structure's
Project Name:	9401 Blue Lick Road
Location:	9401 Blue Lick Road
Owner/Applicant:	Doug Engle
Jurisdiction:	Louisville Metro
Council District:	24 – Madonna Flood
Case Manager:	John Michael Lawler, 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:

02:26:13 John Michael Lawler presented the applicant's proposal to construct a 6,600 square feet structure for personal storage of farm equipment.

02:29:26 Commissioner Brown questioned the height of the structure.

02:29:28 John Michael Lawler acknowledged that he did not know.

The following spoke in favor of this request:

Dean Mulhall, 7317 Moorman River Court, Louisville, KY 40272
Doug Engle, 9401 Blue Lick Road, Louisville, KY 40229

Summary of testimony of those in favor:

02:29:56 Dean Mulhall introduced himself as the contractor. Mulhall stated that the height will be 26 to 27 feet.

02:31:22 Doug Engle acknowledged that he is the owner.

02:32:32 Commissioner Carlson questioned where the equipment is.

02:32:36 Doug Engle confirmed that the farm equipment is in his field. Engle explained that he hangs his equipment over a drop-off to prevent people from stealing.

DEVELOPMENT REVIEW COMMITTEE
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NEW BUSINESS

CASE NO. 22-WAIVER-0238

Deliberation

02:34:36 Commissioner Brown acknowledged the size of the building. Brown pointed out that there are no abutting properties.

02:34:53 Commissioner Clare agreed that the area is isolated.

02:37:39 Commissioner Carlson explained that he will not oppose the proposal. Carlson encouraged the Committee to consider conditions of approval.

02:38:15 Commissioner Clare stated that the applicant needs to understand that there are limitations to what the building can be used for.

02:38:37 Commissioner Brown suggested the requirement of a landscape buffer to screen the frontage along Blue Lick Road.

02:38:44 Commissioner Carlson stated that just because the applicant knows the limitations, does not mean the next person to own the land will.

02:39:04 Commissioner Fischer argued that there are regulations in place to keep this from happening. Fischer asked how close the building is to the road.

02:40:52 Commissioner Brown confirmed that the building is 129 feet from the road.

02:41:10 Commissioner Fischer explained that zoning regulations are in place.

02:42:16 Commissioner Carlson agreed. Carlson explained that a building of that size in a neighborhood can cause problems with the residents.

02:43:16 Commissioner Clare agreed that screening will mitigate the waiver.

02:44:38 Doug Engle questioned the landscape plan.

02:45:23 Commissioner Brown stated that the Land Development Code does not allow this. Brown acknowledged that if the applicant is unwilling to mitigate the waiver with screening, then he will not support the proposal.

02:45:45 Doug Engle agreed to screening.

02:47:27 Julia Williams suggested evergreens to cover the frontage and soften the appearance.

DEVELOPMENT REVIEW COMMITTEE
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NEW BUSINESS

CASE NO. 22-WAIVER-0238

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.

Waiver from Land Development Code Section 5.4.2.C.1 to Allow the Foot Print of a Proposed Accessory Structure to Exceed the Foot Print of the Primary Structure

02:53:48 On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds the waiver will not adversely affect adjacent property owners as the proposed structure will be heavily screened from all sides. It will also exceed the minimum additional setbacks laid out in the code for accessory structures with footprints that are less than 1.5x larger than the footprint of the principal structure; and

WHEREAS, the Louisville Metro Development Review Committee finds 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. The proposed structure is in compliance with Plan 2040 because of the existing buffering from the trees and the enhanced setbacks that will be observed; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant because the building is the minimum size for storing the equipment needed to maintain the subject property and the owner's farm that is nearby; and

WHEREAS, the Louisville Metro Development Review Committee finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant due to their need to secure their farm equipment and vehicles. The subject site is large enough to accommodate the building, and buffering on all sides ensures that adjoining property owners will not be affected by the proposed structure.

RESOLVED, the Louisville Metro Development Review Committee does hereby

DEVELOPMENT REVIEW COMMITTEE
January 18, 2023

NEW BUSINESS

CASE NO. 22-WAIVER-0238

APPROVE the requested waiver from Land Development Code section 5.4.2.C.1 to allow the footprint of a proposed accessory structure to exceed the footprint of the primary structure **ON CONDITION** that the applicant plant 5 Type A evergreen trees on the property to screen the accessory structure from Blue Lick Road, the location shall be determined in consultation with staff and that they shall be installed prior to issuance of certificate of occupancy for the accessory structure.

The vote was as follows:

YES: Commissioners Brown, Fischer, and Clare

ABSENT: Commissioner Pennix

ABSTAIN: Commissioner Carlson

DEVELOPMENT REVIEW COMMITTEE
January 18, 2023

NEW BUSINESS

CASE NO. 22-DDP-0130

Request:	A Revised Detailed District Development Plan and a Waiver
Project Name:	Hampton Inn
Location:	400 Bullitt Lane
Owner/Applicant:	Musselman Hotels, LLC
Jurisdiction:	Louisville Metro
Council District:	7 – Paula McCraney
Case Manager:	John Michael Lawler, 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:

02:56:53 John Michael Lawler presented the applicant's proposal to construct a hotel.

03:00:38 Commissioners Carlson and Brown questioned Binding Element #8.

The following spoke in favor of this request:

John Addington-Bowman, 3001 Taylor Springs Drive, Louisville, KY 40220

Summary of testimony of those in favor:

03:03:18 John Addington-Bowman elaborated that the building will be 5 stories and have 111 rooms.

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.

Waiver from 10.2.4 to Allow Utility Easements to Encroach More Than 50% into the Required Landscape Buffer Area Along the West Property Line (22-WAIVER-0237)

DEVELOPMENT REVIEW COMMITTEE
January 18, 2023

NEW BUSINESS

CASE NO. 22-DDP-0130

03:09:52 On a motion by Commissioner Brown, seconded by Commissioner Fischer, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds the waiver will not adversely affect adjacent property owners since all buffering, screening, and plantings will still be provided along the easement; and

WHEREAS, the Louisville Metro Development Review Committee finds 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. Residential uses that develop adjacent to agricultural land uses may be required to provide screening and buffering to protect both the farmer and homeowners. The plan is in compliance with Plan 2040 because all buffering, screening, and plantings will still be provided along the easement; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since all setbacks, buffering, screening, and plantings will still be provided along the easement; and

WHEREAS, the Louisville Metro Development Review Committee finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant, as the applicant is still providing all setbacks, buffering, screening, and plantings required by the code.

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested waiver from 10.2.4 to allow utility easements to encroach more than 50% into the required landscape buffer area along the West property line (22-WAIVER-0237).

The vote was as follows:

YES: Commissioners Brown, Fischer, Clare, and Carlson
ABSENT: Commissioner Pennix

DEVELOPMENT REVIEW COMMITTEE
January 18, 2023

NEW BUSINESS

CASE NO. 22-DDP-0130

Revised Detailed District Development Plan and Amendment to Binding Elements

03:10:36 On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

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

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

WHEREAS, the Louisville Metro Development Review Committee finds open space requirements for the site will meet Land Development Code requirements; and

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

WHEREAS, the Louisville Metro Development Review Committee finds the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways; and

WHEREAS, the Louisville Metro Development Review Committee finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested revised detailed district development plan, **ON CONDITION** that they will require approval for a variance.

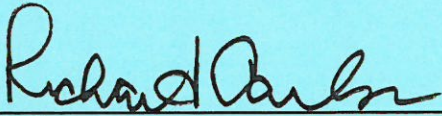
The vote was as follows:

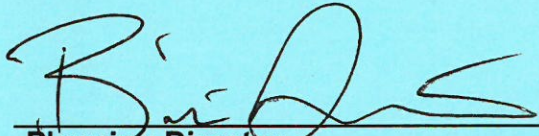
YES: Commissioners Brown, Fischer, Clare, and Carlson
ABSENT: Commissioner Pennix

DEVELOPMENT REVIEW COMMITTEE
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ADJOURNMENT

The meeting adjourned at approximately 4:17 p.m.

 2/1/23
Chair


Planning Director