

**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE MEETING  
JUNE 6, 2018**

A meeting of the Louisville Metro Development Review Committee was held on June 6, 2018 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, KY 40202.

**Commissioners present:**

Rich Carlson, Vice Chair  
Emma Smith  
Jeff Brown

**Commissioners absent:**

David Tomes, Chair

**Staff members present:**

Brian Davis, Planning & Design Manager  
Dante St. Germain, Planner I  
Jay Lockett, Planner I  
John Carroll, Legal Counsel  
Kristen Padron, Management Assistant

The following matters were considered

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**APPROVAL OF MINUTES**

**MAY 23, 2018 DRC MEETING MINUTES**

**00:04:26** On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution was adopted:

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on May 23, 2018.

**The vote was as follows:**

**YES: Brown, Smith, and Carlson**

**NOT PRESENT: Tomes**

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**NEW BUSINESS**

**CASE NUMBER 18WAIVER1016**

Project Name: 7411 St. Andrews Church Road Pole Barn  
Location: 7411 St. Andrews Church Road  
Owner(s): LNB Properties LLC  
Applicant: LNB Properties LLC  
Jurisdiction: Louisville Metro  
Council District: 25 – David Yates  
Case Manager: Dante St. Germain, Planner I

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

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

**Agency Testimony:**

**00:05:15** Dante St. Germain discussed the case summary, standard of review and staff analysis from the staff report.

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

Jeff Ruzanka, 214 Declaration Drive, Louisville, KY 40214

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

**00:10:37** Applicant Jeff Ruzanka stated that the proposed structure is to be used for personal storage only, and there will be no sales or repair operated in the structure. The structure would be constructed 48 ft. from the existing garage. A separate electrical pole would be needed if he wants the proposed structure on a separate electrical bill.

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

No one spoke.

**Deliberation:**

**00:20:55** The Commissioners concur that the proposal is justified.

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

**00:23:20** On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution, based on the Standard of Review and Staff Analysis and testimony heard today, was adopted:

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**CASE NUMBER 18WAIVER1016**

**WHEREAS**, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners as the proposed pole barn will be minimally visible from the right-of-way, and the proposed new trees will help to screen the structure from neighboring properties, and

**WHEREAS**, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020 as Cornerstone 2020 does not address accessory structures except for accessory dwelling units. The proposed pole barn will be used to store vehicles, and not as a dwelling unit, and

**WHEREAS**, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the applicant needs a large structure to store a number of vehicles, and

**WHEREAS**, the Committee further finds that the applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived by proposing new trees to be installed on the property, with some of the trees screening the proposed structure; now, therefore be it

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the waiver from Land Development Code section 5.4.2.C.1 to allow the footprint of an accessory structure to exceed the footprint of the principal structure on a lot, **ON CONDITION** that the proposed new trees shall be installed and maintained, and replaced if the installed material dies. The trees shall be installed no later than the first planting season following issuance of a building permit and prior to occupation of the structure.

**The vote was as follows:**

**YES: Brown, Smith, and Carlson**

**NOT PRESENT: Tomes**

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**NEW BUSINESS**

**CASE NUMBER 18DEVPLAN1039**

Project Name:	Tafel Motors
Location:	4315 N Church Way
Owner(s):	David Peterson Group, LLC.
Applicant:	David Peterson Group, LLC.
Jurisdiction:	St Matthews
Council District:	9 – Bill Hollander
Case Manager:	Jay Luckett, Planner I

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

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

**Agency Testimony:**

**00:24:36** Jay Luckett discussed the case summary, standard of review and staff analysis from the staff report.

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

Bill Bardenwerper, 1000 N Hurstbourne Pkwy., Louisville, KY 40223  
Jon Henney, 101 S 5<sup>th</sup> Street, Suite 1470, Louisville, KY 40202

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

**00:27:02** Bill Bardenwerper summarized the applicant's proposal and showed a presentation. The applicant is proposing a revised district development plan with amendments to binding elements.

**00:36:07** Jon Henney spoke about the site plan and responded to questions from the Commissioners. He and Mr. Bardenwerper discussed binding element 18 with the Commissioners.

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

No one spoke.

**Deliberation:**

**00:46:54** The Commissioners concur that the proposal is justified.

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

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**NEW BUSINESS**

**CASE NUMBER 18DEVPLAN1039**

**00:47:42** On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution, based on the Standard of Review and Staff Analysis and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that there are no apparent natural or historic resources on site. All required screening and buffering will be provided on site, and

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

**WHEREAS**, the Committee further finds that there are no open space requirements associated with this request, and

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

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

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

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the City of St. Matthews that the revised district development plan be **APPROVED, 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 and to the city of St. Matthews for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Use of the subject site shall be limited to an automobile service building and auto sales and other uses permitted in the C-1 district. There shall be no other use of the property unless prior approval is obtained from the Planning Commission/ LD&T Committee. Notice of a request to amend this binding element shall be given in accordance with the Planning

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Commission's policies and procedures. The Planning Commission/LD&T Committee may require a public hearing on the request to amend this binding element.

3. There shall be no freestanding sign permitted on site without prior approval. Monument style signs that meet the size and height limits established in the "Policies for Future Development along Designated Parkways" may be approved by DPDS staff. Signs that exceed those limits are permitted only if approved by LD&T or the Commission. LD&T or the Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations. However, the existing Mercedes-Benz freestanding sign shall not be subject to this Binding Element. Provided, however, all such signs shall be subject to approval by the City of St. Matthews.
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 on the site.
6. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff 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 .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 site at all times thereafter. This Binding Element shall not apply to existing outdoor lighting on the site.
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. The applicant shall identify and submit for approval by designated DPDS staff, a plan showing the location of 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 Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.

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- b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - c. A minor subdivision plat shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Development 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 one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
  - f. The property owner, applicant, or developer shall submit to the Planning Commission and the Natural Resources and Environmental Protection Cabinet written procedures for tire/oil disposal that comply with applicable state and federal regulations. Said procedures shall be submitted prior to requesting a building permit and shall be followed for the duration of the use unless otherwise approved by the Planning Commission.
10. If a building permit is not issued within two years of the date of approval of the plan, 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.
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 and the City of St. Matthews.
12. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system.
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. 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.



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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 7 p.m. and 7 a.m. under City of St. Matthews Code Section 50.04, or as St. Matthews Code may be amended from time to time.
16. All areas containing commercial trash receptacles including dumpsters shall be individually enclosed and screened from public view. Dumpster enclosures shall be of brick (except for doors or gates) with the brick matching the main structure on the premises. All service structures and trash receptacles shall be screened in accordance with Article 12, Section 11 of the Zoning District Regulations, and permanently maintained.
17. The MSD easement in the area of the road closure shall remain, no structures shall be allowed over the easement.
18. A fire lane with a minimum width of twenty (20) feet, legally marked as a fire lane, shall be established and maintained (by the owner of the "Plan Certain" property that is subject to this docket #18DEVPLAN1039, his/its successors and assigns) in the approximate area shown on said Detailed District Development Plan, and extending from the north line of said "Plan Certain" property to Shelbyville Road pursuant to the terms of the Easement Agreement of Record in Deed Book 7766, Page 452, as amended by Deed Book 9545, Page 603. The fire lane shall be kept free of standing or parked vehicles and shall not be used for the loading or unloading of vehicles. The fire lane shall comply with Louisville Metro Chapter 94 Fire Lane Ordinance.
19. The applicant agrees to provide large (Type "A" from the Planting Manual) trees within the existing Atria buffer area along the south side of the proposed building. A minimum of one tree per 30 feet will be provided.
20. The above binding elements may be amended as provided for in the Zoning District Regulations upon approval of the City Council.

**The vote was as follows:**

**YES: Brown, Smith, and Carlson**

**NOT PRESENT: Tomes**

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**NEW BUSINESS**

**CASE NUMBER 18LSCAPE1059**

Project Name: Manor at Floyds Fork  
Meadows at Floyds Fork  
(formerly known as Sutherland Pointe Sections 1 & 2)  
Location: 15905 Aiken Road  
Owner: JSAR, LLC  
Representative: Mindel Scott & Associates  
Jurisdiction: Louisville Metro  
Council District: 19 – Julie Denton  
Case Manager: Brian Davis, AICP, Planning Manager

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

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

**Agency Testimony:**

**00:50:00** Brian Davis discussed the case summary and background from the staff report.

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

Nathan Wright, 5151 Jefferson Blvd., Louisville, KY 40219

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

**00:53:39** Nathan Wright of Mindel Scott & Associates spoke on behalf of the applicant. The project scope includes revised enhanced scenic corridor plantings, a berm, open space plantings, internal seating areas, and signature entrance walls.

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

No one spoke.

**Deliberation:**

**00:56:46** The Commissioners concur that the proposal is justified.

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

**00:57:21** On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution, based on the Staff Report and testimony heard today, was adopted:

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**NEW BUSINESS**

**CASE NUMBER 18LSCAPE1059**

**RESOLVED**, that the Louisville Metro Development Review Committee does hereby **APPROVE** the enhanced landscape plan, per Condition of Approval #16 from case number 16SUBDIV1011.

**The vote was as follows:**

**YES: Brown, Smith, and Carlson**

**NOT PRESENT: Tones**

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ADJOURNMENT

The meeting adjourned at approximately 2:00 p.m.

*Richard Carlson* 6/20/18  
Chairman  
Vice

*[Signature]*  
Division Director