

**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE MEETING  
July 15, 2020**

A meeting of the Development Review Committee was held on, July 15, 2020 at 1:00 p.m. via Cisco Webex Video Teleconferencing.

**Commissioners present:**

Rich Carlson, Chair  
Jim Mims, Vice Chair  
Marilyn Lewis  
Patricia Seitz (arrived at 1:44 p.m.)

**Commissioners absent:**

Jeff Brown

**Staff members present:**

Emily Liu, Director, Planning & Design Services  
Joe Reverman, Assistant Director, Planning & Design Services  
Brian Davis, Planning & Design Manager  
Julia Williams, Planning & Design Supervisor  
Lacey Gabbard, Planner I  
Travis Fiechter, Legal Counsel  
Beth Stuber, Transportation  
Chris Cestaro, Management Assistant (minutes)

The following matters were considered

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**APPROVAL OF MINUTES**

**No minutes to be approved.**

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**NEW BUSINESS**

**CASE NUMBER 20-DDP-0028**

**Request:** \*CASE IS BEING REMOVED FROM THIS DOCKET AND RE-NOTICED\* Revised Detailed District Development Plan with a Sidewalk Waiver

**Project Name:** MG Entertainment

**Location:** 7021 Global Dr

**Owner:** MG Entertainment, LLC

**Applicant:** MG Entertainment, LLC

**Representative:** Land Design and Development

**Jurisdiction:** Louisville Metro

**Council District:** 12 - Rick Blackwell

**Case Manager:** **Jay Luckett, AICP, Planner I**

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

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

**Agency Testimony:**

00:03:38 Jay Luckett said incorrect information on the notices sent for today's hearing required a correction and re-sending of the notices. The case has been re-noticed for the July 29, 2020 DRC meeting (see recording for detailed discussion)

**The following spoke regarding this request:**

No one spoke.

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

00:05:21 On a motion by Commissioner Lewis, seconded by Commissioner Mims, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **DEFER** this case to the July 29, 2020 Development Review Committee meeting.

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**The vote as follows:**

**YES: Commissioners Lewis, Mims, and Carlson.**

**Absent: Commissioners Brown and Seitz.**

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**NEW BUSINESS**

**CASE NUMBER 20-AMEND-0001**

**Request:** Binding Element Amendment  
**Project Name:** Short Term Rental  
**Location:** 4739 S 3rd Street  
**Owner:** Roderick Townsend  
**Applicant:** Roderick Townsend  
**Representative:** Roderick Townsend  
**Jurisdiction:** Louisville Metro  
**Council District:** 21 - Nicole George  
**Case Manager:** **Lacey Gabbard, AICP, Planner I**

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

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

**Agency Testimony:**

00:06:11 Lacey Gabbard presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

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

Roderick Townsend, 4739 South Third Street, Louisville, KY

**Summary of testimony of those in support of the proposal:**

00:09:45 Roderick Townsend, the applicant, presented his case and explained what he wanted to do on the property (see recording for detailed presentation.)

00:10:27 Commissioner Carlson asked if this case would need to go before the Board of Zoning Adjustment (BOZA) for a Conditional Use Permit. There was some discussion to determine whether this case would need to go to BOZA for a Conditional Use Permit (see recording for detailed discussion.)

00:13:48 Commissioner Lewis asked Mr. Townsend if it was his intent to continue to live in the building (use one unit as his residence; rent out the other unit.) Mr. Townsend said it is.

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00:14:32 Julia Williams, Planning & Design Supervisor, said the site is currently zoned OR-2 and would not require a Conditional Use Permit for short-term rental. It is a permitted use for this zoning category.

**The following spoke in opposition:**

No one spoke.

**Commissioner Deliberation:**

00:17:00 Commissioners' deliberation.

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

00:24:28 On a motion by Commissioner Mims, seconded by Commissioner Lewis, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that the removal of Binding Element #3 will not affect any natural resources found on the subject site. The site is already developed, and any living vegetation that was existing before development and could be conserved, has been; and

**WHEREAS**, the Committee further finds that there are no changes to existing vehicular or pedestrian circulation in and around the subject site associated with this request; and

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

**WHEREAS**, the Committee further finds that the Metropolitan Sewer District must approve any revised detailed district development plans that the developer will have to submit in the future to develop this site; and

**WEREAS**, the Committee further finds that the subject site is not being changed or developed as a result of this request. The request is to remove Binding Element #3, which restrict the use of the site, so that the applicant may use the property as a short term rental; and

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

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested removal of existing binding element #3, which read as follows:

3. The only uses permitted on the property shall be:
  - a) offices for no more than two (2) dentists, or
  - b) offices for one (1) accountant, architect or insurance agent, or
  - c) single family residential uses.

**The approved binding elements shall be as follows:**

1. The development will be in accordance with the approved district development plan. No further development will occur.
2. The development shall not exceed 1300 square feet of gross floor area.
3. Before a certificate of occupancy is issued:
  - a) the development plan must be reapproved by the Transportation Engineering, Water Management and Fire Safety Sections of the Jefferson County Public Works and Transportation Cabinet.
  - b) the size and location of any proposed sign must be approved by the Planning Commission. The Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations.
  - c) the property owner must obtain approval of a plan for screening along the northeast property line. Such plan shall be implemented prior to occupancy and maintained thereafter.
  - d) the appropriate variances must be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
4. If a certificate of occupancy is not issued within one 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.
5. A certificate of occupancy must be received from the appropriate code enforcement

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office prior to occupancy of the structure or land for the proposed use. All binding elements must be implemented prior to requesting issuance of the certificate.

6. The above binding elements may be amended as provided for in the Zoning District Regulations.

**The vote as follows:**

**YES: Commissioners Lewis, Mims, and Carlson.**

**Absent: Commissioners Brown and Seitz**

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**NEW BUSINESS**

**CASE NUMBER 20-DDP-0022**

**NOTE: Commissioner Seitz joined the meeting at approximately 1:44 p.m. and voted on this and the remaining cases heard today.**

**Request:** Revised Detailed District Development Plan with Waivers  
**Project Name:** Club K-9  
**Location:** 9316 Taylorsville Rd  
**Owner:** Frank G Otte  
**Applicant:** Cliff Hounds, LLC.  
**Representative:** Land Design and Development  
**Jurisdiction:** City of Jeffersontown  
**Council District:** 11 - Kevin Kramer  
**Case Manager:** Jay Lockett, AICP, Planner I

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

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

**Agency Testimony:**

00:21:39 Jay Lockett presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

00:26:26 Commissioner Carlson asked what would happen if another, more parking-intensive business were built on this site. Mr. Lockett said the parking waiver is specifically for this use. If the use is changed, an applicant would have to come back to the Planning Commission for review.

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

Mike Hill, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222  
Lauren Parker, 2925 Bowman Avenue, Louisville, KY 40205  
Paul Parker, 710 Grant Avenue, Louisville, KY 40222

**Summary of testimony of those in support of the proposal:**

00:28:01 Mike Hill, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

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00:41:50 In response to a question from Commissioner Mims, Mr. Hill said the proposed hours of operation are Monday through Friday from 4:00 p.m. to 10:00 p.m., and Saturdays and Sunday's 11:00 a.m. to 10:00 p.m.

00:42:22 In response to a question from Commissioner Mims, Mr. Hill discussed how the private club concept would work, especially regarding how that would affect parking needs (see recording for detailed discussion.)

00:44:09 Lauren Parker, one of the applicants, explained how the proposed club concept would work. The parking is determined mostly by dog capacity, not so much by human capacity. There is a limit of 50 dogs allowed. The owners of the dogs are required to present proof of immunization, vet records, proof of spaying/neutering, etc.

00:45:46 In response to a question from Commissioner Mims, Mr. Hill said there is no joint parking agreement with Owen's Funeral Home.

00:47:26 In response to a question from Commissioner Carlson, Mr. Hill explained how the proposed fencing would affect access to the existing cell tower and how the tower/facility would be accessed by authorized personnel for repairs, maintenance, etc. Commissioner Carlson asked if the cell tower company had been contacted to see if this access is ok with them – Ms. Parker said they had not. However, she said the landowner said it is very rarely used, and when it would require access, she said they could make an announcement to patrons to leash their dogs and move to the patio area.

00:51:39 Paul Parker, an applicant, said that all access issues to the cell tower site is covered in the applicant's lease with the landowner. The landowner is the one that has an agreement with the cell tower operator, and there is an easement for authorized personnel to get back there.

00:52:51 In response to a question from Commissioner Lewis, Mr. Hill said the majority of the yellow area on the plan (dog play area) will be rubber mulch.

00:54:56 In response to a question from Commissioner Seitz, Mr. Hill clarified which areas of the site were covered or uncovered (see recording.) This is not a kennel, no overnight boarding, etc.

00:56:12 Mr. Hill and Mr. Luckett discussed binding element #5 regarding outdoor music (see recording for detailed discussion.) Mr. Luckett said he was okay with either removing the binding element, or amending the language to make it less restrictive. He said the C-1 zoning category and the Noise Ordinance will control what is permitted as

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far as outdoor entertainment. Mr. Luckett suggested that binding element #5 read as follows:

5. There shall be no outdoor music and/or outdoor entertainment that is audible beyond the property line.

00:58:42 Commissioner Carlson and Mr. Luckett discussed the binding element (see recording.)

**The following spoke in opposition:**

No one spoke.

**Commissioner Deliberation:**

01:00:46 Commissioners' deliberation.

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

**Parking Waiver** to reduce the required parking from 60 to 54.

01:03:01 On a motion by Commissioner Mims, seconded by Commissioner Lewis, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that the waiver is in compliance with the Comprehensive Plan as it allows for the adaptive re-use of an existing commercial site in an existing activity center; and

**WHEREAS**, the Committee further finds that the applicant has made a good faith effort to provide as many parking spaces as possible on the subject site; and

**WHEREAS**, the Committee further finds that the requested waiver is the smallest possible reduction of parking spaces that would accommodate the proposed use; and

**WHEREAS**, the Committee further finds that adjacent or nearby property owners will not be adversely affected; and

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**WHEREAS**, the Committee further finds that the requirements found in Table 9.1.2 do not accurately depict the parking needs of the proposed use, and the requested reduction will accommodate the proposed use. The facility is a private club and can more effectively control traffic and crowds compared to similarly sized public facilities; and

**WHEREAS**, the Committee further finds that there are no on-street or public spaces available to accommodate the demand; now, therefore be it

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested parking waiver to reduce the required parking from 60 to 54.

**The vote as follows:**

**YES: Commissioners Lewis, Mims, Seitz, and Carlson.**

**Absent: Commissioner Brown.**

**Waiver** of Jeffersontown Land Development Code (LDC), section 10.2.4.B to allow more than a 50% overlap between a required Landscape Buffer and a Sewer and Drainage Easement along the rear property line.

01:04:41 On a motion by Commissioner Mims, seconded by Commissioner Lewis, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners as all required planting and screening will still be provided on the subject site; and

**WHEREAS**, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020 as Guideline 3, Policy 21 calls for appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements. Guideline 3, Policy 22 calls for mitigation of impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments. Sufficient screening and planting will be provided around the subject site; and

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**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 all required screening and plantings will be provided; and

**WHEREAS**, the Committee further finds that the strict application would deprive the applicant of the reasonable use of the land, as the easement already exists in the area of required buffer; now, therefore be it

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the City of Jeffersontown that the Waiver of Jeffersontown Land Development Code (LDC), section 10.2.4.B to allow more than a 50% overlap between a required Landscape Buffer and a Sewer and Drainage Easement along the rear property line be **APPROVED**.

**The vote as follows:**

**YES: Commissioners Lewis, Mims, Seitz, and Carlson.**

**Absent: Commissioner Brown.**

**Revised Detailed District Development Plan and binding elements**

01:05:53 On a motion by Commissioner Mims, seconded by Commissioner Lewis, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that there are no significant natural or historic resources on the subject site; and

**WHEREAS** the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation have been provided around and within the proposed development. Transportation Planning has 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 provisions of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community; and

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**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 proposed development plan conforms to the Comprehensive Plan and the Jeffersonville Land Development Code, except where waivers are requested; now, therefore be it

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

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Jeffersontown Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Jeffersontown Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee and to the City of Jeffersontown 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 the City of Jeffersontown, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet for any work in the Taylorsville Rd right-of-way.
  - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior

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

- d. The appropriate conditional use permit shall be obtained from the Jeffersontown Board of Adjustment to allow the development as shown on the approved district development plan.

Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.

4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site. All signs shall be in accordance with Chapter 8 of the Jeffersontown Land Development Code.
5. ~~There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site~~ There shall be no outdoor music and/or outdoor entertainment that is audible beyond the property line.
6. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
7. 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.

**The vote as follows:**

**YES: Commissioners Lewis, Mims, Seitz, and Carlson.**

**Absent: Commissioner Brown.**

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**NEW BUSINESS**

**CASE NUMBER 20-DDP-0001**

**Request:** Revised Detailed District Development Plan  
**Project Name:** Louisville Exchanger and Vessel  
**Location:** 3319 Gilmore Industrial Blvd  
**Owner:** Boldin Enterprise, LLC.  
**Applicant:** Boldin Enterprise, LLC.  
**Representative:** QK4  
**Jurisdiction:** Louisville Metro  
**Council District:** 21 -Nicole George  
**Case Manager:** **Jay Lockett, AICP, Planner I**

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

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

**Agency Testimony:**

01:07:58 Jay Lockett presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

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

Ashley Bartley, Qk4, 1046 Est Chestnut Street, Louisville, KY 40204  
Clint Mattingly, Calhoun Construction, 3307 Gilmore Industrial Boulevard, Louisville, KY 40213

**Summary of testimony of those in support of the proposal:**

01:10:58 Ashley Bartley, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

**The following spoke in opposition:**

No one spoke.

**Commissioner Deliberation:**

01:14:32 Commissioners' deliberation.

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**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.**

**Revised Detailed District Development plan with replacement of existing binding elements.**

01:15:43 On a motion by Commissioner Mims, seconded by Commissioner Seitz, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

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

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

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

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Revised Detailed District Development plan, with the replacement of existing binding elements with the following:

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**All approved General Development Plan Binding Elements are applicable to the subject site in addition to the following:**

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
  
2. 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.
  
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

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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.

**The vote as follows:**

**YES: Commissioners Lewis, Mims, Seitz, and Carlson.**

**Absent: Commissioner Brown.**

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**CASE NUMBER 20-DDP-0019**

**Request:** Revised Detailed District Development Plan with a Waiver  
**Project Name:** Logistics Airpark  
**Location:** 5540 Minor Ln  
**Owner:** Logistics Airpark, LLC.  
**Applicant:** Logistics Airpark, LLC.  
**Representative:** Milestone Design Group  
**Jurisdiction:** Louisville Metro  
**Council District:** 13 - Mark Fox  
**Case Manager:** **Jay Lockett, AICP, Planner I**

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

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

**Agency Testimony:**

01:17:03 Jay Lockett presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

01:20:20 In response to a question from Commissioner Carlson, Mr. Lockett discussed what is different from the waivers being requested today, as opposed to waivers that had previously been granted (see recording for discussion.)

01:22:16 Commissioner Carlson also asked about the parking plan for the restaurant. Mr Lockett discussed parking allowances for restaurants, and said the applicant could discuss in more detail what kind of traffic they are expecting.

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

Jim Calvery, Nicklies Development, 6060 Dutchmans Lane, Louisville, KY 40205  
Mark Madison, Milestone Design Group, 108 Daventry Lane, Louisville, KY 40223

**Summary of testimony of those in support of the proposal:**

01:24:08 Jim Calvery, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

01:27:42 Commissioner Carlson asked if current proposed uses (restaurants) had been factored in to a previous traffic impact study. Mr. Calvery said those projections

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had been factored in (see recording for full discussion.) Mr. Calvery also discussed a property purchased yesterday (Evangel Church) and current and proposed uses on that site.

**The following spoke in opposition:**

No one spoke.

**The following spoke neither for nor against:**

Jasmine Golden (sp), 1010 Reeves Road 40219

**Summary of testimony of those neither for nor against:**

01:31:00 Ms. Jasmine Golden asked about the warehouse - will it have trucks going into and out of the warehouse for distribution? Mr. Calvery said yes. Ms. Golden asked about the hours of operation? Mr. Calvery said the warehouse was more of a daytime operation ("a cross-dock facility".) Mr. Calvery said a berm has been built along Minor Lane to shield neighbors from trucks and noise.

**Commissioner Deliberation:**

01:34:33 Commissioners' deliberation.

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

**Waivers**

1. Waiver of Land Development Code (LDC), table 10.2.2 to omit the 15' property perimeter LBAs for Lot 1 along shared property lines with Lot 6 as shown on the development plan.
2. Waiver of Land Development Code (LDC), section 10.2.6 to not provide plantings along the southern property line of lot 6 where it overlaps with a sanitary sewer easement.

01:36:48 On a motion by Commissioner Lewis, seconded by Commissioner Mims, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

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**(Waiver #1) WHEREAS**, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners as the property lines are internal to the development and adequate landscaping will be provided on all exterior property lines; and

**WHEREAS**, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020 as Guideline 3, Policy 21 calls for appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements. Guideline 3, Policy 22 calls for mitigation of impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments. A sufficient landscape buffer in the form of a 2' berm with 8' screen and deciduous trees having a sufficient width is provided; 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 all required screening and plantings will be provided except for the waiver areas; 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 as sufficient landscape buffer in the form of a 2' berm with 8' screen and deciduous trees having a width of 35' is provided. This has been depicted on the applicant's landscaped exhibit and preserved by binding element in case 18ZONE1049; and

**(Waiver #2) WHEREAS**, the Committee further finds that the waiver will not adversely affect adjacent property owners as the property lines are internal to the development and adequate landscaping will be provided on all exterior property lines; and

**WHEREAS**, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020 as Guideline 3, Policy 21 calls for appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements. Guideline 3, Policy 22 calls for mitigation of impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments. The encroachment in this area does not impact residents or adjacent property owners,

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nor does it create incompatibility with adjacent users as the adjacent property is in expressway which produces greater impacts on the area than the proposed encroachment; 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 all required screening and plantings will be provided except for the waiver areas; and

**WHEREAS**, the Committee further finds that the strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land, as the easement and associated sewer infrastructure are necessary to serve the development; now, therefore be it

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver of Land Development Code (LDC), table 10.2.2 to omit the 15' property perimeter LBAs for Lot 1 along shared property lines with Lot 6 as shown on the development plan (Waiver #1) AND the requested Waiver of Land Development Code (LDC), section 10.2.6 to not provide plantings along the southern property line of lot 6 where it overlaps with a sanitary sewer easement (Waiver #2).

**The vote as follows:**

**YES: Commissioners Lewis, Mims, Seitz, and Carlson.**

**Absent: Commissioner Brown.**

**Revised Detailed District Development Plan for Lot 1**

01:38:12 On a motion by Commissioner Lewis, seconded by Commissioner Mims, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that the conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites will be provided. Natural features have been integrated into the pattern of development. An archaeological amenity will be preserved. Landscaping consisting of a 2' berm with 8' evergreen screen and deciduous trees will also be provided along the frontage; and

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**WHEREAS**, the Committee further finds that the proposal utilizes an existing 4-lane, collector level roadway for its primary means of access and provides cross-connectivity to the North via private drive. Sidewalks are provided along Minor Lane immediately abutting the site and pedestrian connections from these public walks to building entrances are provided. TARC service is not available along the frontage or on Outer Loop. The nearest route is located along Preston Highway. The proposal does not prevent or negatively impact TARC service. All roadway improvements as required by the Traffic Impact study and binding elements of case 18ZONE1049 will be implemented prior to occupancy of the site. An internal roadway providing access to the north attempts to alleviate any future pressure along the residential segments of Minor Lane; and

**WHEREAS**, the Committee further finds that open space and amenity area is provided in the form of an archaeological feature. Additional large ILA areas are provided near parking facilities; and

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

**WHEREAS**, the Committee further finds that the proposal creates a new planned development that may feature a single or mixture of related uses. The plan provides space for future growth. Landscape transitions have been provided along Minor Lane and adjacent to nearby homes. The Minor Lane frontage of the development and those portions that abut single-family residential property will contain landscaping consisting of a 2' berm with 8' evergreen screen and deciduous trees; and

**WHEREAS**, the Committee further finds that the proposed development plan conforms to the Comprehensive Plan as the site is being developed as intended by the Workplace form; now, therefore be it

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Revised Detailed District Development Plan for Lot 1, **SUBJECT** to the following binding elements:

**Binding Elements Applicable to Overall Development**

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

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element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.

2. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements. The façade elevations submitted at this time shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - d. A minor plat shall be approved and recorded creating the lots as shown on the approved development plan.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with

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the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

7. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
8. No deliveries shall be permitted by any commercial use between 10:00 pm and 7:00 am
9. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the development site and the adjoining property owner(s) to the North and recorded prior to development of that site for any non- residential use. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.
10. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between all parcels shown on the approved development. Rights of access shall be retained for the benefit of the public to access the archaeological feature on lot 2. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services. Such agreement shall be recorded prior to construction plan approval.
11. A unified signage plan shall be created that sets consistent standards for the design, appearance and location of signs within the development. This plan shall be submitted for review and approval by Planning Commission Staff prior to issuance of certificate of occupancy.
12. Landscaping shall be provided which is substantially similar to that described on the applicant's landscape exhibit presented at the 2/7/19 public hearing of the Planning Commission.
13. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the 2/7/19 Planning Commission meeting. One tree shall be planted within 15 feet of the building, for each 50 feet of façade length facing public streets or residentially used property. Trees may be clustered but distance between

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trees shall not exceed 100 feet. Tree species shall be selected from the Preferred Plant List that will equal or exceed the height of the adjacent building, at maturity. This shall be in addition to trees required in parking lot interior landscape areas.

14. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.
15. The following roadway improvement shall be made prior to the occupancy of the subject site: Outer Loop Road at Minor Lane
  - A. Remove the existing raised median on the west leg of the intersection to provide dual left turns from Outer loop Road to Minor Lane.
  - B. Add an additional southbound lane on the north leg of the intersection to provide 1 right turn lane, 1 shared through-left turn lane and 1 exclusive left turn lane. Widening on this leg will require significant shoulder widening to provide positive off-tracking for heavy making a right turn from Minor Lane to Outer Loop Road.
  - C. Widen the northbound approach of Briarcliff Road north of the Old Outer Loop Road to provide full pavement width for two lanes. Reconfigure the northbound lanes to provide 1 exclusive left turn lane and 1 shared through right turn lane.
  - D. Provide a westbound right turn lane on Outer Loop Road to Minor Lane.

Minor Lane Extension at Development Drive

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

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

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

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Auction sales, outdoor

Fairgrounds

Flea market

Railroad freight terminal and yards

River terminals

Outdoor storage of materials and equipment

Waterfront shipping

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

Aluminum extrusion

Animal pound

Coal and coke, storage and sales

Foundry products (electrical only)

Hosiery mill

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

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

Poultry or rabbit, packaging or slaughtering (wholesale)

Tire treading and vulcanizing shop

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

**The vote as follows:**

**YES: Commissioners Lewis, Mims, Seitz, and Carlson.**

**Absent: Commissioner Brown.**

**Detailed District Development Plan with Binding Elements for Lot 6.**

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01:39:04 On a motion by Commissioner Lewis, seconded by Commissioner Mims, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Development Review Committee finds that the conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites will be provided. Natural features have been integrated into the pattern of development. An archaeological amenity will be preserved. Landscaping consisting of a 2' berm with 8' evergreen screen and deciduous trees will also be provided along the frontage; and

**WHEREAS**, the Committee further finds that the proposal utilizes an existing 4-lane, collector level roadway for its primary means of access and provides cross-connectivity to the North via private drive. Sidewalks are provided along Minor Lane immediately abutting the site and pedestrian connections from these public walks to building entrances are provided. TARC service is not available along the frontage or on Outer Loop. The nearest route is located along Preston Highway. The proposal does not prevent or negatively impact TARC service. All roadway improvements as required by the Traffic Impact study and binding elements of case 18ZONE1049 will be implemented prior to occupancy of the site. An internal roadway providing access to the north attempts to alleviate any future pressure along the residential segments of Minor Lane; and

**WHEREAS**, the Committee further finds that open space and amenity area is provided in the form of an archaeological feature. Additional large ILA areas are provided near parking facilities; and

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

**WHEREAS**, the Committee further finds that the proposal creates a new planned development that may feature a single or mixture of related uses. The plan provides space for future growth. Landscape transitions have been provided along Minor Lane and adjacent to nearby homes. The Minor Lane frontage of the development and those portions that abut single-family residential property will contain landscaping consisting of a 2' berm with 8' evergreen screen and deciduous trees; now therefore be it

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**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Detailed District Development Plan with Binding Elements for Lot 6, **SUBJECT** to the following Binding Elements for Lot 6:

**Detailed Plan Binding Elements for Lot 6**

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. A minor subdivision plat shall be recorded to create the lot lines as shown on the plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
  - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
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.

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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.

**The vote as follows:**

**YES: Commissioners Lewis, Mims, Seitz, and Carlson.**

**Absent: Commissioner Brown.**

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**ADJOURNMENT**

The meeting adjourned at approximately 2:40 p.m.

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Chairman

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Division Director