

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE MEETING
October 6, 2021**

A meeting of the Louisville Metro Development Review Committee was held on Wednesday, October 6, 2021 at 1:00 p.m. via Cisco Webex Video Teleconferencing.

Commissioners present:

Rich Carlson, Chair
Jim Mims, Vice Chair
Jeff Brown
Patti Clare
Pat Seitz

Commissioners absent:

No one.

Staff members present:

Joe Reverman, Assistant Director, Planning & Design Services
Julia Williams, Planning Supervisor
Brian Davis, Planning Manager
Joe Haberman, Planning Manager
Beth Jones, Planner II
Joel Dock, Planning Coordinator
Jay Lockett, Planner I
Travis Fiechter Legal Counsel
Madison Thomas, Management Assistant (minutes)

Other staff present:

Beth Stuber, Transportation Planning Supervisor
Tony Kelly, MSD

The following matters were considered

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APPROVAL OF MINUTES

Minutes of the September 15, 2021 Development Review Committee meeting.

00:04:22 On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution was adopted:

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on September 15, 2021.

The vote was as follows:

YES: Commissioners Brown, Clare, and Carlson.

NO: No one.

ABSENT: No one.

ABSTAIN: Commissioners Seitz and Mims.

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OLD BUSINESS

CASE NUMBER 21-WAIVER-0095

Request: Changing Image Sign Waiver (Continued from the 9/15 DRC Meeting)
Project Name: Changing Image Sign Waiver
Location: 1960 Bardstown Road
Owner: St. Francis of Assisi
Applicant: Smart LED Signs & Lighting
Representative: Karla Hill
Jurisdiction: Louisville Metro
Council District: 8 – Cassie Chambers Armstrong
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. 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:

00:10:30 Beth Jones explained the history of similar cases and that most of them had conditions of approval.

Commissioner Brown asked if the Overlay didn't allow more than one change per hour. Joe Reverman said that was correct.

Commissioner Mims asked if the one hour turn rate was a Bardstown Road Overlay District requirement. Joe Reverman said that was what the Overlay regulations require.

00:17:40 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.

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

WHEREAS, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant in that the applicant is requesting less changing image sign area than could normally be permitted.

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OLD BUSINESS

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WHEREAS, the applicant proposes to plant a tree to shield some of the adjacent residential properties from direct view of the sign, although the exact placement is not clear and it would not block light trespass emitted by the sign. Strict application of the regulation would not create an unnecessary hardship as the sign already in place includes a letterboard currently used to convey the type of messages intended for the requested changing image sign.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the waiver for case 21-WAIVER-0095 to permit a changing image sign to be located within 300 feet of a residential zone or residential use on the condition that the sign is off from dusk to dawn and the applicant provide the five Japanese Plum Yew shrubs as presented at both the October 6 and September 15 Development Review Committee meetings, based on the staff report and testimony heard today and at the other two public meetings.

The vote was as follows:

YES: Commissioners Brown, Clare, Seitz, Mims and Carlson.

NO: No one.

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OLD BUSINESS

CASE NUMBER 21-DDP-0048

Request: Revised Detailed District Development Plan with Replacement of Binding Elements (Continued from the 9/15 DRC Meeting)

Project Name: Greyhound Bus Station

Location: 4826 Preston Highway

Owner: Frank and Victoria Serapiglia

Applicant: Frank and Victoria Serapiglia

Representative: BTM Engineering

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:

00:21:15 Jay Lockett explained that there were no changes to the plan being proposed but the applicant has proposed new bus routing to prevent busses from using narrow road paths or making uncontrolled turns. He had an interested party comment from a resident concerned with the uncontrolled turns and if the facility would be staffed.

Commissioner Carlson asked if they could use signs to prevent busses from making certain turns. Commissioner Brown said that was something they could have the applicant do. There was conversation about enforcing regulatory signs.

The following spoke in support of the proposal:

Chris Brown, 3001 Taylor Springs Drive, Louisville, KY 40220

Bill Sliger, 350 N. Saint Paul Street, Dallas, TX 75201

Ed Weatherford, 350 N Saint Paul Street, Dallas, TX 75201

Summary of testimony of those in support:

00:25:35 Chris Brown, the applicant's representative, discussed the development plan, the bus routing, and the amended bus turning routes in more detail (see video for detailed presentation).

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Commissioner Clare asked if personal vehicles dropping off could use those neighborhood roads. Commissioner Brown said those roads were less than 18 feet and he was hesitant about having an increase in traffic intensity. Commissioner Clare asked if the signage would specify no turns onto Meadow. Chris Brown said the signage would restrict that turn.

The following spoke as neutral:

Rachel Roarx, Metro Council District 21, 601 W Jefferson Street, Louisville, KY 40202

Summary of testimony as those neutral:

00:33:21 Rachel Roarx asked what is meant by 25 trips per day. Chris Brown explained that they had 25 coaches per day, this information was used to designate parking requirements for the site. Ms. Roarx asked what will be used to prevent extended parking at the location. Bill Sliger answered they don't allow long term parking and they have towing enforcement signs to prevent that and the intention is short term parking. Ms. Roarx asked how staffing would work. Ed Weatherford explained the staffing in detail. Ms. Roarx asked about the hours of operation. Mr. Weatherford said the site could operate 24 hours a day, but each Greyhound Station is tailored to the specific site. Ms. Roarx asked for all considerations to address neighbor's concerns, such as signage and towing enforcement, be considered. Mr. Weatherford went into more detail on special precautions they take to ensure safety.

Jay Lockett presented a proposed Binding Element for signage, "Prior to requesting a certificate of occupancy, the applicant shall install regulatory signage to prevent turns westbound onto Meadow Avenue or northbound onto Preston Highway."

00:46:40 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.

On a motion by Commissioner Mims, seconded by Commissioner Clare, the following resolution was adopted:

WHEREAS, there do not appear to be any environmental constraints or historic resources on the subject site.

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WHEREAS, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Transportation Planning Staff has approved the preliminary development plan.

WHEREAS, there are no open space requirements pertinent to the current proposal.

WHEREAS, 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.

WHEREAS, the overall site design and land uses are compatible with the existing and future development of the area. Buildings and parking lots will meet all required setbacks.

WHEREAS, the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

Proposed Binding Elements:

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

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- a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet for any work in the State 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 to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
 6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
 7. No idling of trucks or buses shall take place within 200 feet of residences. No overnight idling of trucks or buses shall be permitted on-site.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Revised Detailed District Development Plan for case 21-DDP-0048 at 4826 Preston Highway and to replace the existing Binding Elements found in the staff report with the Proposed Binding Elements found on page eight of the staff report and to include the addition of the proposed Binding Element read into the record in regard to the signage prohibiting bus turns northbound onto Preston Highway redirecting busses eastbound, and to include a condition of approval to look at the driveway geometry that discourages any right turns onto Meadow Avenue, based on the staff report and testimony heard today and at previous meetings.

The vote was as follows:

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YES: Commissioners Clare, Seitz, Mims and Carlson.

ABSTAIN: Commissioner Brown.

NO: No one.

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OLD BUSINESS

CASE NUMBER 21-DDP-0035

Request: Revised Detailed District Development Plan (Continued from the 9/01 DRC Meeting)
Project Name: Jeff Wyler Dixie Honda
Location: 5244 Dixie Highway
Owner: DWSB LOUISVILLE LLC
Applicant: Bardenwarper, Talbott and Roberts
Representative: Bardenwarper, Talbott and Roberts
Jurisdiction: Louisville Metro
Council District: 12 – Rick Blackwell
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:

00:52:15 Jay Lockett presented the revised plan. He explained it was submitted too late to get formal comments or to change the staff report (see video for detailed presentation). Staff is not ready to say if the plan should be approved at this time.

There was discussion on the gate and fencing.

The following spoke in support of the proposal:

Paul Whitty, 1000 N Hurstbourne Parkway, Louisville, KY 40223

Summary of testimony of those in support:

00:58:30 Paul Whitty, the applicant's representative, discussed the development plan and site in detail (see video for detailed presentation).

There was discussion about the plan needing formal review. Commissioner Clare asked that they review the language around the easement.

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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OLD BUSINESS

CASE NUMBER 21-DDP-0035

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

RESOLVED, that the Louisville Metro Development Review Committee does hereby **CONTINUE** case number 21-DDP-0035 to the November 3, 2021 Development Review Committee meeting.

The vote was as follows:

YES: Commissioners Brown, Clare, Seitz, Mims and Carlson.

NO: No one.

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NEW BUSINESS

CASE NUMBER 21-EXTENSION-0015

Request: Extension of Expiration Date for a Revised Detailed District Development Plan, Second Request
Project Name: Blankenbaker Station II, Lot 10
Location: 12620 Plantside Drive
Owner: VKH Venture, LLC
Applicant: VKH Venture, LLC
Representative: Hollenbach Oakley
Jurisdiction: Louisville Metro
Council District: 20 – Stuart Benson
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:

01:14:20 Jay Lockett explained the applicant previously received a two-year extension approved by staff in 2019 and the current request is to extend the expiration date to October 26, 2023.

01:15:06 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.

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

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the extension to make the expiration date October 26, 2023 for case number 21-EXTENSION-0015.

The vote was as follows:

YES: Commissioners Brown, Clare, Seitz, Mims and Carlson.
NO: No one.

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NEW BUSINESS

CASE NUMBER 21-DDP-0075

| | |
|----------------------|--|
| Request: | Revised Detailed District Development Plan |
| Project Name: | Kentucky Back and Neck Institute |
| Location: | 1601 Preston Street |
| Owner: | Jupiter Management, LLC |
| Applicant: | Jupiter Management, LLC |
| Representative: | Land Design and Development |
| Jurisdiction: | Louisville Metro |
| Council District: | 4 – Jecorey Arthur |
| 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:

01:17:10 Jay Luckett presented the case and showed a PowerPoint presentation (see staff report and recording for detailed presentation.)

Commissioner Brown asked if they met the threshold to require the pedestrian connection to the public sidewalk. Jay Luckett answered no. There was discussion about the property line.

Commissioner Clare asked about the proposed four-foot walk on the plan. Jay Luckett said it was to make the parking spaces more accessible.

In response to Commissioner Mims' question about the alley, Jay Luckett discussed the parking lot in detail.

The following spoke in support of the proposal:

Derek Triplett, 503 Washburn Ave, Louisville, KY 40222

Fred Reese, 435 High Field Road, Louisville, KY 40207

Summary of testimony of those in support:

01:25:40 Derek Triplett, the applicant's representative, went into more detail on the development plan and building elevations (see video for detailed presentation).

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Commissioner Clare asked if they anticipated most of the patrons would drive to the facility. Derek Triplett said they did believe that most would use vehicle transportation and they didn't anticipate many would walk to the location.

Commissioner Brown asked about clarification of signs in the Right-of-Way. Derek Triplett said they are not proposing any new signage but there is an existing sign. Jay Luckett said Binding Element three was incorrect and they could strike that portion. There was more discussion on the Binding Element.

Commissioner Brown asked about the hours of operation. Derek Triplett said it would be typical office hours, 8 AM to 5 PM, and the gate would be accessible during those hours. Commissioner Brown explained they would need a Binding Element for that.

In response to Commissioner Brown's question about the existing sign, Derek Triplett said they could apply for a license agreement through KYTC and if not approved, they would have to remove it.

The following spoke in neutral:

Jeanette Cox, 517 Burner Court, Louisville, KY 40217

Testimony of those in neutral:

01:41:00 Jeanette Cox asked what type of pain management there would be at the facility. Fred Reese said the pain management would be more injections like cortisone, not necessarily narcotics, it would also have a physical therapy level.

01:43:19 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.

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

WHEREAS, there do not appear to be any environmental constraints or historic resources on the subject site.

WHEREAS, 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 has approved the preliminary development plan.

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WHEREAS, there are no open space requirements pertinent to the current proposal.

WHEREAS, 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.

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

WHEREAS, the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

Existing Binding Elements to be Replaced:

1. The development will be in accordance with the approved district development plan. No further development will occur without prior approval from the Planning Commission.
2. There will be no vehicular access to Preston Street.
3. The development shall not exceed 4,420 square feet of gross floor area.
4. Before a building permit is requested:
 - a) The development plan must be reapproved by the City of Louisville Department of Inspections, Permits and Licenses and the Metropolitan Sewer District.
 - 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/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12. Such plan shall be implemented. prior to requesting a certificate of occupancy and maintained thereafter.
 - d) A minor plat or legal instrument shall be recorded consolidating the subject property. A copy of the recorded instrument shall be submitted to the Planning Commission.
 - e) All necessary recording fees shall be paid.

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CASE NUMBER 21-DDP-0075

5. No outdoor advertising signs (billboards) and no small freestanding (temporary) signs will be permitted on the site.

6. Proposed plantings adjacent to alley shall be moved out of sight distance triangle.

7. If a building permit 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.

8. A certificate of occupancy must be received from the appropriate code enforcement 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.

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

Proposed Binding Elements:

Applicable only to portion of the site Plan Certain under 9-21-89

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) 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. A shared parking and reciprocal access and crossover easement agreement in a form acceptable to Planning Commission legal counsel shall be secured from the adjoining property-owner and recorded prior to construction approval. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.

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d. A minor subdivision plat or legal instrument 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 Design Services prior to obtaining a building permit.

3. Signs shall be in accordance with Chapter 8. Any portion of the existing sign in the right-of-way must be relocated onto the subject site unless the Kentucky Transportation Cabinet agrees to a license agreement for the sign to remain.
4. 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.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Revised Detailed District Development Plan for case number 21-DDP-0075 at 1601 South Preston Street and the replacement of the Binding Elements on pages six and seven of the staff report, with the revision to Binding Element number three to end that Binding Element with prior to certificate of occupancy they shall either remove the sign or obtain the KYTC licensing agreement to keep it and to add Binding Element number five that the gate access for the South Preston Street shall remain open during the medical office business hours, based on the staff report and testimony heard today.

The vote was as follows:

YES: Commissioners Brown, Clare, Seitz, Mims and Carlson.

NO: No one.

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NEW BUSINESS

CASE NUMBER 21-CAT3-0008

Request: Category 3 Development Plan with Review of Outdoor
Amenity Area Design
Project Name: 5013 Campground Road
Location: 5013 Campground Road
Owner: Deborah Faust
Applicant: Poe Companies, LLC
Representative: Land Design and Development
Jurisdiction: Louisville Metro
Council District: 1 – Jessica Green
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:

01:47:05 Jay Lockett presented the case and showed a PowerPoint presentation (see staff report and recording for detailed presentation).

The following spoke in support of the proposal:

Ann Richard, 503 Washburn Ave, Louisville, KY 40222

Summary of testimony of those in support:

01:50:15 Ann Richard, the applicant's representative, went into more detail on the site and the development plan (see video for detailed presentation).

There was discussion about pedestrian connections.

The following spoke in opposition:

Dennis Williams, 4425 Charlotte Ann Drive, Louisville, KY 40216

Earl Hartlage, 4201 Bramers Lane, Louisville, KY 40216

Testimony of those in opposition:

01:59:57 Dennis Williams asked what type of materials would be stored in this warehouse. He has concerns about the gas lines and the high voltage electric lines. He asked if the fire department reviewed the plans. Ann Richard said the fire department is

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satisfied with the plans. Ms. Richard said the crossing would be modified for the development for access and that they are aware of the easements and will have to work with the service utility companies to review the plans for construction. Ms. Richard added there will be full fire service to the site.

Earl Hartlage voiced concern about the drainage issues in the area. Tony Kelly, MSD, addressed the drainage issues and explained how the drainage would work. There was further discussion on the drainage.

02:14:30 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.

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

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the outdoor amenity area and the category three development plan for case number 21-CAT3-0008 on the condition an ADA compliant pedestrian path is provided from the building entrances to the amenity areas on buildings three and four, based on the staff report and testimony heard today.

The vote was as follows:

YES: Commissioners Brown, Clare, Seitz, Mims and Carlson.

NO: No one.

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NEW BUSINESS

CASE NUMBER 21-DDP-0073

Request: Revised Detailed District Development Plan with waiver and Binding Elements
Project Name: 4819 Poplar Level Road
Location: 4819 Poplar Level Road
Owner: M&C Rentals
Applicant: Weber Group
Representative: Land Design & Development, Inc.
Jurisdiction: Louisville Metro
Council District: 10 – Pat Mulvihill
Case Manager: Joel P. Dock, AICP, Planning Coordinator

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

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

Agency Testimony:

02:19:25 Joel Dock presented the case and showed a PowerPoint presentation (see staff report and recording for detailed presentation.)

Commissioner Mims asked if the elevations met the architectural requirements. Joel Dock responded they do.

Commissioner Carlson asked if there was anything residential on adjoining properties in the R-4 district. Joel Dock said no, and the residences were a distance from the site. There were no neighbors to be disruptive of.

The following spoke in support of the proposal:

Ted Bernstein, 503 Washburn Ave, Louisville, KY 40222

Summary of testimony of those in support:

02:26:30 Ted Bernstein, the applicant's representative, went into more detail on the site (see recording for detailed presentation.)

02:31:50 Commissioners' deliberation.

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NEW BUSINESS

CASE NUMBER 21-DDP-0073

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.

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

WHEREAS, the waiver will not adversely affect adjacent property owners as the adjacent land is vacant and located within the Suburban Marketplace Corridor which calls for commercial redevelopment along the corridor.

WHEREAS, the waiver will not violate specific policies of Plan 2040 as buffers are to be used to mitigate incompatible uses and the adjacent land is vacant and intended for commercial use.

WHEREAS, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the applicant has appropriately requested the waiver and all required tree canopy will be provided.

WHEREAS, the strict application of the regulation would deprive the applicant of the reasonable use of the land as the site is a narrow lot and the requested waiver allows for the applicant's proposal.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the waiver for case number 21-DDP-0073 from Land Development Code section 10.2.4.A to waive the 35-foot landscape buffer area including screening and planting requirements along the northwestern boundary, based on the staff report and testimony heard today,

The vote was as follows:

YES: Commissioners Brown, Clare, Seitz, Mims and Carlson.

NO: No one.

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

WHEREAS, the proposed development does not appear to impact natural resources and tree canopy preservation will be provided for an existing tree mass at the rear of the property.

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CASE NUMBER 21-DDP-0073

WHEREAS, provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community has been provided. Sidewalk connections and public sidewalks will be provisioned.

WHEREAS, provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development will be provided through tree canopy.

WHEREAS, 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.

WHEREAS, the overall site design and land uses are compatible with prior approvals and future development of the corridor.

WHEREAS, the development plan conforms to the comprehensive plan and land development code, except where relief has been appropriately requested and justified.

Existing Binding Elements:

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

DEVELOPMENT REVIEW COMMITTEE MINUTES
October 6, 2021

NEW BUSINESS

CASE NUMBER 21-DDP-0073

- 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 for any work within the state 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 to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter
- d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.

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. No overnight idling or idling of trucks while loading or unloading equipment shall be permitted on-site.

7. Elevations in compliance with applicable sections of the LDC shall be submitted to Planning and Design Services staff for review and approval prior to final transmittal of the plan.

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Revised Detailed District Development Plan for case number 21-DDP-0073 with existing Binding Elements on page six of the staff report, based on the staff report and the testimony heard today.

The vote was as follows:

YES: Commissioners Brown, Clare, Seitz, Mims and Carlson.

NO: No one.

DEVELOPMENT REVIEW COMMITTEE MINUTES
October 6, 2021

NEW BUSINESS

CASE NUMBER 21-WAIVER-0113

Request: Changing Image Sign Waiver
Project Name: Changing Image Sign Waiver
Location: 3938 Poplar Level Road
Owner: Holy Family
Applicant: Golden Rule Signs
Representative: Heather Mullin
Jurisdiction: Louisville Metro
Council District: 10 – Pat Mulvihill
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. 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:

00:06:00 Beth Jones explained the applicant requested the case be continued to the October 20, 2021 Development Review Committee meeting.

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.

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

RESOLVED, that the Louisville Metro Development Review Committee does hereby **CONTINUE** cases 21-WAIVER-0113 and 21-WAIVER-0124 to the October 20, 2021 Development Review Committee meeting.

The vote was as follows:

YES: Commissioners Brown, Clare, Seitz, Mims and Carlson.
NO: No one.

DEVELOPMENT REVIEW COMMITTEE MINUTES
October 6, 2021

NEW BUSINESS

CASE NUMBER 21-WAIVER-0124

Request: Changing Image Sign Waiver
Project Name: Changing Image Sign Waiver
Location: 2962 Breckenridge Lane
Owner: Mike's Carwash
Applicant: One Stop Signs
Representative: Justen Scalf
Jurisdiction: Louisville Metro
Council District: 26 – Brent Ackerson
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. 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:

00:06:00 Beth Jones explained the applicant requested the case be continued to the October 20, 2021 Development Review Committee meeting.

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.

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

RESOLVED, that the Louisville Metro Development Review Committee does hereby **CONTINUE** cases 21-WAIVER-0113 and 21-WAIVER-0124 to the October 20, 2021 Development Review Committee meeting.

The vote was as follows:

YES: Commissioners Brown, Clare, Seitz, Mims and Carlson.
NO: No one.

**DEVELOPMENT REVIEW COMMITTEE MINUTES
October 6, 2021**

ADJOURNMENT

The meeting adjourned at approximately 3:40 p.m.

DocuSigned by:


Chairman

DocuSigned by:


Division Director