

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE MEETING
August 16, 2023**

A meeting of the Development Review Committee was held on August 16, 2023, at 1:00 p.m. in the Old Jail building court room, located at 514 West Liberty Street, Louisville, Kentucky 40202.

Committee Members present were:

Rich Carlson, Chair
Jennifer Caummisar-Kern
Michelle Pennix
Bill Fischer

Committee Members absent were:

Patti Clare, Vice Chair

Staff Members present were:

Brian Davis, Assistant Director
Joel Dock, Planning Supervisor
Julia Williams, Planning Manager
Laura Ferguson, Assistant County Attorney
Mary Willis, Management Assistant
Ethan Lett, Planner I
Molly Clark, Planner II

Others Present:

The following matters were considered:

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APPROVAL OF MINUTES

August 2, 2023, DRC MEETING MINUTES

On a motion by Commissioner Pennix, seconded by Commissioner Fischer, the following resolution was adopted:

RESOLVED, that the Development Review Committee does hereby **APPROVE** the Minutes of its meeting conducted on August 2, 2023.

The vote was as follows:

YES: Commissioners Pennix, Fischer, Kern, and Carlson

ABSENT: Commissioner Clare

ABSTAIN: None

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NEW BUSINESS

CASE NO. 23-FBH-0006

Request:	Factory Built Housing
Project Name:	Bridwell Dr FBH
Location:	3130 Bridwell Dr
Owner:	Prosperity Holdings LLC
Applicant:	Angelica Matos
Representative:	Angelica Matos
Jurisdiction:	Louisville Metro
Council District:	1 – Tammy Hawkins
Case Manager:	Joel P. Dock, AICP, Planning Supervisor

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:

00:04:11 Joel Dock presented the case and presented a PowerPoint presentation. Dock responded to questions from Committee Members (see staff report and recording for detailed presentation.)

The following spoke in support of the proposal:

Angelica Matos, 3130 Bridwell Dr., Louisville, KY 40216

Renzo Matos, 3130 Bridwell Dr., Louisville, KY 40216

Summary of testimony of those in support:

00:17:10 Angelica Matos spoke in support of the proposal. Matos responded to questions from Committee Members (see recording for detailed presentation)

00:19:37 Renzo spoke in support of the proposal. Matos responded to questions from Committee Members (see recording for detailed presentation)

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CASE NO. 23-FBH-0006

The following spoke in opposition to the proposal:
None

Deliberation:

00:24:23 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.

00:33:13 On a motion by Commissioner Fischer, seconded by Commissioner Caummisar-Kern, the following resolution was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby **CONTINUE** the requested Factory Built Housing not conforming with one or more of the standards of Land Development Code (LDC), Section 4.1.2.B to the August 17, 2023, Planning Commission Meeting.

The vote was as follows:

YES: Commissioners Fischer and Caummisar-Kern

NO: Commissioners Pennix and Carlson

ABSENT: Commissioner Clare

ABSTAIN: None

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NEW BUSINESS

CASE NO. 23-DDP-0055

Request:	Revised Detailed District Development Plan
Project Name:	Norton Hospital Parking Expansion
Location:	3 Audubon Plaza Drive
Owner:	Norton Hospital, INC
Applicant:	Dinsmore & Shohl, LLP Sabak, Wilson & Lingo, INC.
Representative:	Dinsmore & Shohl LLP Sabak, Wilson & Lingo, INC
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
Case Manager:	Molly Clark, Planner II

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

The staff report prepared for this case was incorporated into the record. 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:

00:35:08 Molly Clark presented the case and produced a Power Point presentation. Clark responded to questions from the Committee Members (see staff report and recording for detailed presentation.)

The following spoke in support of the proposal:

Cliff Ashburner, Dinsmore & Shohl, 101 S 5th St. Suite 2500, Louisville, KY 40202

Summary of testimony of those in support:

00:38:10 Cliff Ashburner spoke in support of the proposal and presented a PowerPoint presentation. Ashburner responded to questions from Committee Members (see recording for detailed presentation)

The following spoke in opposition to the proposal:

None

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CASE NO. 23-DDP-0055

Deliberation:

00:50:51 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.

Waiver from sections 5.5.2.B.1. & 5.9.2.A.1.b.ii.to not provide vehicular connection between parking lots of abutting developments

00:51:52 On a motion by Commissioner Pennix, seconded by Commissioner Fischer, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the waiver will not adversely affect adjacent property owners since There are other ways to get into the development next door while staying off the main thoroughfare of Poplar Level Road and pedestrian connection is being provided. There is a steep retaining wall between the non-residential properties that make vehicular connection difficult, and

WHEREAS, community Form Goal 2, Policy 16 calls to encourage activity centers to be easily accessible by bicycle, car, transit, and for pedestrians and people with disabilities. Mobility Goal 1, Policy 6 calls for developments meeting established thresholds, provide facilities that support an efficient public transportation system such as convenient access to and across pedestrian, bicycle and roadway facilities. Mobility Goal 3, Policies 1-5, 9, 12, 17, 18, 20 call to provide transportation services and facilities to promote and accommodate growth and change in activity centers through improved access management. Provide walking and bicycling opportunities to enable activity centers to minimize single-occupant vehicle travel. Encourage a mix of complementary neighborhood serving businesses and services in neighborhood and village centers to encourage short trips easily made by walking or bicycling. To improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Evaluate developments for their ability to promote public transit and pedestrian use. Encourage development of walkable centers to connect different modes of travel. Evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality, and

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WHEREAS, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since there is a steep retaining wall between the non-residential properties that make vehicular connection difficult, and

WHEREAS, the strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land because There is a steep retaining wall between the non-residential properties that make vehicular connection difficult; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver from sections 5.5.2.B.1. & 5.9.2.A.1.b.ii.to not provide vehicular connection between parking lots of abutting developments

The vote was as follows:

YES: Commissioners Pennix, Fischer, Clare, Caummisar-Kern, and Carlson

ABSENT: None

ABSTAIN: None

Revised Detailed District Development Plan

00:52:36 On a motion by Commissioner Pennix, seconded by Commissioner Fischer, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, there do not appear to be any historic resources on the subject site. Staff is concerned for the amount of mature tree canopy being removed from the site.

WHEREAS, provisions for safe and efficient pedestrian connection within and around the development and the community has been provided. There is not a direct connection to the site to the south but there are side streets such as Audubon Plaza Drive that provide connection to the adjacent site. Transportation Planning has preliminarily approved the 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

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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. 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.

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

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC), and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or authorized Committee thereof; any changes/additions/alterations not so referred shall not be valid.
2. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. 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.
5. 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.
 - 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 major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
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, an assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
8. The site shall be developed in accordance with the woodland protection areas delineated on the site plan, tree preservation plan and related notes. Any modification of the woodland protection area requires notification of adjoining property owners and Metro Council approval.
9. The applicant shall provide deeds of restriction ensuring that WPAs will be permanently protected in a manner consistent with these binding elements and the approved plan. The form of the deed of restrictions shall be approved by Planning Commission counsel. Deed Restrictions must be recorded prior to tree

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preservation approval. All plans setting out woodland protection areas must contain the following notes:

- (a) Woodland Protection Areas (WPAs) identified on this plan represent portions of the site on which all existing vegetation shall be permanently preserved. All clearing, grading, and fill activity in these areas must be in keeping with restrictions established at the time of development plan approval. No further clearing, grading, construction or other land disturbing activity shall take place within designated WPAs beyond pruning to improve the general health of the tree or to remove dead or declining trees that may pose a public health and safety threat, except that the gazebo required by these binding elements may be constructed within the WPA and a walking path may be installed in the WPA in a location agreeable to the applicant and approved by Planning and Design Services staff.
 - (b) Dimension lines have been used on this plan to establish the general location of WPAs and represent the minimum boundary of the designated WPAs. The final boundary for each WPA shall be established in the field by the applicant, developer, or property owner to include canopy area of all trees at or within the dimension line.
10. The materials and design of proposed structures shall be substantially the same as depicted in the renderings as presented at the February 17, 2005, and March 17, 2005 Planning Commission meetings. The materials and design of the proposed grocery shall be masonry and designed to have the appearance of brick similar to that of the grocery located on Thierman Lane in St Matthews. This binding element may be amended only with the approval of Metro Council.
11. The façade elevations shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval. This binding element may be amended only with the approval of Metro Council.
12. No overnight idling of trucks shall be permitted on site. This binding element may be amended only with the approval of Metro Council.
13. All street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.

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14. Skylights. The roof of the building shall have no skylights.
15. Outdoor activity. No loading, trash pickup (i.e. dumpster loading and unloading, pallet or trash removal from the site), trash compacting audible beyond the property line, outdoor construction or maintenance, parking lot cleaning or sweeping (except snow and ice), shall occur on the property between the hours of 7 PM and 7 AM. This binding element may be amended only with the approval of Metro Council.
16. Deliveries. No deliveries shall be made to or on the site or drive-thru window operation shall be made between the hours of 10 PM and 6 AM.
17. Delivery Truck Parking On-Site. No delivery trucks with lights, engines, refrigerator motors or similar equipment in operation shall be allowed to park on the property between the hours of 10 PM and 7 AM. The property owner or store operator shall post signs to this effect. This binding element may be amended only with the approval of Metro Council.
18. Alarms. Provided no applicable law or regulation otherwise requires, no security alarms, sirens or bells shall be located on the exterior of the building. However, it is permissible for an alarm system to be operated in conjunction with exit doors.
19. No blasting shall occur on the site unless approved by the Land Development and Transportation Committee after notice to those individuals who spoke at the public hearing. This binding element may be amended only with the approval of Metro Council.
20. Prior to commencing site disturbance work the developer shall contract with an archaeologist to perform an archaeological survey report and shall provide a copy of the survey report to the Urban Design Division ("Landmarks") of Louisville Metro Planning and Design Services. Within thirty days following delivery of the survey report to Landmarks, the developer and Landmarks shall meet to review the findings of the survey report and to agree upon what action, if any, should be taken. This binding element may be amended only with the approval of Metro Council.
21. The site shall be developed in accordance with the tree preservation areas delineated on the site plan and related notes. Any modification of the tree preservation plan requested by the applicant may be approved by the designated

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DPDS staff if the changes are in keeping with the intent of the approved tree preservation plan.

All plans setting out tree preservation areas must contain the following notes:

1. Tree preservation areas (TPAs) identified on this plan represent portions of the site the developer has designated to be left undisturbed during the development of roadways, utilities, and similar infrastructure. These are not permanent preservation areas. Trees in these areas may be removed during construction of homes or buildings on individual lots.
 2. Dimension lines have been used on this plan to establish the general location of TPAs and represent minimum distances. The final boundary for each TPA shall be established in the field by the applicant, developer, or property owner to include canopy area of all trees at or within the dimension line.
 3. Tree protection fencing shall be erected around all TPAs prior to site disturbance (except as provided in these notes) to protect the existing tree stands and their root systems. The fencing shall be located at least 3 feet beyond the edge of the tree canopy and shall remain in place until all construction is completed. When trees must be removed in a TPA, the fence shall be relocated to protect all remaining trees within that TPA. When a tree mass contains both WPAs and TPAs, fencing shall only be required at the outer most perimeter of that tree mass.
 4. No parking, material storage, or construction activities are permitted within the TPAs beyond that allowed for preliminary site investigation work.
 5. Clearing necessary to provide access for survey work, rock soundings or other usual and customary site investigations shall be permitted prior to Site Disturbance Approval. Preliminary site investigations shall be carefully planned to minimize the amount of clearing required. Clearing should follow proposed roadway centerlines and should not result in a clear access way of more than twenty (20) feet in width. Cleared access ways beyond proposed roadways to assess individual lots shall not exceed 12 feet in width or encroach into any proposed open space lots. No trees exceeding eight (8) inches in diameter measured at a height of four and one-half feet above ground level shall be removed without prior approval by DPDS.
22. First flush stormwater runoff for the site is to be funneled into storm ceptors, settling/retention basins, and/or oil/water separators as needed so that grit, oil,

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gas, antifreeze, and other potential toxic substances are captured before entering the detention basin. MSD is to approve both the details of capturing the first flush material and the details of the maintenance plan for the ceptors, basins, and/or oil/water separators. The property owner is responsible for proper maintenance of the storm ceptors, basins, and/or oil/water separators as per MSD's approved maintenance plan, and is to provide MSD with documentation of such maintenance ensuring that the maintenance plan is properly followed.

23. Prior to issuance of a construction permit the developer shall obtain approval of the development plan from the U.S. Army Corps of Engineers.
24. Access from Audobon Plaza Drive shall be designed so as to restrict access by delivery trucks, which design shall initially include placement of bollards at appropriate locations. The Planning Commissioner shall have the right to require additional restrictions at a later date should the placement of bollards be unsuccessful in restricting delivery truck access. This binding element may be amended only with the approval of Metro Council.
25. Exterior improvements to the VFW building shall be made similar to those presented at the March 17, 2005, public hearing so as to integrate its design with the design of the proposed structures in the center.
26. Although the approved Development Plan indicates an on-site detention basin, the developer agrees to continue to pursue the concept of an off-site basin or downstream improvement suitable to MSD, with the intent of balancing the issues of tree preservation and acceptable stormwater management.
27. The design of the fencing along the easterly portion of the property shall be presented at the March 17, 2005 public hearing. In addition, the landscaping along the fencing shall be evergreens at least 6 feet in height and irrigation shall be installed in connection with the landscaping. This binding element may be amended only with the approval of Metro Council.
28. The developer/applicant/property owner shall plant large shade trees on the subject property approximately 50 feet on center along the entire Poplar Level Road frontage. Said trees shall be a minimum 3 inches in caliper at time of planting. A landscape plan that conforms to this binding element and Chapter 10 of the LDC shall be approved by Planning and Design Services staff prior to requesting any permits, in accordance with Binding Element No. 9. This binding element may be amended only with the approval of Metro Council.

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29. The developer/applicant/property owner shall install a “Bright Side” on Poplar Level Road somewhere along the frontage of the subject property if approved by the State Highway Department. This binding element may be amended only with the approval of Metro Council.

30. The developer/applicant/property owner shall donate the property within the designated Woodland Protection Area along Illinois Avenue to Metro Government at such time as Metro Government indicates that it will accept the donation. This binding element may be amended only with the approval of Metro Council.

31. The developer/applicant/property owner shall construct/install a gazebo on the northeast portion of the site along Illinois Avenue similar in size to the gazebo at Willow Park; the cost of said gazebo is not required to exceed \$5,000. The exact location of the gazebo shall be approved by Planning and Design Services staff. This binding element may be amended only with the approval of Metro Council.

The vote was as follows:

YES: Commissioners Pennix, Fischer, Caummisar-Kern, and Carlson

ABSENT: Commissioner Clare

ABSTAIN: None

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NEW BUSINESS

CASE NUMBER 23-AMEND-0006

Request:	Amendment to Binding Elements
Project Name:	8402 Preston Highway
Location:	8402 Preston Highway
Owner:	Bryan Gillespie
Applicant:	Bryan Gillespie
Representative:	N/A
Jurisdiction:	Louisville Metro
Council District:	24 – Madonna Flood
Case Manager:	Ethan Lett, 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:

00:53:39 Ethan Lett presented the case and produced a Power Point presentation Lett responded to questions from Committee Members (see staff report and recording for detailed presentation.)

00:57:21 Julia Williams responded to Committee Member Carlson’s questions.

The following spoke in support of the request:

Bryan Gillespie, 1801 S 7th St., Louisville, KY 40208

Summary of testimony of those in support:

01:01:32 Bryan Gillespie stated that the PVA documents are correct, and the garage is located at 8400 Preston Highway. Gillespie mentioned that the building towards the back of 8400 Preston Highway is the building in question. Gillespie responded to questions from Committee Members (see recording for detailed presentation)

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NEW BUSINESS

CASE NUMBER 23-AMEND-0006

01:03:23 Julia Williams stated the application would not be processed due to the incorrect information that was given.

The following spoke in opposition to the request:

None

01:04:56 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.

01:04:58 On a motion by Commissioner Caummisar-Kern, seconded by Commissioner Pennix, the following resolution, was adopted:

RESOLVED the Louisville Metro Development Review Committee does hereby **CONTINUE** the requested Amendment to the Binding Elements indefinitely.

The vote was as follows:

YES: Commissioners Pennix, Fischer, Clare, Caummisar-Kern, and Carlson

ABSENT: Commissioner Clare

ABSTAIN: None

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NEW BUSINESS

CASE NUMBER 23-DDP-0034

Request:	Revised Detailed District Development Plan
Project Name:	The Path Off Cane Run
Location:	4516 Cane Run Road
Owner:	LDG Land Holdings LLC
Applicant:	LDG Land Holdings LLC
Representative:	Dinsmore & Shohl LLP
Jurisdiction:	Louisville Metro
Council District:	1 – Tammy Hawkins
Case Manager:	Ethan Lett, 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:

01:05:46 Ethan Lett presented the case and produced a Power Point presentation. Lett responded to questions from Committee Members (see staff report and recording for detailed presentation.)

01:09:56 Julia Williams responded to Committee Member Carlson’s question.

The following spoke in support of the proposal:

Cliff Ashburner, Dinsmore and Shohl, 101 S 5th St. Suite 2500, Louisville, KY 40202

Summary of testimony of those in support:

01:10:22 Cliff Ashburner spoke in support of the proposal and presented a PowerPoint presentation. Ashburner responded to questions from Committee Members (see recording for detailed presentation)

The following spoke in opposition to the proposal:

None

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CASE NUMBER 23-DDP-0034

Deliberation:

01:25:40 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.

01:32:33 On a motion by Commissioner Fischer, seconded by Commissioner Caummisar-Kern was adopted:

RESOLVED the Louisville Metro Development Review Committee does hereby to **CONTINUE** the requested Revised Detailed District Development plan to the August 17, 2023, Planning Commission Meeting.

The vote was as follows:

YES: Commissioners Fischer and Caummisar-Kern

NO: Commissioners Pennix and Carlson

ABSENT: Commissioner Clare

ABSTAIN: None

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NEW BUSINESS

CASE NUMBER 22-WAIVER-0140

Request: A waiver to allow parking between the building and ROW and a waiver to eliminate the property perimeter landscape buffer

Project Name: Taylor Blvd Office

Location: 4127 Taylor Blvd

Owner: Turbo Co.

Applicant: Mike Brooks
Ross Smallwood

Representative: Mike Brooks
Ross Smallwood

Jurisdiction: Louisville Metro

Council District: 21 – Betsy Ruhe

Case Manager: Molly Clark, Planner II

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

The staff report prepared for this case was incorporated into the record. 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:

01:34:35 Molly Clark presented the case and produced a Power Point presentation. Clark responded to questions from the Committee Members (see staff report and recording for detailed presentation.)

The following spoke in support of the proposal:

Mike Brooks, 323 Blankenbaker Ln., Louisville, KY 40207

Maureen Welch, 7101 Venetian Way, Louisville, KY 40214

Summary of testimony of those in support:

01:41:07 Mike Brooks spoke in support of the proposal. Brooks responded to questions from Committee Members (see recording for detailed presentation)

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CASE NUMBER 22-WAIVER-0140

02:15:14 Maureen Welch spoke in support and after the Rebuttal. Welch stated she is actively involved in the Taylor New Cut corridor and is ecstatic that a business will be going into this location (see recording for detailed presentation)

The following spoke in neutral of the proposal:

Rebecca Katz, 601 W Jefferson St., Louisville, KY 40202

Summary of testimony of those in neutral:

01:44:03 Rebecca Katz spoke in neutral of the proposal. Katz asked if the landscape plan would align with the Taylor New Cut corridor plan.

The following spoke in opposition to the proposal:

Ann Ramser, 307 E Kenwood Dr. Louisville, KY 40214

Summary of testimony of those in opposition:

01:45:26 Ann Ramser spoke in opposition to the proposal and presented a PowerPoint presentation. Ramser states that parking should not be placed in front of the building unless it is a commercial property. Ramser also states a stop work order was issued due to the property owner not receiving a building permit (see recording for detailed presentation)

Rebuttal:

1:55:12 Mike Brooks spoke in rebuttal. Brooks stated the landscape plan was looked over by Sherie Long and was told not to plant anything until the plan was approved. Brooks also stated the reason for the parking lot not being paved was due to waiting for the approval of the case (see recording for detailed presentation)

02:10:57 Julia Williams described the landscape plan in detail to the Committee Members.

Deliberation:

02:18:26 Commissioners' deliberation.

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NEW BUSINESS

CASE NUMBER 22-WAIVER-0140

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

Waiver from 10.2.4 to allow a driveway to encroach in the entire property perimeter landscape buffer, to not provide the required plantings and reduce the screening height. (22-WAIVER-0140)

Waiver from 5.5.1.A.3.a. & 5.9.2.C.4 to allow parking to be located in the front of the building and to not provide a 3 ft masonry wall (22-WAIVER-0141)

02:19:29 On a motion by Commissioner Pennix, seconded by Commissioner Fischer, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

(22-WAIVER-0140) WHEREAS, the waiver will not adversely affect adjacent property owners since the applicant will still be providing screening although the screening height is being reduced. Additional plantings will be provided on the northern portion of the site, and

WHEREAS, community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. This site, although located in the Town Center Form District, is surround primarily by development that are designed according to the Suburban Form District standards. Community Form Goal 1, Policy 6 calls to discourage non-residential expansion into existing residential areas unless applicant can demonstrate that any adverse impact on residential uses will be mitigated. Evaluation of impacts may include, but not be limited to, displacement of residents, loss of affordable housing units, traffic, parking, signs, lighting, noise, odor, and stormwater. Appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential. Community Form Goal 1, Policy 20 calls to mitigate adverse visual intrusions when there are impacts to residential areas, roadway corridors, and public spaces. The applicant will still be providing screening with a fence. They will also be providing additional plantings on the site outside of the required buffer, and

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WHEREAS, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the property is narrow and has very limited area for a driveway. There will be plantings provided along the northern portion of the property, and

WHEREAS, the strict application of the provisions would create an unnecessary hardship on the applicant since the applicant is still providing screening with a fence and the property has very limited area on where a drive can be placed on the site, and

(22-WAIVER-0141) WHEREAS, the waiver will not adversely affect adjacent property owners since locating the parking in the back creates difficult pedestrian connectivity especially for those who need ADA accessibility. There are other properties next door and on the same block with parking in the front of the building, and

WHEREAS, community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. Community Form Goal 1, Policy 12 calls for the proposal to Design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Encourage elimination or reduction of parking minimums in areas readily accessible to transit routes. Community Form Goal 2, Policy 11 calls for ensuring appropriate placement, design and scale of centers in Traditional Neighborhood, Neighborhood and Village Form Districts to ensure compatibility with nearby residences. Community Form Goal 2, Policy 15 calls for parking in activity centers should reflect the area's associated Form District standards to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations. Locating the parking in the back creates difficult pedestrian connectivity especially for those who need ADA accessibility. There are other properties on the same block with parking located in the front of the building rather than in the rear, and

WHEREAS, the extent of waiver of the regulation the minimum necessary to afford relief to the applicant since locating the parking in the back creates difficult pedestrian connectivity especially for those who need ADA accessibility, and

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WHEREAS, the applicant has incorporated other design measures such as providing the required VUA/LBA along the front property line between the parking and the sidewalk; now, therefor be it

RESOLVED the Louisville Metro Development Review Committee does hereby **APPROVE** the requested **Waiver (1)** from 10.2.4 to allow a driveway to encroach in the entire property perimeter landscape buffer, to not provide the required plantings and reduce the screening height. (22-WAIVER-0140) and **Waiver (2)** from 5.5.1.A.3.a. & 5.9.2.C.4 to allow parking to be located in the front of the building and to not provide a 3 ft masonry wall (22-WAIVER-0141) on condition that a hard and durable surface in front of the business is provided, that landscaping will be provided per the Taylor Corridor plan, and that a 6ft screen will be provided along the north property line.

The vote was as follows:

YES: Commissioners Pennix, Fischer, Caummisar-Kern, and Carlson

ABSENT: Commissioner Clare

ABSTAIN: None

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NEW BUSINESS

CASE NUMBER 23-DDP-0032

Request:	Revised Detailed District Development Plan
Project Name:	Proposed Dental Office
Location:	5300 Preston Highway
Owner:	SK Development, LLC
Applicant:	Ashley Bartley – QK4
Representative:	Ashley Bartley – QK4
Jurisdiction:	Louisville Metro
Council District:	21 – Betsy Ruhe
Case Manager:	Molly Clark, Planner II

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

The staff report prepared for this case was incorporated into the record. 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:

02:21:53 Molly Clark presented the case and produced a Power Point presentation (see staff report and recording for detailed presentation.)

The following spoke in support of the proposal:

Ashley Bartley, QK4, 9920 Corporate Campus Dr, Louisville, KY 40299

Summary of testimony of those in support:

02:24:10 Ashley Bartley spoke in support of the proposal and presented a PowerPoint presentation. Bartley responded to questions from the Committee Members (see recording for detailed presentation)

The following spoke in opposition to the proposal:

None

Deliberation:

02:29:03 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

02:29:26 On a motion by Commissioner Pennix, seconded by Commissioner Fischer, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

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

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

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

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, and

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. Buildings and parking lots will meet all required setbacks, and

WHEREAS, 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 **SUBJECT** to the following Binding Elements:

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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 change/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) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. 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 or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - f. A sidewalk easement agreement in a form acceptable to the Planning Commission legal counsel shall be granted. A copy of the recorded instrument shall be submitted to the Office of Planning.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the

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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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system or permitted on the site.
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.
8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the August 16, 2023, DRC meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
9. No overnight idling of trucks shall be permitted on-site.
10. If any landscaping dies, it shall be replaced within 6 months.
11. Gaps in the existing vegetation in the 25-foot LBA shall be filled in with evergreens.
12. All landscaped areas shall be irrigated.
13. Street trees must be approved on the landscape plan and shall be selected and placed with the approval of Planning and Design Services with consultation from the Director of Public Works or designee. If the sidewalk width, utility locations, or similar conditions make it impractical to install street trees, the Director of Works or designee may waive the requirement for street tree planting or unobstructed sidewalk width.

The vote was as follows:

YES: Commissioners Pennix, Fischer, Caummisar-Kern, and Carlson

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ABSENT: Commissioner Clare

ABSTAIN: None

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ADJOURNMENT

The meeting adjourned at approximately 3:32 p.m.

Chairman

Division Director