

**MINUTES OF THE MEETING
OF THE
DEVELOPMENT REVIEW COMMITTEE
March 1, 2023**

A meeting of the Development Review Committee was held on March 1, 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
Patti Clare, Vice Chair
Bill Fischer
Jeff Brown

Committee Members Absent Were:

Michelle Pennix

Staff Members Present Were:

Brian Davis, Assistant Director
Julia Williams, Planning Manager
Beth Stuber, Engineer Supervisor
Travis Fiechter, Assistant County Attorney
Sean McDowell, Management Assistant
John Michael Lawler, Planner I
Dante St. Germain, Planner II

The following matters were considered:

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APPROVAL OF MINUTES

FEBRUARY 15, 2023 DEVELOPMENT REVIEW COMMITTEE MEETING MINUTES

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

RESOLVED, that the Development Review Committee does hereby **APPROVE** the Minutes of its meeting conducted on February 15, 2023.

The Vote Was as Follows:

YES: Commissioners Brown, Fischer, Clare, and Carlson

ABSENT: Commissioner Pennix

DEVELOPMENT REVIEW COMMITTEE

March 1, 2023

NEW BUSINESS

CASE NO. 23-DDP-0002

*** This case was heard out of order. It was listed as number 5 on the Agenda. ***

Request:	Revised Detailed District Development Plan with Revised Binding Elements
Project Name:	Trinity High School Tennis Courts
Location:	150 Sears Avenue
Owner/Applicant:	Trinity High School Foundation
Representative:	Land Design & Development
Jurisdiction:	Louisville Metro
Council District:	9 – Andrew Owen
Case Manager:	Dante St. Germain, AICP, Planner II

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

The Staff Report prepared for this case was incorporated into the record. This report was available to any interested party prior to the Development Review Committee meeting. (The Staff Report is part of the case file maintained in Planning and Design Services offices, 444 South 5th Street.)

Agency Testimony:

00:04:53 Dante St. Germain requested to continue the case.

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.

00:05:27 On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby **CONTINUE** the requested revised detailed District Development Plan with revised Binding Elements to the March 15th, 2023 Development Review Committee public hearing.

The Vote Was as Follows:

YES: Commissioners Brown, Fischer, Clare, and Carlson

ABSENT: Commissioner Pennix

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NEW BUSINESS

CASE NO. 22-WAIVER-0219

Request: Two Waivers from Land Development Code Section 5.4.1 to Allow a Garage Addition to Be Constructed
Project Name/Location: 846 South 32nd Street
Owner/Applicant: John Sutton
Representative: CRP & Associates, LLC
Jurisdiction: Louisville Metro
Council District: 5 – Donna Purvis
Case Manager: Julia Williams, AICP, Planning Manager

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

The Staff Report prepared for this case was incorporated into the record. This report was available to any interested party prior to the Development Review Committee meeting. (The Staff Report is part of the case file maintained in Planning and Design Services offices, 444 South 5th Street.)

Agency Testimony:

00:06:57 Julia Williams presented the applicant's proposal for a front-loaded garage.

00:09:57 Commissioner Brown requested to see the plan. Julia Williams acquiesced.

00:11:33 Commissioner Carlson acknowledged the wiring. Carlson clarified if there is an easement. Julia Williams responded no.

The Following Spoke in Favor of This Request:

Charles Podgursky, 7321 New La Grange Road, Suite 111, Louisville, KY 40222

Summary of Testimony of Those in Favor:

00:14:16 Charles Podgursky provided revisions to the plan with 40 feet of frontage and a redesigned garage.

00:15:41 Commissioner Brown clarified if 18 feet is wide enough for the garage doors. Charles Podgursky confirmed that the amount is sufficient. Podgursky elaborated that the curbs will be wider.

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NEW BUSINESS

CASE NO. 22-WAIVER-0219

00:17:13 Commissioner Carlson questioned the need for the request. Charles Podgursky established John Sutton's refurbishment of his vehicle.

00:18:50 Commissioner Carlson recognized the size of the garage. Carlson clarified if the square footage has changed. Charles Podgursky acknowledged that the frontage is down to 40 feet.

Deliberation:

00:22:44 Commissioner Brown confirmed that the plan is not preferred in the Traditional Form District. Brown acknowledged the mitigation of the garage doors. He advocated for approval of the proposal. Commissioners Clare and Fischer agreed.

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

Waiver #1: Waiver of Land Development Code Section 5.4.1.C.3 to Allow an Attached Front-Loaded Garage in the Principal Structure Area and Comprising More Than 50% of the Front Façade of the House (22-WAIVER-0219)

Waiver #2: Waiver of Land Development Code Section 5.4.1.E.3 to Not Provide Access to Parking Through a Rear Alley (22-WAIVER-0008)

00:23:33 On a motion by Commissioner Brown, seconded by Commissioner Fischer, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

(Waiver #1) WHEREAS, the Louisville Metro Development Review Committee finds the Waiver will adversely affect adjacent property owners because a front-loaded garage in the principal structure area is not in keeping with the character of the Traditional Neighborhood Form District; and

WHEREAS, the Louisville Metro Development Review Committee finds the Waiver will violate Community Form Goal 1 number 9: Ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and set back requirements. The Waiver violates this specific guideline because a front-loaded garage comprising more than 50% of the front façade of the house is not compatible with the building design in this area and in the Traditional Neighborhood Form District; and

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NEW BUSINESS

CASE NO. 22-WAIVER-0219

WHEREAS, the Louisville Metro Development Review Committee finds the extent of the Waiver of the regulation is not the minimum necessary to afford relief to the applicant since there is an accessible rear alley adjacent to this lot; and

WHEREAS, the Louisville Metro Development Review Committee finds the applicant has agreed to close 1 of the curb cuts on South 32nd Street so that there is only 1 curb cut leading to the proposed garage. However, this does not exceed the minimums of the district. Additionally, the strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land and would not create an unnecessary hardship on the applicant since there is access to a rear ally from the subject site; and

(Waiver #2) WHEREAS, the Louisville Metro Development Review Committee finds the Waiver will adversely affect adjacent property owners as most of the properties in this area have access from a rear alley; and

WHEREAS, the Louisville Metro Development Review Committee finds the Waiver will violate Mobility Goal 3 Policy 5: Evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality. The Waiver violates this specific guideline because the curb cut, and proposed garage will impact pedestrian mobility as allowing a curb cut will impede pedestrian mobility and connection to the existing sidewalk network; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of the Waiver of the regulation is not the minimum necessary to afford relief to the applicant since there is an existing and accessible rear alley; and

WHEREAS, the Louisville Metro Development Review Committee finds the applicant has agreed to close 1 of the existing curb cuts on South 32nd Street so that there is only 1 curb cut leading to the proposed garage. However, this does not exceed the minimums of the district. Additionally, the strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land and would not create an unnecessary hardship on the applicant since there is access to a rear ally from the subject site.

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver #1 of Land Development Code section 5.4.1.C.3 to allow an attached front-loaded garage in the principal structure area and comprising more than 50% of the front façade of the house (22-WAIVER-0219) and Waiver #2 of Land Development Code section 5.4.1.E.3 to not provide access to parking through a rear alley (22-WAIVER-0008).

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CASE NO. 22-WAIVER-0219

The Vote Was as Follows:

YES: Commissioners Brown, Fischer, Clare, and Carlson

ABSENT: Commissioner Pennix

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NEW BUSINESS

CASE NO. 22-CAT2-0044

Request: A Category 2B Development Plan and Two Waivers from
Land Development Code Section 5.6.1
Project Name/Location: 101 North 32nd Street
Owner/Applicant: West End Transport Partners, LLC
Representative: CRP & Associates, LLC
Jurisdiction: Louisville Metro
Council District: 5 – Donna Purvis
Case Manager: Julia Williams, AICP, Planning Manager

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

The Staff Report prepared for this case was incorporated into the record. This report was available to any interested party prior to the Development Review Committee meeting. (The Staff Report is part of the case file maintained in Planning and Design Services offices, 444 South 5th Street.)

Agency Testimony:

00:25:22 Julia Williams stated that she has not established the non-conforming rights from 1971.

00:27:19 Commissioner Carlson clarified if she has seen the plan. Julia Williams responded no. Williams acknowledged the landscaping and modifications to the frontage.

00:27:41 Commissioner Carlson elaborated that he is not feeling comfortable. Commissioner Clare agreed.

00:28:28 Julia Williams verified that Transportation has not reviewed the modifications to the frontage.

00:29:15 Commissioner Brown questioned when Julia Williams can confirm the non-conforming rights. Julia Williams acknowledged that she needs one week.

The Following Spoke in Favor of This Request:

Sam Hageman, 1652 Felix Avenue, Memphis, Tennessee 38114

Summary of Testimony of Those in Favor:

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CASE NO. 22-CAT2-0044

00:29:41 Sam Hageman elaborated that he submitted documentation to the non-conforming rights application.

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.

00:31:47 On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby **CONTINUE** the requested Waiver #1 from Land Development Code section 5.6.1 to allow animating features to comprise less than 50% of the exterior façade along West Market Street (22-WAIVER-0242) and Waiver #2 from Land Development Code section 5.6.2.A.1.C.4 to allow traffic circulation in front of the principal building in the Traditional Work Place Form District (22-WAIVER-0243) to the March 15th, 2023 Development Review Committee public hearing.

The Vote Was as Follows:

YES: Commissioners Brown, Fischer, Clare, and Carlson

ABSENT: Commissioner Pennix

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NEW BUSINESS

CASE NO. 22-DDP-0083

Request:	Revised Detailed District Development Plan with Binding Elements
Project Name:	Farm Credit Mid-America
Location:	12501 Lakefront Place
Owner/Applicant:	Farm Credit Mid-America FLCA
Representative:	Milestone Design Group
Jurisdiction:	City of Jeffersontown/Louisville Metro
Council District:	11 – Kevin Kramer
Case Manager:	Julia Williams, AICP, Planning Manager

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

The Staff Report prepared for this case was incorporated into the record. This report was available to any interested party prior to the Development Review Committee meeting. (The Staff Report is part of the case file maintained in Planning and Design Services offices, 444 South 5th Street.)

Agency Testimony:

00:32:33 Julia Williams presented the proposed Binding Element 7.

The Following Spoke in Favor of This Request:

Tanner Nichols, 400 West Market Street, Suite 3200, Louisville, KY 40202

Summary of Testimony of Those in Favor:

00:35:17 Tanner Nichols agreed to Binding Element 7.

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 Amendments to the Existing Binding Elements

00:36:17 On a motion by Commissioner Brown, seconded by Commissioner Fischer, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

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CASE NO. 22-DDP-0083

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

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

WHEREAS, the Louisville Metro Development Review Committee finds there are no open space requirements pertinent to the current proposal. Any future multi-family development proposed on the subject site will be required to meet Land Development Code requirements; and

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

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

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

RESOLVED, the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the city of Jeffersontown that the requested revised detailed District Development Plan with Amendments to the existing Binding Elements be **APPROVED**, **SUBJECT** to the following Binding Elements:

1. The development shall be in accordance with the approved District Development Plan, all applicable sections of the 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 and to the city of Jeffersontown for review and approval; any changes/additions/alterations not so referred shall not be valid.

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CASE NO. 22-DDP-0083

2. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
 - a. The development plan must receive full construction approval from Construction Review, the city of Jeffersontown, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. A Minor Subdivision Plat or legal instrument shall be recorded dedicating additional right-of-way to Tucker Station Road to provide a total of 40 feet from the center line). 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 appropriate Variances shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved District Development Plan.
 - d. 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.
 - e. A Tree Preservation Plan in accordance with chapter 10 of the Land Development Code shall be reviewed and approved prior to obtaining approval for site disturbance.
 - f. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 1, 2023 Development Review Committee meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
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

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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. The developer shall contribute their prorated portion, not to exceed \$27,600 to the cost of the signal installation at Tucker Station Road and Bluegrass Parkway; this shall be paid within 30 day of the request by the Director of Louisville Metro Public Works. If Louisville Metro Public Works does not have adequate funds to complete installation of the signal at the time the developer intends to request the Certificate of Occupancy, prior to requesting the Certificate of Occupancy, the developer shall contribute the remaining cost of the signal installation (not to exceed \$133,000), which would be the cost of the signal installation, less any other contributions committed by other developers for the signal installation.
8. The size and location of any proposed free-standing sign in the city of Jeffersontown must be in compliance with the city of Jeffersontown Sign Ordinance.
9. Outdoor lighting in the city of Jeffersontown (for parking lot illumination and security) shall meet the requirements of section 4.1.3 of the Land Development Code.
10. All off-street parking areas shall be permanently and continually maintained in good condition and free from potholes, weeds, dirt, trash and other debris.
11. Parking lot lights shall be reduced to a minimum security level of lighting 1 hour after the final shift is over.

The Vote Was as Follows:

YES: Commissioners Brown, Fischer, Clare, and Carlson

ABSENT: Commissioner Pennix

Revised Detailed District Development Plan with Amendments to the Existing Binding Elements

00:37:07 On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

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

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CASE NO. 22-DDP-0083

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

WHEREAS, the Louisville Metro Development Review Committee finds there are no open space requirements pertinent to the current proposal. Any future multi-family development proposed on the subject site will be required to meet Land Development Code requirements; and

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

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

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

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested revised detailed District Development Plan with Amendments to the existing Binding Elements, **SUBJECT** to the following Binding Elements:

1. The development shall be in accordance with the approved District Development Plan, all applicable sections of the Land Development Code (LDC) and agreed upon Binding Elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any Binding Element(s) shall be submitted to the Planning Commission or the Planning Commission's designee and to the city of Jeffersontown for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place

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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 Construction Review, the city of Jeffersontown, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. A Minor Subdivision Plat or legal instrument shall be recorded dedicating additional right-of-way to Tucker Station Road to provide a total of 40 feet from the center line). 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 appropriate Variances shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved District Development Plan.
 - d. 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.
 - e. A Tree Preservation Plan in accordance with chapter 10 of the Land Development Code shall be reviewed and approved prior to obtaining approval for site disturbance.
 - f. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 1, 2023 Development Review Committee meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
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.

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7. The developer shall contribute their prorated portion, not to exceed \$27,600 to the cost of the signal installation at Tucker Station Road and Bluegrass Parkway; this shall be paid within 30 day of the request by the Director of Louisville Metro Public Works. If Louisville Metro Public Works does not have adequate funds to complete installation of the signal at the time the developer intends to request the Certificate of Occupancy, prior to requesting the Certificate of Occupancy, the developer shall contribute the remaining cost of the signal installation (not to exceed \$133,000), which would be the cost of the signal installation, less any other contributions committed by other developers for the signal installation.
8. The size and location of any proposed free-standing sign in the city of Jeffersontown must be in compliance with the city of Jeffersontown Sign Ordinance.
9. Outdoor lighting in the city of Jeffersontown (for parking lot illumination and security) shall meet the requirements of section 4.1.3 of the Land Development Code.
10. All off-street parking areas shall be permanently and continually maintained in good condition and free from potholes, weeds, dirt, trash and other debris.
11. Parking lot lights shall be reduced to a minimum security level of lighting 1 hour after the final shift is over.

The Vote Was as Follows:

YES: Commissioners Brown, Fischer, Clare, and Carlson

ABSENT: Commissioner Pennix

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NEW BUSINESS

CASE NO. 23-DDP-0003

Request:	Revised Detailed District Development Plan with Waivers
Project Name:	Carrington Apartments
Location:	9301 Stonestreet Road
Owner/Applicant:	Richardson Properties, Inc.
Representative:	Alex Rosenberg
Jurisdiction:	Louisville Metro
Council District:	12 – Rick Blackwell
Case Manager:	Julia Williams, AICP, Planning Manager

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

The Staff Report prepared for this case was incorporated into the record. This report was available to any interested party prior to the Development Review Committee meeting. (The Staff Report is part of the case file maintained in Planning and Design Services offices, 444 South 5th Street.)

Agency Testimony:

00:38:14 Julia Williams presented the applicant's proposal for an apartment. Williams advised the Development Review Committee to review Binding Element 11.

The Following Spoke in Favor of This Request:

David Richardson, 833 Valley College Drive, Louisville, KY 40272

Summary of Testimony of Those in Favor:

00:46:08 David Richardson acknowledged that he is the owner.

00:46:17 Commissioner Carlson questioned Binding Element 11. David Richardson responded that he is not opposed to Binding Element 11.

00:46:41 Commissioner Brown acknowledged the sidewalk on Stonestreet Road. Brown clarified if the width is 5 feet. Julia Williams agreed.

00:47:34 Commissioner Brown clarified if there is a pedestrian connection. Julia Williams advocated that the applicant can provide one.

Deliberation:

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CASE NO. 23-DDP-0003

00:49:15 Commissioner Brown advocated for approval of the proposal. Commissioners Fischer and Clare agreed.

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

Waiver #1: Waiver from 10.2.10 to Eliminate the Required 15' Landscape Buffer Area (23-WAIVER-0020)

Waiver #2: Waiver from 5.11.4.A.4 to Not Provide the Required Open Space (23-WAIVER-0021)

00:49:28 On a motion by Commissioner Brown, seconded by Commissioner Fischer, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

(Waiver #1) WHEREAS, the Louisville Metro Development Review Committee finds the Waiver will not adversely affect adjacent property owners since the drive lane where the LBA would be required is existing; and

WHEREAS, the Louisville Metro Development Review Committee finds Community Form Goal 1, Policy 9 calls to ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and set back requirements. Community Form Goal 1, Policy 10 calls to mitigate the impacts caused when incompatible developments unavoidably occur adjacent to one another. Buffers should be used between uses that are substantially different in intensity or density. Buffers should be variable in design and may include landscaping, vegetative berms and/or walls and should address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Residential uses that develop adjacent to agricultural land uses may be required to provide screening and buffering to protect both the farmer and homeowners. The proposal meets Plan 2040 because the access road is existing. There are existing trees on the adjacent site which are located in a 100' stream buffer for Ponder Creek; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of the Waiver of the regulation is the minimum necessary to afford relief to the applicant since the access road is existing. There are existing trees on the adjacent site which are located in a 100' stream buffer for Ponder Creek; and

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WHEREAS, the Louisville Metro Development Review Committee finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant since the access road is existing. There are existing trees on the adjacent site which are located in a 100' stream buffer for Ponder Creek; and

(Waiver #2) WHEREAS, the Louisville Metro Development Review Committee finds the Waiver will not adversely affect adjacent property owners since there is significant open space on those adjacent sites. Bobby Nichols Golf Course and Waverly Park are located at the nearby intersection of Valley College Drive and E Pages Lane; and

WHEREAS, the Louisville Metro Development Review Committee finds Community Form Goal 3, Policies 2-10 calls to design open space to meet outdoor recreation, natural resource protection, aesthetic, cultural and educational, public, or health and safety needs. Open space may also be associated with civic uses, managed for production of resources and designed to ensure compatibility between differing land uses. Ensure that transitions between existing public parks and new development minimize impacts and provide access. Provide access to greenways whenever possible. Encourage natural features to be integrated within the prescribed pattern of development. Conserve, restore and protect vital natural resource systems such as mature trees, steep slopes, streams and wetlands. Open spaces should be integrated with other design decisions to shape the pattern of development. Encourage the use of greenways as a way to connect neighborhoods. Encourage use of conservation subdivisions, conservation easements, transfer of development rights and other innovative methods to permanently protect open space. Encourage development that respects the natural features of the site through sensitive site design, avoids substantial changes to the topography, and minimizes property damage and environmental degradation resulting from disturbance of natural systems. There is significant open space on those adjacent sites. Bobby Nichols Golf Course and Waverly Park are located at the nearby intersection of Valley College Drive and E Pages Lane; and

WHEREAS, the Louisville Metro Development Review Committee finds the extent of the Waiver of the regulation is the minimum necessary to afford relief to the applicant since there is significant open space on those adjacent sites. Bobby Nichols Golf Course and Waverly Park are located at the nearby intersection of Valley College Drive and E Pages Lane; and

WHEREAS, the Louisville Metro Development Review Committee finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant there is significant open space on those adjacent sites. Bobby Nichols Golf Course and

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Waverly Park are located at the nearby intersection of Valley College Drive and E Pages Lane.

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver #1 from 10.2.10 to eliminate the required 15' landscape buffer area (23-WAIVER-0020) and Waiver #2 from 5.11.4.A.4 to not provide the required open space (23-WAIVER-0021).

The Vote Was as Follows:

YES: Commissioners Brown, Fischer, Clare, and Carlson

ABSENT: Commissioner Pennix

Revised Detailed District Development Plan

00:50:17 On a motion by Commissioner Brown, seconded by Commissioner Fischer, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested revised detailed District Development Plan, **ON CONDITION** that a 5-foot sidewalk is provided along the Stronestreet Road public right-of-way frontage, **SUBJECT** to the following Binding Elements:

1. The development shall be in accordance with the approved District Development Plan, all applicable sections of the Land Development Code (LDC) and agreed upon Binding Elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any Binding Element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The only permitted free-standing sign shall be a monument style sign, located as shown on the approved development plan/sign plan. No portion of the sign, including the leading edge of the sign frame, shall be closer than 25' to the street side property line. The sign shall not exceed 30 square feet in area per side and 6' in height. No sign shall have more than 2 sides.
3. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.
4. There shall be no outdoor storage, display, or sales permitted on the site.
5. Outdoor lighting (for parking lot illumination and security) shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90-degree cut-off and height of the light standard shall be set so that no light source is visible off-site.

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CASE NO. 23-DDP-0003

6. 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.
7. 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 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. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 1, 2023 Development Review Committee and the September 26, 2002 Land Development & Transportation Committee meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
8. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
9. 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.
10. The dumpster shall not be emptied between the hours of 10 pm and 7 am.
11. The owner/developer shall install a four-board horse fence similar to that installed by other adjoining developments along Stonestreet Parkway and Valley College Drive.

The Vote Was as Follows:

YES: Commissioners Brown, Fischer, Clare, and Carlson

ABSENT: Commissioner Pennix

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NEW BUSINESS

CASE NO. 22-DDP-0141

Request: Revised Detailed District Development Plan with Waivers from Land Development Code Section 10.2.4.B.1 and 4.4.8.E.8

Project Name: Paul's Fruit Market

Location: 4966 US Highway 42

Owner/Applicant: Ben Coomes

Representative: Marv Blomquist

Jurisdiction: Louisville Metro

Council District: 7 – Paula McCraney

Case Manager: John Michael Lawler, Planner I

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

The Staff Report prepared for this case was incorporated into the record. This report was available to any interested party prior to the Development Review Committee meeting. (The Staff Report is part of the case file maintained in Planning and Design Services offices, 444 South 5th Street.)

Agency Testimony:

00:51:30 John Michael Lawler presented the applicant's proposal for a Paul's Fruit Market.

00:55:02 Commissioner Clare questioned the amount of encroachment from Goodwill and Walgreens. John Michael Lawler clarified that Goodwill and Walgreens is 10 feet and Paul's Fruit Market is 15 feet.

The Following Spoke in Favor of This Request:

Marv Blomquist, 10529 Timberwood Circle, Suite D, Louisville, KY 40223

Summary of Testimony of Those in Favor:

00:56:06 Marv Blomquist acknowledged that the grading is below Brownsboro Road. Blomquist advocated for the removal of 2 evergreens. He implored Planning and Design Services to help him on the landscape plan.

00:59:02 Commissioner Brown questioned the intended use. Marv Blomquist acknowledged that the left is parking and right is sales and storage.

The Following Spoke Neither for nor Against:

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Paula McCraney, 601 West Jefferson Street, Louisville, KY 40202

Summary of Testimony of Those Neither for nor Against:

01:01:46 Paula McCraney clarified if the Paul's Fruit Market on Brownsboro Road is relocating to this location. Marv Blomquist agreed.

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

Waiver #1: Waiver from Land Development Code Section 4.4.8.E.8 to Allow Outdoor Display and Sales in the Required Parkway Buffer Area (22-WAIVER-0241)

Waiver #2: Waiver from Land Development Code Section 10.2.4.B.1 to Allow a Covered Patio Canopy to Encroach into the Required 30' Landscape Buffer Area (22-WAIVER-0241)

01:03:18 On a motion by Commissioner Brown, seconded by Commissioner Fischer, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds the Waivers will not adversely affect adjacent property owners since buffering, screening, and plantings will still be provided along the right-of-way. Adjacent properties also have structures that are as close, or closer, to the right-of-way as the proposed development; and

WHEREAS, the Louisville Metro Development Review Committee finds Community Form Goal 1, Policy 10 calls to mitigate the impacts caused when in compatible developments unavoidably occur adjacent to one another. Buffers should be used between uses that are substantially different in intensity or density. Buffers should be variable in design and may include landscaping, vegetative berms and/or walls and should address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Residential uses that develop adjacent to agricultural land uses may be required to provide screening and buffering to protect both the farmer and homeowners. The plan is in compliance with Plan 2040 because the proposed development is in keeping with the existing development pattern along the parkway and has existing landscaping on site that serve as sufficient buffers, in-line with what is present along this portion of the parkway; and

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WHEREAS, the Louisville Metro Development Review Committee finds the extent of the Waivers of the regulations are the minimum necessary to afford relief to the applicant since all set backs, screening, and plantings will still be provided along the parkway; and

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

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver #1 from Land Development Code section 4.4.8.E.8 to allow outdoor display and sales in the required parkway buffer area (22-WAIVER-0241) and Waiver #2 from Land Development Code section 10.2.4.B.1 to allow a covered patio canopy to encroach into the required 30' landscape buffer area (22-WAIVER-0241).

The Vote Was as Follows:

YES: Commissioners Brown, Fischer, Clare, and Carlson

ABSENT: Commissioner Pennix

Revised Detailed District Development Plan

01:04:03 On a motion by Commissioner Brown, seconded by Commissioner Fischer, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

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

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

WHEREAS, the Louisville Metro Development Review Committee finds open space requirements do not apply to the site. Future development will meet Land Development Code requirements; and

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

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

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

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested revised detailed District Development Plan, **SUBJECT** to the following Binding Elements.

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

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

- d. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 1, 2023 Development Review Committee meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
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 parkway buffer is to be planted in grass, shrubs, seasonal flowers, or other vegetative ground cover and trees at a ratio of one Type A tree for each 25 feet of lineal distance along US Highway 42.
9. The only permitted free-standing sign shall be a monument style sign, located as shown on the approved development plan. No portion of the sign, including the leading edge of the sign frame, shall be closer than 10 feet to the front property line. The sign shall not exceed 52 square feet in area per side and 6 feet, 6 inches in height. No sign shall have more than 2 sides.
10. Outdoor lighting shall be directed down and away from US Highway 42. Lighting fixtures shall have a 90-degree cut-off so that no light source is visible off-site. Lighting levels attributable to the fixtures located on the subject site shall not exceed 2-foot candles at the property line.

The Vote Was as Follows:

YES: Commissioners Brown, Fischer, Clare, and Carlson

ABSENT: Commissioner Pennix

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ADJOURNMENT

The meeting adjourned at approximately 2:07 p.m.

Chair

Planning Director