

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE MEETING
October 2, 2019**

A meeting of the Louisville Metro Development Review Committee was held on October 2, 2019 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, KY 40202.

Commissioners present:

David Tomes, Chair
Rich Carlson, Vice Chair
Jeff Brown

Commissioners absent:

Emma Smith

Staff members present:

Emily Liu, Director, Planning & Design Services
Joe Haberman, Planning & Design Manager
Julia Williams, Planning Supervisor
Jay Lockett, Planner I
Lacey Gabbard, Planner I
Joel Dock, Planner II
John Carroll, Legal Counsel
Beth Stuber, Transportation
Chris Cestaro, Management Assistant

The following matters were considered

DEVELOPMENT REVIEW COMMITTEE MINUTES
October 2, 2019

APPROVAL OF MINUTES

September 18, 2019 DRC Meeting Minutes

00:02:39 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted:

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the minutes of its meeting conducted on September 18, 2019.

The vote was as follows:

YES: Commissioners Carlson and Brown.

ABSTAIN: Commissioner Tomes.

NOT PRESENT: Commissioner Smith.

DEVELOPMENT REVIEW COMMITTEE MINUTES

October 2, 2019

BUSINESS SESSION

CASE NUMBER 19-CAT3-0013

Request:	Category 3 Development Plan
Project Name:	Hyatt Place / Hyatt House
Location:	127 & 129 West Market Street; 133, 135, 139, 141 & 143 West Market Street; and 123 South 2 nd Street.
Owner(s):	GP Enterprises, LLC
Applicant:	GP Enterprises, LLC
Representative:	Wyatt Tarrant & Combs, LLP
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Jay Lockett, AICP, Planner I

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

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

Agency Testimony:

00:03:35 Jay Lockett presented the case (see staff report and recording for detailed presentation.) He noted that this case was originally presented at today's Downtown Development Review Overlay Committee.

00:04:34 Commissioner Carlson, who was present at the meeting of today's DDRO, said there had previously been an issue with the drop-off location but that the applicant appears to have worked with Metro Public Works and found a satisfactory location for that. He said he had suggested that the applicant consider using green roof materials, and the applicant said they would take that under advisement.

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.

00:05:20 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution, based on the Standard of Review and Staff Analysis and testimony heard today, was adopted:

DEVELOPMENT REVIEW COMMITTEE MINUTES
October 2, 2019

BUSINESS SESSION

CASE NUMBER 19-CAT3-0013

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Category 3 Development Plan.

The vote was as follows:

YES: Commissioners Carlson, Brown, and Tomes.

NOT PRESENT: Commissioner Smith.

DEVELOPMENT REVIEW COMMITTEE MINUTES

October 2, 2019

NEW BUSINESS

CASE NUMBER 19-FFO-0004

Request: Floyds Fork Development Review Overlay for single family residence
Project Name: Jessica Clan Residence
Location: 8100 Stout Road
Owner(s): Jessica M. Clan
Applicant: Jessica M. Clan
Representative: Jessica M. Clan
Jurisdiction: Louisville Metro
Council District: 20 – Stuart Benson

Case Manager: Joel Dock, AICP, Planner II

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

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

Agency Testimony:

00:05:56 Joel Dock presented the case and showed the site plan (see staff report and recording for detailed presentation.)

00:08:02 Commissioner Carlson asked if the structure would be in a floodplain. Mr. Dock said MSD has already approved a foundation-only site construction; also, the applicant has been working with MSD for any additional permits.

The following spoke in favor of this request:

Jessica M. Clan, 8100 Stout Road, Louisville, KY

Summary of testimony of those in favor:

00:08:25 Jessica Clan said she has already been working with MSD for construction issues.

The following spoke in opposition to this request:

No one spoke.

DEVELOPMENT REVIEW COMMITTEE MINUTES

October 2, 2019

NEW BUSINESS

CASE NUMBER 19-FFO-0004

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.

00:10:17 Commissioners' deliberation.

00:10:25 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution, based on the staff report and evidence and testimony heard today, was adopted:

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Floyds Fork Development Review Overlay.

The vote was as follows:

YES: Commissioners Carlson, Brown, and Tomes.

NOT PRESENT: Commissioner Smith.

DEVELOPMENT REVIEW COMMITTEE MINUTES

October 2, 2019

NEW BUSINESS

CASE NUMBER 19-DDP-0044

Request: District Development Plan
Project Name: Airtech II
Location: 980 Glengarry Drive
Owner: Paul Elmes - Airtech United LLC
Applicant: Paul Elmes - Airtech United LLC
Representative: Steve Scott - Mindel Scott & Associates
Jurisdiction: Louisville Metro
Council District: 13 – Mark Fox

Case Manager: Lacey Gabbard, AICP, Planner I

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

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

Agency Testimony:

00:11:08 Lacey Gabbard presented the case (see staff report and recording for detailed presentation.)

00:12:52 In response to a question from Commissioner Brown regarding the old binding element #9, , Ms. Gabbard said the proposed binding element #4D covers final renderings/elevations and building materials.

The following spoke in favor of this request:

Steve Scott, Mindel Scott & Associates, 5151 Jefferson Boulevard, Louisville, KY 40219

Summary of testimony of those in favor:

00:13:23 Steve Scott, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

00:15:33 In response to a question from Commissioner Brown, Mr. Scott said it was not certain what would be stored outside.

00:15:51 Commissioner Carlson asked if the rear building is smaller than what was proposed in 2008. Mr. Scott said the building being proposed today is significantly smaller. Commissioner Carlson asked if the Fire Department had comments. Mr. Scott

DEVELOPMENT REVIEW COMMITTEE MINUTES

October 2, 2019

NEW BUSINESS

CASE NUMBER 19-DDP-0044

said the applicant will need to get an approved fire hydrant plan prior to receiving construction approval. Ms. Gabbard said the current plan has been distributed to the Fire Department but she has not received any comments back yet.

The following spoke in opposition to this request:

No one spoke.

Deliberation:

00:17:43 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.

00:17:55 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution, based on the Standard of Review and Staff Analysis and testimony heard today, was adopted:

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

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

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

WHEREAS, the Committee further finds that the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape

DEVELOPMENT REVIEW COMMITTEE MINUTES

October 2, 2019

NEW BUSINESS

CASE NUMBER 19-DDP-0044

buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks; and

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

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested District Development Plan and Binding Element Amendments, **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 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, 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.

DEVELOPMENT REVIEW COMMITTEE MINUTES

October 2, 2019

NEW BUSINESS

CASE NUMBER 19-DDP-0044

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

The vote was as follows:

YES: Commissioners Carlson, Brown, and Tomes.

NOT PRESENT: Commissioner Smith.

DEVELOPMENT REVIEW COMMITTEE MINUTES

October 2, 2019

NEW BUSINESS

CASE NUMBER 19-DDP-0040

Request: Revised Development Plan with Binding Element
Amendments
Project Name: Kenlie Place
Location: 4229 Taylorsville Road
Owner: Steve H. Scott – 4229 SMS, LLC
Applicant: Steve H. Scott – 4229 SMS, LLC
Representative: Steve Scott - Mindel Scott & Associates
Jurisdiction: Louisville Metro
Council District: 18 – Marilyn Parker

Case Manager: Lacey Gabbard, AICP, Planner I

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

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

Agency Testimony:

00:18:38 Lacey Gabbard presented the case (see staff report and recording for detailed presentation.)

00:22:00 In response to a question from Commissioner Brown, Ms. Gabbard showed the differences between the previously approved plan and the proposed plan being presented today.

The following spoke in favor of this request:

Steve Scott, Mindel Scott & Associates, 5151 Jefferson Boulevard, Louisville, KY 40219

Summary of testimony of those in favor:

00:23:19 Steve Scott, the applicant's representative, presented the applicant's case and showed a Power Point presentation (See recording for detailed presentation.)

The following spoke in opposition to this request:

No one spoke.

DEVELOPMENT REVIEW COMMITTEE MINUTES

October 2, 2019

NEW BUSINESS

CASE NUMBER 19-DDP-0040

00:26:43 Commissioners' deliberation.

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

Revised Development Plan with Binding Element Amendments

00:26:54 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Standard of Review and Staff Analysis, and testimony heard today, was adopted:

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

WHEREAS, the Committee further finds that the proposal meets Land Development Code requirements for open space. Staff has requested and received a landscape exhibit showing the treatment and activation of the required open space (Lot 31), to which the proposed binding element refers; and

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

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

DEVELOPMENT REVIEW COMMITTEE MINUTES

October 2, 2019

NEW BUSINESS

CASE NUMBER 19-DDP-0040

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

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Revised Development Plan and Binding Element Amendments, **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 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:
 - 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.

DEVELOPMENT REVIEW COMMITTEE MINUTES

October 2, 2019

NEW BUSINESS

CASE NUMBER 19-DDP-0040

- 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 blanket crossover/shared access easement agreement in a form acceptable to the Planning Commission legal counsel shall be created and recorded in the deed restrictions for the site or recorded prior to certificate of occupancy.
 - f. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - g. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
6. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors, and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

DEVELOPMENT REVIEW COMMITTEE MINUTES

October 2, 2019

NEW BUSINESS

CASE NUMBER 19-DDP-0040

8. The existing house on Lot 35 shall not be demolished. Future exterior renovations of the existing residence shall be reviewed in consultation with the staff of the Metro Landmark Commission.
9. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities – preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
10. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.
11. All street signs shall be installed by the Developer, and shall conform to the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street, and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
12. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.
13. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Homeowners Association. Accumulations of water in which mosquito larvae breed or have the potential to breed are required to be treated with a mosquito larvacide approved by the Louisville Metro Health Department. Larvacides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.
14. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
 - a. Articles of Incorporation in a form approved by the Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners Association.

DEVELOPMENT REVIEW COMMITTEE MINUTES

October 2, 2019

NEW BUSINESS

CASE NUMBER 19-DDP-0040

- b. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.
 - c. Bylaws of the Homeowners Association in a form approved by Counsel for the Planning Commission.
15. At the time the developer turns control of the homeowners association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowners association account. The subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement.
16. The Developer / Property Owner shall install a concrete boarding pad (5X10), with a 5' wide connector to a bench pad (3X12) and then notify TARC when the construction is complete. TARC will then install a standard bench. In addition, the Developer / Property Owner shall clean the stop as needed.
17. The open space lot (Lot 31) shall be in accordance with the landscape exhibit titled "Conceptual Retention Basin Landscape Exhibit" as presented at the Development Review Committee meeting on 10/2/19.

The vote was as follows:

YES: Commissioners Carlson, Brown, and Tomes.

NOT PRESENT: Commissioner Smith.

DEVELOPMENT REVIEW COMMITTEE MINUTES

October 2, 2019

NEW BUSINESS

CASE NUMBER 19-WAIVER-0055

Request: Sidewalk Waiver
Project Name: Johnston House Sidewalk
Location: 2710 Triplett Court
Owner: Christopher Johnston
Applicant: Christopher Johnston
Representative: Christopher Johnston
Jurisdiction: Louisville Metro
Council District: 12 – Rick Blackwell

Case Manager: Jay Lockett, AICP, Planner I

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

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

Agency Testimony:

00:27:24 Jay Lockett presented the case (see staff report and recording for detailed presentation.)

The following spoke in favor of this request:

No one spoke.

The following spoke in opposition to this request:

No one spoke.

00:29:38 Commissioners' deliberation. Commissioner Brown and Mr. Lockett discussed whether the sidewalk was required, since this is a cul-de-sac.

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

DEVELOPMENT REVIEW COMMITTEE MINUTES

October 2, 2019

NEW BUSINESS

CASE NUMBER 19-WAIVER-0055

00:30:10 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Standard of Review and Staff Analysis, and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners, as there are no sidewalks serving adjacent properties; and

WHEREAS, the Committee further finds that granting of the waiver will result in a development in compliance with the Comprehensive Plan and the overall intent of the Land Development Code, as the existing residential development pattern of the area has no sidewalks or transit near the subject site; and

WHEREAS, the Committee further finds that the applicant cannot reasonably comply with one of the listed methods of compliance, as construction of a sidewalk in this area would be minimally useful; and

WHEREAS, the Committee further finds that strict application of the provisions of the regulation would create an unreasonable hardship on the applicant, as the sidewalk to be constructed would be unreasonable for the proposed development; and

WHEREAS, the Committee further finds that sidewalks do not exist in the area and are unlikely to be constructed in the future; now, therefore be it

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the requested **Waiver from 5.8.1.B** (19-Waiver-0055) to not provide a sidewalk for the construction of a single family home.

The vote was as follows:

YES: Commissioners Carlson, Brown, and Tomes.

NOT PRESENT: Commissioner Smith.

DEVELOPMENT REVIEW COMMITTEE MINUTES

October 2, 2019

NEW BUSINESS

CASE NUMBER 19-WAIVER-0054

Request: Land Development Code General Waiver
Project Name: Hetta Accessory Structure
Location: 4610 Poplar Level Road
Owner: Hetta, LLC
Applicant: Hetta, LLC
Representative: Renaissance Design Build
Jurisdiction: Louisville Metro
Council District: 21 – Nicole George

Case Manager: Jay Lockett, AICP, Planner I

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

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

Agency Testimony:

00:30:42 Jay Lockett presented the case (see staff report and recording for detailed presentation.)

00:32:16 Commissioner Brown asked about a 12-foot wide fire access road that is shown on the plan. Mr. Lockett said the minor plat may have more detail about that access road. There was also discussion about a new property line. Beth Stuber, representing Transportation Planning, said she has reviewed the minor plat that went with this case. That is not presented as a property line. See recording for detailed discussion.

The following spoke in favor of this request:

No one spoke.

The following spoke in opposition to this request:

No one spoke.

00:34:26 Commissioners' deliberation.

DEVELOPMENT REVIEW COMMITTEE MINUTES

October 2, 2019

NEW BUSINESS

CASE NUMBER 19-WAIVER-0054

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

00:34:38 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners, as the structure will be setback a minimum of approximately 81 feet from the nearest adjacent residential property; and

WHEREAS, the Committee further finds that the waiver will not violate the guidelines of the Comprehensive Plan, as the structure will have adequate setbacks, and is in keeping with the varied pattern of development in the area; and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant, as all other residential site design standards will be met on the subject site; and

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land, as the property is large enough to support the proposed structure which will allow the property owner to store securely store equipment; now, therefore be it

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the requested **Waiver from 5.4.2.C.1** (19-Waiver-0054) to allow the footprint of an accessory structure to exceed the footprint of the primary structure.

The vote was as follows:

YES: Commissioners Carlson, Brown, and Tomes.

NOT PRESENT: Commissioner Smith.

DEVELOPMENT REVIEW COMMITTEE MINUTES

October 2, 2019

NEW BUSINESS

CASE NUMBER 19-WAIVER-0049

Request: Land Development Code General Waiver
Project Name: Mapp House
Location: 1358 South 6th Street
Owner: Jon Mapp
Applicant: Jon Mapp
Representative: Jon Mapp
Jurisdiction: Louisville Metro
Council District: 6 – David James

Case Manager: Jay Luckett, AICP, Planner I

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

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

Agency Testimony:

Jay Luckett handed out packets to the Committee members of information received yesterday from a neighbor in opposition. He then presented the case (see staff report and recording for detailed presentation.) He noted that this alley is not appropriate for vehicular use – it is 10-feet wide and pedestrian-only.

The following spoke in favor of this request:

John Mapp, P.O. Box 32484, Louisville, KY 40232

Summary of testimony of those in favor:

00:38:41 John Mapp, the applicant, presented his case (see recording for detailed presentation.) He said he is requesting the waiver because this is a historical pedestrian alley.

00:40:14 Commissioner Brown asked if this was a public or private alley. Mr. Mapp said it is known to be a public, pedestrian alley.

The following spoke in opposition to this request:

John and Norma Ward, 2877 Regan Avenue, Louisville, KY 40206

DEVELOPMENT REVIEW COMMITTEE MINUTES

October 2, 2019

NEW BUSINESS

CASE NUMBER 19-WAIVER-0049

Summary of testimony of those in opposition:

00:41:11 Norma Ward said that, as adjoining property owners, she and her husband would be adversely affected (see recording for her detailed presentation; also her packet of information which is on file.) She said she and her husband have been maintaining this portion of the alley for about 16 years; also, this portion of the alley, which has been bricked and paved for about 60 years. She is concerned about the applicant's proposal to install lights and security cameras in the alley, which she feels will disturb their sleep and invade their privacy.

00:47:51 Commissioner Brown asked Mr. Luckett about what the components of the waiver and vehicular access. Mr. Luckett said Ms. Ward was only opposed to the pedestrian access facing their house, but was not opposed to the vehicular part. There was discussion between Mr. Luckett and the Committee members regarding whether this is a "public" vs. a "private" alley.

Rebuttal:

00:51:36 Mr. Mapp said he has never seen the Ward's letter and was unaware of their concerns, even though he has been in contact with them for weeks. He said he wants to work with neighbors regarding privacy and security issues, especially regarding placement of cameras or security lights.

00:54:05 Commissioners' deliberation.

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

00:54:44 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners, as the vehicular and pedestrian access to the site will be safe and in keeping with the prevailing pattern of the area; and

WHEREAS, the Committee further finds that the waiver will not violate the guidelines of the Comprehensive Plan, as it will allow for infill development in a historic neighborhood

DEVELOPMENT REVIEW COMMITTEE MINUTES

October 2, 2019

NEW BUSINESS

CASE NUMBER 19-WAIVER-0049

that is in keeping with the character of the area. The waiver will allow a historic alley to be used and maintained even though it is inadequate for vehicular use; and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant, as all other residential site design standards will be met on the subject site; and

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land, as the existing alley is inadequate for vehicular use; now, therefore be it

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the requested **Waiver from 5.4.1.E.7** (19-Waiver-0049) to allow the primary entrance of an accessory structure with a dwelling unit to face the rear of the property, and to allow garage doors to not face an alley.

The vote was as follows:

YES: Commissioners Carlson, Brown, and Tomes.

NOT PRESENT: Commissioner Smith.

DEVELOPMENT REVIEW COMMITTEE MINUTES

October 2, 2019

NEW BUSINESS

CASE NUMBER 19-DDP-0029

Request: Revised Detailed District Development Plan with a waiver and Review of Outdoor Amenity Area Design
Project Name: Thomas Eastpoint
Location: 2055 Nelson Miller Parkway
Owner: Thomas Development Co.
Applicant: Thomas Development Co.
Representative: Land Design & Development
Jurisdiction: Louisville Metro
Council District: 19 – Anthony Piagentini

Case Manager: Jay Lockett, AICP, Planner I

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

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

Agency Testimony:

00:55:24 Jay Lockett presented the case (see staff report and recording for detailed presentation.)

The following spoke in favor of this request:

Derek Triplett, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

Charlie Marsh, 4011 Gardiner Point Drive Suite 200, Louisville, KY 40213

Summary of testimony of those in favor:

01:00:27 Derek Triplett, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

01:04:11 Charlie Marsh spoke in support.

The following spoke in opposition to this request:

No one spoke.

DEVELOPMENT REVIEW COMMITTEE MINUTES

October 2, 2019

NEW BUSINESS

CASE NUMBER 19-DDP-0029

01:05:07 Julia Williams, Planning Supervisor and Landscape Architect for Planning & Design Services, clarified that, if an adjacent property provides the landscaping, that it can be used to meet the requirements in that buffer, provided that the adjacent property provides in writing that they will keep the landscaping there.

01:05:51 Commissioner Brown asked, since this is in a conservation easement, does the applicant still need to apply for a waiver? Mr. Luckett said yes, because the applicant is still encroaching physically into the width of the buffer.

01:06:15 Commissioners' deliberation.

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

Waiver from 10.2.4.B.8 (19-Waiver-0028) to allow truck maneuvering and parking areas to encroach into the 15 foot PEC property perimeter buffer.

01:07:35 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution, based on the testimony heard today from the applicant, was adopted:

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Waiver from 10.2.4.B.8 (19-Waiver-0028) to allow truck maneuvering and parking areas to encroach into the 15 foot PEC property perimeter buffer.

The vote was as follows:

YES: Commissioners Carlson, Brown, and Tomes.

NOT PRESENT: Commissioner Smith.

Revised Detailed District Development plan with replacement of existing binding elements

DEVELOPMENT REVIEW COMMITTEE MINUTES

October 2, 2019

NEW BUSINESS

CASE NUMBER 19-DDP-0029

01:08:32 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today from the applicant, was adopted:

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

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

WHEREAS, the Committee further finds that the proposed amenity area meets the requirements of the Land Development Code; and

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

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

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

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

Existing Binding Elements to be replaced

1. ~~The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission, except for permitted land uses for the~~

DEVELOPMENT REVIEW COMMITTEE MINUTES

October 2, 2019

NEW BUSINESS

CASE NUMBER 19-DDP-0029

~~established zoning district.~~

- ~~2. The development shall not exceed 76,550 square feet of gross floor area (including 10,000 square feet of first floor office and 4,000 square feet of second floor office).~~
- ~~3. The only permitted freestanding sign shall be located as shown on the approved district development plan. The sign shall not exceed 32 square feet in area and 8 feet in height.~~
- ~~4. No outdoor advertising signs (billboards), small freestanding (temporary) signs, pennants or banners shall be permitted on the site.~~
- ~~5. There shall be no outdoor storage on the site.~~
- ~~6. The applicant shall submit a plan for approval by the Planning Commission staff's landscape architect showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Adjustments to the tree preservation plan which are requested by the applicant may be approved by the Planning Commission staff's landscape architect if the revisions are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:~~
 - ~~a. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable)).~~
 - ~~b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).~~
 - ~~c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.~~
 - ~~d. Location of construction fencing for each tree/tree mass designated to be preserved.~~
- ~~7. Before a building or alteration permit and/or a certificate of occupancy is requested:~~

DEVELOPMENT REVIEW COMMITTEE MINUTES

October 2, 2019

NEW BUSINESS

CASE NUMBER 19-DDP-0029

- a. ~~The development plan must be re-approved by the Jefferson County Department of Public Works and Transportation and the Metropolitan Sewer District.~~
- b. ~~The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12. Such plan shall be implemented prior to requesting a certificate of occupancy and maintained thereafter.~~

- 8. ~~If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.~~

- ~~9. certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.~~

Proposed Binding Elements

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

DEVELOPMENT REVIEW COMMITTEE MINUTES

October 2, 2019

NEW BUSINESS

CASE NUMBER 19-DDP-0029

change of use, site disturbance, alteration permit or demolition permit is requested:

- a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. A minor subdivision plat or legal instrument shall be recorded to modify the recorded conservation easement area as shown on the plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
4. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
 5. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

The vote was as follows:

YES: Commissioners Carlson, Brown, and Tomes.

NOT PRESENT: Commissioner Smith.

DEVELOPMENT REVIEW COMMITTEE MINUTES
October 2, 2019

NEW BUSINESS

CASE NUMBER 19-DDP-0029

Review of Outdoor Amenity Area design

01:09:07 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution, based on the staff report, was adopted:

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Review of the Outdoor Amenity Design.

The vote was as follows:

YES: Commissioners Carlson, Brown, and Tomes.

NOT PRESENT: Commissioner Smith.

DEVELOPMENT REVIEW COMMITTEE MINUTES

October 2, 2019

NEW BUSINESS

CASE NUMBER 19-DDP-0030

Request: Detailed District Development Plan
Project Name: Renewal by Anderson
Location: 13200 O'Bannon Station Way
Owner: Essentially Family, LLC
Applicant: Essentially Family, LLC
Representative: Mindel Scott & Associates
Jurisdiction: Louisville Metro
Council District: 19 – Anthony Piagentini

Case Manager: Jay Lockett, AICP, Planner I

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

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

Agency Testimony:

01:09:35 Jay Lockett presented the case (see staff report and recording for detailed presentation.)

The following spoke in favor of this request:

Kent Gootee, Mindel Scott & Associates, 5151 Jefferson Boulevard, Louisville, KY 40219

Summary of testimony of those in favor:

01:11:53 Kent Gootee, the applicant's representative, presented the applicant's case (see recording for detailed presentation.)

The following spoke in opposition to this request:

No one spoke.

01:13:13 Commissioners' deliberation.

DEVELOPMENT REVIEW COMMITTEE MINUTES

October 2, 2019

NEW BUSINESS

CASE NUMBER 19-DDP-0030

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

Detailed District Development plan

01:13:19 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

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

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

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

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

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

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

DEVELOPMENT REVIEW COMMITTEE MINUTES

October 2, 2019

NEW BUSINESS

CASE NUMBER 19-DDP-0030

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the requested 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 for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. A minor subdivision plat or legal instrument shall be recorded to modify the recorded landscape buffer area as shown on the plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - c. A sidewalk easement agreement in a form acceptable to the Planning Commission legal counsel shall be created and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - 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 LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - f. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be

DEVELOPMENT REVIEW COMMITTEE MINUTES

October 2, 2019

NEW BUSINESS

CASE NUMBER 19-DDP-0030

available in the case file on record in the offices of the Louisville Metro Planning Commission.

4. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
5. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

The vote was as follows:

YES: Commissioners Carlson, Brown, and Tomes.

NOT PRESENT: Commissioner Smith.

DEVELOPMENT REVIEW COMMITTEE MINUTES
October 2, 2019

ADJOURNMENT

The meeting adjourned at approximately 2:15 p.m.

Chairman

Division Director