

1. ID 25-0211

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO DEVELOPMENT REVIEW COMMITTEE MEETING
March 19, 2025**

A meeting of the Louisville Metro Development Review Committee was held on March 19, 2025, at 1:00 p.m. at the Old Jail Auditorium, 514 W. Liberty Street, Louisville, KY 40202.

Committee Members Present:

Bill Fischer, Chair

Mark Benitez

Stephen Lannert

David Steff

Committee Members Absent:

Jennifer Kern

Staff Members Present:

Joe Haberman, Planning Manager

Rachel Casey, Planning Supervisor

Isis Shackelford, Engineer I

Laura Ferguson, Assistant County Attorney

Kaitlin Dever, Planner I

Lucia Rodriguez, Planner I

Catherine Gomez, Planner I

Mary Willis, Management Assistant

The following matters were considered:

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APPROVAL OF MINUTES

MARCH 5, 2025, DEVELOPMENT REVIEW COMMITTEE MINUTES

00:03:23 On a motion by Commissioner Steff, seconded by Commissioner Lannert, the following resolution was adopted:

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the Minutes of its meeting conducted on March 5, 2025.

The vote was as follows:

YES: Commissioners Lannert, Steff, Benitez, and Fischer

ABSENT: Commissioner Kern

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NEW BUSINESS

CASE NO. 25-WAIVER-0007

Request: New Cell Tower and Revised Detailed District Development Plan with amendments to binding elements
Project Name: Lv Jeffersontown RELO
Location: 2421 Holloway Road
Applicant: Verizon Wireless
Representative: Clark, Quinn, Moses, Scott, & Grahn, LLP
Jurisdiction: City of Jeffersontown
Council District: 11 – Kevin Kramer
Case Manager: Ethan Lett, 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 Committee 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 the Office of Planning, 444 S. 5th Street.)

Agency Testimony:

00:03:51 Bill Fischer stated that the applicant has requested the case be continued to the April 9, 2025, meeting (see recording for details).

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

00:04:30 On a motion by Commissioner Benitez, seconded by Commissioner Lannert, the following resolution, was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby **CONTINUE** the requested New Cell Tower (LDC 4.4.2) and a Revised Detailed District Development Plan with amendments to binding elements to the April 9, 2025, meeting.

The vote was as follows:

YES: Commissioners Lannert, Steff, Benitez, and Fischer

ABSENT: Commissioner Kern

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NEW BUSINESS

CASE NO. 25-WAIVER-0007

Request: Waiver from LDC Section 8.3.3.A.1 to allow a multiple use building to have more than one sign for a business use.

Project Name: Carhartt Space #C-12

Location: 4270 Summit Plaza Dr

Applicant: Paddock Properties LLC

Representative: B Sign Group, INC

Jurisdiction: Louisville Metro

Council District: 16 – Scott Reed

Case Manager: Catherine Gomez, 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 Committee received this report in advance of the meeting, and this report was available to any interested party prior to the public meeting. (Staff report is part of the case file maintained in the Office of Planning, 444 S. 5th Street.)

Agency Testimony:

00:05:05 Catherine Gomez provided an overview of the request and presented a PowerPoint presentation. Gomez responded to questions from Committee Members. (See recording for details)

The following spoke in favor of this request:

Patrick Sermersheim, 4239 Earnings Way, New Albany, IN 47150

Summary of testimony of those in favor:

00:07:59 Partick Sermersheim spoke in support of the proposal. Sermersheim stated the applicant would like to make the sign look more inviting and to resemble other stores (see recording for details).

Deliberation:

00:08:42 Committee deliberation

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

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NEW BUSINESS

CASE NO. 25-WAIVER-0007

Waiver from Land Development Code (LDC), Section 8.3.3.A.1 to allow a multiple use building to have more than one sign for a business use.

00:08:57 On a motion by Commissioner Steff, seconded by Commissioner Lannert, the following resolution, based on the staff report and testimony heard today, was adopted:

WHEREAS, the Development Review Committee finds the waiver will not adversely affect adjacent property owners as the signs will not impact the safe movement of pedestrians and vehicles and are in character with the visual characteristics of existing development in the surrounding area. Furthermore, the proposed signs are visually consistent with the architecture, materials, colors, and overall design of the building which it identifies within the commercial center. According to Appendix 8B in the Land Development Code, pedestrian-oriented signs, such as the proposed signs, are encouraged and desirable for a business to use so pedestrians can easily and comfortably read the sign as they stand adjacent to the business. The proposed waiver is within the interior of a large commercial center and will not affect adjacent property owners, and

WHEREAS, the Development Review Committee finds the Community Form Goal 1, Policy 14 calls for ensuring that signs are compatible with the Form District pattern and contribute to the visual quality of their surroundings. Promote signs of a size and height adequate for effective communication and conducive to motor vehicle safety. Encourage signs that integrate with or attached to structures wherever feasible; limit freestanding signs to monument style signs unless such design would unreasonably compromise sign effectiveness. The proposed signs match the design of existing attached signage within the established shopping center and are adequately sized to effectively communicate the structure's use without cluttering or detracting from the visual quality of the area, and

WHEREAS, the Development Review Committee finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the combined total area of all four signs is well below the maximum sign area permitted, even when including the square footage of the previously approved sign permit. The storefront permits for 100 S.F. of max sign area, the applicant is requesting 36.5 S.F., and

WHEREAS, the Development Review Committee finds the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as this property is part of a larger commercial center and the proposed sign will help distinguish it as a separate development and allow for convenient recognition of the

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building's intended use. Many of the businesses in the commercial center have more than one sign on their storefront, so the strict application of this regulation will not match what has been applied throughout the development already; now, therefore be it.

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested waiver from Land Development Code (LDC), Section 8.3.3.A.1 to allow a multiple use building to have more than one sign for a business.

The vote was as follows:

YES: Commissioners Lannert, Steff, Benitez, and Fischer

ABSENT: Commissioner Kern

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NEW BUSINESS

CASE NO. 25-WAIVER-0020

Request:	Waiver from Lyndon Land Development Code Section 10.2.10 to waive the required 10 ft Vehicle Use Area landscape buffer area
Project Name:	Beha Cleaners
Location:	7907 Shelbyville Rd
Applicant:	Bam Beha LLC
Representative:	Civil Design, Inc
Jurisdiction:	City of Lyndon
Council District:	18 – Marilyn Parker
Case Manager:	Lucia Rodriguez, Planner I

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

Agency Testimony:

00:10:06 Lucia Rodriguez provided an overview of the request and presented a PowerPoint presentation. Rodriguez responded to questions from Committee Members. (See recording for details)

The following spoke in favor of this request:

Kyleah Ohlmann, 9400 Bunsen Pkwy, Louisville, KY 40220

Summary of testimony of those in favor:

00:15:59 Kyleah Ohlmann spoke in support of the proposal. Ohlmann stated that she was available for any questions and Ohlmann responded to questions from Committee Members (see recording for details).

The following spoke in opposition to the request:

None

Deliberation:

00:17:50 Committee deliberation

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CASE NO. 25-WAIVER-0020

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

Waiver from Lyndon Land Development Code (LDC) Section 10.2.10 to waive the required 10 ft Vehicle Use Area landscape buffer area along Shelbyville Road.

00:18:01 On a motion by Commissioner Benitez, seconded by Commissioner Lannert, the following resolution, based on the staff report and testimony heard today, was adopted:

WHEREAS, the Development Review Committee finds the waiver will not adversely affect adjacent property owners because the property owner to the east will be leasing the subject site and there is adequate buffering between Shelbyville Road and the main campus of the car dealership. The adjacent property to the west is occupied by a billboard and does not have public access, limiting any potential effect of the requested waiver, and

WHEREAS, the Development Review Committee finds the community Form Goal 1, Policy 4 recommends that new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Plan 2040 defines Regional Centers as typically having easy vehicular access with frontage on arterial streets and close proximity to an expressway or arterial interchange. This site is proposing to maintain their easy vehicular access adjacent to the major arterial, Shelbyville Road, that connects to the interstate 264 expressway. Community Form Goal 1, Policy 3 recommends this form districts to be located on or near major arterials (Shelbyville Road), and encourages connectivity and unified access and circulation, which this site will be providing for the adjacent property. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. This site is compatible with the scale and design of the surrounding area as many of the surrounding properties have a significant amount of parking between the street and principal buildings, and

WHEREAS, the Development Review Committee the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the curb cut and utilities are existing conditions and span the entire southern width of the property, and

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CASE NO. 25-WAIVER-0020

WHEREAS, the Development Review Committee finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of this land as the location in question has existing utilities including gas and water valves. The removal of existing pavement that would be required for the VUA LBA would also entail the removal and relocation of these existing utilities, which would create an unnecessary hardship to the applicant. The relocation would incur high costs that would not be worth the size of the project; now, therefore be it.

RESOLVED, the Louisville Metro Development Review Committee does hereby **RECOMMEND** the City of Lyndon to **APPROVE** the requested Waiver from Lyndon Land Development Code (LDC) Section 10.2.10 to waive the required 10 ft Vehicle Use Area landscape buffer area along Shelbyville Road.

The vote was as follows:

YES: Commissioners Lannert, Steff, Benitez, and Fischer

ABSENT: Commissioner Kern

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CASE NO. 25-PARKWAIVER-0001

Request:	Parking Waiver to exceed the maximum permitted parking
Project Name:	7 Brew Coffee (Poplar Level)
Location:	4023 Poplar Level Road
Applicant:	7 Brew Team KY, LLC
Representative:	7 Brew Team KY, LLC
Jurisdiction:	Louisville Metro
Council District:	10 – Josie Raymond
Case Manager:	Kaitlin Dever, 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 Committee 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 the Office of Planning, 444 S. 5th Street.)

Agency Testimony:

00:19:13 Kaitlin Dever provided an overview of the request and presented a PowerPoint presentation. Dever responded to questions from Committee Members (see recording for details).

The following spoke in favor of this request:

Brian Evans, 1686 Victory Ct., Prospect, KY 40059

Summary of testimony of those in favor:

00:21:50 Brian Evans spoke in support of the proposal. Evans stated that the business is drive thru only and the applicant is asking for the waiver due to the need of parking space for employees. Evans responded to questions from Committee Members (see recording for details).

The following spoke in opposition to the request:

None

Deliberation:

00:24:19 Committee deliberation

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CASE NO. 25-PARKWAIVER-0001

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Parking Waiver from Land Development Code (LDC) Table 9.1.3B to exceed the 8 maximum permitted parking spaces by 3 spaces, for a total of 11 parking spaces.

00:24:30 On a motion by Commissioner Steff, seconded by Commissioner Benitez, the following resolution, based on the standard of review contained in the staff report and staff analysis and testimony heard today, was adopted:

WHEREAS, the Development Review Committee finds that Plan 2040 Community Form Goal 1 Policy 3.1.10 characterizes the Suburban Workplace form district as containing a single large-scale use or cluster of uses within a master planned development in a landscaped setting. In order to provide adequate transportation access in suburban workplaces, connected roads, public transportation, and pedestrian facilities should be encouraged. Mobility Goal 2 Policy 1 advocates for the provision of transportation facilities and systems that accommodate all users and allow for context sensitive solutions that recognize the distinguishing characteristic of each of the Form Districts. Mobility Goal 3 calls to ensure that transportation facilities of new developments are compatible with and support access to surrounding land uses and contribute to the appropriate development of adjacent lands. Where appropriate, provide at least one continuous roadway through the development to tie all local access roads or parking areas to the arterial street system. The proposal accommodates for all transit users in the provision of vehicular parking, bicycle parking, and a striped pedestrian access between Poplar Level Road and the principal building entrance. The site will be served by an internal drive with no direct access to the Poplar Level Road major arterial to reduce traffic and is compatible with the pattern of development in the surrounding area.

Mobility Goal 3 Policy 4 states that parking requirements should take into account the density and relative proximity of residence to businesses in the market area, the availability and use (both current and potential) of multi-modal transportation options, the character and pattern of the Form District, and advances in technology. Additional consideration include hours of operation and opportunities for shared parking may be factored on a site-by-site basis. On-site parking standards should reflect the availability of on-street, shared, and public parking spaces. Parking standards should include the minimum and maximum number of spaces required based on the land use and pattern of development in the area. The site will be served by public transportation facilities such as

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TARC. Shared parking provisions are not available for this site due to its separation from nearby uses with the internal access drive. On-street parking is also not available for this site. The subject site is located on a major arterial roadway in a node of mixed-use commercial, office, and heavily residential zoning districts as well as nearby pockets of industrial uses. The parking study submitted in accordance with LDC Section 9.1.17 does indicate in similar market areas that parking demand exceeds the maximum permitted by the LDC, and

WHEREAS, the Development Review Committee finds the applicant made a good faith effort to provide as many parking spaces as possible on the site, on other property under the same ownership, or through joint use provisions. Shared parking provisions are not available for this site due to its separation from nearby uses with the internal access drive. On-street parking is also not available for this site. The applicant is reducing the impervious surface of the site, restoring green space, and providing landscaping for the proposed parking, and

WHEREAS, the Development Review Committee finds the requirements found in Table 9.1.3B do not allow the provision of the number of parking spaces needed to accommodate the parking needs of the proposed use. The LDC does not account for the peak demand and staffing changes of small-scale drive-thru restaurant uses which do not meet the anticipated definition and parking requirements of a standard restaurant use. The applicant is requesting to provide a number of parking spaces reasonably supported by the parking study of similar sites to meet the market demand of the proposed use, and

WHEREAS, the Development Review Committee finds the requested increase is the minimum needed to accommodate use as supported by the applicant's parking study of similar sites in Jeffersonville, IN and Kingsport, TN. The parking study demonstrates that peak demand occurs in the morning, varying from 9-12 occupied parking spaces. The requested maximum parking is 11 spaces, including an ADA accessible space; now, therefore be it.

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Parking Waiver from Land Development Code (LDC) Table 9.1.3B to exceed the 8 maximum permitted parking spaces by 3 spaces, for a total of 11 parking spaces.

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CASE NO. 25-PARKWAIVER-0001

The vote was as follows:

YES: Commissioners Lannert, Steff, Benitez, and Fischer

ABSENT: Commissioner Kern

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NEW BUSINESS

CASE NO. 25-PARKWAIVER-0002

Request: Parking Waiver to exceed the maximum permitted parking
Project Name: 7 Brew Coffee (Dixie Hwy)
Location: 10645 Dixie Highway
Applicant: 7 Brew Team KY, LLC
Representative: 7 Brew Team KY, LLC
Jurisdiction: Louisville Metro
Council District: 25 – Khalil Batshon
Case Manager: Kaitlin Dever, 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 Committee received this report in advance of the meeting, and this report was available to any interested party prior to the public meeting. (Staff report is part of the case file maintained in the Office of Planning, 444 S. 5th Street.)

Agency Testimony:

00:25:30 Kaitlin Dever provided an overview of the request and presented a PowerPoint presentation. Dever responded to questions from Committee Members. (See recording for details)

The following spoke in favor of this request:

Brian Evans, 1686 Victory Ct., Prospect, KY 40059

Summary of testimony of those in favor:

00:28:58 Brian Evans spoke in support of the proposal. Evans stated that the parking lot would be subdivided, and it would be owned by the applicant. Evans provided more detail on how the lots would be divided. Evans responded to questions from Committee Members (see recording for details).

The following spoke in opposition to the request:

None

Deliberation:

00:33:23 Committee deliberation

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NEW BUSINESS

CASE NO. 25-PARKWAIVER-0002

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

Parking Waiver from Land Development Code (LDC) Table 9.1.3B to exceed the 8 maximum permitted parking spaces by 3 spaces, for a total of 11 parking spaces.

00:35:49 On a motion by Commissioner Lannert, seconded by Commissioner Steff, the following resolution, based on the standard of review of C and D contained in the staff report and based on the testimony heard today that the goals and policies of Plan 2040 are supported because the proposed development will reduce the overall number of parking spaces on the property, was adopted:

WHEREAS, the Development Review Committee finds that Plan 2040 Community Form Goal 1 Policy 3.1.8 characterizes the Suburban Marketplace Corridor form district as a pattern of development distinguished by a mixture of medium- to high-intensity uses on major roadways. Accommodation for transit users, bicyclists, and pedestrians are encouraged in an effort to attract a variety of users as well as to minimize automobile dependency and traffic congestion. Connectivity to nearby uses should be encouraged. Developers should be encouraged to design new commercial development in compact groups of building, which use the same curb cut, share parking, and have a common freestanding sign identifying the uses and have a common buffering or streetscape plan with respect to any abutting uses of lower density or intensity.

Mobility Goal 2 Policy 1 advocates for the provision of transportation facilities and systems that accommodate all users and allow for context sensitive solutions that recognize the distinguishing characteristic of each of the Form Districts. Mobility Goal 3 calls to ensure that transportation facilities of new developments are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. Where appropriate, provide at least one continuous roadway through the development to tie all local access roads or parking areas to the arterial street system. The proposal accommodates for some transit users in the provision of vehicular parking, bicycle parking, and its proximity to public transportation facilities. The site will be served by an internal drive with no direct access to the Dixie Highway major arterial to reduce traffic and is compatible with the pattern of development in the surrounding area.

Mobility Goal 3 Policy 4 states that parking requirements should take into account the density and relative proximity of residence to businesses in the market area, the availability and use (both current and potential) of multi-modal transportation options,

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the character and pattern of the Form District, and advances in technology. Additional consideration include hours of operation and opportunities for shared parking may be factored on a site-by-site basis. On-site parking standards should reflect the availability of on-street, shared, and public parking spaces. Parking standards should include the minimum and maximum number of spaces required based on the land use and pattern of development in the area. The site will be served by public transportation facilities such as TARC. The subject site is located on a major arterial roadway in a heavily commercial corridor with multi- and single-family zoning districts in the vicinity.

The parking study submitted in accordance with LDC Section 9.1.17 does indicate that parking demand exceeds the maximum permitted by the LDC in similar market areas. On-street parking is not available for this site. Despite the requested increase in maximum parking, the proposed development will reduce the total number of parking on the larger development site, which complies with the Plan 2040 guidelines and policies referenced herein, and

WHEREAS, the Development Review Committee finds the applicant made a good faith effort to provide as many parking spaces as possible on the development site, other property under the same ownership, or through joint use provisions. Though this parcel is currently owned by the same property owner of the larger development site at 10645 Dixie Highway, a new property will be created for the proposed development, limiting the ability to utilize shared parking, which was suggested by staff, and

WHEREAS, the Development Review Committee finds the requirements found in Table 9.1.3B do not allow the provision of the number of parking spaces needed to accommodate the parking needs of the proposed use. The LDC does not account for the peak demand and staffing changes of small-scale drive-thru restaurant uses which do not meet the anticipated definition and parking requirements of a standard restaurant use. The applicant is requesting to provide a number of on-site parking spaces reasonably supported by the parking study of similar sites to meet the market demand of the proposed use, and

WHEREAS, the Development Review Committee finds the requested increase is the minimum needed to accommodate use as supported by the applicant's parking study of similar sites in Jeffersonville, IN and Kingsport, TN. The parking study demonstrates that peak demand occurs in the morning, varying from 9-12 occupied parking spaces. The requested maximum parking is 11 spaces, including an ADA accessible space; now, therefore be it.

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CASE NO. 25-PARKWAIVER-0002

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Parking Waiver from Land Development Code (LDC) Table 9.1.3B to exceed the 8 maximum permitted parking spaces by 3 spaces, for a total of 11 parking spaces.

The vote was as follows:

YES: Commissioners Lannert, Steff, Benitez, and Fischer

ABSENT: Commissioner Kern

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NEW BUSINESS

CASE NO. 24-DDP-0078

Request: Revised Detailed District Development Plan, Revised Major Preliminary Subdivision, & Floyds Fork Overlay Review with a Floyds Fork Waiver

Project Name: Aiken North Subdivision

Location: 16907 Aiken Rd; 16907 R Aiken Rd.

Applicant: Aiken 103 Partners, LLC

Representative: Bardenwerper, Talbott, & Roberts, PLLC

Jurisdiction: Louisville Metro

Council District: 19 – Anthony Piagentini

Case Manager: Kaitlin Dever, 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 Committee 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 the Office of Planning, 444 S. 5th Street.)

Agency Testimony:

00:39:12 Kaitlin Dever provided an overview of the request and presented a PowerPoint presentation. Dever responded to questions from Committee Members (see recording for details).

The following spoke in favor of the request:

John Talbott, Bardenwerper, Talbott, & Roberts, 1000 N Hurstbourne Pkwy, Louisville, KY 40223

David Mindel, Mindel Scott, 11501 Hickory Bend Hollow, Louisville, KY 40291

Summary of testimony of those in favor:

00:45:24 John Talbott spoke support of the proposal and presented a PowerPoint presentation. Talbott provided an overview of the development plan and discussed the details of steep slopes. Talbott responded to questions from Committee Members (see recording for details).

00:51:58 David Mindel spoke in support of the proposal. Mindel elaborated on the development plan and the green space that would be provided (see recording for details).

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NEW BUSINESS

CASE NO. 24-DDP-0078

01:02:06 Rachel Casey responded to questions from Committee Members pertaining to Flat Rock Road (see recording for details).

The following spoke in opposition to the request:

Lucas Fraizer, 15700 Piercy Mill Rd, Louisville, KY 40245

Summary of testimony of those in opposition:

01:03:27 Lucas Fraizer spoke in opposition to the proposal and presented a PowerPoint presentation. Fraizer expressed his concerns pertaining to the number of lots that would be developed and the placement of lots within the floodplain area (see recording for details).

Rebuttal:

01:07:53 John Talbott spoke in rebuttal. Talbott stated that the number of lots will not be accurate until the lots have been platted and the amount of lots will not exceed the 866 lots without additional approval. Talbott responded to questions from Committee Members (see recording for details).

01:12:02 David Mindel spoke in rebuttal. Mindel mentioned that the alleyways from the original plan have been eliminated and that there would be less storm water runoff that would be directed to Floyds Fork. Mindel responded to questions from Committee Members (see recording for details).

Deliberation:

01:16:43 Committee deliberation

01:20:21 Public hearing reopened

01:20:25 John Talbott stated that the cemetery would be maintained through the HOA (see recording for details).

01:21:11 Committee deliberation

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

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NEW BUSINESS

CASE NO. 24-DDP-0078

Floyds Fork Waiver from Land Development Code (LDC) Section 3.1.3.E to allow disturbance of slopes greater than 30%.

01:21:19 On a motion by Commissioner Benitez, seconded by Commissioner Steff, the following resolution, based on the standard of review contained in the staff report and staff analysis and testimony heard today, was adopted:

WHEREAS, the Development Review Committee finds the waiver or modification will not adversely affect adjacent property owners as none of the steep slopes within the limits of disturbance extend onto adjacent properties and are not of significant size to affect the drainage of the greater area. A portion of the small ridgeline of slopes greater than 30% on Lots 193, 199, and 200 are protected within a non-buildable open space lot part of the original development plan under case 21-ZONE-0001. These slopes abut an intermittent stream internal to the subject site and will not affect or be visible to adjacent property owners, and

WHEREAS, the Development Review Committee finds the subject site is not subject to any neighborhood or small area plans approved by Metro Council. Plan 2040 Community Goal 3 Policy 7 encourages natural features to be integrated within the prescribed pattern of development. Community Goal 3 Policy 8 calls to conserve, restore, and protect vital natural resource systems such as mature trees, steep slopes, streams, and wetlands. Open space should be integrated with other design decisions to shape the pattern of development. This policy further encourages the use of conservation subdivisions, conservation easements, transfer of development rights and other innovative methods to permanently protect open space. Community Form Goal 3 Policy 9 also encourages 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. Livability Goal 1 Policy 1 similarly encourages the use of conservation subdivisions and other practices that conserve open space and natural features. The proposal does utilize the smaller lot sizes afforded by the PRD zoning district to allow a clustering of smaller residential lots with the preservation of environmental features. Community Goal 3 Policy 10 calls for development to avoid wet or highly permeable soils, severe, steep, or unstable slopes where the potential for severe erosion problems exist in order to prevent property damage and public costs associated with soil slippage and foundation failure and to minimize environmental degradation. Per the Environmental Impact Statement, the slopes within the limits of site disturbance do not contain jurisdictional streams, wetlands, threatened or endangered species, and found that grading of these areas will result in more stable site conditions than present. Furthermore, the Environmental Impact Statement does not

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anticipate any sediment runoff into jurisdictional streams or wetlands in the vicinity of these slopes. The nearby intermittent stream will maintain the 25' streamside buffer as required by the LDC and will not be affected by the disturbance of slopes greater than 30 percent. Therefore, the proposed slope disturbance will not contribute to any severe erosion problems in the area, and

WHEREAS, the Development Review Committee finds the extent of the waiver or modification of the regulation is the minimum necessary to afford relief to the applicant. Disturbing the scattered pockets of slopes greater than 30 percent is unavoidable in the design of the subdivision. The ridgeline of steep slopes at the rear of Lots 193, 199, and 200, were previously approved for development in the original subdivision under case 21-ZONE-0001 and are not proposed to change at this time, and

WHEREAS, the Development Review Committee finds the waiver or modification of the design standard will not adversely impact the health of the waterways of the Floyds Fork Special Zoning Overlay District as supported by the Environmental Impact Statement. With proper Best Management Practices (BMPs) and Erosion and Sediment Control (EPSC) measures utilized during grading and construction, the Environmental Impact Statement does not anticipate any sediment runoff into jurisdictional streams or wetlands in the vicinity of these slopes. It further states that the existing protected 25' streamside buffer on the mainstream channel through the central portion of the parcel will continue to be protected and act as a buffer from any natural sediment or runoff from upland areas, and

WHEREAS, the Development Review Committee finds the waiver or modification of the design standard will not adversely impact the visual quality of the waterways or designated Floyds Fork Special Zoning Overlay scenic corridor as the adjacent intermittent stream will observe the 25' streamside buffer required by the LDC. The proposal is located approximately 2,250 feet from the nearest scenic corridors at the intersection of Aiken Road and Johnson Road. The portions of the revised subdivision disturbing slopes greater than 30 percent are approximately 3,350 feet away and will not affect the quality of the aforementioned scenic corridors, and

WHEREAS, the Development Review Committee finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and create an unnecessary hardship on the applicant as it would prevent the construction of housing on lots which have been evaluated by a qualified third party to have minimal impact on the environmental integrity of the area. A portion of these slopes near the intermittent stream will be protected in Open Space Lot 220 and another non-buildable

DEVELOPMENT REVIEW COMMITTEE

MINUTES

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NEW BUSINESS

CASE NO. 24-DDP-0078

open space lot as approved in the original subdivision under case 21-ZONE-0001; now, therefore be it.

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Floyds Fork Waiver from Land Development Code (LDC) Section 3.1.3.E to allow disturbance of slopes greater than 30%.

The vote was as follows:

YES: Commissioners Lannert, Benitez, Steff, and Fischer

ABSENT: Commissioner Kern

Floyds Fork Special Zoning Overlay District Review

01:22:03 On a motion by Commissioner Benitez, seconded by Commissioner Steff, the following resolution, based on the standard of review contained in the staff report and staff analysis and testimony heard today, was adopted:

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

The vote was as follows:

YES: Commissioners Lannert, Benitez, Steff, and Fischer

ABSENT: Commissioner Kern

01:24:18 Public hearing reopened

01:24:18 John Talbott requested that the development plan be sent to Planning Commission to address the applicant's request for increased density, which would trigger Binding Element #25 that requires Planning Commission review and recommendation with final approval by Metro Council, and responded to questions from Committee Members (see recording for details).

01:37:26 Committee deliberation

DEVELOPMENT REVIEW COMMITTEE

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NEW BUSINESS

CASE NO. 24-DDP-0078

Revised Detailed District Development Plan / Revised Major Preliminary Subdivision Plan subject to existing binding elements.

01:37:39 On a motion by Commissioner Benitez, seconded by Commissioner Steff, the following resolution, was adopted:

RESOLVED, the Louisville Metro Development Review Committee does hereby **CONTINUE** the requested Revised Detailed District Development Plan / Revised Major Preliminary Subdivision Plan to the March 20, 2025, Planning Commission meeting.

The vote was as follows:

YES: Commissioners Lannert, Benitez, Steff, and Fischer

ABSENT: Commissioner Kern

**DEVELOPMENT REVIEW COMMITTEE MEETING
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ADJOURNMENT

The meeting adjourned at approximately 2:46 p.m.

Chair

Planning Director