

PLANNING COMMISSION MINUTES
September 16, 2021

PUBLIC HEARING

CASE NO. 21-ZONE-0057

Request: Change in zoning from R-4 to R-5A, with Detailed District Development Plan and Binding Elements
Project Name: Villas of Moore Woods
Location: 6906 Briscoe Lane, 6709 & 6803 Outer Loop
Owner: Hidenbrandt Family Trust, Duane & Kimberly Ralston, Donna Gullaume
Applicant: High Bridge Development LLC
Representative: BTM Engineering
Jurisdiction: Louisville Metro
Council District: 23 – James Peden
Case Manager: Dante St. Germain, AICP, Planner II

NOTE: COMMISSIONER MIMS LEFT AND DID NOT VOTE ON THIS CASE

Notice of this public hearing appeared in The Courier Journal, a notice was posted on the property, and 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. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

02:50:56 Dante St. Germain discussed the case summary, standard of review and staff analysis from the staff report (see recording for detailed presentation).

The following spoke in favor of this request:

Chris Brown, BTM Engineering, 3001 Taylor Springs Drive, Louisville, Ky. 40220

Summary of testimony of those in favor:

Chris Brown gave a power point presentation. There will be road extension connectivity between Outer Loop and Briscoe Ln. as requested by Public Works and other interested parties during the process of pre-application to the formal filing. The plan meets the guidelines of Plan 2040, is in compliance with the Highview Neighborhood Plan and is an appropriate residential use for the Outer Loop and Briscoe Ln. corridors (see recording for detailed presentation).

The following spoke neither for nor against the request:

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Dennis Paul, 6800 Old Briscoe Lane, Louisville, Ky. 40228

Summary of testimony of those neither for nor against:

Dennis Paul said Briscoe Ln. has turned into a drag strip and the school parking lot into a place for doing drifting and burnouts. Can the road come off Outer Loop, make the first right and go straight out to Briscoe (see recording for detailed presentation)? Chris Brown said the Rochelle Rd. extension is intended to connect in the most direct way possible from Outer Loop to Briscoe Ln. (see recording for detailed presentation).

Deliberation

Planning Commission 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.

Zoning Change from R-4 to R-5A

On a motion by Commissioner Howard, seconded by Commissioner Sistrunk, the following resolution based on the Plan 2040 Staff Analysis, testimony and evidence provided was adopted.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Community Form because, the site is on Outer Loop, a major arterial and transit corridor at this location. Opposite the site, on the other side of Outer Loop, is a commercial activity center; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Form because, the proposal would permit new development providing residential uses; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Community Form because, no wet or highly permeable soils, or severe, steep or unstable slopes are evident on the site; and

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WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 4: Community Form because, no distinctive cultural features are evident on the site; no historic assets are evident on the site; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Mobility because, the site is located on a transit corridor and near commercial uses; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Mobility because, access to the site is via Outer Loop, a major arterial at this location, and Briscoe Lane, a primary collector; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Mobility because, the site is easily accessible by bicycle, car, transit, pedestrians, and people with disabilities; Transportation Planning has approved the proposal; No direct residential access to high speed roadways is proposed; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Facilities because, the relevant utilities have approved the proposal; Louisville Water Company has approved the proposal; MSD has approved the proposal; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Livability because, tree canopy will be provided on the site utilizing native species, so that the unique characteristics of the identified general landscape type and native plant communities are recognized and incorporated into the site; No karst features are evident on the site; the site is not located in the regulatory floodplain; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Housing because, the proposal would increase the variety of housing types in the neighborhood; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Housing because, the proposal would permit inter-generational mixed-income development; the site is located on Outer Loop, a multimodal transportation corridor. The site is within proximity to amenities providing neighborhood goods and services; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Housing because, the proposed zoning district would

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increase the variety of ownership options and unit costs in Louisville Metro; the site is currently undeveloped and no existing residents will be displaced; the proposal would permit innovative methods of housing.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council the change in zoning from R-4, Single Family Residential to R-5A, Multi-Family Residential on property described in the attached legal description be **APPROVED**.

The vote was as follows:

YES: Commissioners Brown, Carlson, Clare, Howard, Peterson, Seitz, Sistrunk and Lewis

NOT PRESENT AND NOT VOTING: Commissioners Daniels and Mims

Detailed District Development Plan/Major Preliminary Subdivision with Binding Elements

On a motion by Commissioner Howard, seconded by Commissioner Sistrunk, the following resolution based on the Standard of Review and Staff Analysis was adopted.

WHEREAS, tree canopy will be provided on the site. No other natural resources are evident on the site; and

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

WHEREAS, required common open space is being provided to meet the needs of the proposed development. Recreational open space is not required due to the proximity of Highview Park; and

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

WHEREAS, the Louisville Metro Planning Commission finds, the overall site design is compatible with existing and projected future development of the area. The site is within an existing neighborhood node, and an extension of Rochelle Road will be provided to improve connectivity in the vicinity; and

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WHEREAS, the Louisville Metro Planning Commission further finds the development plan conforms to applicable guidelines and policies of the Land Development Code and conforms with the Comprehensive Plan.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the 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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter. The plan shall have, at a minimum, the landscaping as shown in the applicant's exhibit at the September 16, 2021 Planning Commission hearing.
 - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - 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.

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e. The materials and design of structures shall be substantially the same as depicted in the rendering as presented at the September 16, 2021 Planning Commission meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.

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

6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

7. The Developer / Property Owner shall install a concrete boarding pad, bench pad 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.

The vote was as follows:

YES: Commissioners Brown, Carlson, Clare, Howard, Peterson, Seitz, Sistrunk and Lewis

NOT PRESENT AND NOT VOTING: Commissioners Daniels and Mims