

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
February 7, 2023**

A special meeting of the Louisville Metro Planning Commission was held on February 7 2023 at 6:00 p.m. at Camp Edwards Education Complex, 701 S. Hancock Street, Louisville, Kentucky

Commission members present:

Marilyn Lewis, Chair
Jeff Brown
Rich Carlson
Suzanne Cheek
Jim Mims
Michelle Pennix
Patti Clare

Commission members absent:

Te'Andre Sistrunk
Lula Howard
Bill Fischer

Staff Members present:

Emily Liu, Director
Brian Davis, Assistant Director
Julia Williams, Planning Manager
Beth Stuber, Planning Supervisor
Dante St. Germain, Planner II
Travis Fiechter, Assistant County Attorney

Others Present:

The following matters were considered:

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PUBLIC HEARING

CASE NO. 22-ZONE-0138

Request: Change in Zoning R-6, OR-2 & C-2 to Planned Development District (PDD) with Associated Pattern Book
Project Name: Paristown Pointe – Urban Government Center Redevelopment
Location: 768, 810 & 850 Barret Avenue, 1235 E Breckinridge Street
Owner: Jeferson County Kentucky Capital Projects Corp, Louisville Metro Housing Authority, Louisville/Jefferson County Metro Government
Applicant: Upper Paristown Preservation Trust
Representative: Wyatt Tarrant & Combs
Jurisdiction: Louisville Metro
Council District: 6 – Phillip Baker
Case Manager: Dante St. Germain, AICP, Planner II

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.)

This case was heard at the same time at 22-DDP-0116

Agency Testimony:

00:04:30 Dante St. Germain discussed the case summary, standard of review and staff analysis from the staff reports (see video of PowerPoint presentation). The applicant is requesting to rezone the site formerly used as the Urban Government Center to Planned Development District (PDD), with a pattern book to guide future development on the site, with a mixture of residential, commercial and other uses. The applicant is also requesting to develop 20 residences on the Vine Street parcel that is adjacent to the Urban Government Center parcel (22-DDP-0116).

00:14:20 Commissioner Carlson asked for some clarification about the proposed binding elements submitted by the applicant.

00:16:19 Commissioner Mims asked what the process would be for any future major or minor changes to the PDD that may be requested in the future. Dante St. Germain said a minor change would be a staff approvable change. A major change, like a change to the permitted uses or distribution of zones, would have to go before the

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Planning Commission and ultimately to Metro Council for final approval. Commissioner Mims also asked about any proposed community benefits agreement. St. Germain stated such an agreement would be part of the transfer of the property, not this rezoning.

00:21:43 Commissioner Cheek asked about future detailed plans for the PDD portion of the site. St. Germain stated detailed plans would be a staff level approval.

00:22:26 Commissioner Pennix asked if any units with the Cottages proposal would be affordable. St. Germain said the affordable units binding element would only be for the PDD portion, not on the Cottages portion.

00:23:58 Commissioner Carlson asked about the potential hotel on the site. St. Germain said all of the bright green on the map (see video) could potentially have a hotel, but there currently isn't an exact location being proposed for such a use at this time.

00:26:40 Commissioner Mims asked about the affordability aspect of the proposal. Mims would like to see the proposed binding element amended to require the affordable units are spread throughout the development and not clustered.

The following spoke in favor of this request:

Jon Baker, Wyatt Tarrant & Combs, 100 W. Market Street, Suite 2000, Louisville, KY 40202

Stephen Smith, 2005 Lakeview Avenue, Louisville, KY 40222

Bruce Williams, 620 E. Lampton Street, Louisville, KY 40203

Adam Kirk, Traffic Engineering Consultant, 137 McClelland Springs Drive, Georgetown, KY 40324

Cliff Hayden, 751 Vine Street, Louisville, KY 40204

Tia Brown, 7216 Chestnut Tree Lane, Louisville, KY 40291

Cindy Pablo, 1039 Lampton Street, Louisville, KY 40204

Tom Herman, 2319 Village Drive, Louisville, KY 40205

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Ramona Dallum, 325 W. Main Street Suite 1110, Louisville, KY 40202

Joann Robinson, 854 Vine Street, Louisville, KY 40204

Al Cornish, 10241 Dorsey Point Circle, Louisville, KY 40223

Delquan Dorsey, 13302 Tucker Wood Place, Louisville, KY 40299

Nachand Trabue, 728 E. Lampton Street, Louisville, KY 40203

Summary of testimony of those in favor:

00:30:07 Jon Baker spoke in support of the applications.

00:31:36 Stephen Smith spoke in support of the application. Smith stated that he has made some major investments in the Paristown community and is excited about the potential of developing these sites.

00:33:55 Bruce Williams spoke in support of the application. Williams stated he has watched the development of the community that has been led by Mr. Smith. This development has brought jobs to the community, and is a development that attracts people from around the city. Williams looks forward to seeing the proposed development move forward and the impact that it will have on the Smoketown community.

00:39:46 Jon Baker resumed testimony and presented a PowerPoint presentation (see video). Baker said the Planned Development option is ideal for the redevelopment of a site like this, where you have the potential to do a mix of uses in a unique setting where development has already occurred. This is a walkable neighborhood, and the applicant would like to create a walkable development on this site that can serve the surrounding neighborhoods, and whose residents can walk to surrounding uses that are already in place. Baker stated a variety of transportation facilities are in place near the site, and the site can handle dense development on the site.

Baker provided an overview of the pattern book that is proposed for the project area. This pattern book would guide development on the site. Baker gave some examples of some of the standards included in the pattern book. The proposed uses primarily come from the C-N and C-1 districts, with some C-2 uses, but the applicant has omitted automobile related uses because they felt they were not appropriate for the location.

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01:06:00 Adam Kirk spoke in support of the application. Kirk provided an overview of the traffic impact assessment that was prepared for the proposed development. The initial review showed that the proposed use was less than the previous use on the site. One of the things the applicant intends to do is line up the ingress/egress points into the site with the surrounding streets. This will help with traffic movement in the area.

01:12:14 Jon Baker resumed testimony and provided an overview of The Cottages on Vine (22-DDP-0016). The proposal is for a PD option on a U-N zoned site, which involves a pattern book for this site as well. The applicant is proposing twenty residential units with some open space on the site. The design of the proposed residential uses are based on the residential character within the area.

01:18:45 Commissioner Clare asked the applicant to provide a breakdown of the different uses permitted in the different areas within the site.

01:19:33 Commissioner Mims asked the applicant about the proposed open space on the sites. Mims asked about the review that would be conducted by an architect and a landscape architect prior to any development plan submittal. Mims asked how the traffic numbers were generated. Adam Kirk stated the manual was used to calculate the number of trips from the old use as well as the proposed uses.

01:23:08 Commissioner Clare asked about drainage from the site. Jon Baker stated MSD has granted preliminary approval, and they will obviously review any development plans that are proposed on the site. Commissioner Brown asked if MSD was going to require on-site retention. Baker said that level of detail has not been worked out.

01:24:33 Commissioner Mims asked about the roads surrounding the development. Adam Kirk provided an overview.

01:26:20 Commissioner Pennix asked the applicant about the definition of affordable and the clustering (or not clustering) of affordable units on the site. Jon Baker said the definition of affordable changes each year and is defined by HUD data. Baker said the applicant would work with Planning & Design and Housing to make sure there is a mix of units across the development site.

01:29:15 Commissioner Carlson asked about the method of demolition that would be used on the existing buildings and whether they anticipated any blasting. Jon Baker stated they do not anticipate any blasting activities on the site. Baker said they would agree to the standard binding element about blasting. Carlson asked for clarification about the proposed height limit, which Baker stated would be 70 feet. Dante St.

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Germain stated any deviation from that would be considered a major change to the pattern book.

01:38:15 Cliff Hayden spoke in support of the application. He looks forward to seeing progress on the site.

01:39:38 Tia Brown spoke in support the application. She thinks the proposal respects the surrounding area. This proposal is a great example for other communities around Louisville to show them how to get things done.

01:41:40 Cindy Pablo spoke in support the application. The current buildings attract vandals and is often neglected. This site needs to be developed, and Pablo thinks the proposal is a positive step in the right direction.

01:48:35 Tom Herman spoke in support of the application. Herman looks forward to working with the applicant to bring this property back to life.

01:50:00 Ramona Dallum spoke in support of the application. Dallum believes this development will give opportunities to communities that have been underdeveloped and underrepresented.

01:52:40 Joann Robinson spoke in support of the application. This neighborhood needs a change, and this development is a welcome change.

01:57:50 Al Cornish spoke in support of the application. Cornish sees this project as an opportunity for some economic revitalization for Smoketown.

01:59:07 Delquan Dorsey spoke in support of the application. The developer has come to the community and asked how they can work with them, and create an inclusive environment.

02:01:15 Nachand Trabue spoke in support of the application. Trabue thinks this development is great for job development in this community. The proposed development will provide opportunities to the residents that are not present in the immediate area. This is a great opportunity to bring together Paristown and Smoketown and lift up all those who live in those communities.

The following spoke as neutral to the request:

Jeanette Westbrook, 1827 Edenside Avenue, Louisville, KY 40204

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Summary of those who spoke as neutral to the request:

02:05:31 Jeanette Westbrook spoke as a neutral party. Westbrook was curious to see how the process played out because other communities will be doing something similar in the future. Westbrook thinks the development looks good but needs some tweaking, and encourages more community leaders to get involved in the process. The developer needs to be held accountable for this development if it moves forward.

The following spoke in opposition to this request:

Rebecca Minnick, 1038 E. Breckinridge Street, Louisville, KY 40204

Shannon Musselman, 1036 Lampton Street, Louisville, KY 40204

Eric Baldwin, 744 Goullon Court, Louisville, KY 40204

Leslie McCabe, 1330 E. Breckinridge Street, Louisville, KY 40204

Nicholas Mellen, 1125 E. Breckinridge Street, Louisville, KY 40204

Dr. John Gilderbloom, 1405 Highland Avenue, Louisville, KY 40205

Summary of testimony of those in opposition:

02:13:16 Rebecca Minnick spoke in opposition to the request. Minnick believes the “plan” that is being presented for the site lacks any detail. The traffic study shows an increase in traffic on E. Breckinridge, and she has concerns about the speed that cars travel. Minnick’s biggest concern is affordable housing. The definition of affordable cannot be afforded by many people in the community, so what will happen to people that currently live in the area.

02:19:32 Shannon Musselman spoke in opposition to the request. Musselman said our city needs affordable housing, and hopes the commission will consider using this site for affordable housing. The proposed development is out of character with the surrounding area. The charrette process did not go according to the communities’ standards. The developer has ignored repeated requests to meet with the community to discuss details about development of the site. Musselman stated they want the smokestack preserved and hope the developer will incorporate it into the future plans.

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02:30:42 Eric Baldwin spoke in opposition to the request. Baldwin has concerns about parking issues related to the proposed development. Parking issues have continued in the area for a long time, and they will continue if this dense a development is allowed to proceed. The surrounding streets can't accommodate the traffic the proposed development will generate, and can't accommodate the parking demand for the proposed uses. Baldwin wants to see the site redeveloped, but this use, especially the hotel, is not the best use for this property.

02:40:33 Leslie McCabe spoke in opposition to the request. The applicant is the third choice for developing this site. The proposed development is excessive and is too much for the area. The increased traffic will overburden the neighborhood. The proposed development does not benefit the community at all.

02:54:47 Nicholas Mellen spoke in opposition to the request. There is no neighborhood support for this project because there haven't been any details provided to the community to help provide a vision for the development. This parcel provides an incredible opportunity for the city, a chance to develop affordable housing in the area, but this proposed development does not do that. Mellen would prefer to see detailed drawings for the proposed development before granting zoning approval.

03:00:50 John Gilderbloom spoke in opposition to the request. Gilderbloom feels the old hospital should be saved and converted to a hotel if a hotel needs to be included on the site. The only way to truly do affordable housing is to preserve buildings that are out there. Renovating existing structures provides more jobs than new construction.

Rebuttal

03:10:46 Jon Baker provided rebuttal to the opposition. Baker reminded the commissioners that the community benefit agreement is not part of the zoning process. Density is a necessity for cities to survive and be able to afford to pay for infrastructure. Baker said the applicant would be agreeable to make a change to the pattern book to include increased building height associated with additional setback, which is similar to some of the districts that have uses they are proposing, with the base maximum height being 50 feet.

03:17:37 Bruce Williams provided rebuttal. Williams said the community has learned that one way to address the gentrification problem is for legislators to work with developers to grandfather in long-time residents. This is something that can help protect these long-time residents from increased taxes that may be the result of increasing property values. Also, many people in the community would like to see the hospital removed because it was a segregated hospital.

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03:20:15 Jon Baker resumed rebuttal. The applicant explored the option of preserving the old hospital building and there are just too many problems and issues present. The applicant is willing to explore ways to reuse the materials from the old building in creative ways. The PDD option is the best solution for redeveloping this site.

03:23:50 Commissioner Carlson asked about the affordable housing binding element that the applicant has proposed. The applicant said the affordable housing binding element can apply to the full development.

03:26:30 Travis Fiechter asked Jon Baker for clarification about the proposed amendment to the pattern book regarding maximum height.

03:28:55 Commissioner Carlson asked if the applicant would be willing to have some kind of police office on the site. Carlson also asked if the applicant sought an estimate for renovating and preserving the existing hospital. Baker said they did not.

03:33:35 Commissioner Clare asked if there had been consideration to have different setbacks and heights on the different streets. Baker said that has not been incorporated into the proposed pattern book.

03:36:35 Commissioner Brown asked if the Planning Commission could require future detailed plans to come back before the Planning Commission for review. Dante St. Germain said the Land Development Code does not make that a requirement.

03:37:35 Commissioner Clare asked if this pattern book is in compliance with the Land Development Code and if it is similar to previously approved pattern books. Dante St. Germain said the book meets the requirements of the LDC.

03:39:06 Travis Fiechter read some amended binding elements into the record.

Deliberation

03:43:20 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.

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03:52:54 On a motion by Commissioner Brown, seconded by Commissioner Mims, based on the staff report and testimony heard at the February 7, 2023 public hearing, the following resolution was adopted:

CHANGE IN ZONING FROM R-6, OR-2 & C-2 TO PDD

WHEREAS, the Planning Commission finds that the proposal meets Community Form: Goal 1 because the proposal is not a non-residential expansion into a residential area. The site is located adjacent to Barret Avenue and has been a non-residential use previously.

The proposal is for mixed use along a minor arterial and transit corridor, within an existing activity corridor, and where adequate infrastructure exists or is planned with the proposal.

The proposed land uses would be unlikely to create negative impacts on human health, quality of life and the environment, or to create noxious odors, particulates and emissions.

The Land Use Plan provides adequate connectivity throughout the site, and the abutting street network has adequate capacity.

Noise impacts are unlikely to be significant. The Pattern Book does not permit industrial or other types of uses which would generate significant noise,

WHEREAS, the Commission also finds the proposal meets Community Form: Goal 2 because the proposal is located in an existing activity center where the infrastructure is existing, and the proposal is compatible with adjacent zoning.

The proposal is for a mixed-use development located in an existing activity center with appropriate access and connectivity to all surrounding roadways.

The proposal is located in an existing activity center where population is proposed and existing to support the zoning.

The proposal is located in an existing activity center where the infrastructure is existing.

The proposal is located in an existing activity center where mixed use is being proposed. The site is located on a transit corridor and is connected with the surrounding neighborhood. The site design pattern book would encourage vitality and create a sense of place.

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The proposal is for mixed use development in an existing activity center where residential and office could be located above commercial.

The proposal would provide for new construction of buildings providing commercial, office and/or residential uses.

The design and scale of development permitted by the Pattern Book would be appropriate for the Traditional Neighborhood center in which the site is located,

WHEREAS, the Commission also finds the proposal meets Community Form: Goal 3 because no natural features are evident on the site and no wet or highly permeable soils, or severe, steep or unstable slopes are evident on the site,

WHEREAS, the Commission also finds the proposal meets Mobility: Goal 1 because the proposal is located within an existing activity center and near an existing marketplace corridor at E Broadway,

WHEREAS, the Commission also finds the proposal meets Mobility: Goal 2 because access to the development is by a minor arterial which primarily serves as a commercial corridor,

WHEREAS, the Commission also finds the proposal meets Mobility: Goal 3 because the proposed Pattern Book would encourage a mix of complementary land uses providing neighborhood-serving businesses and services in a neighborhood center,

The site is easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Access within the site will be improved by the proposed development,

The proposed Pattern Book would encourage higher-density mixed-use development that reduces the need for multiple automobile trips,

Transportation Planning has provided preliminary approval of the Pattern Book. More detailed review will take place when Detailed District Development Plans are submitted as development is constructed,

WHEREAS, the Commission also finds the proposal meets Community Facilities: Goal 2 because the relevant utilities will provide more detailed review when Detailed District Development Plans are submitted as development is constructed,

Louisville Water Company will provide more detailed review when Detailed District Development Plans are submitted as development is constructed,

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MSD will provide more detailed review when Detailed District Development Plans are submitted as development is constructed,

WHEREAS, the Commission also finds the proposal meets Economic Development: Goal 1 because the proposal is for mixed use located along a minor arterial. The site also is located with adequate access to a major arterial at E Broadway,

WHEREAS, the Commission also finds the proposal meets Housing: Goal 1 because the proposed Pattern Book would promote housing within proximity to transit routes and close to shopping and supportive facilities, thereby supporting aging in place,

WHEREAS, the Commission also finds the proposal meets Housing: Goal 2 because The proposed Pattern Book would encourage inter-generational mixed-income and mixed-use development that is connected to the neighborhood and surrounding area and would promote the location of housing within proximity to a multi-modal transportation corridor at Barret Avenue, and within proximity to amenities providing neighborhood goods and services. The Pattern Book would also permit neighborhood goods and services on the site,

WHEREAS, the Commission also finds the proposal meets Housing: Goal 3 because No existing residents will be displaced by the proposal and the proposed Pattern Book would permit innovative methods of housing,

PATTERN BOOK

WHEREAS, the Planning Commission finds no natural resources are evident on the site. The site is currently vacant but is fully developed with structures and parking lots,

WHEREAS, the Commission also finds provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary Land Use Plan,

WHEREAS, the Commission also finds open space is required by the proposed Pattern Book and will be provided as required, both as public and as common open space,

WHEREAS, the Commission also finds the Metropolitan Sewer District will review the Detailed District Development Plans as they are submitted for the various sections of the development on the site,

WHEREAS, the Commission also finds the overall site design is in compliance with existing and planned future development in the area. The site design provides good

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connectivity and civic spaces, with flexibility on the exact locations of new construction, and

WHEREAS, the Commission also finds the Land Use Plan conforms to applicable requirements of the Land Development Code. The site plan generally complies with the policies and guidelines of the Comprehensive Plan; now therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** the Louisville Metro Council **APPROVE** the change in zoning from R-6, OR-2, and C-2 to PDD and **RECOMMEND** the Louisville Metro Council **APPROVE** the PD Pattern Book **ON CONDITION** that “Grocery/Small Market” use is added as a permitted use within the Community Area and the building height be limited along Vine Street to 50 feet plus an additional story/10 feet of height for each additional five feet of setback, with 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. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6, and Chapter 2, Part 8. Each plan shall be in adequate detail and shall be in compliance with the approved Pattern Book.
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. 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.

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- 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 minor subdivision plat or legal instrument shall be recorded consolidating the property into one lot. The property may be subsequently re-subdivided by minor or major subdivision plat as Detailed District Development Plans are submitted for the various phases of the project.
- 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.
- 6. Defined access easements in a form acceptable to the Planning Commission legal counsel shall be created and recorded as shown on the Land Use Plan in the approved Pattern Book as "Private Streets – Access Areas" and "Common Access Easement". The easement language shall include a provision that the public is permitted to cross the site within the boundaries of the easements. This language and binding element shall in no way obligate the applicant/developer/property owner to dedicate public right-of-way, or obligate Louisville Metro Public Works to maintain the roadways in any fashion.
- 7. Ten percent (10%) of the multi-family units, 1 bedroom or more and comparable to market rate units, either sold or rented, shall comply with the following:

The most current published HUD Fair Market Rent value and the Low-income Housing Tax-Credit rent limits for Jefferson County will be used to calculate the Affordable Rent. Affordable Rent must not exceed the higher of the two

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rent calculations in order to be classified as an affordable rental unit (see LDC Chapter 4.3.20 (MRDI) or HUD guidelines for more information on calculating affordable rents).

The developer/property owner shall be responsible for submitting an annual report to Planning & Design Services staff at 12-month intervals from the date of the first certificate of occupancy (for a residential unit), for a period of fifteen (15) years after the last affordable rental unit building permit has been issued. The annual report shall identify the name of the development, the unit numbers, the unit addressed, and the sale price and/or the rental rates of the designate affordable units, and shall certify that the developer/property owner has made a good faith effort to verify that the tenants/purchasers were income eligible at the time of rental/purchase of the unit. The annual report shall indicate separately the number of building permits issued for the owner occupied and for rental dwellings. Prior to selling any affordable unit, the developer/property owner of the affordable units shall work with Planning and Design Services staff to develop provisions that will cover any subsequent transfers of ownership during the affordability period, which shall be fore fifteen (15) years from the date of certificate of occupancy for such unit. Such provisions shall be negotiated and agreed to prior to the sale of any units.

8. All property owners within 500 feet of a proposed blasting location shall be notified 30 days before any blasting operations occur and be offered pre-blast surveys. Any homeowners who opt to have a pre-blast survey conducted shall be provided copies of all materials resulting from that survey, including any photos and/or videos. Any blast surveys shall be done in a manner consistent with Kentucky Blasting Regulations

TRAVIS AND DANTE....ADD/AMEND BINDING ELEMENTS

The vote was as follows:

YES: Commissioners Brown, Mims, Cheek, Clare, Pennix, Carlson and Lewis.

NO: No one.

NOT PRESENT AND NOT VOTING: Commissioners Sistrunk, Fischer, and Howard.

ABSTAINING: No one.

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PUBLIC HEARING

CASE NO. 22-DDP-0116

Request: Revised Detailed District Development Plan/Major Preliminary Subdivision and Pattern Book for PD Option in the U-N Zoning District with Revised Binding Elements

Project Name: Cottages on Vine Street

Location: 814 Vine Street

Owner: PPT IX LLC

Applicant: PPT IX LLC

Representative: Wyatt Tarrant & Combs

Jurisdiction: Louisville Metro

Council District: 6 – Phillip Baker

Case Manager: Dante St. Germain, AICP, Planner II

Notice of this public hearing appeared in **The Courier Journal** 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.)

This case was heard at the same time at 22-ZONE-0138.

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.

03:43:20 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.

PATTERN BOOK

03:54:55 On a motion by Commissioner Brown, seconded by Commissioner Mims, based on the staff report and testimony heard at the February 7, 2023 hearing, the following resolution was adopted:

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WHEREAS, the Planning Commission finds no natural resources are evident on the site. The site is currently developed as a parking lot,

WHEREAS, the Commission also finds provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided. Louisville Metro Public Works has provided preliminary approval of the plan,

WHEREAS, the Commission also finds adequate open space is provided,

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

WHEREAS, the Commission also finds the overall site design and land uses would be compatible with the existing and future development of the area as the proposal is of lower density than the previously approved plan, and

WHEREAS, the Commission also finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code. The proposal would increase the variety of housing and the amount of housing in the neighborhood; now therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** the Louisville Metro Council **APPROVE** the Pattern Book.

The vote was as follows:

YES: Commissioners Brown, Mims, Cheek, Clare, Pennix, Carlson and Lewis.

NO: No one.

NOT PRESENT AND NOT VOTING: Commissioners Sistrunk, Fischer, and Howard.

ABSTAINING: No one.

REVISED DETAILED DISTRICT DEVELOPMENT PLAN/MAJOR PRELIMINARY SUBDIVISION

03:55:36 On a motion by Commissioner Brown, seconded by Commissioner Mims, based on the staff report and testimony heard at the February 7, 2023 hearing, the following resolution was adopted:

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WHEREAS, the Commission also finds adequate open space is provided,

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

WHEREAS, the Commission also finds the overall site design and land uses would be compatible with the existing and future development of the area as the proposal is of lower density than the previously approved plan, and

WHEREAS, the Commission also finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code. The proposal would increase the variety of housing and the amount of housing in the neighborhood; now therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Revised Detailed District Development Plan/Major Preliminary Subdivision with 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.

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3. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6, and Chapter 2, Part 8. Each plan shall be in adequate detail and shall be in compliance with the approved Pattern Book.
4. Before any permit (including but not limited to building, parking lot, change of use) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. 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.
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. 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 filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Homeowners Association.
 - b) A deed of restriction in a form approved by Counsel to the Planning Commission addressing (responsibilities for the maintenance of common

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areas and open space, maintenance of noise barriers, maintenance of WPAs, TTPAs) and other issues required by these binding elements / conditions of approval.

c) Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.

8. At the time the developer turns control of the homeowner's association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowner's association account. The subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement.
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.

TRAVIS AND DANTE....CHECK THESE BINDING ELEMENTS TOO!

The vote was as follows:

YES: Commissioners Brown, Mims, Cheek, Clare, Pennix, Carlson and Lewis.

NO: No one.

NOT PRESENT AND NOT VOTING: Commissioners Sistrunk, Fischer, and Howard.

ABSTAINING: No one.

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ADJOURNMENT

The meeting adjourned at approximately 10:20 p.m.

Chair

Planning Director