

PLANNING COMMISSION MINUTES
March 17, 2022

PUBLIC HEARING

CASE NO. 21-DDP-0083

Request: A Revised Detailed District Development Plan for a proposed multi-family development
Project Name: W Orell Road Multi-Family
Location: 6605 W Orell Road
Owner: CAT, PB, LLC.
Applicant: CAT, PB, LLC.
Representative: Land Design and Development, Inc.
Jurisdiction: Louisville Metro
Council District: 14 – Cindi Fowler
Case Manager: **Molly Clark, Planner I**

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

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

Agency Testimony:

00:15:18 Molly Clark presented the case and showed a Power Point presentation (See staff report and recording for detailed presentation.)

Commissioner Price asked for clarification on the pedestrian access issue on Dixie. Molly Clark explained that the pedestrian access is not required by the Land Development Code, but not having the access violates Mobility and Livability in the Comprehensive Plan. Commissioner Price asked if a development plan has to comply with the Comprehensive Plan. Joe Reverman explained that part of the justification that's listed in the Land Development Code for approving district development plans is showing how they comply with the Comprehensive Plan.

There was further detailed discussion on the pedestrian access in terms of the Comprehensive Plan.

The following spoke in favor of this request:

Jon Baker, 400 W. Market St, Suite 2000, Louisville, KY 40202

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

Summary of testimony of those in favor:

00:33:48 Jon Baker, the applicant's representative, presented the applicant's case and went into more detail on the proposal (see recording for detailed presentation.)

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00:43:20 Derek Triplett went into more detail on the site plan. Mr. Triplett explained they are committed to extending the sidewalk from West Orell to the TARC stop at the O'Reilly's site.

In response to Commissioner Mims, Derek Triplett said they are comfortable with committing to a sidewalk along the access drive to Dixie Highway.

Commissioner Carlson asked if there were issues with the side elevations and the lack of features. Joe Reverman explained that the code says all sides of multi-family buildings shall display a similar level of quality and architectural interest when abutting a public street or perimeter property line. Jon Baker explained they would agree to a Binding Element to work with staff on the architectural features of the sides before any building permits are acquired.

The following spoke in neutral of this request:

Councilwoman Cindi Fowler, 601 W Jefferson Street, Louisville, KY 40202

Martin Jones, 6326 Winding Stream Drive, Louisville, KY 40272

Summary of testimony of those in neutral:

01:04:38 Councilwoman Fowler explained that she had issue with the density and the building height. Ms. Fowler asked that the outside buildings close to residential areas and Orell Road be two-story. Ms. Fowler also wanted to emphasize that the sidewalks are necessary for pedestrian safety. Ms. Fowler stated she had no problem with the development in general but wanted to stress these concerns.

01:09:06 Martin Jones asked if there were any plans for a stoplight to be added to West Orell, as there could be potential issues with people trying to turn left onto Dixie Highway. Molly Clark explained that the state didn't mention a light and the traffic study did not warrant a light.

01:10:55 Councilwoman Fowler asked if the traffic study was recent. Molly Clark said that was correct.

Commissioner Price asked if there was a height maximum. Molly Clark said there was a height maximum, and they are under the maximum with this plan.

Rebuttal

01:14:06 Jon Baker addressed the concerns about the heights of the building and said they could work with Councilwoman Fowler on building three. Mr. Baker explained they agreed to the sidewalks and that could be made into a Binding Element and

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clarified they are proposing pedestrian access on the south side of that access point. Mr. Baker also explained the traffic study was done in 2021.

There was detailed discussion about sidewalk connectivity on the north side of the access road to Dixie Highway, but the applicant could not commit to that at this time.

There was further discussion on the height of the buildings. The proposed buildings are under the height requirement and conforms to the code.

01:26:55 Commissioners' deliberation.

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

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

Revised Detailed District Development Plan:

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

WHEREAS, the Commission further finds that a pedestrian connection to Dixie Highway is not being provided. The development plan conforms to the Comp Plan and LDC with the exception of not having a pedestrian connection to Dixie Highway; and

WHEREAS, the Commission further finds that the applicant is providing 56,922 SF of recreational open space that will include an outdoor pool, clubhouse, dog park and a walking path; and

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

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

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WHEREAS, the Commission further finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code. Mobility Goal 3, Policies 1-5, 9, 12, 17, 18, 20 of Plan 2040 calls to improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Evaluate developments for their ability to promote public transit and pedestrian use. Encourage development of walkable centers to connect different modes of travel. Evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality. 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. Promote joint access and circulation systems for development sites comprised of more than one building site or lot. Livability Goal 1 Policy 35 calls to ensure critical connections are built and maintained in the pedestrian and bicycle networks including the development of sidewalks, bike lanes, shared use paths and walkways to promote the use of multi-modal transportation options.

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 agree upon binding elements unless amended pursuant of the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to 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 commons 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 and demolition permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction permits and Transportation Planning Review and the Metropolitan Sewer District.

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- b. Encroachment permits must be obtained from the Kentucky Department of Transportation Bureau of Highways for any work within the state right-of-way.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
- 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.
 - 6) The applicant shall submit a Detailed District Development Plan to be approved by Planning Commission prior to construction plan approval that addresses the following elements: building design use, access to W. Orell Rd. specifically pertaining to truck traffic, landscaping adjacent to the single-family residences to the south and landscaping along the private access easement and the 6-foot berm. Notification of the meeting shall include anyone who spoke at the Planning Commission public hearing for Case No. 17ZONE1019 and 21-DDP-0083.
 - 7) Any change of use or change to the approved development plan shall require Metro Council review and approval.
 - 8) Applicant shall construct a 5-foot concrete sidewalk and handicap ramp along W Orell Road from subject site to Dixie Highway and Orell intersection prior to certificate of occupancy.
 - 9) Prior to issuance of building permits or construction of multi-family buildings on the property, applicant will work with Planning Commission's staff to reach an acceptable level of architectural detail on the narrower ends of each multi-family building.

Condition of Approval:

- 1) The applicant shall provide pedestrian accommodations on the south side of the access road that serves Dixie Highway.

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** the Louisville Metro Council **APPROVE** the Revised Detailed District Development Plan for 21-DDP-0083 and the proposed changes to Binding Elements on pages six and seven of the staff report, with the addition of Binding Element #8 and Binding Element #9, both read into the record, along with the condition that the applicant provide pedestrian accommodations on the south side of the access road that serves Dixie Highway, based on the staff report and testimony heard today.

The vote was as follows:

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YES: Commissioners Mims, Brown, Howard, Carlson, Clare, Daniels, Sistrunk, Price, and Lewis

NO: None

ABSTAIN: None

ABSENT: Commissioner Seitz