

PLANNING COMMISSION MINUTES
February 17, 2022

PUBLIC HEARING

CASE NO. 21-ZONE-0138

Request: Change in zoning from R-R to R-5
Project Name: Vista Hills Boulevard Subdivision
Location: 10105 Vista Hills Blvd.
Owner: William and Beverly Calloway
Applicant: Jane Renn
Representative: BTM Engineering
Jurisdiction: Louisville Metro
Council District: 22 - Robin Engel
Case Manager: Julia Williams, AICP, Planning Supervisor

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. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

03:02:48 Julia Williams presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

The following spoke in support of the request:

Chris Brown, BTM Engineering, 3001 Taylor Springs Drive, Louisville, KY 40220

Summary of testimony of those in support:

03:08:08 Chris Brown, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

The following spoke in opposition to the request:

None.

Summary of testimony of those in opposition:

None.

03:14:18 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.

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On a motion by Commissioner Howard, seconded by Commissioner Clare, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard at today's hearing, was adopted:

Change in Zoning:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Community Form because the proposed district is for low-density residential. It is not a high density use necessitating location near major transportation facilities; and buffer yards and setbacks will be in compliance with the LDC; and

WHEREAS, the Commission further finds that the proposal meets Land Use & Development Goal 2: Community Form because an existing residential lot is being developed for residential purposes; and

WHEREAS, the Commission further finds that the proposal meets Land Use & Development Goal 3: Community Form because the site is not located in 100-yr floodplain and no wetlands have been indicated. MSD has preliminarily approved the proposal; and

WHEREAS, the Commission further finds that the proposal meets Land Use & Development Goal 4: Community Form because the site does not appear to contain distinctive cultural or natural features that will not be retained; and the site does not appear to contain distinctive historic resources; and

WHEREAS, the Commission further finds that the proposal meets Land Use & Development Goal 1: Mobility because the proposed district is for low-density residential. It is not a high density use necessitating location near major transportation or commercial facilities; and

WHEREAS, the Commission further finds that the proposal meets Land Use & Development Goal 2: Mobility because access to the site is obtained through areas of similar density; and

WHEREAS, the Commission further finds that the proposal meets Land Use & Development Goal 3: Mobility because the proposed district is for low-density residential on a vacant lot within an existing development; and all multi-modal options are available or are being accommodated on the site or within the area. Existing roadway infrastructure is adequate to support the proposed density; and roadway improvements are not required; and public roadways and sidewalks are proposed; and no access to high speed roadways is provided; and

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WHEREAS, the Commission further finds that the proposal meets Land Use & Development Goal 2: Community Facilities because the proposal is located in an area served by existing utilities or planned for utilities as evidenced by adjacent development; and the proposal would appear to have access to an adequate supply of potable water and water for fire-fighting purposes as evidenced by adjacent development; and MSD has preliminarily approved the proposal; and

WHEREAS, the Commission further finds that the proposal meets Land Use & Development Goal 1: Livability because tree canopy requirements will be met on the site; and there is no indication that the proposal will negatively affect groundwater; and MSD has preliminarily approved the proposal; and

WHEREAS, the Commission further finds that the proposal meets Land Use & Development Goal 1: Housing because the proposal incorporates a variety of housing styles into the area by providing an alternative housing type for single-family residential occupancy; and the proposal promotes housing options and environments that support aging in place as an alternative housing type for single-family residential occupancy and common maintenance is typical of the type of style proposed; and

WHEREAS, the Commission further finds that the proposal meets Land Use & Development Goal 2: Housing because the proposal provides inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area as an additional housing type is being added to the areas current mixture; and the proposal is for single family lots within a single family area. There are no commercial activity centers or employment centers in the vicinity. The proposal extends the existing sidewalks in the area along the sites frontage. The site is located in a residential activity area; and

WHEREAS, the Commission further finds that the proposal meets Land Use & Development Goal 3: Housing because the proposal incorporates another housing options into the area that encourages the provision of fair and affordable housing by providing a variety of ownership options and unit costs throughout Louisville Metro; and the proposed district is located adjacent to an existing residential area; and the incorporation of this district in the area encourages a variety of housing types and occupancy types within the area which increases the ability to provision clustering, mixed-use developments, co-housing, and accessory apartments to increase the production of fair and affordable housing.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** that the Louisville Metro Council **APPROVE** the change in zoning, for

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case 21-ZONE-0138, from RR, Residential, to R-5, Single-Family Residential, for the property at 10105 Vista Hills Boulevard.

The vote was as follows:

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

NO: None

ABSTAIN: None

ABSENT: Commissioner Seitz

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

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Floyds Fork Overlay Review for 21-ZONE-0138, based on the staff report and testimony heard today.

The vote was as follows:

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

NO: None

ABSTAIN: None

ABSENT: Commissioner Seitz

On a motion by Commissioner Howard, seconded by Commissioner Clare, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard at today's hearing, was adopted:

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 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

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WHEREAS, the Commission further finds that there are no open space requirements pertinent to the current proposal; 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 roadways. Buildings will meet all required setbacks; and

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.

Binding Elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
3. 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) 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

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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 as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
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. 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."

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan/Subdivision Plan for case 21-ZONE-0138 along with the Binding Elements found on pages 11 and 12 of the staff report.

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

NO: None

ABSTAIN: None

ABSENT: Commissioner Seitz