

DEVELOPMENT REVIEW COMMITTEE MINUTES
December 4, 2019

NEW BUSINESS

CASE NUMBER 19-DDP-0039

Request: District Development Plan
Project Name: LDG – Old New Cut Road Apartments
Location: 6501 Old New Cut Road
Owner / Applicant: Michael Gross – LDG Development LLC
Representative: John Campbell and Scott Hannah – Heritage Engineering, LLC
Jurisdiction: Louisville Metro
Council District: 13 – Mark Fox

Case Manager: Lacey Gabbard, 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 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:

00:58:19 Lacey Gabbard presented the case (see staff report and recording for detailed presentation.)

The following spoke in favor of this request:

John Campbell and Scott Hannah, Heritage Engineering, 642 South 4th St. Suite 100, Louisville, KY 40202

Summary of testimony of those in favor:

01:00:36 John Campbell, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.) This proposed plan reduces the number of units from 420 to 344, removes 134 parking spaces, relocates the clubhouse, and changes the building configuration to help provide additional open space and natural areas on the site.

01:10:03 In response to a question from Commissioner Carlson, Mr. Campbell said the gas line the applicant is working around is an LG&E line.

01:10:16 Commissioner Brown asked if the applicant is proposing any gates or access control. Mr. Campbell said the property is designed with that as an option; the

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applicant has not committed to do that yet. He pointed out potential locations for gates on the site plan. He said a second access point has not been proposed yet, but the applicant will work with Transportation Planning to work that out if needed.

The following spoke in opposition to this request:

No one spoke.

01:11:32 Commissioners' deliberation.

01:11:41 Commissioner Brown asked about old binding element #23 – have the required road improvements been made (street widening, dedicated right-turn lane, etc.) Ms. Gabbard said she assumed so. In response to a question from Commissioner Brown, Ms. Gabbard recommended that binding element #23 be left in.

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.

01:13:31 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Development Review Committee 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 Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided. Public Works and MSD have provided preliminary approval; and

WHEREAS, the Committee further finds that this plan does not require an Outdoor Amenity Area per the Land Development Code; and

WHEREAS, the Committee further finds that the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate

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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 Committee 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

WHEREAS, the Committee further finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code; now, therefore be it

RESOLVED, that the Louisville Metro Development Review Committee does hereby **APPROVE** the requested 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 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. Each plan shall be in adequate detail and subject to additional binding elements.
3. 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.
4. The residential character of the structure shall be maintained. Changes to the following items shall not be made without prior approval of the Planning Commission or it's designee:
 - a. roof line
 - b. building material
 - c. porch
 - d. windows

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- e. (Other items may be added at the time of development plan approval.)
- 5. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
- 6. 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.
- 7. 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. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
 - 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.
 - d. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
- 8. 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.
- 9. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
- 10. 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

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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.

11. The site shall be developed in accordance with the recommendations as described in the geotechnical report provided by Greenbaum Associates, Inc.
12. Roadway improvements:
 - a. The first one hundred seventy (170) units may begin construction upon receipt of approval of a detailed district development plan and construction drawings. However no certificates of occupancy for these units may be requested until the following roadway improvements are completed by the developer:
 - 1, Addition of south bound right turn lane on New Cut Road at Old New Cut Road intersection.
 2. Widening of Old New Cut Road to three (3) lanes from New Cut Road to the west property line of the subject property.
 - b. No certificates of occupancy for the next one hundred twenty-five (125) units may be requested until the substantial completion of the New Cut Road widening between Outer Loop and the Gene Snyder Freeway as determined by County Public Works.
 - c. No building permits may be obtained for the remaining one hundred twenty-five (125) units until final completion of the New Cut Road widening between Outer Loop and Gene Synder Freeway.

The vote was as follows:

YES: Commissioners Carlson, Brown, and Tomes.
ABSENT: Commissioner Mims.