

PLANNING COMMISSION MINUTES
August 18, 2022

PUBLIC HEARING

CASE NO. 22-DDP-0069

Request:	UN Zoning District Planned Development Option
Project Name:	2824 Montgomery Street
Location:	2824 Montgomery Street
Owner:	Houseal Investments LLC
Applicant:	Houseal Investments LLC
Representative:	Charles Podgurky – CRP Associates
Jurisdiction:	Louisville Metro
Council District:	5 – Donna Purvis
Case Manager:	Jay Lockett, AICP, Planner II

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:

00:39:34 Jay Lockett presented the case, showed a Power Point presentation, and responded to questions from the Commissioners (see staff report and recording for detailed presentation).

The following spoke in support of the request:

Charles Podgurky, CRP and Associates, 7321 New LaGrange Road, Suite 111, Louisville, Ky. 40222

Summary of testimony of those in support:

00:43:24 Charles Podgurky said the building was abandoned and is in bad shape (see recording for detailed presentation).

Deliberations:

00:46:48 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 Brown, seconded by Commissioner Howard, the following resolution based on the Plan 2040 Staff Analysis and testimony heard today was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** that Metro Council **APPROVE** the Urban Neighborhood Planned Development Option, **SUBJECT** to the following conditions of approval:

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 conditions of approval unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any conditions of approval 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. 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.
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 appropriate variances shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
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 conditions of approval 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 conditions of approval to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these conditions of approval. These conditions of approval 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 conditions of approval. At all times during development of the

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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 conditions of approval.

The vote was as follows:

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

ABSENT: Commissioners Carlson and Clare