

Davis, Brian

From: Bill Bardenwerper <wbb@bardlaw.net>
Sent: Monday, April 27, 2020 1:19 PM
To: Stpinlou@aol.com
Cc: Paul Whitty; John Talbott; Nick Pregliasco
Subject: Clearer (added) requirements for neighbor meetings; see explanation in my prior email of 4/19/20

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Steve: I appreciate your email response to my 4/19/20 email regarding neighbor mtgs and for talking with Paul about it.

The below is my updated effort to take your comments and combine them with mine to help PDS more quickly do what shouldn't be all that difficult to do, which is move forward with a safe, legal and improved process for informing neighbors, both prior to and (near-term, meaning until COVID concerns abate, virtually) at the neighbor meeting.

As you'll read below, I think Emily can issue an "interp" saying this is how PDS believes the limited guidance of the LDC's 3 neighborhood meeting regulations should actually be carried out in order for an application to be accepted at PDS intake for official filing. My idea is that those applications that then don't accomplish all of the below would be rejected at intake. (A caveat to this *might* be that short-term rental applications, by virtue of what's being requested, may be subject to slightly lesser requirements — for example, no requirement of a colored-up site plan or need to summarize storm and sanitary sewer conditions if not involving new construction.

What do you think of this? Something like this I gather will be discussed at the next PC Policy and Procedures Committee mtg at which you and Paul participate. My law partners and the guys (Mindel and Young) who "signed" the 4/19 email memo with us are committed to improving neighbor information exchange in the process of making these meetings as safe and inviting as possible for all concerned. BB

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Begin forwarded message:

From: Bill Bardenwerper <wbb@bardlaw.net>
Date: April 27, 2020 at 10:14:16 AM EDT
To: Jeff OBrien <Jeff.OBrien@louisvilleky.gov>, Emily Liu <emily.liu@louisvilleky.gov>, Brian Davis <brian.davis@louisvilleky.gov>
Cc: Paul Whitty <paul@bardlaw.net>, John Talbott <John@bardlaw.net>, Nick Pregliasco <npr@bardlaw.net>, David Mindel <dmindel@mindelscott.com>, "young@ldd-inc.com" <young@ldd-inc.com>, Juva Barber <jbarber@bialouisville.com>

Subject: Clearer (added) requirements for neighbor meetings; see explanation in my prior email of 4/19/20

Without reiterating what's already set forth as neighborhood notice and meeting requirements at LDC Sections 7.2.10, 11.4.3 and 11.5A.3, the following could be adopted and published by PDS Director Emily Liu as an LDC "interpretation" to guide PDS staff in an effective implementation of these regs, especially in this time of COVID 19. These **clearer** requirements can assure better applicant communication with neighbors and other interested parties both during this time of COVID 19 and going forward.

1. Notice letters henceforth should include a legible, easier-to-understand, colored-up (not simply sometimes difficult-to-discern black-and-white), minimum 8-1/2 X 11" size version of the subdivision, rezoning development and/or CUP site plan, PLUS a narrative summary, *relevant to each particular application*, of the following: present and proposed land uses; present and proposed lotting patterns and lot count; present and proposed zoning districts and/or CUP; present and proposed density; proposed height, setbacks, parking, landscaping, screening and buffering; anticipated road and access modifications; sanitary sewer availability; the plan for storm water management; building design if determined by that point in time; and any remarkable project impacts other than these.
2. Notice letters should likewise include the entire required mailing list, plus other names that may have been added, in order that neighbors and interested parties know who all has been notified.
3. Notice letters should further include email addresses and phone numbers of whoever is the principal point of contact (be that the applicant, its attorney and/or land planner/engineer) and also an encouragement to write and/or call with questions or comments. There then must be a concomitant obligation to answer all resulting emails and phone calls regarding the proposed project.
4. Notice letters should also include days, times and other details to (a) attend a physical meeting (once, down the road, physical meeting places are again available to schedule and safe to hold) and/or (b) in the meantime to join a "Webex", "GoToMeeting" or "Zoom" combined video/telephone conference call.
5. Notice letters should finally include the standard PDS direction about how to access the Metro Accela Citizen Access System and, if a pre-application has been filed at time of this neighbor notice, also the PDS Case # and name of PDS Case Manager.
6. Applicants must document and certify to PDS, at time of official filing, that they have taken these steps and provided all this information in order to assure meaningful neighborhood and other interested party notice and opportunity to be heard.

LDC

Chapter 7 Part 2 Pro

7.2.10 Pre-Applicat

Prior to formal
Design Services
subdivision, the
north arrow, sc
agent, or the PI
the Commission
potential proble
subdivision, a le
groups that hav
metro council d
announcing a p
said letter at th
subdivision app
and the adjacer
and a summary
days prior to fili

11.4.3 Neighborhood

- A. Prior to formally f
that a pre-applica
to discuss the pro
be mailed no less
 - 1. First Tier Pro
parcel direct

January 2020

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- 2. Second Tier I
property or t
property tha
- 3. Any person I
Developmen

11.5A.3 Neighborh

- A. Prior to formally stating that a project is a developer/owner prior to the neighborhood meeting:
 1. First Tier Parcel Director
 2. Second Tier property owner
 3. The mayor or such a municipal official
 4. Any person on the Development Committee
 5. Metro Council staff
 6. PDS staff.
- B. The neighborhood meeting application. At the public meeting those invited, the

