DEVELOPMENT REVIEW COMMITTEE MINUTES
November 16, 2022

NEW BUSINESS

CASE NUMBER 22-DDP-0067

Project Name:	Garrett Bridwell Multi-Family
Location:	Old Heady Road (Parcel ID 004702930000 & 004702940000)
Owner(s):	Blankerton Old Heady Development
Applicant:	Blankerton Old Heady Development
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson
Case Manager:	**Dante St. Germain, AICP, Planner II**

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:
02:29:36 Dante St. Germain presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the proposal:
Derek Triplett, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

Damon Garrett, 901 Lily Creek Road #101, Louisville, KY 40243

Summary of testimony of those in favor:
02:34:39 Derek Triplett, the applicant's representative, presented the applicant's case, showed a Power Point presentation, and responded to questions from the Committee members (see recording for detailed presentation and discussion). He noted that these will be condominiums, and so the existing binding elements should be left in place.

02:44:47 In response to a question from Commissioner Carlson Damon Garrett, representing Sunshine Industries, discussed the building materials, and binding elements (see recording.)

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02:46:27 Ms. St. Germain discussed building materials (see recording.)

The following spoke in opposition to the proposal:
Harlan Toy, 4820 Saddle Bend Way, Louisville, KY 40299

Kurt Gutting, 6400 Chenoweth Run Road, Louisville, KY 40299

Patricia and Arnold Thompson, 5020 Old Heady Road, Louisville, KY 40299

Josh Reynolds, 13300 Stepping Stone Way, Louisville, KY 40299

Summary of testimony of those in opposition:
02:47:26 Patricia Thompson said she lives directly across the street behind the proposed development. She said the original plans called for one story, not two; also heard that it would be an "inter-generational" development. She said there have been many confusing changes to the proposal over time. Traffic and the roadway are also concerns; also a lack of vegetative buffer (see recording for detailed presentation.)

02:58:27 Kurt Gutting said he originally did not opposed the development when it was one-story structures. He emphasized that Old Heady Road is very narrow and winding. He said the proposal does not fit the neighborhood or the land around it (see recording for detailed presentation.)

03:03:12 Harlan Toy said he agreed with previous commenters and said the original proposal, with the originally-proposed density, was not objectionable. Chenoweth Run Road is extremely narrow and is a cut-through to the Gene Snyder Freeway; also Old Heady Road is very congested (see recording for detailed presentation.)

03:06:15 Josh Reynolds said there is a petition of approximately 190 signatures opposing the newly-increased density. He asked if the units will be sold to buyers, or if it will be rental property (apartments). See recording for detailed presentation.

Rebuttal:
03:10:03 Mr. Garrett presented rebuttal and responded to questions from the Commissioners (see recording for detailed presentation.)

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03:19:21 Mr. Gutting made some statements about the proposed height of the structures.

03:20:28 Arnold Thompson made some statements about binding elements.

03:21:37 Commissioners' deliberation.

An audio/visual recording of the Development Review Committee meeting 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.

03:23:07 On a motion by Commissioner Brown, seconded by Commissioner Price, 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 the pond on the site is being preserved. Tree canopy will be provided on the 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. Louisville Metro Public Works has provided preliminary approval of the plan; and

WHEREAS, the Committee further finds that required open space is being provided; and

WHEREAS, the Committee 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 Committee further finds the overall site design and land uses would be compatible with the existing and future development of the area as the proposal is not significantly higher density than the previously approved plan; and

WHEREAS, the Committee further finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of

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the Land Development Code. The proposal would increase the variety of housing and the amount of housing in the neighborhood; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Revised Detailed 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 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 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, 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 property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
   c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
   d. The materials and design of proposed multi-family structures shall be substantially the same as depicted in the rendering as presented at the November 16, 2022 Development Review Committee meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.

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e. A minor subdivision plat or legal instrument shall be recorded creating Tracts 1 and 2 and dedicating right-of-way along Old Heady Road as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.

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. No residential structures shall be permitted within 250 feet of the edge of pavement of the Gene Snyder Freeway's nearest travel lane.

8. The landscape plan shall be in compliance with Chapter 10 of the LDC but shall include no less vegetation than that shown in the landscape exhibit presented at the July 15, 2021 Planning Commission hearing. Developer shall plant a 6' shrub screen and one Type A tree every 50 linear feet (to match the proposed subdivision's screen) along the future Urton Lane Corridor ROW dedication as shown on the landscaping exhibits presented at the July 15, 2021 hearing. Pursuant to the Declaration of Condominium Regime (Declaration), these plantings shall be located in the common areas and maintained/replaced by the condominium association. The Declaration shall be reviewed and approved by the Planning Commission legal counsel.

9. At the time the developer turns control of the condominium association over to the condominium owners, the developer shall provide sufficient funds to ensure there is no less than $3000 cash in the condominium association account. No condominium association funds shall be used by the developer to fulfill either the developers obligations under Plan 2040 or any improvement submitted as part of

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the approved development plan, including but not limited to plantings and paving. Notwithstanding the foregoing, the condominium association funds may be used for the post-construction maintenance obligations of common elements, including maintenance of the condominium open space. The subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement.

The vote was as follows:

YES: Commissioners Clare, Brown, Price, Pennix, and Carlson.
ABSENT: Commissioner Cheek.