

PLANNING COMMISSION MINUTES
January 7, 202

PUBLIC HEARING
CASE NO. 19-ZONE-0091

Request: Change in Zoning from R-4 to R-5A with Detailed District Development Plan and Binding Elements
Project Name: Regency Park
Location: 8816-8820 West Manslick Road, Parcel 104900700000
Owner: Cat VVB LLC
Applicant: Cat VVB LLC
Representative: Wyatt Tarrant & Combs
Jurisdiction: Louisville Metro
Council District: 14 – Cindi Fowler
Case Manager: Dante St. Germain, AICP, Planner II

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

Agency Testimony:

02:16:48 Ms. St. Germain discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Jon Baker, Wyatt, Tarrant and Combs, 400 West Market Street, Louisville, Ky. 40202
Derek Triplett, Land Design and Development, 503 Washburn Avenue, Louisville, Ky. 40222

Marilyn Harris, Director of the Office of Housing, 444 South 5th Street, Suite 500, Louisville, Ky. 40202

Jim Davis, 333 Broadway, Paducah, Ky. 42001

Ralph Bing, 2903 Levins Gap Road, Louisville, Ky. 40272

Summary of testimony of those in favor:

02:32:36 Mr. Baker gave a power point presentation. There will be 95 units and a clubhouse with recreational area behind it. It's important to provide these types of affordable homes (very needed).

02:43:21 Mr. Triplett explained the development plan in more detail.

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02:54:45 Mr. Baker continued with the presentation. The Comprehensive Plan, goals 1 and 3 are what this development is trying to achieve – expand and ensure a diverse range of housing choices and ensure long-term affordability and livable options in all neighborhoods.

03:24:30 Ms. Harris stated the proposal is a great option to help with affordable housing that Louisville desperately needs.

03:30:04 Mr. Jim Davis, EZ Homes, stated that it will be a quality product and meet all regulations and requirements. It gives people the opportunity for home ownership.

The following spoke in opposition to this request:

Tamara West, 2012 Berling Drive, Louisville, Ky. 40272
Ralph Bing, 2903 Levins Gap Road, Louisville, Ky. 40272
Tim Caudill, 1903 Green Leaf Drive, Louisville, Ky. 40272
Renee Davis, 2907 Levins Gap Road, Louisville, Ky. 40272

Summary of testimony of those in opposition:

03:32:00 Ms. West stated the proposal is not what homeowners are looking for and is not wanted for this neighborhood. This subdivision only provides one car garages and people will park on the street and/or in the grass.

03:38:37 Mr. Bing stated the increased traffic will be worse (already bad). Also, there's only one access point and no easy access to public transportation.

03:42:12 Mr. Caudill stated traffic is horrible and a safety issue.

03:44:50 Ms. Renee Davis said she's worried about how the proposed units will look in 10-20 years. Other concerns are as follows: construction; fee for homeowner's association; roads; sidewalks; turning lanes; binding elements; and flooding issues.

The following spoke neither for nor against the request:

Councilwoman Cindi Fowler,

Summary of testimony of those neither for nor against:

03:50:15 Councilwoman Fowler stated there's a real need for affordable and senior housing in the area. The concerns are as follows: foot traffic; plans for access route to

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Louisville Loop; affordability of condo association fees; possible foreclosure of homes; and emergency vehicle access.

Rebuttal

03:53:11 Mr. Baker stated the proposed units will support seniors in need of this type of housing. There is a need and demand for this type of housing. W. Manslick will be able to handle the traffic and will not create a negative impact. There is no fee set for the homeowner's association at this time.

03:57:08 Mr. Triplett explained the roads and access.

04:24:34 **COMMISSIONER SEITZ RECUSED HERSELF FROM THIS CASE**

Deliberation

04:32:17 The commissioners discussed the following: pedestrian traffic and safety; turning lanes; low income housing; sidewalks; HOA fees; and binding element amendments and additions.

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.

Zoning Change from R-4 to R-5A

On a motion by Commissioner Brown, seconded by Commissioner Daniels, the following resolution based on the Plan 2040 Staff Analysis, testimony heard today and the Applicant's Justification Statement was adopted.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Community Form because, the proposal is not for a higher intensity or density zoning district; the proposal will comply with transition requirements.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Form because, the proposal is for new development and a residential zoning district.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Community Form because, no severe, steep or

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unstable slopes are evident on the site. No highly permeable soils are evident on the site.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 4: Community Form because, no distinctive cultural features are evident on the site; the existing structure is proposed to be preserved and re-used as a clubhouse.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Mobility because, the proposal is not for a higher intensity or density zoning.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Mobility because, access to the development will be achieved via W Manslick Road, a primary collector at this location.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Mobility because, Transportation Planning has approved the proposal; no direct residential access to high speed roadways is proposed.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Facilities because, the relevant utilities have approved the proposal; Louisville Water Company has approved the proposal; MSD has approved the proposal.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Livability because, no natural resources are evident on the site. Tree canopy requirements will be met; the site is not located on karst terrain; The subject site is partially located in the regulatory floodplain. No structures are proposed within the floodplain.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Housing because, the proposed zoning district would support aging in place by permitting an increase in the variety of housing options in the neighborhood.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Housing because, the proposed zoning district will allow for inter-generational, mixed-income development that is connected to the neighborhood and surrounding area.

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WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Housing because, the proposed zoning district would expand the provision of fair and affordable housing by increasing the variety of ownership options and unit costs in Louisville Metro; the site is currently vacant and no existing residents will be displaced; the proposed zoning district will allow the use of innovative methods of housing.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to Metro Council the change in zoning from R-4, Single Family Residential to R-5A, Multi- Family Residential on property described in the attached legal description be **APPROVED**.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels, Mims, Peterson and Howard

NO: Commissioner Sistrunk

NOT PRESENT AND NOT VOTING: Commissioners Seitz and Lewis

ABSTAINING: Commissioner Clare

Detailed District Development Plan and Binding Elements

On a motion by Commissioner Brown, seconded by Commissioner Daniels, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, the existing structure is proposed to be reused and maintained. No natural resources are evident on the site. Tree canopy requirements will be met; and

WHEREAS, 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

WHEREAS, required common and recreational open space is being provided on the site; and

WHEREAS, 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

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WHEREAS, the Louisville Metro Planning Commission finds, the overall site design is compatible with the existing and future development of the area. The relatively low-density multi-family development proposed is generally compatible with the large-lot single-family development nearby; and

WHEREAS, the Louisville Metro Planning Commission further finds the development plan conforms to applicable guidelines and policies of the Land Development Code and the Comprehensive Plan.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the 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. A minor plat or legal instrument shall be recorded consolidating the parcels into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting

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a certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter. The site shall provide 40% tree canopy.

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.

e. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the January 7, 2021 Planning Commission meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.

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 bond in the amount of \$38,000 shall be posted by the developer to Transportation Planning prior to approval of the construction plans for any future maintenance to the private roads in the event the HOA fails to fulfill their maintenance obligation.
8. The roads shall be improved or rebuilt to the Louisville Metro standard pavement section. Three-foot shoulders shall be included on both side of the roads.
9. Given the limited potential right-of-way, the roads within this development will never qualify to be publicly maintained by Louisville Metro.
10. The owner/developer shall be responsible for the installation, good repair and proper functioning of all roads within the development prior to occupancy of any unit the owner/developer shall file with Transportation Planning a bond instrument in an amount determined by the Director of Public Works and MSD to

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ensure fulfillment of this obligation. Release of this bond shall follow procedures outlined in Chapter 7 of the Land Development Code.

11. A sidewalk shall be provided along W. Manslick Rd. from the entrance drive south to the Louisville Loop trail head approximately 180-feet.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels, Mims, Peterson and Howard

NO: Commissioner Sistrunk

NOT PRESENT AND NOT VOTING: Commissioners Seitz and Lewis

ABSTAINING: Commissioner Clare