

**MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE**

August 22, 2019

New Business

Case No. 16ZONE1044

NOTE: This case was heard together with 18STREETS1021. Testimony for these two cases will appear under Case No. 16ZONE1044:.

Request:	Change in zoning from C-2 to PDD
Project Name:	One Park
Location:	2294, 2300, 2338, (TB 74A Lots 12 & 15), & 2340 Lexington Road and 2501, 2503, 2509, 2511, & 2515 Grinstead Drive
Owner:	JDG Triangle Partners LLC; JDG Triangle Partners II; JDG Triangle Partners III
Applicant:	JDG Triangle Partners LLC
Representative:	Bardenwerper Talbott & Roberts PLLC Mindel Scott & Associates
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
Case Manager:	Julia Williams, AICP, Planning Supervisor

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

Agency Testimony:

01:48:20 Julia Williams presented the case (see staff report and recording for detailed presentation.) She noted that the tallest portion of the building will be 18 stories.

01:51:53 Ms. Williams said she received citizen comments after the staff report had been published. She handed those out to the Committee members. She added that the applicant has committed to a night hearing for the proposal.

01:52:57 Ms. Williams briefly described the street closure request and its relation to the larger rezoning request (see staff report and recording.)

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The following spoke in favor of the request:

William Bardenwerper, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway, Louisville, KY 40223

Kent Gootee and David Mindel, Mindel Scott & Associates, 5151 Jefferson Boulevard, Louisville, KY 40219

Rob Donhoff (architect), 716 East Market Street, Louisville, KY 40202

Robert E. Osborne, 1270 Bassett Avenue, Louisville, KY 40204

Diane Zimmerman (traffic), 12803 High Meadows Pike, Louisville, KY 40059

Iris Wilbur, Greater Louisville Inc., 614 West Main Street, Louisville, KY 40202

Greg Pestinger, 2134 Baringer Avenue, Louisville, KY 40205

Larry Williams, 2513 Glenmary Avenue Apt 3, Louisville, KY 40204

Summary of testimony of those in favor:

01:53:42 William Bardenwerper, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

02:21:31 Commissioner Brown said he was concerned about the bike lane on Lexington, and how that would be affected by the added ride-share/pickup/dropoff area. It appears that the extended curb will extend into the bike lane (south side of Lexington, next to the parking area just west of the driveway.) See page 11 of the applicant's pattern book. Kent Gootee, an applicant's representative, said the applicant was not planning on extending the curb and will look into this before the Planning Commission hearing to clarify. He said the bike lane should be continuous.

02:25:35 Commissioner Brown and Mr. Bardenwerper also discussed signalization, no dedicated turning lanes, and the possibility of having to widen the road (see recording for this technical discussion.)

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02:28:15 Commissioner Carlson asked if the 1200+ parking spaces were above-grade, below-grade, etc. Mr. Bardenwerper said the current proposal has nothing below-grade, with six levels of parking structure. Mr. Bardenwerper discussed specifics of the proposed parking structure. Commissioner Carlson asked about how much excavating, etc. will be needed to construct this project. Rob Donhoff, the project's architect, discussed geotechnical issues and said he did not anticipate issues with rock and blasting in this area. Any blasting has procedures that must be followed prior to this work being done (pre-blast surveys, etc.) He explained the organization of the parking garage and how it will work. Commissioner Carlson requested a binding element requiring a pre-blast survey.

02:35:29 Commissioner Carlson discussed how best to make sure that what is being shown today is what would actually be built. Ms. Williams talked about Planned Development Districts (PDD) and how amendments, if any, are made (see recording.)

02:43:39 Robert Osborne, a Cherokee Triangle resident, spoke in support.

02:48:18 Iris Wilbur, representing Greater Louisville Inc., spoke in support. She said this project will bring more jobs, more housing, and tax revenue. She said Louisville has had a large hotel-demand increase. Also, there is a growing demand for walkable, mixed-use projects.

02:50:50 Greg Pestinger, a Cherokee Triangle resident, spoke in support. He supports walkability and hopes the development will allow increased park usage.

02:53:44 Larry Williams, a Glenmary Avenue resident, spoke in support. He said this is an opportunity to put something significant in what is a "neighborhood gateway" property.

The following spoke neither for nor against the request ("Other"):
Randy Strobo (on behalf of Cave Hill Cemetery), 239 South Fifth Street Suite 917, Louisville, KY 40202

Diane Bellafrontu, 1699 Trevillian Way, Louisville, KY 40205

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Summary of testimony of those neither for nor against:

02:55:16 Randy Strobo, representing Cave Hill Cemetery, said the Cemetery has three main concerns: first, the Cemetery has recently received an encroachment permit for Etley Avenue, which they don't want impacted. Second, Cave Hill has some traffic concerns - funeral processions, services and accesses to their property must be taken into consideration. There is concern about signaling at Lexington and Etley and Grinstead and Etley. Third, there are concerns about blasting and excavation.

03:00:43 Diane Bellafrontu asked about the traffic study. She said the project as it is being presented today has changed much over the last presentation. Is the hotel traffic included in the traffic study? She expressed concern because there is no provision for left-turn lanes.

03:02:30 Mr. Bardenwerper said the applicant evaluated traffic on a peak-hour, "worst-case scenario" basis. He said if the hotel traffic had been factored in, the traffic wouldn't have been as bad. He said there are opportunities for left-turns into the development but he believes most people will make right-turns in because it is safer.

03:04:10 Commissioner Lewis asked if the residents of the apartments, condos, etc. be using the same parking garage as shoppers, retail customers, etc.? Mr. Bardenwerper said yes. He said upper levels may be restricted to the residents only.

The following spoke in opposition to the request:

Artie Buschmeyer, 511 Briar Hill Road, Louisville, KY 40206

Phil Samuel, 3 Angora Court, Louisville, KY 40206

Jan Calvert, 616 Wataga Drive, Louisville, KY 40206

Sandra Wagner, 3215 Marion Court, Louisville, KY 40206

Diane Cooke, Lexington Road Preservation Association, 3318 Lexington Road, Louisville, KY 40206

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Pete Kirven, 1277 Willow Avenue, Louisville, KY 40204

Lisa Santos, Irish Hill Neighborhood Association, 1318 Hull Street, Louisville, KY 40204

Mark Gaff, Crescent Hill Community Association, 222 South Bayly Avenue, Louisville, KY 40206

Barbara Sinai, 60 Eastover Court, Louisville, KY 40206

Steve Porter (on behalf of the Lexington Road Preservation Association), 2406 Tucker Station Road, Louisville, KY 40299

Ray Brundige, 1718 Edgeland Avenue, Louisville, KY 40204

John Elgin, Cherokee Triangle Association, 1050 Everett, Louisville, KY 40204

Cynthia Parrish, 2514 Top Hill Road, Louisville, KY 40206

Summary of testimony of those in opposition:

03:05:08 Ms. Artie Buschmeyer said the size and scale of the development is inappropriate for the neighborhood. She also had concerns about the traffic study; she felt the extent of the study was not wide enough to look at traffic that will be impacted by this development. She said the hotel design is in no way compatible with the rest of the development or the surrounding neighborhood.

03:08:30 Phil Samuel asked that any decision regarding the alley closure be deferred until a decision is made on the zoning portion. He asked for bigger, sturdier trees. He pointed out that "market rate" housing is not "affordable housing" and no affordable housing is being offered here. He said this development is not pedestrian or bike friendly, and the design is too tall. He expressed concern about audible noise/music from the restaurants and air quality due to fumes from the garage.

03:12:17 In response to a question from Commissioner Lewis, Ms. Williams addressed height restrictions under C-2 zoning (see recording.) Commissioner Lewis added that there is a binding element restricting outdoor music.

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03:13:03 Jan Calvert said she opposes the project because of the “enormous size”, safety issues at an already-congested intersection, and proposed materials, specifically the glass and steel for the tower. She said an 18-story building is more appropriate for downtown, not a historic residential neighborhood. She said she would like to see more greenspaces and plantings around the exterior of the development, rather than six stories up for the enjoyment of the residents.

03:16:27 Sandra Wagner is concerned that a zoning change will “open the floodgates” for more high-rise development in the neighborhood. She also questioned why it has to have “everything” – hotel, residential, office, retail, etc.

03:18:12 Diane Cooke, representing the Lexington Road Preservation Association, opposes the rezoning because PDD is not consistent with a Traditional Neighborhood. She objects to the size, height, and scale of the structures and said this intersection is already congested.

03:19:19 Pete Kirven said traffic at I-64 and Grinstead is already dangerous. He also said he believes the height reduction to the project came about only because of FAA regulations, not in response to neighbors’ concerns. He said pedestrians and cyclists are already having problems crossing this intersection. He is also concerned about setting a precedent with a zone change.

03:24:06 Lisa Santos, representing the Irish Hill Neighborhood Association, said the density is incompatible with the Lexington Road Safety Plan, the Grinstead Drive transportation improvements, Complete Streets, or the neighborhood plan. She said the neighbors in the charrette process “overwhelmingly supported” a density-compatible with the existing zoning, and that the project is not consistent with the form district. She asked that the public hearing not be scheduled until there is a final transportation plan and the neighborhood associations have had time to review it. She said this is the first time the Association has submitted questions to a developer regarding transportation and had no response.

03:27:59 Mark Gaff, representing the Crescent Hill Community Council, said development would be welcomed at that site but there are still concerns about traffic, especially signalization. The State has denied the need for signalization at Lexington and Etley and Grinstead and Etley. Traffic was the biggest concern

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at all of the 12 meetings held at this project, and he said the traffic study is not done. Pedestrian safety is a concern because more lanes are going to be added. He said there have been 12 meetings but not one charrette – the purpose of a charrette is to create consensus between the neighborhood and the builder. He said the neighbors' concerns about height were never addressed until the FAA got involved in the height restrictions.

03:32:37 Barbara Sinai was called but declined to speak.

03:32:40 Steve Porter, representing the Lexington Road Preservation Association, said this project is at the confluence of four neighborhood associations, not just Irish Hill. He said the main concern is traffic, and wants no public hearing date set until traffic issues have been resolved, and that any meetings with governmental agencies concerning traffic include invitations to the four neighborhood groups to be a part of those meetings.

03:36:48 Ray Brundige is mostly concerned about increased traffic; danger at Cochran Hill Tunnel, and traffic backups on I-64 and Grinstead Drive. He is concerned about the height of the structures, both for the Bowman Field flight paths and area incompatibility. He said the traffic studies do not go far enough, because traffic will be impacted up to Bardstown Road, Payne Street, Willow Avenue, etc.

03:42:59 John Elgin, representing the Cherokee Triangle Association, supported the statements from the Irish Hill Neighborhood Association. He supports maintaining a C-2 instead of a PDD category.

03:43:45 Cindy Allbright Parrish said it is already unsafe to cross Lexington Road to get to Cherokee Park. She said the size and scale of the project are inappropriate.

03:46:07 (unidentified speaker) Requested that the Tyler Park, Deer Park and other neighborhood associations be included in charrettes.

Rebuttal (see recording for detailed rebuttal)

03:46:33 Mr. Bardenwerper discussed the FAA has done a study and has determined there is no hazard to air navigation (determination was issued on 11/27/18.) He also discussed traffic and said there have been 3 or 4 traffic

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studies have been submitted. Mr. Bardenwerper suggested having a public hearing at the Kentucky International Convention Center (the cost would be borne by the applicant.)

03:52:30 Commissioner Carlson asked about the possibility of an elevated pedway between this site and the park. He also requested that any information (for example, a final traffic study) be submitted in a timely manner, well before the public hearing, so that the Commissioners and the public can review all information. Ms. Williams said that, if someone is going to submit another study, that must be submitted 14 days before the public hearing date. She said it was her understanding that an updated traffic study will be submitted next week.

03:56:36 Commissioner Daniels asked for additional information about the blasting. Mr. Donhoff said the applicant does not anticipate blasting at this time (prior to a geotechnical report) and will probably use drilled piers instead. He discussed blasting vs. drilled piers and said all regulations will be followed (see recording.)

03:58:31 Commissioners' deliberation. Commissioner Brown asked that both cases be brought back to one more LD&T meeting in order for the Committee and the State to review the updated traffic study, and give the applicant time to update the proposed plan. He said he wanted to discuss traffic-related information **only** at the next LD&T meeting. Ms. Williams discussed dates/times and scheduling for a second LD&T Committee meeting and also for a public hearing.

04:04:57 Mr. Bardenwerper talked about possible hearing dates and locations.

An audio/visual recording of the Land Development and Transportation 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.

04:09:39 On a motion by Commissioner Carlson, seconded by Commissioner Daniels, the following resolution was adopted:

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RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **CONTINUE** Case No. 18STREETS1021 AND Case No. 16ZONE1044 to the **September 12, 2019** Land Development and Transportation Committee meeting to discuss traffic-related issues only; and set the public hearing date to **September 30, 2019 at 6:30 p.m.** in the Kentucky International Convention Center; and that any submissions for review shall be submitted by Thursday, August 29, 2019.

The vote was as follows:

YES: Commissioners Brown, Peterson, Daniels, Carlson, and Lewis.

NO: No one.