

PLANNING COMMISSION MINUTES
October 17, 2019

BUSINESS SESSION
CASE NO. 16ZONE1044

Request: Change in Zoning from C-2 to PDD - CONTINUED FROM
SEPTEMBER 30, 2019 PC MTG.

Project Name: One Park

Location: 2294, 2300, 2338, (TB 74A Lots 12 and 15) and 2340
Lexington Road and 2501, 2503, 2509, 2511 and 2515
Grinstead Drive

Owner: JDG Triangle Partners LLC; JDG Triangle Partners II L; JDG
Triangle Partners III

Applicant: JDG Triangle Partners LLC

Representative: Bardenwerper Talbott and Roberts PLLC; Mindel Scott &
Associates

Jurisdiction: Louisville Metro

Council District: 8- Brandon Coan

Case Manager: Julia Williams, AICP, Planning Supervisor

NOTE: COMMISSIONER MIMS RECUSED HIMSELF FROM THIS CASE

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:

00:08:37 Ms. Williams stated the new binding elements were posted on Legistar for review and based on the testimony from the night public hearing.

00:09:05 Commissioner Carlson stated he's concerned that the cemetery and Cherokee Park are protected against blasting. Binding element 11 is intended to afford that protection as long as it's enforced. Ms. Williams said the binding element goes further than the regulations, but can add "as defined by the Land Development Code", after the word 'structures'. Commissioner Carlson agreed.

00:11:35 Commissioner Brown asked if the applicant has reviewed the proposed binding elements and are in agreement. Ms. Williams said yes.

00:11:50 Ms. Liu remarked, binding element 7, 3rd paragraph, last sentence in parenthesis needs an addition of "or HUD guidelines".

00:13:26 Commissioner Brown said there was discussion regarding increasing the percentage of affordable housing if the applicant was going to pursue tax incremental financing. Ms. Williams said it is already a requirement.

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00:13:50 Commissioner Carlson said there are extreme traffic concerns in this area and would like the Director of Public Works to require a follow-up traffic study (in the future) to make sure the estimates are close to being accurate. Chair Jarboe said he doesn't see a way to enforce it. Commissioner Howard added, this is a mixed-use development that will not have the same peak hours. Commissioner Brown added, in the traffic study, the applicant/representatives used the highest use to predict the highest trip generations. Commissioner Brown said he agrees with Commissioner Carlson regarding, if the development plan expires and they need a renewal, a condition should be to provide updated traffic counts. Also, the state reviewed this plan, made recommendations and the developer is willing to provide the improvements.

00:25:30 Chair Jarboe said the proposed binding elements are everything the commissioners asked for at the night hearing.

Deliberation

00:26:34 Planning Commission deliberation. Commissioner Howard said she appreciates the developer. The site is perfect for mixed-use and the design is nice for the intersection. This proposal should help decrease traffic and encourages walkability. The right-of-way closure has to take place in order for the design and proposal to become effective.

00:29:08 Commissioner Daniels stated she's concerned about the density and increased traffic. A pedway over Grinstead leading to the park might be useful.

00:30:38 Commissioner Brown stated this area can support the density. The applicant did a good job with transitioning from the residential area shorter building to the taller building.

00:31:13 Commissioner Carlson agrees with the rezoning. The proposal is unique and has potential. There is still concern for the traffic.

00:33:01 Chair Jarboe stated it's a good infill development. The applicant has compromised. Traffic will be bad but it's a part of living in a metropolitan area.

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 C-2 to PDD

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On a motion by Commissioner Howard, seconded by Commissioner Brown, the following resolution based on the Plan 2040 Staff Analysis, Applicant's Findings, testimony heard at the September 30, 2019 public hearing, the Applicant's Statement of Compliance and the Applicant's Pattern Book 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 a non-residential expansion into an existing residential area as the site is currently zoned for high intensity residential; the proposal is for high density with medium to high intensity uses located at the intersection of 2 minor arterials, near a transportation facility (I-64), along a transit corridor (Grinstead Drive), within an existing activity center, and where adequate infrastructure exists or is planned with the proposal; no evidence has been provided that would indicate a negative impact of the proposal on health, quality of life, and the environment. The proposal is not located near residences or schools. The proposal is located across Grinstead from both Cherokee Park and Cherokee Golf Course where no evidence has been provided that air and water quality will be negatively affected. APCD reviewed the proposal and found no issues with air quality. MSD reviewed the proposal and found no issues with water quality; traffic issues are being addressed through roadway improvements along Lexington Road by way of a proposed dual turn lane from Lexington to Grinstead leading to I-64. Etley will be widened and striped. Curb cut access points are being reduced. Transportation Planning staff have approved the traffic study and concur with its findings regarding traffic; the proposal does not indicate any uses where noise would have an impact on the existing communities. There are no residential land uses located adjacent to the subject site; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Form because, the proposal is located in an existing activity center where the building is proposed to be located at the right of way line, which is consistent with the traditional form. The density is below the maximum density permitted per the existing C-2 zoning, additional density could be added under Option 2. The proposal permits uses that are compatible with the surrounding neighborhoods. Roadway infrastructure will be expanded and utility infrastructure will be modified for the development; the proposal is for a mixed use development located in an existing activity center with appropriate access and connectivity to all surrounding minor arterial roadways, the local roadway, and access to I-64; the proposal is located in an existing activity center where population is proposed and existing to support the zoning; the proposal is compact as it utilizes all available space on the lot and results in efficient land use due to the limiting of certain land uses on the site. Improvements to existing right of way and utility infrastructure are being made as a result of the proposal; the proposal is located in an existing activity center where mixed use is being proposed. The land uses proposed within the pattern book are limited and generally neighborhood serving. Alternative modes of travel are

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supported. A transit stop is located on the site along Grinstead near Etley, ride share pull offs are proposed around the site, the existing bike lane along Lexington is being maintained, and the sidewalk widths around the site are being increased; the proposal is for mixed use development in an existing activity center where residential and office will be located above commercial; the proposal is for mixed use development in an existing activity center where residential and office will be located above commercial; the proposal is appropriately located for its design and scale as there are no residences located adjacent to the site or across the street; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Community Form because, the existing site is mostly impervious surface with a few mature trees which makes it largely absent of natural features. The proposal includes the addition of street trees and roof trees as an addition of natural features to the site; Soils are not an issue with the proposal; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 4: Community Form because, Historic Preservation has not indicated that any of the existing buildings on the site have any historic or architectural value. The site is not located in a preservation district nor is it located in a National Register district. The site is located across the street from Cherokee Park and Golf Course which is a National Register district and Cave Hill Cemetery which is a National Register site. Those National Register areas are not noted for architecture and generally do not have buildings to determine compatibility with height, massing, scale, and architectural style; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Mobility because, the proposal is located near two existing marketplace corridors (Bardstown Road and Frankfort Ave.) The proposal is within an existing activity corridor where it supports existing public transit and provides for ride sharing, bicycles, and an increased sidewalk in the public ROW; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Mobility because, access to the development is by way of two minor arterials and a local level road with access to a major interstate; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Mobility because, the proposal is for mixed use. The land uses proposed within the pattern book are generally neighborhood serving and encourage trips made by walking and bicycling due to the increased sidewalk around the site, the existing bike infrastructure along Lexington Road and the north portion Grinstead, and addition of bike facilities on the site; the proposal is for mixed use where compatible land uses are indicated within the pattern book. The land uses and development are easily accessible by all modes of transportation. Facilities are

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proposed for the different forms of transportation; the proposal is for mixed use with a high density component. The proposal promotes public transit and pedestrian use by way of an increased sidewalk around the site, a transit stop located along Grinstead at Etley, and street trees along all roadways. The proposal calls for an interior parking garage, parallel parking spaces, and ride share spaces to support pedestrian use around the site. Residential is proposed to provide a housing choice; the proposal is for mixed use. The land uses proposed within the pattern book are generally neighborhood serving and encourage trips made by walking and bicycling due to the increased sidewalk around the site, the existing bike infrastructure along Lexington Road and the north portion Grinstead, and addition of bike facilities on the site; Transportation Planning staff approved and concur with the traffic study. Roadway improvements as indicated in the traffic study will be implemented around the site at the cost to the developer; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Facilities because, Existing and proposed utilities will serve and be improved for the site; the LWC and fire department did not indicate that an adequate water supply was not available; MSD has preliminarily approved the proposal; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Economic Development because, the proposal is for mixed use located at the intersection of two minor arterials (Lexington Road and Grinstead Drive). The site also is located with adequate access to a major interstate. The pattern book does not indicate nuisance uses or activities that would adversely affect adjacent areas; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Livability because, Erosion control measures during construction will be put in place per MSD requirements. MSD has preliminarily approved the proposal; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Housing because, the mixed use proposal provides an environment where aging in place could occur due to the land uses permitted in the pattern book that include shopping and medical facilities. The proposal is located on a transit route. No specific housing user has been identified for the proposal; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Housing because, the proposal is for mixed use development that is connected to the surrounding neighborhoods via sidewalks, bike lanes, ride share spaces, and transit; the proposal is for mixed use development with a housing component that is connected to the surrounding neighborhoods via sidewalks,

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bike lanes, ride share spaces, and transit. The proposal includes employment opportunities and non-residential uses that provide neighborhood goods and services. The proposal includes high density along a transit route and within an existing activity center; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Housing because, the proposal is for mixed use which will bring residential to the site where there is none existing.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Plan Element 4.1, its 5 Goals and their Objectives plus the following Policies. As to Goal 1, Policies 2, 2.1, 2.3, 3.1.2, 4, 5, 6, 7, 9 10, 11, 12 13, 14, 16, 17, 18, 19, 20 and 23, it complies as follows, in addition to the other ways set forth above and below: The site is located in the Traditional Neighborhood Form District which encourages high density uses and a range of housing opportunities, notably including multi-family dwellings which can be apartments and/or condos, which this plan proposes. This PDD development (as noted above, called "One Park") also includes compatible, project and area-serving commercial uses. Traditional neighborhoods are also encouraged to have open space, which this one does with wide sidewalks with building "alcoves" and upper level landscaped plazas, as shown in the Pattern Book, that will serve as outdoor seating areas and/or display space for bars, cafes, restaurants and retail along Lexington Road and Grinstead Drive and also for residents, other occupants, and guests. In that regard, it is also anticipated that the corner of Lexington Road and Grinstead Drive (where the City of Louisville owns a small public space) will include some form of significant public art and/or small activity area that will relate to this "One Park" PDD project in a positive manner for the larger community good. Just by way of example, this public space could include a large bicycle parking area incorporated into a piece of public art, thus creating a highly interesting, attractive and utilitarian civic amenity. The Traditional Neighborhood Form does not prohibit anything that is being proposed with this PDD application, especially given the fact that this site, while it is near and serves other traditional neighborhoods (i.e., the Highlands, Crescent Hill, Irish Hill and Lexington Road), actually only adjoins Cherokee Park, Cave Hill Cemetery, MSD property and the KTC/Metro interchange of I-64/Grinstead Drive/Lexington Road. The "One Park" project does not adjoin a single residential use, and (as the Pattern Book illustrates) is situated at significant distances from nearby residential uses, much like other buildings of "One Park's" now maximum 18-story height, now located in the Cherokee Triangle, at Dupont Circle/Dutchmans Lane and in Hurstbourne. As to compatibility, it begins with a discussion of uses, and, as explained above and below, this proposed "One Park" PDD project will involve a variety of compatible uses (notably, residential, hotel, retail and possibly offices), eliminating (per the accompanying PDD pattern book) a long list of C-2 uses that otherwise are permitted as a matter of right as of today -- for example, auto sales, car washes, truck stops, peddler malls, and such

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uses that typically locate at pre-“Plan Certain” sites where they do not have to undergo any discretionary land plan or building design review.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Compatibility and also includes building design, not necessarily from the standpoint of whether a particular architect or particular choice of aesthetic design matches everyone’s tastes (which is an impossibility), but rather from the standpoint of building materials and design themes that tend to elevate aesthetics while also being representative of the best that a particular geographic area might have to offer. In this case, the selection of building materials and design themes, as presented in the PDD Pattern Book and as discussed at the 12 public meetings and charrettes during the 3-year public review of this project, reflect and build upon the best materials and best design themes evident and popular elsewhere in Louisville Metro. During the course of all the meetings and charrettes, serious efforts were made to create both a “wedding cake” effect at lower levels of stepped-back layering and at upper levels glass transparency in order to reflect the sky. Combined with the use of traditional building materials along Grinstead Drive and more contemporary ones along Lexington Road, the final architecture demonstrates how the proposed overall structure, with these multiple different design elements, creates the appearance of many different structures, when viewed from various vantage points. Also, when 3 towers of greater height were previously proposed, both summertime and wintertime views were created from about a dozen different vantage points to demonstrate that the former much taller proposed structure was not going to be all that visible in certain seasons from various perspectives. In any event, any remaining aesthetic impacts at this point in the process are such as can be anticipated in most major American cities, including other places in Louisville Metro. For example, much taller buildings in downtown Louisville are clearly visible from nearby neighborhoods such as Butchertown, the original Highlands, Smoketown, NuLu, Sobro, Old Louisville and others.

As to the potential impacts of odors, noises and lighting, recall that this mixed-use PDD project will be as much as anything a residential one; consequently, the hundreds of people who are projected to live in the apartments and condominiums here will be the only ones affected if indeed any odor, noise and lighting issues exist, which this project is designed so that this is not the case. No one else lives close enough to be adversely affected by any of these potentially, although not real, negative impacts. As to the potential impacts of traffic and air quality, these are discussed at Plan Element 4.2, but suffice it say here, as there, that the traffic impact study (TIS) prepared by Diane Zimmerman, PE, transportation engineer, has been in the works for 3 years and done and re-done under the careful guidance of the Kentucky Transportation Cabinet (KTC) and MPW&TP. In the end, that TIS must be part of the MPW&TP plan review, and it must receive its preliminary approval prior to docketing of this PDD plan for LD&T review. Lots of road and access improvements are being made to assure safe and easy access to and within this proposed “One Park” PDD project and through the larger

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geographic area via the to-be-improved Lexington Road/Grinstead Drive interchange, the limited points of access, and the traffic signals proposed for Lexington Road and Etley Avenue and Grinstead Drive and Etley Avenue.

As to setbacks and building height, structures here will be set at the sidewalks, with a now lower maximum height appropriate for a major urban area location, such as this one, which is located next to adjoining uses where no one lives. In many major American cities, buildings of greater height than this location would be permitted, even welcomed. At a hodge-podge, historically unplanned site such as this one, which otherwise is uniquely prominent in terms of its access and location, as explained above, a project such as "Park One" is exactly what the "Plan 2040" Comprehensive Plan promotes as appropriate.

As to parking, the proposed "One Park" PDD project includes an appropriately sized parking garage, which eliminates surface parking and hides vehicles from public view. In terms of loading and delivery, the "One Park" PDD plan filed with this application demonstrates how access at limited locations with excellent internal circulation eliminates the current negative impacts of 18 random curb cuts along Lexington Road, Grinstead Drive and Etley Avenue. Loading and delivery will also not negatively impact residents, diners, retail shoppers, hotel guests, workers, and others because it is all internal to the site. And the hotel space is proposed to have a very limited drop-off area for guests to conveniently check in and out, which also is designed so as to have no negative impact on the driving public.

As to signage, while it hasn't been fully designed yet, the Pattern Book demonstrates compatible concepts. The mess of current tall billboard and other existing signage will be eliminated. As to Goal 2, Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16 and 17, it complies as follows, in addition to the other ways set forth herein: For starters, this "One Park" PDD project is located in a Traditional Neighborhood Form District at the intersection of Lexington Road and Grinstead Drive which are two of the several major road spurs (like Brownsboro Road, Frankfort Avenue, Bardstown Road, Eastern Parkway, Southern Parkway, and so on) leading to and from Louisville's center urban hub to and from its innermost, interstate highway ring or band (i.e. the Watterson Expressway). The urban plan effect of this is a "wheel" with spurs or spokes of roads leading to and from the center urban hub with several of the most significant Olmsted parks like (Cherokee, Seneca and Iroquois) located along the outer band and (like Central Park) within the urban hub. This wheel effect constitutes the real urban area that competes for new housing for new and migrating residents and new business activity and also for retaining those that, in decades past, the urban area, not as successfully as in recent years, often lost to suburbia. A dense and intense activity center at this location (as presently exists but which is proposed for dramatic improvement) helps invigorate urban Louisville, enhancing its competitiveness with countervailing suburban forces that are always in play. Further this "One Park" crossroads location is, as said, an

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already established non-residential activity center, containing a hodge-podge of never planned uses on 10 lots involving 18 random curb cuts. The existing site thus cries out for far better planning with a higher intensity/density and better mix of uses than seen today. Because, as said, this is already an activity center, developing new non-residential and mixed uses at this location is appropriate for the reasons set forth above and given the public park, cemetery and other public adjoining uses. Also, this site is a special location for an activity center because it is at the intersection of two arterials, Lexington and Grinstead, right off I-64 which, depending on the travel route, is either the second exit leaving downtown or the second to last exit entering downtown. It is accessible therefore from Grinstead Drive north (and thereby from US42/Brownsboro Rd and Frankfort Ave and thus Crescent Hill), Grinstead Drive south (and thereby Bardstown Road and Cherokee Road and thus the Highlands), Lexington Road east (and thereby all of St. Matthews and beyond), Lexington Road west (and thereby all of Irish Hill, Butchertown and downtown), and I-64 both east and west (and thereby the entire Metro area) -- meaning it is one of the most visible and accessible locations in the entire Louisville Metro area.

Furthermore, compact retail and mixed uses are always appropriate at intersections of arterial highways such as this one right off an interstate highway. And this site, as said, already serves as a center of mixed retail uses, just not any residential, office or hotel uses as now planned in this "One Park" PDD proposal. Also, residential uses are encouraged in designated centers like this, often above retail as proposed. Other desirable uses in an activity center include a variety of neighborhood serving retail and restaurant uses, plus (close as the site is to I-64 and downtown) offices and a hotel.

As to parking, what is proposed is a multi-level parking garage, replacing what is today all surface parking, resulting in an aesthetic abomination, which will be replaced with parking that is all, 100% screened from public view. That parking will be shared and will have very limited points of access: one off Lexington Road, one off Grinstead Drive (with a very minor second pull-off on Grinstead Drive for hotel guests' arrivals and departures) and one off Etley Ave. That reduces the number of curb cuts by about three quarters of the number of haphazard cuts that currently exist. Also, the proposed "One Park" PDD project is designed to encourage a high level of pedestrian and bicycle usage and make provisions for easy access by TARC service and shared ride (i.e., Uber/Lyft) service. That's because "One Park" residents, guests and workers will have opportunities, almost unlike perhaps anyplace in Metro Louisville, to access this location and commute from it via TARC, ride share, bicycle and sidewalks. If Louisville Metro is ever to begin to seriously encourage alternative forms of transportation, it has to start by permitting high intensity/high density uses at locations that are proximate to open spaces (such as Cherokee Park), to other nearby retail (such as the Bardstown Road strip and the restaurants located across Lexington Road), and to downtown and that are also conveniently accessible to a significant network of roads, bikeways and sidewalks, as planned here. Moreover, the design of an activity center such as this one needs to

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be appropriate in terms of how it fits with adjoining uses and nearby neighborhoods. Once again, the only adjoiners are a public park, a cemetery, major arterials and an interstate highway, plus several restaurants and offices along Lexington Road near Etlely Avenue. These are unaffected uses, as no one lives there, and they are frequented by visitors and travelers who cannot seriously claim to be adversely affected. Indeed when the "One Park" project is completed, it will be one of the most visited places in all of Louisville Metro -- not just because of the remarkable design that will attract people's interests but also because of the mixture of uses that will attract residents, hotel guests, workers, shoppers and diners. It will also increase the nearby park presence eventually leading to park improvements, enhancing Cherokee Park's communal usage and invitation to the public to live nearby.

The main focal point, will be, as suggested, at the corners of Lexington Road and Grinstead Drive and also Grinstead Drive and Etlely Avenue, notably the intimate "piazza" at the later location. The other focal points will be, as said, the public spaces for dining and retail sales along the wide Lexington Road and Grinstead Drive sidewalks and at the higher terrace levels of the building. Frontage utilities will be located underground and, as necessary, improved, especially as respects storm water management. These will be reviewed during the agency comments, following this official filing. MSD plus Metro Public Works and Transportation Planning (MPW&TP) will need to "stamp" this PDD plan for preliminary approval prior to LD&T review, thereby demonstrating compliance with those agencies' independent standards relative to their roadway, sanitary sewer and storm water infrastructure.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Goal 3, Policies 1, 2, 3, 4, 5, 6, 10 and 13, it complies as follows, in addition to the other ways set forth herein: As mentioned above, one of the main open spaces is the public open space that presently exists at the corner of Lexington Road and Grinstead Drive, which, as said, hopefully can be designed with Metro permission and involvement in a manner that transforms it into a really neat, usable community space, which it is not at present. The proposed "One Park" building will also be set along a wide sidewalk, with open "alcoves" that will be able to accommodate outdoor seating for restaurants and cafes. Upper level plaza space can also accommodate retail and restaurants. Moreover the "One Park" site sits across from Cherokee Park which hopefully can be improved to better accommodate greater and more active communal use. Otherwise, there are no on-site natural resources, natural features, or historic structures that are important to retain, and this proposal does not even remotely negatively impact any nearby.

Also, as said above, the site today is a hodge-podge of unplanned uses where zero landscaping exists. That will be 100% different with the proposed "One Park" PDD project because it has been planned with significant public input over the past 3 years to produce wide tree lined sidewalks where the public can sit, shop and dine plus conveniently pass by on foot or bicycle without obstruction. Trees will be planted along

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the streets in ways that will assure their survival, thus creating a tree canopy that exists nowhere on this site today. Upper plaza levels of the buildings will also be shaded with trees and other landscaping -- all as further described in the pattern book accompanying this application.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Goal 4, this is not a historic site with historic buildings. But the site's rejuvenation (as planned and as illustrated on the PDD Plan and in the Pattern Book) will enhance the historic Cherokee Park and Cave Hill Cemetery nearby. Today these two sites receive zero benefit from the totally unplanned, underutilized aspects of this site as exist today.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Goal 5, the PDD Plan and Pattern Book show where public art is proposed, notably in the existing public space at the corner of Lexington Road and Grinstead Drive.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets PLAN ELEMENT 4.2: MOBILITY, this Application Package complies with Plan Element 4.2, its 3 Goals and their Objectives plus the following Policies. As to Goal 1, Policies 1, 2, 3, 4, 5 and 6; Goal 2, Policies 1, 2, 4, 5, 6, 7 and 8; and Goal 3, Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 17, 18, 20 and 21, it complies as follows, in addition to the other ways set forth above and below:

The impacts of this proposed "One Park" PDD project have been extensively evaluated through 3 years of back and forth with MPW&TP and KTC through the TIS prepared and several times revised. Once again, those agencies' comments have been taken into account, and in the end MPW&TP will have to "stamp" the PDD plan for preliminary approval prior to docketing for LD&T review and public hearing. One of the major road improvements added per this PDD plan's TIS will be the dual left turns from eastbound Lexington Road to northbound Grinstead Drive and I-64. This will be done at the applicant's cost. Also, the proposed "One Park" PDD project includes wider sidewalks than ordinary to accommodate lots of pedestrian and bicycle traffic, as "One Park" is anticipated to generate, in part because of the higher intensity/density uses proposed here but also because of the likely hotel, possible office and anticipated retail uses proposed. Those sidewalks will also be lined with outdoor seating and shade trees to enhance the street level experience and provide comfort.

Transportation access to the site will be improved with added right-of-way dedication, if required, and via all of the lane and signal improvements to the Lexington Road, Grinstead Drive and Etley Avenue streets as required and/or as already permitted by MPW&TP and KTC.

The points of access will be limited to just 4 locations, as described above, instead of over 4 times as many (18 in fact) as presently exist through the hodge-podge of uses on 10 separately platted lots in this unplanned site at present. There will be transit (TARC)

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and ride share, (i.e., Uber/Lyft) pull-offs where appropriate, along the public road frontages, as this site is anticipated to be heavily utilized by those alternate forms of transportation.

Parking and deliveries will be in the applicant constructed parking garage. Over time, as ride share is predicted to increase in favor of and use by a broader segment of the population, garage spaces could become available for independent park use as well. Whether full-cut access points or limited by right-in/right-out, those will work, as the TIS demonstrates. The garage and access to it have also been designed to assure that deliveries, loading and unloading have no negative impact on the traveling public along any of the many arterials and collectors bordering this "One Park" mixed use project. The garage will also be accessible from all three streets, such that, almost like a grid pattern within, residents, office users, shoppers, hotel guests and diners will be able to easily access the garage at any one of these several points and exit at these or any of the others, making for very easy ingress and egress. This site is also accessible from parts near and far via multiple roads: Grinstead Drive north, Grinstead Drive south, Lexington Road east, Lexington Road west and I-64 east and west and all of the many connecting streets and many neighborhoods noted above. These connecting streets (such as Brownsboro Road, Frankfort Ave, Cherokee Road, Bardstown Road and so on) will make "One Park" one of the most readily and easily accessible sites in all of Louisville Metro.

Finally, because this will be a bicycle and pedestrian accessible/encouraged project, there will be wide and connected sidewalks and plenty of bicycle parking. Bike lanes will be constructed where MPW&TP allows.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets PLAN ELEMENT 4.3: COMMUNITY FACILITIES, this Application Package complies with Plan Element 4.3, its Goals and their Objectives plus the following Policies. As to Goal 1, Policy 3; and Goal 2, Policies 1, 2 and 3, it complies as follows, in addition to the other ways set forth above and below: "One Park" is the kind of site that should be developed first and foremost before outlying greenfield sites because road and other infrastructure already exist, as previously explained, although in need of some improvement, as also described and as further set forth in the TIS and Pattern Book. Sanitary sewer facilities are adequate, water supply is adequate, and electric and gas utilities also exist within the local streets. They will be improved as necessary to serve this proposed PDD project.

Also, what better location to locate a high intensity/density mixed use development than in relatively close proximity to fire, police, medical, educational, park and cultural facilities, all located in the neighborhoods nearby down Grinstead Drive, Lexington Road or I-64, which are easily accessible from this site, as shown on the PDD plan

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described hereinabove. As close as this site is to downtown, the main public library and all of the cultural activities of downtown are easily and quickly accessible.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets PLAN ELEMENT 4.4: ECONOMIC DEVELOPMENT, this Application Package complies with Plan Element 4.4, its Goals and their Objectives, plus the following Policies. As to Goal 1, Policy 3 and Goal 2, Policies 1, 2 and 3, it complies as follows, in addition to the other ways set forth above and below:

This site is a retail and restaurant workplace today, and it will preserve many of the same businesses (i.e., anticipated to include the restaurant, coffee shop and dry cleaner).

Also, this project involves a now projected \$250-\$300 million dollar investment in a dilapidated, hodge-podge, unplanned in-fill site, near downtown in proximity to other neighborhoods which it will also serve. No single private development project in the history of Louisville has involved as significant a financial investment as this one is anticipated and designed to involve.

Furthermore, as an existing activity center that will be greatly transformed in a hugely positive manner from the hodge-podge of design and platting that presently exists, this is exactly the kind of economic activity that is anticipated and promoted by the Plan 2040 Comprehensive Plan -- adaptively reusing, instead of bypassing, a site that cries out for positive change, such as this "One Park" PDD project proposes. Finally, "One Park" is designed with a number of climate – positive elements, such that it will contribute both to a better environment and to economic growth through investment.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets PLAN ELEMENT 4.5: LIVEABILITY this Application Package complies with Plan Element 4.5, its Goals and their Objectives plus the following Policies. As to Goal 1, Policies 5, 7, 8, 10, 11, 12, 13, 15, 23, 26, 27, 28, 29, 30, 31, 32, 33 and 35, and Goal 4, Policies 1 and 2, it complies as follows, in addition to the other ways set forth above and below: The storm water management plan for this site is one that depends on more significant input from MSD than the customary site because this is already a fully developed site where storm water presently enters a combined sewer system. MSD appears to want to eliminate that possibility, and so it is making determinations as to where and how storm water will discharge, presently as explained on the PDD development plan and as MSD will doubtless provide added testimonial evidence at LD&T and the full Planning Commission Public Hearing. Final storm water determinations will be made by MSD from the preliminary assertions and design concepts evident on the PDD Plan and to be discussed at LD&T and the public hearing. Suffice it say that this project is being designed with storm water, as well as water quality, definitely in mind so as to improve both from what exists at present at this totally unplanned site.

In terms of water quality, buildings will include green roof features in order to help cleanse water particulate matter and vehicular discharges prior to entering the storm

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water system. Pervious pavers are also planned around street trees. Both of these are set forth on the PDD Plan and/or in the PDD Pattern Book. The main thing to think about in terms of improved air quality is that whenever you have high intensity/high density mixed uses, like "One Park", there is great opportunity to seriously reduce vehicle miles traveled. As anticipated at this "One Park" PDD project site, lots of residents will occupy a relatively small site, many of whom will also work, dine and shop in the same building and area, with lots of other residents and workers shopping and dining here as well. Also, because this location is directly across the street from Cherokee Park, many residents during evenings and workers during their lunch breaks will access the park by walking across Grinstead Drive rather than driving to a more remote recreational location.

Because this mixed-use location will also generate traffic from nearby neighborhoods, many of those can access it using their bicycles and sidewalk network, same as "One Park" residents, are anticipated to involve a higher than usual percentage of TARC and bike users, thereby also reducing vehicle miles traveled.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets PLAN ELEMENT 4.6: HOUSING this Application Package complies with Plan Element 4.6, its Goals and their Objectives, plus the following Policies. As to Goal 1, Policies 1, 2 and 3; Goal 2, Policies 1, 2 and 3; and Goal 3, Policies 1, 3 and 4, it complies as follows, in addition to the other ways set forth above:

In terms of housing types, density, accessibility and issues of that kind, there will be a large number of residential units at this proposed "One Park" mixed-use PDD project. They will include units that are designed to accommodate elderly and handicapped and will also incorporate units at attractive price points for all generations at various income levels. Because this is a popular residential, dining and shopping area at a major already existing activity center, high density is not only encouraged here but will be a significant aspect of this proposed "One Park" PDD project, indeed, one of the reasons the PDD zoning is proposed -- in order accommodate the kinds of intensity/density for an important gateway location like this one.

For all of the above-stated reasons, those shown on the revised PDD development plan and those explained in the revised PDD Pattern Book, plus those that will be further explained at the LD&T meeting and Planning Commission public hearing, this revised application complies with all other applicable Goals, Objectives and Policies of the "Plan 2040" Comprehensive Plan.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council the change in zoning from C-2, Commercial to PDD Planned Development District on properties described in the attached legal description be **APPROVED**.

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The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels, Howard and Jarboe
NOT PRESENT AND NOT VOTING: Commissioners Lewis, Peterson and Tomes
PRESENT: Commissioner Mims

Detailed District Development Plan with Binding Elements

On a motion by Commissioner Howard, seconded by Commissioner Brown, the following resolution based on the Plan 2040 Staff Analysis and the Land Development Code was adopted.

WHEREAS, there do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site. To further improve water quality within Beargrass Creek run-off from the site will be diverted from the existing CSO; 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 and the Kentucky Transportation Cabinet have preliminarily approved the preliminary development plan; and

WHEREAS, there are no open space requirements pertinent to the current proposal. The development provides private roof top open space as well as public/private open space through a "piazza" on the site and outdoor dining areas; 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

WHEREAS, the Louisville Metro Planning Commission finds, the overall site design and land uses are compatible with the existing and future development of the area. Buildings and parking lots will meet all setbacks; and

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

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan, **SUBJECT** to the following binding elements:

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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. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; a copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - e. A road closure approval for the interior alley off of Etlely Avenue shall be approved prior to requesting a building permit.
 - f. The materials and design of proposed structures shall be substantially the same as depicted in the pattern book as presented at the September 30, 2019 Planning Commission. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
3. 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.
4. 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

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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.

5. All street lighting shall be fully shielded and aimed downward.
6. The median island along the west portion of Lexington Road at its intersection with Grinstead Drive will be replanted. The applicant will work with Planning and Design Services to determine the plantings within the median. The plantings will be installed within 3 months (or next planting season) from the completion of the roadway improvements at the intersection.
7. Five percent (5%) of the multi-family units, 1 bedroom or more, either sold or rented shall comply with the following:

Units sold: Unit sale prices shall be calculated using 80% of the current Jefferson County area median income (AMI) limit for a given household size.

For rented units: The most current published HUD Fair Market Rent value and the Low-Income Housing Tax-Credit rent limits for Jefferson County will be used to calculate the Affordable Rent. Affordable Rent must not exceed the higher of the two rent calculations in order to be classified as an affordable rental unit (see LDC Chapter 4.3.20 (MRDI or HUD guidelines) for more information on calculating affordable rents).

The developer/owner shall be responsible for submitting an annual report to Planning & Design Services staff at 12-month intervals from the date of the first certificate of occupancy (for a residential unit), until all affordable owner occupied units have been issued building permits and for a period of 15 years after the last affordable rental unit building permit has been issued. The annual report shall identify the name of the development, the unit numbers, the unit addresses, and the sale price and/or rental rates of the designated affordable units. The annual report shall indicate separately the number of building permits issued for owner occupied and for rental dwellings

8. All exterior lighting, whether freestanding or attached to any structure, including street lights, lot lights and lighting for any signage, shall be fully shielded, shall utilize flat or hidden lenses, and shall be pointed directly to the ground. No exterior LED or metal halide lighting shall have a correlated color temperature (CCT) exceeding 3000 Kelvin. No parking lot light fixtures shall be more than fourteen feet high, measured from ground level (this shall not apply to the parking garage).

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9. No changing image or moving business signs shall be permitted. All freestanding business signage shall not exceed six feet in height, measured from ground level.
10. Developer shall work with Louisville Metro Parks and the Olmsted Conservancy to secure better maintenance and infrastructure in the Willow Lake area of Cherokee Park and will report back to the Planning Commission before Certificate of Occupancy with a plan to achieve the objective of this binding element.
11. At least 30 days in advance of any blasting, developer shall send regular US mail notices to the Director of Planning and Design Services, the Director of Metro Parks, the owner of Cave Hill Cemetery and the owners of the properties located opposite the subject property along Lexington Road west of the Lexington Road/Grinstead Drive intersection and continuing west of the Lexington Road/Etley Avenue intersection for a distance of 1000 feet. Such notice shall include a schedule when blasting is anticipated to occur and the name, address, phone number and contact person of the blasting contractor. This blasting schedule shall also be made available to anyone who specifically requests such schedule from developer. Developer shall meet in advance of blasting with the owners or other legal representatives of any of the forgoing properties who request a meeting and shall provide each such property owner (or other legal representative) with a copy of the pre-blast survey, including photographs, affecting such property. Any blasting that occurs shall be performed by a certified and bonded blasting contractor and only after the aforementioned pre-blast survey is conducted and issued to the adjoining property owners/legal representatives. The pre-blast surveys as respects Cave Hill Cemetery and Metro Parks' properties shall only be conducted as respects structures within 1000 feet of the subject property. This binding element shall not relieve the developer of its obligation to comply with any statutory or other legal requirements.

The vote was as follows:

YES: Commissioners Brown, Daniels, Howard and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Lewis, Peterson and Tomes

PRESENT: Commissioners Carlson and Mims

Pattern Book

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On a motion by Commissioner Howard, seconded by Commissioner Brown, the following resolution based on the design of the proposal and it meets the Land Development Code and Comprehensive Plan was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Planned Development Use Plan and pattern book.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels, Howard and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Lewis, Peterson and Tomes

PRESENT: Commissioner Mims