## NEW BUSINESS

## CASE NO. 20-ZONE-0041

| | |
|---|---|
| Request: | Continued from June 25, 2020 LD&T meeting<br>Change in Zoning from R-4 to C-1 with General and Detailed District Development Plan, landscape waiver, and maximum setback variances |
| Project Name: | Liberty Financial |
| Location: | 7600-7602 Bardstown Road and 9700 Bartley Drive |
| Owner: | Gary and Susanne Jenkins; Susanne Jenkins Revocable Trust; and Gary Jenkins Revocable Trust |
| Applicant: | Evansville Teachers Federal Credit Union |
| Representative: | Bardenwerper, Talbott, and Roberts, PLLC |
| Jurisdiction: | Louisville Metro |
| Council District: | 22 – Robin Engel |
| **Case Manager:** | **Joel P. Dock, AICP, Planner II** |

The staff report prepared for this case was incorporated into the record. 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:**
02:35:27 Joel Dock presented the case via Power Point slide show (see staff report and recording for detailed presentation.) Mr. Dock detailed the requests for change in zoning, waiver, variance, and general and detailed district development plan. He noted the updated impact traffic study.

**The following spoke in favor of this request:**
Nick Pregliasco, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway 2nd Floor, Louisville, KY 40223

Kevin Young, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

Diane Zimmerman, 12803 High Meadows Pike, Prospect, Kentucky, 40059

Cliff Ashburner, 101 South Fifth Street, Suite 2500, Louisville, Kentucky, 40202

**Summary of testimony of those in favor:**
02:37:48 Nick Pregliasco, representing the applicant, presented a Power Point pdf slide show (see recording for detailed presentation.) Mr. Pregliasco noted the changes to the plan from the previous Land Development and Transportation meeting to realign Bartley Drive with proposed raised medians. He detailed the updated traffic impact

**NEW BUSINESS**

**CASE NO. 20-ZONE-0041**

study for Bartley Drive and Bardstown Road. Nick Pregliasco stated Kevin Young is present to detail changes to the plan with KTC.

02:42:16 Kevin Young detailed discussions with KTC to realign Bartley Drive entrance onto Bardstown Road and the intersection of and Southpointe Boulevard (see recording for detailed presentation.) Mr. Young noted the proposed raised median on the left turn lane from Bardstown Road to Bartley Drive.

02:44:02 Nick Pregliasco presented the updated traffic impact study (see recording for detailed presentation.)

02:45:41 Commissioner Carlson asked for more detail in the traffic impact study for Table 2. Peak Hour Level of Service for the approach of Bardstown Road at Bartley/Southpointe. Nick Pregliasco stated Diane Zimmerman is present to answer questions regarding the traffic impact study.

02:46:39 Diane Zimmerman stated the table count is controlled by the signal timing and the amount of traffic. The values on the table can change if the Kentucky Transportation Cabinet opted to adjust the signal timing (see recording for detailed presentation.)

02:49:02 Commissioner Brown and Dianne Zimmerman discussed the right turn lane from Bardstown Road to Bartley Drive (see recording for detailed presentation.) Commissioner Brown and Dianne Zimmerman discussed the green time to allow pedestrians to cross the connecting side streets safely (see recording for detailed presentation.)

02:51:11 Commissioner Carlson and Kevin Young discussed the right turn lane being present on the development plan (see recording for detailed presentation.)

02:53:56 Cliff Ashburner, representing the adjacent property owner, noted discussions with the applicant and their support for this development (see recording for detailed presentation.)

**The following spoke in opposition to this request:**
Jon Baker, 400 West Market Street, Suite 2000, Louisville, Kentucky, Point

**Summary of testimony of those in opposition:**
02:54:23 Jon Baker, representing Southpointe Partners LLC, stated he would like to see more data to prove the connection of Bartley Drive to the intersection of

**NEW BUSINESS**

**CASE NO. 20-ZONE-0041**

Southpointe and Bardstown Road will work. He asked there be binding elements put into the development plan to follow the same process that Southpointe used for their development on the intersection (see recording for detailed presentation.)

**Rebuttal:**
02:58:13 Cliff Ashburner detailed the connection to Bardstown Road in relation to the Southpointe Commons and other nearby developments via the traffic impact study pdf (see recording for detailed presentation.) Mr. Ashburner stated Diane Zimmerman can elaborate if needed.

**Deliberation**

03:01:34 Committee deliberation (see recording for detailed presentation.) Emily Liu and Joel Dock detailed the public materials submitting process to Planning and Design (see recording for detailed presentation)

**An audio/visual recording of the Land Development & 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.**

**The Committee by general consensus placed this case on the August 06, 2020 Planning Commission Hearing online via Cisco Webex.**

**NEW BUSINESS**

**CASE NO. 20-ZONE-0041**

| | |
|---|---|
| Request: | Change in Zoning from R-4 to C-1 with General and Detailed District Development Plan, landscape waiver, and maximum setback variances |
| Project Name: | Liberty Financial |
| Location: | 7600-7602 Bardstown Road and 9700 Bartley Drive |
| Owner: | Gary and Susanne Jenkins; Susanne Jenkins Revocable Trust; and Gary Jenkins Revocable Trust |
| Applicant: | Evansville Teachers Federal Credit Union |
| Representative: | John Talbott - Bardenwerper, Talbott, and Roberts, PLLC |
| Jurisdiction: | Louisville Metro |
| Council District: | 22 - Robin Engel |
| Case Manager: | Joel P. Dock, AICP, Planner II |

The staff report prepared for this case was incorporated into the record. 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:**
01:49:19 Joel Dock presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

01:53:42 In response to a question from Commissioner Carlson, Mr. Dock discussed a site to the north of this property that had been the subject of several development proposals over recent years (see recording.)

01:55:39 In response to a question from Commissioner Brown, Mr. Dock discussed a case involving a site closer to Cedar Creek Road. Commissioner Brown also asked if the State had a plan to add a third southbound lane from the highway ramp down to Cedar Creek. He asked if the applicant might have that State project number, and also if the State had reviewed this request (see recording for detailed discussion.) Mark Dutrow, with Metro Transportation Planning staff, said the State has not yet commented on this project.

**The following spoke in favor of this request:**
John Talbott, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway, Louisville, KY 40223

Kevin Young, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

**NEW BUSINESS**

**CASE NO. 20-ZONE-0041**

Russell Frederick, Hafer Architects and Engineers, 101 East Second Street, Owensboro, KY 42303

**Summary of testimony of those in favor:**
01:57:51 John Talbott, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

02:02:43 Kevin Young, another applicant's representative, discussed more details of the site design (see recording.) He noted that the existing Bartley Drive is being reconfigured to be right-in/right-out. The new design for the applicant's project is being presented today after the neighborhood meeting, because the Bartley Drive residents' desire to be able to get to the new traffic signal. He also addressed Commissioner Brown's comments about Bartley Drive and addressed drainage (see recording for detailed presentation.)

02:05:23 Mr. Talbott resumed his presentation.

02:06:25 Russell Frederick, an applicant's representative, discussed the renderings (see recording.)

02:08:17 Commissioner Carlson asked about the lanes coming from Southpointe Commons and traffic patterns (specifically, how drivers exiting Southpointe Commons would turn into this development.) Mr. Young said that decision would be made by KYDOT but would be up to the applicant to restripe/etc.

02:10:49 Commissioner Brown asked if the State required a traffic impact study for changes to the signalized intersection. Mr. Young said they did not.

**The following spoke in opposition to this request:**
Jon Baker, Wyatt Tarrant & Combs, 400 West Market Street, Louisville, KY 40202

**Summary of testimony of those in opposition:**
02:11:36 Jon Baker spoke on behalf of Southpointe Partners LLC. He said his clients do not have a problem with the proposed use; their concerns are related to the intersection and its design (see recording for detailed presentation.) He noted some of KYDOT's comments about the intersection and the turning lanes. He asked that no public hearing date be set until some more data is available or more comments are provided by the State.

**The following spoke neither for nor against the request:**

**NEW BUSINESS**

**CASE NO. 20-ZONE-0041**

Kim and Danny Winebrenner, 9602 Bartley Drive, Louisville, KY 40291

**Summary of testimony of those neither for nor against:**
02:15:53 Kim Winebrenner said her concern is having a median coming in, that the residents would not be able to make a left turn, and that was why they requested that the new building site be given access to the light. Danny Winebrenner said the fourth leg is concerning because it is so close to the freeway interchange. He said he and his wife are strongly in favor of this development because it is the best fit for their neighborhood, for safety and accessibility issues, and may also increase their property value because of the road improvements/light access. He said other Bartley Drive residents are also strongly in favor of this development (see recording for their discussion.) Mr. Winebrenner also asked if there are plans for a second tract – will it remain as a "park-like setting" or will it be developed? He also asked if there is a timeline for development.

**Rebuttal**
02:21:04 Mr. Talbott said this plan has been reviewed by KYDOT and Kevin Young is present to elaborate questions regarding the intersection, but these will have to be answered by KYDOT. Regarding the site to the south, he did not believe that there are tenants or plans for that site.

02:22:33 Commissioner Brown asked Mr. Dock if he had received comments from KYTC. Mr. Dock said he had not. Commissioner Brown said he felt there were technical issues on the site plan that should be addressed before the proposal goes to the Planning Commission.

02:24:15 Mr. Young said he had been in contact with KYDOT and has a series of emails that involve "multiple" KYDOT staff. He added that he has plans that incorporated their comments. He discussed the fourth lane and said all KYDOT comments have been incorporated into the applicant's proposed site plan.

**Deliberation:**
02:26:07 Commissioner Brown said the plans in front of the Committee today are dated June 4, 2020 and have outstanding issues in the State ROW. He described his concerns in detail and asked that Transportation issues be resolved before setting a public hearing date (see recording.)

02:27:20 Danny Winebrenner and Commissioner Brown discussed a previous development (Bardstown Pavilion site plan) and its road access.

**NEW BUSINESS**

**CASE NO. 20-ZONE-0041**

02:38:07 Mr. Baker requested that if the applicant or anyone else has any information where KYDOT has weighed in, that this information be made public. Also, he requested that any analysis of the traffic signal should include traffic data that takes Bates Elementary School traffic into account. The school traffic will be "heavily reliant" on that signal.

**An audio/visual recording of the Land Development & 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.**

02:41:29 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Land Development and Transportation Committee does hereby **CONTINUE** this case to the **July 9, 2020** Land Development and Transportation Committee meeting to allow the applicant to consult the Kentucky Department of Transportation to address the Committee's comments.

**The vote was as follows:**

**YES: Commissioners Carlson, Brown, Peterson, Daniels, and Lewis.**
**NO: No one.**