

PLANNING COMMISSION MINUTES
October 21, 2021

PUBLIC HEARING

CASE NO. 21-ZONE-0106

Due to technical difficulties, Commissioner Brown left the meeting at approximately 7:00 p.m.

Request:	Change in zoning from R-4 to R-7, with Detailed District Development Plan/Major Preliminary Subdivision and Binding Elements, and Sidewalk Waiver
Project Name:	Springdale Apartments
Location:	5217 Springdale Road
Owner:	Roy F McMahan III
Applicant:	LIV Development
Representative:	Bardenwerper Talbott & Roberts
Jurisdiction:	Louisville Metro
Council District:	16 - Scott Reed
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. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

04:17:06 Dante St. Germain presented the case and showed a PowerPoint presentation (See staff report and recording for detailed presentation).

04:30:11 In response to questions from Commissioner Mims, Ms. St. Germain said the site has 17.97 acres gross. She also said that, after discussions with Metro Transportation Planning, it was decided to not require the developer to build the roadway (Springdale).

04:32:04 Commissioner Carlson requested a discussion, and possibly a binding element, concerning emergency vehicle access to the gates on the far west side.

04:33:03 In response to questions from Commissioners Brown and Mims, Ms. St. Germain said there was nothing in the Land Development Code stating that an unimproved right-of-way does **not** require a sidewalk, only alleys do not require

PLANNING COMMISSION MINUTES
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sidewalks. She also discussed justification/s for the sidewalk waiver that were provided by the applicant (see recording for detailed discussion.)

04:34:57 Ms. St. Germain showed proposed elevations.

The following spoke in support of the request:

Nick Pregliasco, Bardenwerper Talbott & Roberts, 1000 N Hurstbourne Pkwy, Louisville, KY 40223

Doug Schultz, 608 South Third Street, Louisville, KY 40202

Michael Ramsey, :LIV Development, 2204 Lakeshore Drive, Birmingham, AL 35209

Summary of testimony of those in support:

04:36:07 Nick Pregliasco, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

04:59:29 In response to a question from Commissioner Carlson, Doug Schultz discussed the geotechnical assessment that was done. He noted that the structures will be all pads, so rock removal on this mostly flat site should be minimal. Commissioner Carlson asked about pre-blast surveys, which he and Mr. Pregliasco discussed. Laura Ferguson, Assistant County Attorney, read the standard language that is used (see recording.)

05:05:18 In response to questions from Commissioner Mims, Mr Schultz said the pavement width on existing Springdale Road is approximately 22 feet. He said he was not provided with any crash data. Commissioner Mims, Mr. Schultz and Mr. Pregliasco discussed the configuration/s of Springdale Road and the applicant's meetings with Metro Transportation and Public Works (see recording.)

05:11:33 In response to questions from Commissioner Mims, Mr. Pregliasco discussed when anyone from Metro Public Works and Transportation expected this roadway to be built on the dedicated right-of-way.

The following spoke neither for nor against the request ("Other")

Steve Porter, 2406 Tucker Station Road, Louisville, KY 40299

Summary of testimony of those neither for nor against:

PLANNING COMMISSION MINUTES
October 21, 2021

PUBLIC HEARING

CASE NO. 21-ZONE-0106

05:13:43 Steve Porter, representing the Asbury Park homeowner's association (subdivision to the south on Springdale Road), said the Asbury Park residents' concerns include: density, would prefer fewer units, and fewer stories (2 or 3 stories instead of 4). He said the developer has been "very cooperative" on other requests the neighbors have made. He noted that the main concession from the applicant was to give four acres of land for the extension/straightening of Springdale Road. He said his clients support the sidewalk waiver because they are very concerned about the preservation of the trees. He presented and summarized four binding elements proposed by his clients, including the following which he said the applicant had agreed to, as follows:

- The developer shall fund \$75,000 to Louisville Metro for final design plans for a new Springdale Road extension (straightening), due at issuance of building permit.
- Upon completion of the Springdale Road extension, the developer agrees to close its eastern entrance from old Springdale Road and construct a new entrance from the Springdale Road extension within six months of the completion of the extension.

The following spoke in opposition to the request:

Harold Friedly, 7918 Albrecht Circle, Louisville, KY 40241

Bambi Banchongmanie, 5004 Springdale Road, Louisville, KY 40241

Chet Yates, 4607 Court, Louisville, KY 40241

Summary of testimony of those in opposition:

05:21:25 Harold Friedly said he opposes the entrance on the west side, which is directly across the street from his house, and would allow car headlights to shine directly into his house. He said the entrance can't be moved down to the curve, because that would cause more accidents than already happen there. He asked that the entrance be moved between Buildings 1 and 2, which would have the headlights shining into an empty hayfield instead of his house. He also requested pre-blast surveys, and opposes the R-7 zoning category because he thinks it is too dense. He said Springdale is a two-lane road and cannot handle the traffic; a lack of sidewalks increases the chances of pedestrian/cyclist accidents. He discussed sidewalks and asked if could be put on the other side of the trees, instead of right up against Springdale Road.

PLANNING COMMISSION MINUTES
October 21, 2021

PUBLIC HEARING

CASE NO. 21-ZONE-0106

05:31:54 Bambi Banchongmanie spoke on behalf of her parents, who live on the V-curve of Springdale Road between Wolf Creek and Ashbury. They are opposed to the project because the street is not able to handle this amount of proposed traffic. She said they are concerned that there is no plan to build out the street and they are not aware of what the traffic study has found. She said there are portions of fencing on their property that they have just stopped repairing because they have been hit so many times. She said there are many fitness walkers, joggers and cyclists who use this area and would be endangered. She asked if a crash report could be done for this area. Dr. Banchongmanie added that there is too much traffic and asked that the applicant commit to building out the road first, before any rezoning or building takes place here.

05:38:29 Chet Yates also opposed the entrance location and the increased traffic. He asked if berms would be used, in addition to heavy landscaping and trees, to buffer the structures.

05:42:56 Mr. Friedly added that there is much wildlife in the area, which no one has addressed. He asked again if the zoning could be made less dense.

Rebuttal:

05:44:54 Mr. Pregliasco and Micheal Ramsey, with LIV Development, addressed opposition concerns (see recording for detailed presentation.) They both discussed and mostly agreed to Steve Porter's binding elements. Ms. St. Germain said "Louisville Metro Arborist" should be changed to "Landscape Architect". Mr. Porter changed that and emailed it to Ms. St. Germain for review.

05:52:56 Due to technical difficulties, Commissioner Brown sent a chat message to Commissioner Lewis, which she read into the public record as follows: "Six collisions since January 1, 2016 with no fatalities or injuries."

05:56:22 In response to a question from Commissioner Howard, Mr. Ramsey said the buildings will have elevators.

05:57:30 Commissioner Mims asked about parking requirements for the project, and sound/noise from the highway. Ms. St. Germain reviewed parking requirements for the project and Mr. Ramsey discussed the noise study. He said the noise study did measure noise levels from the ground floor up to the fourth floor.

06:00:07 In response to questions from Commissioner Carlson, the Commissioners discussed binding element language regarding access to fire and other emergency vehicles/personnel through the gated access. ***NOTE: Commissioner Brown had to leave the meeting at approximately 7:00 p.m. due to technical difficulties.**

PLANNING COMMISSION MINUTES
October 21, 2021

PUBLIC HEARING

CASE NO. 21-ZONE-0106

Deliberation:

06:03:34 Commissioners' deliberation. **See recording for detailed discussion.** The north-side road, entrance/s, and straightening Springdale Road were discussed.

06:27:01 The Commission came out of Deliberation and asked the applicant if they would be willing to continue this case to redesign the entrances. Mr. Ramsey asked if this could be addressed with a binding element. Joe Reverman, Assistant Director of Planning & Design Services, said relocating an entrance might go beyond a binding element. Ms. St. Germain said a new entrance the applicant is proposing to the east cuts through the proposed dog park, which would impact their open space requirements.

06:37:35 The Commissioners resumed deliberation.

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.

06:40:36 On a motion by Commissioner Carlson, seconded by Commissioner Daniels, the following resolution was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the November 4, 2021 Planning Commission public hearing, for the purpose of hearing **only** about changes to the entrances.

The vote was as follows:

YES: Commissioners Sistrunk, Daniels, Carlson, Howard, Peterson, Mims, and Lewis.

NOT PRESENT: Commissioners Clare, Seitz, and Brown.

**MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
September 23, 2021**

NEW BUSINESS

21-ZONE-0106

Request:	Change in zoning from R-4 to R-7, with Detailed District Development Plan/Major Preliminary Subdivision and Binding Elements, and Sidewalk Waiver
Project Name:	Springdale Apartments
Location:	5217 Springdale Road
Owner(s):	Roy F McMahan III
Applicant:	LIV Development
Representative(s):	Bardenwerper, Talbott & Roberts
Jurisdiction:	Louisville Metro
Metro Council District:	16 – Scott Reed
Case Manager:	Dante St. Germain, 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:

01:14:10 Dante St. Germain presented the case and showed a PowerPoint presentation (see staff report and recording for detailed presentation.) Staff finds that the case is ready for a public hearing if the sidewalk waiver issue can be resolved.

Commissioner Peterson asked about the sidewalk waiver. Dante St. Germain explained where the proposed sidewalk would be. There was discussion about the sidewalk concerns.

The following spoke in favor of this request:

Nick Pregliasco, Bardenwerper, Talbott and Roberts, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223
Doug Schultz, 608 S 3rd Street, Louisville, KY 40202

Summary of testimony of those in favor:

01:22:40 Nick Pregliasco, the applicant's representative, went into more detail on the zoning request and the site area (see recording for detailed presentation.) He discussed the Right-of-Way dedication in detail.

**MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
September 23, 2021**

NEW BUSINESS

21-ZONE-0106

Doug Schultz discussed the sidewalk in more detail and the reasoning for the waiver. He also explained proposed changes to the development plan to address tree removal concerns.

The following spoke in opposition to this request:

Steve Porter, 2406 Tucker Station Road, Louisville, KY 40299

Harold Freedly, 7908 Albrecht Circle, Louisville, KY 40241

Summary of testimony of those in opposition:

01:46:45 Steve Porter explained that they are still in negotiations with the developer. The neighborhood has concerns about traffic and the building heights. There is support for the sidewalk waiver because it protects the trees on "Lovers Lane" (Springdale Road's nickname). There is also concern about the entrance. They have a proposed Binding Element for lighting they would like to see added.

Harold Freedly said he had concerns about the size of the development and an increase in traffic. He also had concerns about standing water by Springdale Road and drainage issues. He doesn't think the project fits the area.

Rebuttal:

02:04:45 Nick Pregliasco addressed the traffic concerns and said the roadway does have the capacity. He also explained that they would be fixing the drainage issues. They will also be preserving all existing trees and expanding the tree canopies. Mr. Pregliasco also said this was a chance to provide a different type of housing option in this area. He also addressed concerns about the entrance and the period of adding it.

02:14:35 Commissioners' deliberation.

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 consensus, scheduled this case to be heard at the **October 21, 2021** Planning Commission public hearing.

