

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
December 10, 2020

OLD BUSINESS

CASE NO. 20-ZONE-0080

Request: Change in Zoning from R-4 to R-7 with Detailed District Development Plan, Binding Elements and Associated Waiver

Project Name: Cedar Creek Road Apartments

Location: 7703-7705 Cedar Creek Road and Parcels 064702750000 and 064702730000

Owner: Lonnie and Imogene Lawson, Garry and Denise Lawson

Applicant: Highgates Development

Representative: Frost Brown Todd/Mindel Scott & Associates

Jurisdiction: Louisville Metro

Council District: 22 – Robin Engel

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:

02:07:23 Ms. St. Germain discussed the case summary from the staff report and indicated that the application was ready for a public hearing. There is no waiver being requested at this time.

The following spoke in favor of this request:

Tanner Nichols, 400 West Market Street, Louisville, Ky.

Summary of testimony of those in favor:

02:10:28 Mr. Nichols stated the plan has been revised per conversations at the last LD&T meeting.

Deliberation

02:14:18 LD&T deliberation.

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The Committee by general consensus scheduled this case for the January 21, 2021 public hearing to be held online via Webex.

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
November 12, 2020

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Agency Testimony:

01:18:08 Ms. St. Germain discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Tanner Nichols, Frost, Brown and Todd, 400 West Market Street, Louisville, Ky. 40202
Adam Kirk, 137 McClelland Springs Drive, Georgetown, Ky. 40324
Kathy Linares, Mindel, Scott and Associates, 5151 Jefferson Boulevard, Louisville, Ky. 40219
David Mindel, Mindel, Scott and Associates, 5151 Jefferson Boulevard, Louisville, Ky. 40219

Summary of testimony of those in favor:

01:21:10 Mr. Nichols stated this case was continued concerning issues of connectivity to the south and the left-turn lane. Based on the traffic study, a left-turn lane is not required. Regarding access to the south, the first choice is to have a complete waiver from this requirement given the properties to the south have frontage on Bardstown Rd. and have access to the rear of Cedar Creek.

01:23:40 Mr. Kirk stated a traffic study was done looking at traffic entering the site and evaluated the need for an auxiliary left-turn lane in accordance with the Ky. Transportation Cabinet guidance. The amount of traffic entering the site and the amount of opposing traffic does not warrant a left-turn lane.

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Deliberation

01:26:36 Commissioner Peterson said he doesn't like the idea of the stub connections going through the parking area. Also, maybe there can be a fee for partial construction of the left-turn lane. It is ready for a public hearing.

01:27:27 Commissioner Daniels said the left-turn lane issue can be resolved at a public hearing.

01:27:52 Commissioner Brown said the stub connection can be discussed at the public hearing but they are within 600 feet of the Bardstown Rd. intersection and will need to provide restricted access. There's no way to approve that as a full access on a two-lane road without having a dedicated left-turn lane because of its proximity to Bardstown Rd. It's not ready for a public hearing.

01:28:42 Commissioner Carlson agrees with Commissioner Brown.

01:29:25 Chair Lewis agrees with Commissioners Brown and Carlson – traffic issues have not been addressed satisfactorily and agrees with Commissioner Peterson – stub connection through parking lot doesn't meet the intent. It's not ready to be set for a public hearing.

01:29:54 Mr. Nichols stated one of the revisions to the plan includes note 12 stating: The developer agrees to coordinate with the development across the street (Walton's Development) to share in construction of a center turn-lane on Cedar Creek Rd. if that is required of the Walgreens development (or whoever develops it). Commissioner Brown stated, providing a dedicated left-turn lane to serve this site will be required before receiving a building permit.

01:34:00 Mr. Nichols asked, understanding this is a requirement, can this case proceed to a public hearing? Commissioner Brown asked if the plan could be updated with enough time for staff to review it before the Planning Commission date. Mr. Nichols said he thinks so. Mr. Reverman stated, we generally need a preliminary approved plan 2 weeks prior to the public hearing. Ms. Linares asked for clarification on what's being asked. Commissioner Brown said change note 12. Also, the dedicated left-turn lane to serve your site needs to be added to the site plan.

01:37:27 Mr. Reverman said staff strongly suggests the street be provided through this property to the south.

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01:46:02 Mr. Mindel stated, everything except the 2 undeveloped tracts are commercial or retail. They are R-4, but everything in Jefferson Co. is R-4. One reason this property isn't developed is it doesn't have sanitary sewers. The developers have agreed to extend the sewer line from the west side of Cedar Creek.

01:49:17 Chair Lewis stated, the applicant representatives can work on redesigning the site and come back to LD&T or proceed with the waiver request. Mr. Nichols prefers going back to LD&T based on the comments of the commissioners.

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On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution was adopted.

RESOLVED, that the Land Development & Transportation Committee does hereby **CONTINUE** this case to the December 10, 2020 LDT meeting to allow the applicant time to submit a plan that shows access to the south as discussed today, update the plan to show a left-turn lane and revise note 12 to reflect timing of the construction.

The vote was as follows:

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

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
October 22, 2020

NEW BUSINESS

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Jurisdiction: Louisville Metro

Council District: 22 – Robin Engel

Case Manager: Dante St. Germain, AICP, Planner II

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Agency Testimony:

00:16:30 Ms. St. Germain discussed the case summary, standard of review and staff analysis from the staff report.

00:19:56 Commissioner Carlson asked if a traffic study was required. Ms. St. Germain said ~~one was done for another development down Cedar Creek Rd. and the applicant may have used that one.~~ Mr. Dutrow explained that a traffic impact study and turn lane warrants were both performed. It was determined that the only impact will be at the Bardstown/Cedar Creek intersection. The traffic impact study should incorporate existing and proposed as well as look at future growth.

00:23:48 Mr. Kirk stated he performed the traffic study which did not assume a southbound right-turn lane on Bardstown Rd.

00:24:53 Mr. Nichols said there will be 168 units, not 192 as indicated in the staff report. It was changed after the initial neighborhood meeting.

00:25:36 Commissioner Brown asked Mr. Kirk if he analyzed the new signalized intersection just north of Cedar Creek. Mr. Kirk said no, only Bardstown and Cedar Creek. They did however, look at the auxiliary turn-lane into the proposed entrance on Cedar Creek.

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CASE NO. 20-ZONE-0080

The following spoke in favor of this request:

Tanner Nichols, Frost, Brown and Todd, 400 West Market Street, Louisville, Ky. 40202
Adam Kirk, Mindel, Scott and Associates, 5151 Jefferson Boulevard, Louisville, Ky.
40219

Kathy Linares, Mindel, Scott and Associates, 5151 Jefferson Boulevard, Louisville, Ky.
40219

Summary of testimony of those in favor:

00:27:08 Mr. Nichols gave a power point presentation. This case is ready for a public hearing as it meets the requirements of the Comprehensive Plan. It's in a growing area and offers diverse housing choices. There is already connectivity and this part of Jefferson County population looks to increase by 25% over the next 3 years so housing will need to be close to employment centers. The existing infrastructure is already in place. There will be no subsidized housing (market rent).

00:33:44 Acting Chair Peterson asked if any of the 3 stubs will be extended. Mr. Nichols said they don't want to connect any of them. They are parking lots. Also, (on the west side) is the stub street too close to the curb to provide an entrance? Mr. Nichols said he thinks it is and prefers not to have a second entrance for safety reasons.

Deliberation

00:37:16 Commissioner Carlson said he has concerns regarding the traffic study. It was not made available on Legistar. Mr. Nichols said he sent the original traffic study to staff and it should be a part of the record. An update was added a couple of days ago. Mr. Kirk added, one thing he tried to do with the study is provide a conservative estimate for that capacity. The primary concern was the intersection of Bardstown Rd. and Cedar Creek Rd. (near capacity). Commissioner Brown said the proposed left-turn lane serving the other direction and because of its distance to this proposed access, will cause geometrical issues. Mr. Nichols said the most updated plan filed at the end of September doesn't have that left-turn lane.

00:43:40 Commissioner Brown said he is concerned about the new signal. Brentlinger and Bardstown Rd. are congested and the new signal will be worse because the side street will be split-face at the next signal. Mr. Kirk answered, the amount of traffic coming out of the development, once on Bardstown Rd., is almost negligible.

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00:45:46 Commissioner Brown said he recommends the applicant provide the left-turn lane into the site. Also, possibly a contribution on the right-turn lane needs to be provided as well from southbound Bardstown Rd. to Cedar Creek. They are contributing to traffic in the area. Mr. Nichols asked if that's a requirement from other developments. Commissioner Brown said it can't be done with the standard subdivisions and can't do off-site exactions, but as there are more re-zonings on Cedar Creek, it is something that will be added to the requirements to help fund that. Mr. Nichols said additional costs may make the project not feasible.

00:55:26 Mr. Reverman asked that the committee not forget the waiver. Staff is likely to strongly recommend that road be constructed through the site and stub into the vacant property to the south.

00:56:44 Ms. Linares said she can provide schematics early next week. Also, there are other options to explore regarding the waiver.

01:04:52 Commissioner Daniels stated she's in favor of the left-turn lane because it's a matter of public safety. Bardstown Rd. is heavily traveled from both directions. The stub road is necessary because the land will be developed in the future.

01:05:38 Acting Chair Peterson asked what threshold for the number of units would warrant a second entrance. Commissioner Carlson said 200.

01:06:59 Mr. Reverman suggests bringing this case back to LD&T if there are going to be site plan changes.

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On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the November 12, 2020 LD&T meeting to give the applicant an opportunity to consider the left-turn lane into the site and a proposed stub road to the south as well as any additional traffic impact information they may want to provide.

The vote was as follows:

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YES: Commissioners Brown, Carlson, Daniels and Peterson
NOT PRESENT AND NOT VOTING: Commissioner Lewis