

**PLANNING COMMISSION MINUTES**  
**October 17, 2019**

**BUSINESS SESSION**  
**CASE NO. 18STREETS1021**

Request: Alley Closure for unnamed alley off of Etley Avenue –  
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 September 30, 2019 night public hearing.

00:09:05 Commissioner Carlson stated he's concerned about the cemetery and Cherokee Park being 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, 3<sup>rd</sup> 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.

**PLANNING COMMISSION MINUTES**  
**October 17, 2019**

**BUSINESS SESSION**  
**CASE NO. 18STREETS1021**

00:13:50 Commissioner Carlson said there are extreme traffic concerns in this area and requests that the Director of Public Works 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 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 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.**

**Street Closure**

**PLANNING COMMISSION MINUTES**  
**October 17, 2019**

**BUSINESS SESSION**  
**CASE NO. 18STREETS1021**

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

**WHEREAS**, adequate public facilities are available to serve existing and future needs of the community. The proposed closures do not result in an increase in demand on public facilities or services as utility agencies have coordinated with the applicant and/or applicant's representative and Planning and Design Services staff to ensure that facilities are maintained or relocated through agreement with the developer. No property adjacent or abutting the rights-of-way to be closed will be left absent of public facilities or services, or be dispossessed of public access to their property; and

**WHEREAS**, any cost associated with the rights-of-way to be closed will be the responsibility of the applicant or developer, including the cost of improvements to those rights-of-way and adjacent rights-of-way, or the relocation of utilities and any additional agreement reached between the utility provider and the developer; and

**WHEREAS**, the Louisville Metro Planning Commission finds, the request to close multiple rights-of-way is in compliance the Goals, Objectives and Plan Elements of the Comprehensive Plan as Guideline 7, Policy 1 provides that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development; Guideline 7, Policy 6 strives to ensure that transportation facilities of new developments are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands; Guideline 7, Policy 9 provides that the Planning Commission or legislative body may require the developer to dedicate rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development as set forth in the Land Development Code and/or an adopted urban mobility plan; Guideline 8, Policy 8 states that Adequate street stubs for future roadway connections that support access and contribute to appropriate development of adjacent lands should be provided by new development and redevelopment; and Guideline 14, Policy 7 provides that the design and location of utility easements provide access for maintenance and repair and to minimize negative visual impacts. Any cost associated with the rights-of-way to be closed will be the responsibility of the applicant or developer. Adequate public facilities are available to serve existing and future needs of the community. Any facility required to be placed in an easement or relocated will be done so by the developer. Transportation facilities have been provided to accommodate future access and to not dispossess property owners of public access. All adjacent lands maintain access to public infrastructure and utility services will continue to be provided to these lands; and

**WHEREAS**, the Louisville Metro Planning Commission further finds there are no other relevant matters to be considered by the Planning Commission.

**PLANNING COMMISSION MINUTES**  
**October 17, 2019**

**BUSINESS SESSION**  
**CASE NO. 18STREETS1021**

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the alley closure on property described in the attached legal description be **APPROVED**.

**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**