

St Germain, Dante

From: Stan Sims <stan@stansimslaw.com>
Sent: Friday, November 11, 2022 2:09 PM
To: St Germain, Dante
Subject: Zoning Hearing at 4900 Hurstbourne Parkway (extending to Bardstown Road)

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Dante,

Please let this email serve as an expression of my support for this project, now set for public hearing on November 14.

I own property immediately adjacent to this project at 5215 Bardstown Road.

My law office is across the street at 5226 Bardstown Road.

I have both lived and worked in the area of this project for almost 60 years and, therefore, feel qualified to endorse this plan.

I'm no land or road engineer, but I feel that the scope, height and density of this project is appropriate at this location. Especially at this juncture of Bardstown Road and Hurstbourne Parkway—at a light, and most importantly, with a road bridging the gap from Hurstbourne Parkway to Bardstown Road.

I will be unable to attend this meeting in person or by Zoom, but any member of the planning commission, staff, or other party to this matter may contact me by email at stan@stansimslaw.com, or by cell phone at 502-235-4500.

Stan Sims

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[Stan Sims Law](#)

St. Germain, Dante

From: Madison Hicks <madisonhicksrealtor@gmail.com>
Sent: Thursday, September 22, 2022 9:32 AM
To: St. Germain, Dante
Subject: 22-ZONE-0012 and 22-ZONE-0076
Attachments: LD&T Meeting - 22-ZONE-0012 and 22-ZONE-0076.pdf

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Dante,

Please see attached additional neighborhood comments for 22-ZONE-0012 and 22-ZONE-0076.

Thank you

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LD&T Meeting

22-ZONE-0012 & 22-ZONE-0076

The Laurel Springs Dr and Walnut Hills neighborhood has asked the developer for the following items on numerous occasions, to which we have received no response or revised plans:

1. Less density with one-story buildings placed perpendicular to abutting properties
2. No car or pedestrian access via Laurel Springs Dr
3. A larger buffer zone with a berm, fence, and tree combo around the perimeter, a larger setback, and to leave natural buffer zone on Laurel Springs Dr alone
4. Building style that is more appropriate for this area
5. Geotechnical / impact study for abutting properties

The following pages will outline why the developer's proposal violates Plan 2040, and how the changes listed above can make this development comply with Plan 2040, better the environment, preserve our privacy, ensure car and pedestrian safety, and enhance the existing beautiful landscape.

1. LESS DENSITY WITH ONE-STORY BUILDINGS PLACED PERPENDICULAR TO ABUTTING PROPERTIES

- The proposed development is 19.49 dwelling units per acres
- The abutting Laurel Springs / Walnut Hills neighborhood is 0.63 dwelling units per acre. See Table B for complete list of addresses and acreage.
- The proposed development is 30x the size of the abutting neighborhood.
- The proposed uphill development has 4-story buildings towering over rural single-family homes on Walnut Hills Dr. See figures 1.1 - 1.2.
- The proposed uphill development has a 3-story building looking directly at single-family homes on Laurel Springs Dr. See figure 1.3.
- The proposed uphill development is directing car lights and pollution directly toward single family homes in the Southwest corner. See figure 1.4.
- Our neighborhood is rural with homes on septic tanks, propane heat, and well water.
- A large development of this size will negatively impact the welfare of the residents in the valley below, the air we breath, the waters we all drink from, and the ground.
- Smog, emissions and particulates will float to the valley we live in and will settle.
- The ~1,200 additional vehicles and additional loss of service time (per traffic study) will compromise our health.
- See Table A for complete list of Plan 2040 violations.

To be in compliance with Plan 2040 and the Land Development Code, as well as preserve our privacy, and the beautiful landscape of the area, we ask:

- The property be rezoned for R-5A
- Limit building height to 1-story
- Place buildings perpendicular to abutting properties on Laurel Springs and Walnut Hills



Figure 1.1 - Projected view from backyard of 4707 Walnut Hills Dr vs current view.



Figure 1.2 - Projected view from backyard of 4805 Walnut Hills Dr vs current view.



Figure 1.3 - Projected view from homes on Laurel Springs Dr vs current view.



Figure 1.4 - Projected view from backyard of 4905 Walnut Hills Dr vs current view.

2. NO CAR OR PEDESTRIAN ACCESS VIA LAUREL SPRINGS DR

- Laurel Springs Dr is a narrow roadway with no sidewalks, no street lights, no bike lanes, and no public transportation access. See figure 2.1.
- Laurel Springs Dr is not taken care of by the city: no snow removal, no grass cutting
- Two cars cannot safely pass each other on Laurel Springs Dr. See figure 2.2.
- Walnut Hills Dr is a one-lane road with no sidewalks, no street lights, and no bike lanes. See figure 2.3.
- Allowing car and pedestrian access to Laurel Springs Dr poses a significant safety risk for pedestrians and cars, and could even cost lives.
- Moreover, there are three other entrances to the development, two from Hurstbourne and one from Bardstown Rd.
- According to the traffic impact study:
 - Watterson Trail Eastbound approaching the Hurstbourne Pkwy/Watterson Trail intersection will go from a D to an F
 - Watterson Trail Southbound approaching Bardstown Rd and Watterson Trail intersection will also become an F
- In addition to the existing safety issues of the proposed Laurel Springs Dr entrance, the F rated traffic on Watterson Trail will only make this access more dangerous.
- See Table A for complete list of Plan 2040 violations.

To be in compliance with Plan 2040 and the Land Development Code, as well as ensure the community's safety we ask:

- The car and pedestrian entrance from Laurel Springs Dr be removed



Figure 2.1 - Narrow Laurel Springs Dr bridge marked by hazard signs.



Figure 2.2 - Two vehicles cannot safely pass each other on Laurel Springs Dr without maneuvering slowly to the side or backing up to make room.



Figure 2.3 - Walnut Hills Dr is a one-lane road with no street lights, no bike lanes, and no sidewalks.

3. BUFFER ZONE WITH BERM, FENCE, AND TREE COMBO, AND LARGER SET BACK

- As noted in section 1, the proposed development is of significant larger density
- The proposed development is 30x the size of our neighborhood and uphill from us.
- According to section renderings, these massive 55-foot buildings are on land that is already 10 to 15-feet higher than adjacent properties. There may also be an additional 8-feet of backfill required (per geotechnical study and neighborhood meeting). Thus, these buildings will appear 78 feet to us who live below. See figure 3.1.
- Not only will a berm, fence, and tree combo around the perimeter preserve our existing privacy, it will also mitigate the extra runoff, pollution, and lights shining into our homes.
- A larger buffer zone with more trees will also help start the restoration of the mature trees that will be destroyed by the developer.
- According to Plan 2040, this area is at high risk for carbon monoxide. By adding more tree coverage along the perimeter, we can help improve the air quality and reduce health problems from carbon monoxide exposure. See figure 3.2.
- See figure 3.3 for examples of a berm, tree, and fence combo we are referencing.
- See Table A for complete list of Plan 2040 violations.

To be in compliance with Plan 2040 and the Land Development Code, as well as preserve our privacy, health, safety, and environment we ask:

- For an *additional* 100-feet to be added to the setback along the North (Laurel Springs) and West (Walnut Hills Dr) sides of the property.
- Include a 6-foot berm with a 6-foot privacy fence and trees around the entire perimeter of the development at 4700 S Hurstbourne Pkwy and 4900 S Hurstbourne Pkwy.
- Leave the natural buffer along Laurel Spring Dr alone. See figure 3.4.

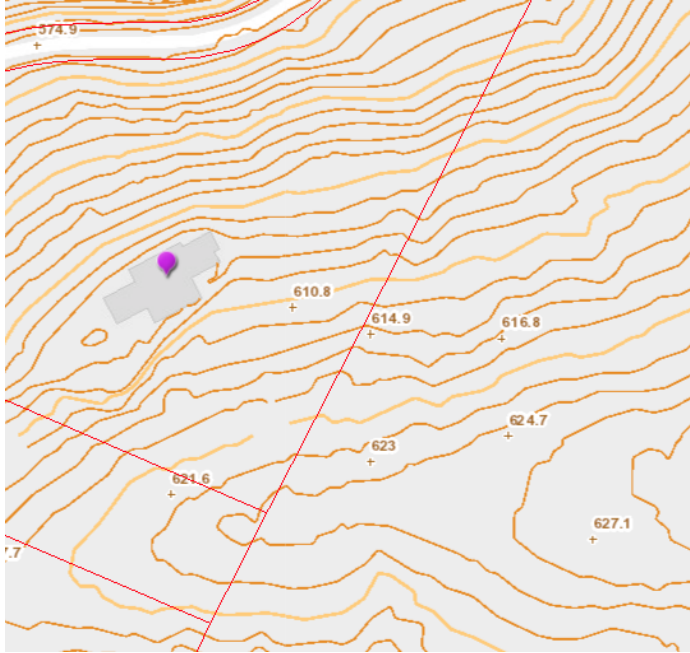


Figure 3.1. - According to Lojic Online, 4805 Walnut Hills Dr is at approximately 610-feet. The proposed 4-story building behind it will be at approximately 623-feet. According to the Geotechnical and Karst Reports, an additional 8-feet of backfill may also be added, making the massive 55-foot building appear to be 76-feet tall from those who live below.



Figure 3.2 - Potential areas of concern for Carbon Monoxide, Plan 2040 Core Graphics (<https://louisvilleky.gov/planning-design/document/updatedcoregraphics2018pdf#page=18>)



Figure 3.3 - Examples of berm, fence, and tree combined buffer zone.



Figure 3.4 - Existing natural buffer between Laurel Springs Dr / 4700 S Hurstbourne Pkwy

4. STYLE THAT IS MORE APPROPRIATE FOR THIS AREA

- The design of the proposed development does not blend with the rural landscape it will be sitting on or adjacent to.
- The proposed buildings would be more appropriate for downtown or near a college campus.
- See figure 4.1 for examples of building styles we think will help preserve the distinctive features of the landscape and natural elements.
- See Table A for complete list of Plan 2040 violations.

To be in compliance with Plan 2040 and the Land Development Code, as well as our desire to preserve the beautiful landscape of this area we ask:

- For the building design to resemble the rural area and preserve the beautiful landscape. We have included photos of nearby developments we think would be appropriate looks for this area.



Figure 4.1 - Willows of Plainview (left) and Fenwick Apartments (right)

5. GEOTECHNICAL & IMPACT STUDY FOR WALNUT HILLS & LAUREL SPRINGS NEIGHBORHOOD

- According to Lojic online and the developer's Geotechnical Report, the proposed development is sitting on karst terrain, including clays with shrink/swell potential.
- The proposed development is built on top of several sinkholes. This will modify the natural flow of water.
- In reviewing the karst study, section 4.2.1.2 states that: *"Engineering works and site development can result in acceleration of incipient sinkhole development or encourage new sinkhole formation. These features may appear dormant in their existing state, but subsidence can be activated by changes in the natural drainage pattern due to construction works."*
- There are sinkholes on abutting properties that are very close to the property line that the engineers failed to identify. In fact, we have reason to believe that one of these may be an underground cave or stream that flows from the 4700 S Hurstbourne Pkwy property, beneath a residents house, and ends up in the protected creek below. See figure 5.1
- According to Lojic Online, 4700 S Hurstbourne Pkwy is nearly surrounded by steep slopes, unlike any other development on Hurstbourne. See figure 5.2
- Due to our waterway being a FEMA Regulatory Floodway, surrounding properties are to be further regulated (according to FEMA). While the developer's property does not directly abutt to the creek, every single-family home surrounding it does. See figure 5.3
- Due to all of our homes being located at a downhill elevation compared to 4700 S Hurstbourne Pkwy, the new and increased runoff and pollution we will take on is exponential.
- Moreover, the health of the creek is severely impaired and MSD has already overloaded this waterway. See figure 5.4.
- See Table A for complete list of Plan 2040 violations.

To be in compliance with Plan 2040 and the Land Development Code, as well as ensure the safety of existing residents and new residents, we ask:

- For an unaffiliated third-party to conduct a geotechnical / impact study on the adjacent Walnut Hills and Laurel Springs properties.

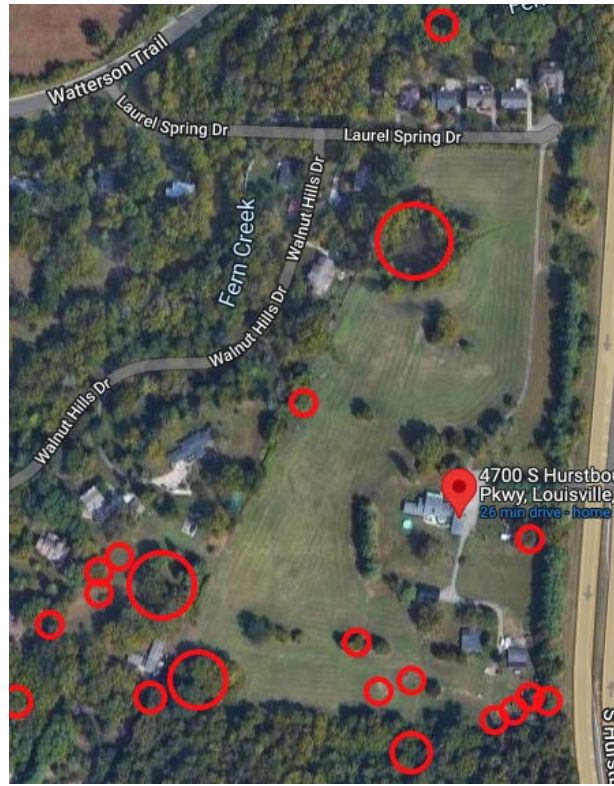


Figure 5.1 - 4700 S Hurstbourne Pkwy underground stream exiting at cliff 4819 Walnut Hills Dr (left), approximate location of sinkholes according to developer's plans, and the approximate location of sinkholes on abutting properties (right).



Figure 5.2 - Lojic Online's identification of steep slopes around proposed development.

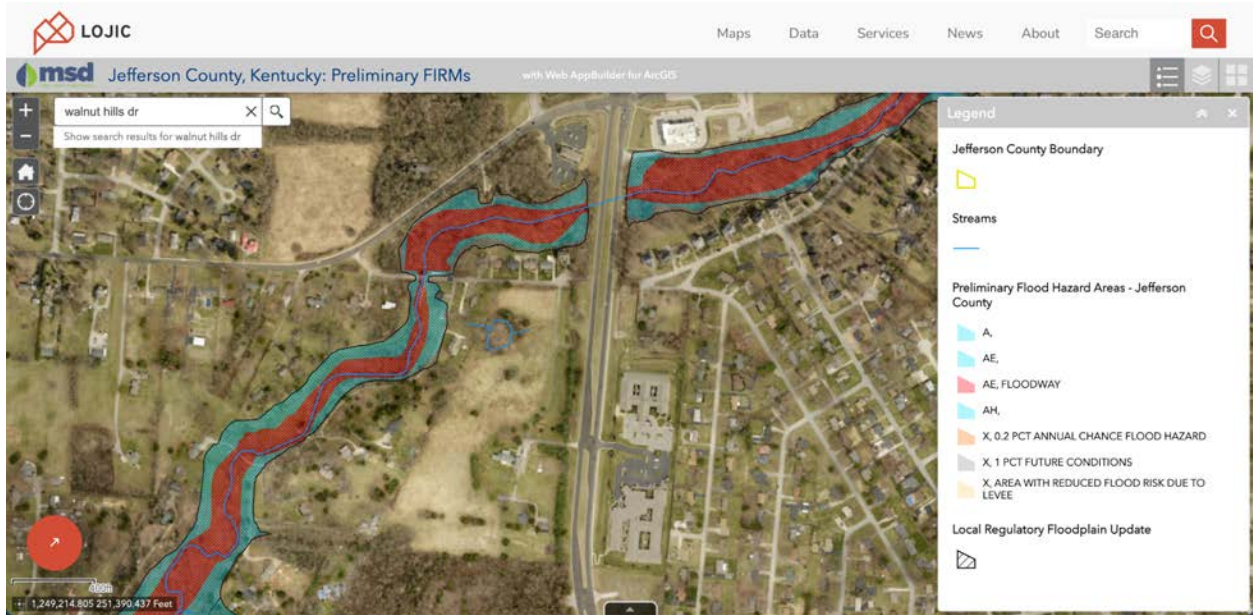


Figure 5.3 - Fern Creek is a FEMA Regulatory Floodway



Figure 5.4 - Fern Creek flooding

Table A - Plan 2040 Violations

Plan 2040 Plan Element Violations	Land Use & Development Policy Violations	Analysis
<p>Community Form: Goal 1</p> <p><i>Guide the form and design of development to respond to distinctive physical, historic and cultural qualities.</i></p>	<p><i>2.1. Evaluate the appropriateness of a land development proposal in the context of:</i></p> <p><i>2.1.2. the intensity and density of the proposed land use or mixture of land uses;</i></p>	<p>The intensity and density of the planned development requires the destruction of natural resources, poses risk to adjoining homes and threatens the Walnut Hills / Laurel Springs neighborhood’s natural resources and safety. Wider setbacks and buffers will protect the waters, the creek, the homes and trees on at the property lines adjoining properties.</p>
	<p><i>2.1.3. the effect of the proposed development on the movement of people and goods; and</i></p>	<p>The density proposed will slow down the movement of people and goods and deter commute in the congested and accident prone areas studied. The community will be adversely impacted. Wider buffers, berms, fences and setbacks will reduce the density, and positively impact the movement of goods and the adjoining neighborhoods.</p>
	<p><i>2.1.4. the compatibility of the proposed use or uses with surrounding uses including the relationship of the use, mass, scale, height, materials, building footprint, orientation, setback and design of the proposed building or buildings with that of surrounding buildings.</i></p>	<p>Not compatible. The 3-4 story story apartment buildings adjoining the yards per the developers minimal setback will be approximately 55 ft tall, facing single-family homes. The parking lot and building 10 will be filled and an additional 10 feet higher.</p> <p>A larger setback, a large buffer, and shorter buildings will retain the adjoining properties and the buildings will not tower over the neighborhoods of Walnut Hills and Laurel Springs.</p>
	<p><i>2.2. Evaluate the appropriateness of a Form District amendment in the context of:</i></p>	<p>Not compatible. The 3-4 story multi-family apartment footprints are at the minimum setback, stand upwards of 55 ft tall, and face single-family homes.</p>

	<p><i>2.2.4. the compatibility of the proposal with the existing buildings and uses on any contiguous land</i></p>	<p>A lower-density and larger buffer and set back with natural landscape will assist in making it more compatible.</p>
	<p><i>2.7. Develop neighborhood, subarea, corridor plans and strategies consistent with the goals and objectives of this Comprehensive Plan...</i></p>	<p>The goals and objectives include safe roadways to commuters and pedestrians. This proposal adversely impacts that goal.</p>
	<p><i>4. Ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects.</i></p>	<p>Not compatible. The proposed development is 19.49 dwelling units per acre. The adjacent neighborhood is 0.64 dwelling units per acre.</p> <p>The quality design and building materials would be better for a downtown or college campus area.</p> <p>The karst terrain, sinkholes, aquifers, and fractures that provide risk to the lower lying Walnut Hills neighborhood can be positively mitigated with the use of shorter buildings and larger buffers and setbacks.</p>
	<p><i>5. Allow a mixture of densities as long as their designs are compatible. Adjacent residential areas in different density categories may require actions to provide an appropriate transition between the areas. Examples include vegetative buffers, open spaces, landscaping and/or a transition of densities, site design, building heights, building design, materials and orientation that is compatible with those of nearby residences.</i></p>	<p>Not compatible. A development with 19.49 dwelling units per acre and 55-foot tall buildings facing single-family homes in a 0.64 density neighborhood is not appropriate.</p> <p>Berms, trees, larger setbacks, privacy fences, and shorter buildings will assist in transitioning Walnut Hills and Laurel Springs.</p>

	<p><i>7. Locate higher density and intensity uses near major transportation facilities and transit corridors, employment centers, in or near activity for Louisville/Jefferson County centers and other areas where demand and adequate infrastructure exists or is planned.</i></p>	<p>Does not meet guidelines. The Traffic Impact Study results show adequate infrastructure does not exist. The development will downgrade Watterson Trail Eastbound approaching the Hurstbourne Pkwy / Watterson Trail Intersection to an F, Hurstbourne Pkwy at Bardstown Rd will be downgraded to an F, Hurstbourne Pkwy Southbound approaching Bardstown Rd to an F, Bardstown Rd Eastbound approaching the intersection of Hurstbourne Pkwy and Bardstown Road will be downgraded to an F and almost double its score. Watterson Trail Northbound towards the intersection at Bardstown will be downgraded to an F. Watterson Trail Southbound approaching Bardstown Rd and the Watterson Trail intersection will be downgraded to an F.</p>
	<p><i>9. Ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements.</i></p>	<p>Not appropriate. The proposed development is 19.49 dwelling units per acre. The adjacent neighborhood is 0.64 dwelling units per acre and is located at a downhill elevation.</p> <p>An appropriate transition can be achieved with a berm, tree, and privacy fence combo around the perimeter of the development. In addition to a larger setback and shorter buildings.</p>
<p>Community Form: Goal 3</p> <p><i>Enhance neighborhoods by protecting and integrating open space, watersheds and other natural resources.</i></p>	<p><i>7. Encourage natural features to be integrated within the prescribed pattern of development.</i></p>	<p>The proposed high-density development discourages the natural features of the terrain, the pond, the waterfalls, and the adjoining Walnut Hills / Laurel Springs neighborhood.</p> <p>Larger buffers, vegetative setbacks, and shorter buildings will help encourage natural feature integration.</p>

	<p><i>8. Conserve, restore and protect vital natural resource systems such as mature trees, steep slopes, streams and wetlands. Open spaces should be integrated with other design decisions to shape the pattern of development. Encourage the use of greenways as a way to connect neighborhoods. Encourage use of conservation subdivisions, conservation easements, transfer of development rights and other innovative methods to permanently protect open space.</i></p>	<p>The dense development requires the destruction of the pond, wetlands, and the waterfall, and adversely impacts the stream at the West corner by relocating the natural drainage beginning at Hurstbourne Pkwy, and adversely impacts the single-family homes located on steep slopes surrounding the development.</p> <p>Larger buffers, vegetative setbacks, and overall less density will assist to protect the pond/stream, wetlands, waterfalls, mature trees, protected waters of the U.S., and the single-family homes susceptible to pollution and erosion below.</p>
	<p><i>9. Encourage development that respects the natural features of the site through sensitive site design, avoids substantial changes to the topography, and minimizes property damage and environmental degradation resulting from disturbance of natural systems.</i></p>	<p>The development encourages destruction of the natural features and requires substantial change to the topography such as changing the slope on the West side to drain over a hill to the North side.</p> <p>Larger buffers, larger setbacks, and shorter buildings that protect the pond, the wetlands by the pond, the waterfalls, and the streams encourage a development that responds it natural features.</p>
	<p><i>10. Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exists in order to prevent property damage and public costs associated with soil slippage and foundation failure and to minimize environmental degradation.</i></p>	<p>The development will destroy wet and permeable soils, severe, steep and unstable slopes, and heighten concerns for erosion and property damage.</p> <p>Larger setbacks, buffers, and overall lesser density development will encourage the avoidance of wet soils, steep or unstable slopes and decrease the potential for property damage to the adjoining single-family homes.</p>
	<p><i>12. When reviewing proposed developments consider changes</i></p>	<p>This high-density development requires building over existing sinkholes. A less dense</p>

	<i>to flood prone areas and other features vulnerable to natural disasters such as sinkholes and landslides. Ensure appropriate measures to protect health, safety and welfare of future users of the development.</i>	<p>development will allow for a safer development and protection from natural disasters.</p> <p>Larger setbacks and buffers will reduce risk to flooding of the creek and the adjoining properties on Walnut Hills and Laurel Springs.</p>
<p>Community Form: Goal 4</p> <p><i>Promote and preserve the historic and archaeological resources that contribute to our authenticity.</i></p>	<i>2. Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.</i>	<p>This development destroys the ephemeral pond and the waterfall that drains directly into a protected waterway. A less dense development will allow preservation of these natural elements.</p> <p>Wider buffers and setbacks with vegetation will encourage preservation of distinctive features including the pond, wetlands, streams, and waterfalls.</p>
<p>Mobility: Goal 1</p> <p><i>Implement an accessible, system of alternative transportation modes.</i></p>	<i>1. To promote healthy lifestyles and reduce congestion, new development and redevelopment should provide for the movement of pedestrians, bicyclists and transit users, where appropriate...</i>	The entrance to Laurel Springs does not implement an accessible system due to the residential homes, the width of Laurel Springs and because it will exit onto an unacceptable road of Walnut Hills.
	<i>4. Encourage higher densities and intensities within or near existing marketplace corridors and existing and future activity and employment centers to support transit-oriented development and an efficient public transportation system.</i>	The density proposed has a direct impact on the road network and downgrades multiple roads to Fs, including Watterson Trail. The proposed entrance/exit on Laurel Springs will incur accidents to pedestrians and commuters on the narrow road of Laurel Springs.
<p>Mobility: Goal 2</p> <p><i>Plan, build and maintain a safe, accessible and efficient transportation system.</i></p>	<i>1. Provide transportation facilities and systems that accommodate all users and allow for context-sensitive solutions that recognize the distinguishing characteristics of each of the Form Districts.</i>	The transportation system provided to Laurel Springs and Walnut Hills neighborhoods will adversely impact the transportation systems forcing direct entries onto the newly failed road network. Higher loss of service time and risk of accidents.

	<p><i>4. Avoid access to development through areas of significantly lower intensity or density development if such access would create significant nuisances.</i></p>	<p>The adjacent neighborhood has a density of 0.64. The proposed development is 19.49. Laurel Springs Dr is a narrow roadway with no sidewalks, no street lights, no bike lanes, and no public transportation access. Laurel Springs Dr is not taken care of by the city; there is no snow removal or grass cutting. Two cars cannot safely pass each other on Laurel Springs Dr. Walnut Hills Dr is a one-lane road with no sidewalks, no street lights, and no bike lanes. Allowing car and pedestrian access to Laurel Springs Dr poses a significant safety risk for pedestrians and cars, and could even cost lives.</p>
	<p><i>7. The design of all new and improved transportation facilities should be accessible and:</i></p> <p><i>7.2. Be context sensitive by ensuring that proposals are compatible with the surrounding development and provide an aesthetically pleasing visual experience to the user and to adjacent areas;</i></p>	<p>The 45-65 foot buildings adjoining and facing the single family homes are not comparable to surroundings and not aesthetically pleasing to the single-family homes, natural waterways, or creek bank.</p>
	<p><i>7.4. Ensure that adequate measures will be taken to reduce glare, vibration, air pollution, odor, and visual intrusion.</i></p>	<p>Will add to existing 55,000 gas and diesel vehicles traveling Hurstbourne Pkwy, Bardstown Rd and Watterson trail increasing glare, vibration, air pollution, odor and visual intrusion. These will circle the Laurel Springs and Walnut Hills neighborhood.</p>
	<p><i>8. Protect and/or enhance environmentally sensitive areas through responsible and sustainable best practices in the</i></p>	<p>The roads of the planned development are not impervious, focus glares on the Walnut Hills and Laurel Springs and will direct diesel and gas vehicle pollution to homes in the adjacent low-density</p>

	<i>planning and design of transportation network projects.</i>	neighborhood.
	<i>9. Develop, preserve, and maintain an interconnected system of scenic corridors and parkways. Encourage the preservation of important cultural resources, landscapes and scenic vistas in the design, maintenance and development of major thoroughfares and parkways.</i>	The TIS projects the proposed development will deteriorate the West End of the Scenic Hurstbourne Corridor and will destroy streams, and waterways of the US.
	<i>10. Increase funding to maintain the existing infrastructure and build a multi-modal transportation network that supports the needs of the entire community.</i>	TIS indicates utility station and right of ways have the roads constrained and cannot be cost effectively maintained.
	<i>14. Expand the traffic signal coordination program to limit idling and protect public health while increasing the safety and capacity of the current road network.</i>	TIS projects accidents will rise out of the random range. The capacity of this area cannot be increased by this development.
	<i>16. Develop a Complete Streets Design Manual for consideration during the development and redevelopment of roads in accordance with roadway classification and street character that provide for safe, healthy and accessible streets. Such a manual should include:</i> <i>16.4. safe, efficient movement of freight;</i>	TIS projects unsafe, non efficient movement of freight in the study area.
	<i>16.11. traffic calming techniques including the implementation of reconfigurations, where</i>	The TIS projects the traffic volumes do not support this development and will adversely impact safety and mobility for all users.

	<p><i>existing and future traffic volumes support them, to improve safety and mobility for all users.</i></p>	
<p>Mobility: Goal 3</p> <p><i>Encourage land use and transportation patterns that connect Louisville Metro and support future growth.</i></p>	<p><i>1. Provide transportation services and facilities to promote and accommodate growth and change in activity centers through improved access management. Provide walking and bicycling opportunities to enable activity centers to minimize single-occupant vehicle travel. Encourage a mix of complementary neighborhood serving businesses and services in neighborhood and village centers to encourage short trips easily made by walking or bicycling.</i></p>	<p>The TIS projects transportation services and facilities will not promote and accommodate growth and change. Traffic adversely impacts bicycling opportunities and supports single occupancy vehicle travel.</p>
	<p><i>2. To improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Housing should be encouraged near employment centers.</i></p>	<p>The proposed development adversely impacts mobility and will increase congestion while adding to vehicle miles traveled. People with disabilities will be at risk through longer commutes, longer traffic lights, more accidents, more smog, and more pollution. Proximity to employment centers will be impacted by congestion and accidents.</p>
	<p><i>3. Evaluate developments for their ability to promote public transit and pedestrian use. Encourage higher density mixed-use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation and housing choices.</i></p>	<p>The planned development will degrade the transportation network, including the street, pedestrian, transit, freight movement and bike facilities. The approximate 55,000 gasoline and diesel vehicles circling Hurstbourne, Bardstown Rd, and Watterson Trail daily will negatively impact the air quality (see Hurstbourne Corridor Study).</p>

	<p><i>4. Encourage development of walkable centers to connect different modes of travel. Siting of these multi-modal centers shall consider the effects of the following:</i></p> <p><i>4.1. nodal connections identified by Move Louisville;</i></p>	<p>Bicycling and motorcycling will be adversely impacted by the rise in rear impacts due to the congestion and traffic.</p>
	<p><i>4.2. impact on freight routes;</i></p>	<p>Will be significantly slower with the lower graded F road network of the study area.</p>
	<p><i>4.3. time of operation of facilities;</i></p>	<p>Slower with more accidents, perhaps more than can be accounted for as random.</p>
	<p><i>4.4. safety;</i></p>	<p>Unsafe</p>
	<p><i>4.5. appropriate linkages between neighborhoods and employment; and</i></p>	<p>Not appropriate due to the unacceptable impact of the proposed development and downgrades of the road network to an F.</p>
	<p><i>4.6. the potential for reducing travel times and vehicle miles traveled.</i></p>	<p>No potential as time will go up per the TIS.</p>
	<p><i>5. Evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality.</i></p>	<p>TIS will change the Hurstbourne Pkwy, Watterson Trail, and Bardstown Rd to unacceptable grades and loss of service time. Street, pedestrian, transit, freight movement, bike, and air will be negatively impacted.</p>
	<p><i>6. Ensure that those who propose new developments bear or share in rough proportionality the costs of transportation facilities and services made necessary by development.</i></p>	<p>The Traffic Impact Study documents the utilities station and costs prohibit additional vehicles. Moving the access road to Bardstown Rd will not change the unacceptable downgrade of the study.</p>
	<p><i>9. When existing transportation facilities and services are</i></p>	<p>The developer cannot move the utilities station or impact the state road. The access road does not</p>

	<p><i>inadequate and public funds are not available to rectify the situation, the developer may be asked to make improvements, roughly proportional to the projected impact of the proposed development, to eliminate present inadequacies if such improvements would be the only means by which the development would be considered appropriate at the proposed location.</i></p>	<p>reduce the density, the congestion, loss of service time, accident rates, slow commerce and so forth. The right of ways and utilities station prohibit reasonable and results driven improvements.</p>
	<p><i>11. Provide street improvements and/ or transit solutions to mitigate the impacts of development and redevelopment. Improvements may include, but not be limited to, the following:</i></p>	<p>TIS indicates improvements will not mitigate the impacts or downgrading of the road network to an F with longer loss of service times.</p>
	<p><i>21. Prevent safety hazards caused by direct residential access to high speed roadways.</i></p>	<p>The additional traffic will contribute to accidents to all the residents having to access the F graded roads and F graded intersections of the study. This includes multiple neighborhoods.</p>

Table B - Walnut Hills and Laurel Springs Neighborhood Density

	Address	Acreage
1.	4700 Walnut Hills Dr	1.18
2.	4707 Walnut Hills Dr	0.66
3.	4805 Walnut Hills Dr	4.66
4.	4811 Walnut Hills Dr	1.08
5.	4812 Walnut Hills Dr	1.6
6.	4816 Walnut Hills Dr	3.65
7.	4819 Walnut Hills Dr	3.07
8.	4903 Walnut Hills Dr	1.12
9.	4905 Walnut Hills Dr	1.64
10.	4909 Walnut Hills Dr	1.44
11.	4915 Walnut Hills Dr	1.76
12.	4921 Walnut Hills Dr	2.09
13.	8100 Laurel Springs Dr	1.73
14.	8102 Laurel Springs Dr	2.17
15.	8200 Laurel Springs Dr	0.97
16.	8201 Laurel Springs Dr	0.68
17.	8203 Laurel Springs Dr	0.67
18.	8205 Laurel Springs Dr	0.65
19.	8207 Laurel Springs Dr	0.63
20.	8209 Laurel Springs Dr	0.64
21.	8211 Laurel Springs Dr	1.12
	TOTAL ACREAGE	33.21
	DENSITY	0.63

St. Germain, Dante

From: Reverman, Joe
Sent: Friday, August 26, 2022 8:55 AM
To: stpinlou@aol.com; St. Germain, Dante; Brown, Jeffrey E
Subject: RE: 22-ZONE-0012 and 22_-ZONE-0076

I agree they have a right to meet with us. But keep in mind we didn't meet with the applicant on site. We are definitely not opposed to meeting with them. I feel need to continue to emphasize that we are aware of the conditions Laurel Springs Dr. I offered two times, Wednesday the 31st, or Tuesday the 6th.

Joe Reverman
Planning & Design Services

From: stpinlou@aol.com <stpinlou@aol.com>
Sent: Thursday, August 25, 2022 5:13 PM
To: Reverman, Joe <Joe.Reverman@louisvilleky.gov>; St. Germain, Dante <Dante.St.Germain@louisvilleky.gov>; Brown, Jeffrey E <Jeffrey.Brown@louisvilleky.gov>
Subject: Re: 22-ZONE-0012 and 22_-ZONE-0076

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Steve

Stephen T. Porter
Attorney at Law
2406 Tucker Station Road
Louisville, KY 40299
502-905-9991
stpinlou@aol.com

In a message dated 8/25/2022 4:17:33 PM Eastern Standard Time, Joe.Reverman@louisvilleky.gov writes:

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We are also aware of concerns regarding the height of the apartment buildings. And we have considered the height of buildings in our analysis of this development. The neighbors concern needs to be addressed to the Planning Commission.

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<Dante.St.Germain@louisvilleky.gov>; Brown, Jeffrey E <Jeffrey.Brown@louisvilleky.gov>

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The subjects of the meeting would include:

1. Access to Laurel Spring Drive from the apartment complex,
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Please let us know the best date for you. Thanks.

Steve Porter

Stephen T. Porter

Attorney at Law

2406 Tucker Station Road

Louisville, KY 40299

502-905-9991

stpinlou@aol.com

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St. Germain, Dante

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To: john@bardlaw.net
Cc: St. Germain, Dante
Subject: Kennedy Apts. on Hurstbourne: 22-ZONE-0012 and 22-ZONE-0076

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First, at the last neighborhood meeting for # 0076, we were promised another neighborhood meeting where both applications could be discussed.

Second, Dante has informed me that you are processing these applications as if they were two different and separate projects. It is obvious, for many reasons, that this is just one big apartment development. Consequently, we request that they be combined and processed as one application. If your client does not agree to that, we will strongly object at LD&T to these being heard as two separate projects. That could be a subject of discussion and explanation at the new neighborhood meeting.

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Stephen T. Porter
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2406 Tucker Station Road
Louisville, KY 40299
502-905-9991
stpinlou@aol.com

P.S. Hope you are healing as well as possible.

St. Germain, Dante

From: Evan G <gunterer@gmail.com>
Sent: Sunday, July 31, 2022 11:39 AM
To: St. Germain, Dante
Subject: Letter of Opposition for 4700 and 4900 S Hurstbourne
Attachments: opposition.docx

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Please find attached my letter of opposition for this proposed development.

Thanks,

Evan

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Evan Gunter
GivFlow.com
PCOMVP.com
(502) 751-1997
GunterER@gmail.com
Evan@heywillow.com

Dante,

I wanted to personally go on record and let you as well as the committee know that myself and my family are heavily opposed to what is being proposed at 4700 S Hurstbourne and 4900 S Hurstbourne.

My frustrations have started from the beginning in that this whole process has seemed ingenuine in that the developer has not attempted to work with the surrounding community. In fact, they have changed the development so much, what was originally discussed or shown at the neighborhood meeting is hardly resembles what is seen today.

- We had concerns about blending density and having residents peer into the homes behind us from their 3 story buildings (which would feel like 4 because they were building the ground up below it). These have now become 4 story buildings – clearly, the developer took what we said and ignored it.
- One of my largest concerns is the homes and the creek in the valley below this development. This is one of the most unique proposed developments simply because of the homes this will directly impact in the valley below. If you don't flood them, you will dry up the creek and their ability to get ground water. Some of these homes still run on well water.
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- You're effectively surrounding the homes in my area by 3 different developments and letting these existing traffic problems run wild. We have bus stops for our kids, no sidewalks, no streetlights, and the roads are not wide enough to support the amount of traffic your wanting to place in the area.

Thanks,

Evan Gunter

4505 Mallick Ln

Louisville, KY 40299

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From: stpinlou@aol.com
Sent: Saturday, July 30, 2022 12:19 AM
To: St. Germain, Dante
Subject: 22-ZONE-0012 and 22-ZONE-0076

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Dante,

I represent the residents and homeowners on Laurel Spring Drive and Walnut Hills Dr. They are still very concerned about the negative aspects of these two applications. First, however, it is important to find out whether these two applications with the same developer will be considered by the Planning Commission jointly or separately. It is obvious from the plans they should be considered together. In addition to common developer, they have connected internal access and only one clubhouse, one pickleball court and one swimming pool. The two applications are obviously one large apartment community and should be considered as such.

Despite vociferous and continuing objections from my clients, the developments continue to have very objectionable aspects. Just a few of those are:

1. Unnecessary access to a narrow, single-family street (Laurel Spring Dr.) which would result in heavy traffic on that quiet street and dangerous access at Watterson Trail,
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We have not yet been able to get answers from the applicant and its attorneys, who have promised a follow-up neighborhood meeting when final plans are formulated. That meeting has not been held. Please let us know how these applications will be considered. Thanks.

Steve Porter

Stephen T. Porter
Attorney at Law
2406 Tucker Station Road
Louisville, KY 40299
502-905-9991
stpinlou@aol.com

St. Germain, Dante

From: moto-pat@att.net
Sent: Thursday, June 2, 2022 12:15 PM
To: St. Germain, Dante
Subject: 22-ZONEPA-0057

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Good morning, My name is Pat Bandy. I returned to Louisville last year after my retirement. My career took me away since 1992. I purchased my now primary residents at 5108 Bardstown Rd last September.

I attended the Neighborhood meeting on May 12 regarding 22-ZONEPA-0057. Although I did gain some knowledge the meeting concentrated on the concerns of the residents from a neighborhood off Waterson Trail and their questions were in regards to the adjoining project not these two tracks rezoning. I do empathize with their concerns but I am concerned with the parcels of the two tracks connected to Bardstown Road requesting to be zoned C-1. I had to leave the meeting after an hour.

I am very familiar with these processes in the State of Texas but am a bit lost here. I spent way to much of my life in city council meetings or county commissioners court.

The engineer in the meeting said "There is no development plans for the area to be zoned C-1" and the "Zoning change was strictly to increase the value of the property for the owners benefit". That wouldn't work in Texas but I do not know the rules here and the web sites I visited to try and understand were confusing and un-user-friendly at best.

My neighborhood has plenty of access to commercial retail services and Fern Creek has lots of available vacant retail / commercial property already available. With no plan how do we know how rezoning this property will benefit our residents? It would put even more strain on a already overly burdened road system. Bardstown Road is in absolute gridlock at times which was total avoidable if it had been planned correctly. But I will digress on the traffic here because I could go all day on that subject. We had the opposite problem in Austin. It seems every major road there is under constant improvement construction which also cause traffic issues but at least it is for good reason.

I am strongly against the rezoning of the two tracks of land along Bardstown Road to C-1. Rezoning property for the monetary gain of the owner or owners without considering the benefits or negative impact to the neighborhood seems like a really bad way of doing things if not outright wrong.

As I said early I am not familiar with the processes here so if you would help me understand how this works it would be greatly appreciated. Also someone from your office said there was a plan to help alleviate the traffic on Bardstown Road which I would like more information on if available.

Thank you,
Pat Bandy
512-922-8091
moto-pat@att.net

St. Germain, Dante

From: Stan Sims <stan@stansimslaw.com>
Sent: Monday, May 2, 2022 10:45 AM
To: St. Germain, Dante
Cc: john@bardlaw.com
Subject: 22-0057 and Stan Sims

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Dante,

Good speaking with you and I am copying John on this email.
Can you send me a copy of the old development plan previously approved for 4900 S Hurstbourne.

I possibly have a concern related to my adjoining property with the address of 5215 Bardstown Rd.
The old plan for 4900 showed a "stub street" connection to my property and the current plan does not.

This is a little distressing, but I have not seen the whole plan which likely includes 4700 S Hurstbourne, and additional parcels.
Has there been any discussion of a road from Laurel Springs, through the apartments to the S. Hurstbourne intersection shown on 22-0057?

Thank you and please call if you need anything from me.

Stan Sims

Stan Sims Law
5226 Bardstown Road
Louisville, KY 40291
Tel: 502-491-0600
Fax: 502-491-0800



CONFIDENTIALITY NOTICE: This e-mail transmission and any attachment hereto contain information from Stan Sims Law that may be an attorney-client communication and/or work product and as such is/are privileged and confidential. The information is intended for the sole use of the individual or entity to which it is addressed. If you are not the intended recipient, or an agent responsible for delivering it to the intended recipient, your use, dissemination, forwarding, printing or copying of this information is prohibited. If you have received this e-mail in error, please notify us immediately by e-mail, and delete the original message.

[Stan Sims Law](#)

St. Germain, Dante

From: Reverman, Joe
Sent: Friday, August 26, 2022 8:55 AM
To: stpinlou@aol.com; St. Germain, Dante; Brown, Jeffrey E
Subject: RE: 22-ZONE-0012 and 22_-ZONE-0076

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Planning & Design Services

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To: Reverman, Joe <Joe.Reverman@louisvilleky.gov>; St. Germain, Dante <Dante.St.Germain@louisvilleky.gov>; Brown, Jeffrey E <Jeffrey.Brown@louisvilleky.gov>
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From: Evan G <gunterer@gmail.com>
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To: St. Germain, Dante
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Attachments: opposition.docx

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Evan

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Evan Gunter
GivFlow.com
PCOMVP.com
(502) 751-1997
GunterER@gmail.com
Evan@heywillow.com

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4505 Mallick Ln

Louisville, KY 40299

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stpinlou@aol.com

St. Germain, Dante

From: moto-pat@att.net
Sent: Thursday, June 2, 2022 12:15 PM
To: St. Germain, Dante
Subject: 22-ZONEPA-0057

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Good morning, My name is Pat Bandy. I returned to Louisville last year after my retirement. My career took me away since 1992. I purchased my now primary residents at 5108 Bardstown Rd last September.

I attended the Neighborhood meeting on May 12 regarding 22-ZONEPA-0057. Although I did gain some knowledge the meeting concentrated on the concerns of the residents from a neighborhood off Waterson Trail and their questions were in regards to the adjoining project not these two tracks rezoning. I do empathize with their concerns but I am concerned with the parcels of the two tracks connected to Bardstown Road requesting to be zoned C-1. I had to leave the meeting after an hour.

I am very familiar with these processes in the State of Texas but am a bit lost here. I spent way to much of my life in city council meetings or county commissioners court.

The engineer in the meeting said "There is no development plans for the area to be zoned C-1" and the "Zoning change was strictly to increase the value of the property for the owners benefit". That wouldn't work in Texas but I do not know the rules here and the web sites I visited to try and understand were confusing and un-user-friendly at best.

My neighborhood has plenty of access to commercial retail services and Fern Creek has lots of available vacant retail / commercial property already available. With no plan how do we know how rezoning this property will benefit our residents? It would put even more strain on a already overly burdened road system. Bardstown Road is in absolute gridlock at times which was total avoidable if it had been planned correctly. But I will digress on the traffic here because I could go all day on that subject. We had the opposite problem in Austin. It seems every major road there is under constant improvement construction which also cause traffic issues but at least it is for good reason.

I am strongly against the rezoning of the two tracks of land along Bardstown Road to C-1. Rezoning property for the monetary gain of the owner or owners without considering the benefits or negative impact to the neighborhood seems like a really bad way of doing things if not outright wrong.

As I said early I am not familiar with the processes here so if you would help me understand how this works it would be greatly appreciated. Also someone from your office said there was a plan to help alleviate the traffic on Bardstown Road which I would like more information on if available.

Thank you,
Pat Bandy
512-922-8091
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St. Germain, Dante

From: Stan Sims <stan@stansimslaw.com>
Sent: Monday, May 2, 2022 10:45 AM
To: St. Germain, Dante
Cc: john@bardlaw.com
Subject: 22-0057 and Stan Sims

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Dante,

Good speaking with you and I am copying John on this email.
Can you send me a copy of the old development plan previously approved for 4900 S Hurstbourne.

I possibly have a concern related to my adjoining property with the address of 5215 Bardstown Rd.
The old plan for 4900 showed a "stub street" connection to my property and the current plan does not.

This is a little distressing, but I have not seen the whole plan which likely includes 4700 S Hurstbourne, and additional parcels.
Has there been any discussion of a road from Laurel Springs, through the apartments to the S. Hurstbourne intersection shown on 22-0057?

Thank you and please call if you need anything from me.

Stan Sims

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