

Williams, Julia

From: Jack Kelly <jaxxkelly@yahoo.com>
Sent: Friday, March 04, 2016 2:57 PM
To: Williams, Julia
Subject: Modifications (binding elements) to plans for Case 15Zone1020 Simcoe Ln
Attachments: Simcoe LN Planing Comments_Drainage.pdf; SimcoeLNPlaning Fence & Landscaping Comments 3.pdf

Case 15ZONE1070 Simcoe Ln Rezoning, developer Cityscapes Residential

If the rezoning is approved, attached are documents with comments and requested plan modifications regarding case 15ZONE1020 Simcoe Ln. If the plan is approved we request that these modification be included in the binding elements of the final plan.

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Jack Kelly, VP Village of Hartwick HOA
Chairman, Springhurst Area Citizens Committee on Simcoe Ln Re-zoning
jaxxkelly@yahoo.com
937-671-6413

Case Number: 15ZONE1070

Regarding: **Drainage (Stormwater)**

Date: 2/22/16

Submitted by: Springhurst Area Community Committee on Simcoe Ln Rezoning
Jack Kelly, Chairman email: jaxxkelly@yahoo.com Ph 937-671-7413
(Comments prepared by Tim Joice, Board member, VOH)

Comments or Remarks:

Village of Hartwick (VOH) residents are concerned with the potential impacts of the project on stormwater drainage. It is understood that the project must comply with Louisville's Land Development Code, which includes complying with MSD's stormwater drainage requirements. The applicant has proposed to comply with the stormwater drainage requirements through construction of an underground stormwater basin, and intends to connect the storm sewer system for the proposed development to the existing stormwater pipe at the western corner of the site. Currently, this pipe is shown on the plan documents as 12" and connects to a catch basin. There is currently no indication on the proposed development documents where that catch basin goes from that location.

Currently, the drainage from Simcoe Lane primarily runs west off the road, on to the green utility right-of-way, and then into the rear lawn area of Village of Hartwick residents, especially those of 4211 through 4201 Hartwick Village Place. Regular heavy rainfall events, which are increasingly common in recent years, causes runoff to rush up against the rear fence-line, move under the fence, and then form large puddles in the rear lawn area of those lots. Further, the residents at 4211 have specifically redesigned their rear yard space to include patio space and a hook-up to the catch basin to facilitate better drainage, only to have that catch basin back up on to their new hardscape area during storm events. All this has been said to illustrate that we have significant concerns about the impact of the proposed development on stormwater drainage.

The developer should use green infrastructure, such as pervious asphalt or pervious pavers, and other techniques, to capture more stormwater from the site. The proposed underground detention basin is only required to be designed to hold the 80th percentile storm, and is also only required to meet pre-development peak flow requirements, rather than also meet pre-development volume requirements. This is insufficient, given the growing size of storm events, and increased flood events across the country. Many cities, including Philadelphia and Washington, D.C., have moved to require the capture and treatment of 90th percentile storm events (or similar), and to also require the use of post-development BMPs that help manage stormwater volumes as well. The developer should use green infrastructure, such as pervious asphalt or pervious pavers, for the 20-foot fire access around the proposed development. These methods are increasingly common and when constructed properly, are fully supportive of the loadings of heavy vehicles. Given the existing issues with stormwater runoff accumulating around the Village of Hartwick properties as noted, and the issues associated with that stormwater sewer infrastructure to which the development intends to connect, it seems pertinent that the developer implement additional measures to capture and reduce stormwater runoff from the site.

The developer may need to upgrade the stormwater sewer infrastructure “downstream” from the site as well to ensure proper drainage. Even if MSD confirms downstream capacity, the evidence of backups from the catch basin onto the patio of 4211 Hartwick Village Place draw into question such a confirmation.

Finally, VOH residents would like to request that the developer install curb and gutter on both sides of Simcoe Lane. Curbing of Simcoe Lane, particularly on the western edge, will help prevent excess stormwater runoff from washing into the rear yards of VOH residents. We also recognize that the curbing of Simcoe will likely direct the stormwater runoff directly to a storm sewer which may subsequently cause problems for the resident at 4211 Hartwick Village Place. We are interested to hear a remedy from the developer to resolve that potential issue as well, which may include upgrading downstream capacity, capturing the runoff from Simcoe Lane in an alternative method, or other ideas.

Case Number: 15ZONE1070

Regarding: **Noise, line of sight, privacy of Hartwick Village homes.**

Date: 2/29/16

Submitted by: Springhurst Area Community Committee on Simcoe Ln Rezoning
Jack Kelly, Chairman email: jaxxkelly@yahoo.com Ph 937-671-7413
Comments provided by Jim Swanson

Comments and Concerns: The development will add approximately 360 cars to a very confined area. It is anticipated that 750-1000 additional daily car trips will be added to Simcoe Ln. The main entrance and exits for the apartment garage are directly behind the Hartwick homes. In addition, a swimming pool and other recreational areas will be added facing Simcoe Ln. The development will be an imposing 5 story structure only 75 -80' from the rear lawns of Hartwick Residents. The rear lawns of Hartwick Village are very narrow. Most homes are less than 25' from the 6' fence. This means there is little buffer area between the new apartment building and the 2 story home structures on Hartwick. The apartment residents will have balconies and windows facing Simcoe Ln that will be directly overlooking the home in Hartwick Village.

We request that the developer address the increased traffic noise, people noise from outdoor activities and most importantly privacy of neighbors on Hartwick with a 3 part plan as stated below:

1. Landscaping:

The area between Hartwick Village Fence and Simcoe Lane needs a landscaping upgrade to make the development project more acceptable to the residents of Hartwick bordering on Simcoe Lane as well as adding beautification of the project overall. The area between the Hartwick Village fence and Simcoe Ln has little landscaping. It consists mostly of a grassy area with no trees or shrubbery until you get closer to the existing tennis center which has a few older trees. (See *Exhibit 1*). We propose the installation of 2 rows of 7'-8' evergreen trees (variety to be selected jointly by Cityscapes Residential and Committee) the entire length of Simcoe Ln opposite the project (approx 411'). Details are in *Exhibit 2*

2. Fence:

The current 6' cedar fence behind the homes on Hartwick will be replaced with an 8' fence for a length of 244'. This is the area opposite the main traffic entry into the garage and the wing facing Simcoe Ln. The entire width of the new development is 411'. In addition at the end of the 244' 8' section an additional 530' of new 6' fence will be installed across the entire boundary of Hartwick Village backing up to Simcoe Ln. A complete new fence is required in order to maintain the same attractive appearance for all homes backing up to Simcoe Ln. Details are in *Exhibit 3*

3. Building Height:

The developer plans shows a 60' (5 floors) building that requires a variance from the LDC Table 5.7.1.B.2 stating that maximum height is 45'(3 floors). This specific variance will be addressed in more detail in a separate document. It is mentioned here as part of the concern for privacy as it will loom over the Hartwick Village homes. If the project does go forward, we propose that the front wing of the building facing Simcoe Ln have a maximum height of 3 floors as stated in the LDC. This will reduce some of the overpowering height facing Hartwick and provide some degree of improved privacy. See *Exhibit 4*

If Zoning and Planning requires that the developer include these three requirements in the Binding Elements the residents of Hartwick will have some degree of privacy, noise control and improved neighborhood ambiance. However we should be clear that even these requirements do not provide the same level of privacy, noise abatement, peacefulness, and car pollution control as currently exist.

Exhibit 1 Right of Way area to be landscaped



Area behind Hartwick Village fence. In this picture the proposed apartments will be directly to the left of Simcoe Ln. The proposed line of evergreen trees will be approximately in line with the shrub in the fore ground extending back toward and beyond the Road Closed sign for approximately 350'.

Exhibit 2 Landscaping plan

With the new development project an evergreen tree barrier will improve the overall appearance of the area and will make the overall area more appealing to all residents, both Hartwick and the new apartment residents. Even more important is the additional privacy and noise control the trees will provide as they mature.

We met with Sherie Long and Erin Thompson from Planning and Design services on 2/19/16 and developed the following plan. The developer will plant a row of 7-8' evergreen trees or similar pines planted 10' off of Simcoe on 10' centers and a second row of 7-8' evergreen trees staggered behind the first on 10' centers (*see exhibit 2a*). These will be planted on the west side of Simcoe Ln (*exhibit 1*) the entire width of of the new development (approx 411') This will require the removal of 13 scrub trees (*see exhibit 2b*). The overhead lines have been considered and this plan will not interfere with them. As the trees mature and grow they will provide a sound barrier from the additional traffic as well as raising the line of sight higher from the balconies and windows of the apartment residents across the street. We confirmed with Peggy Heustis (horticulturist) of Greenscapes that this is a good plan and the trees are compatible with the growing conditions for this area.

Since these trees will be planted in the Right of Way the developer will maintain the trees and replace dead or diseased trees as needed for the life of the apartment complex.

Exhibit 2a Evergreen trees location and spacing

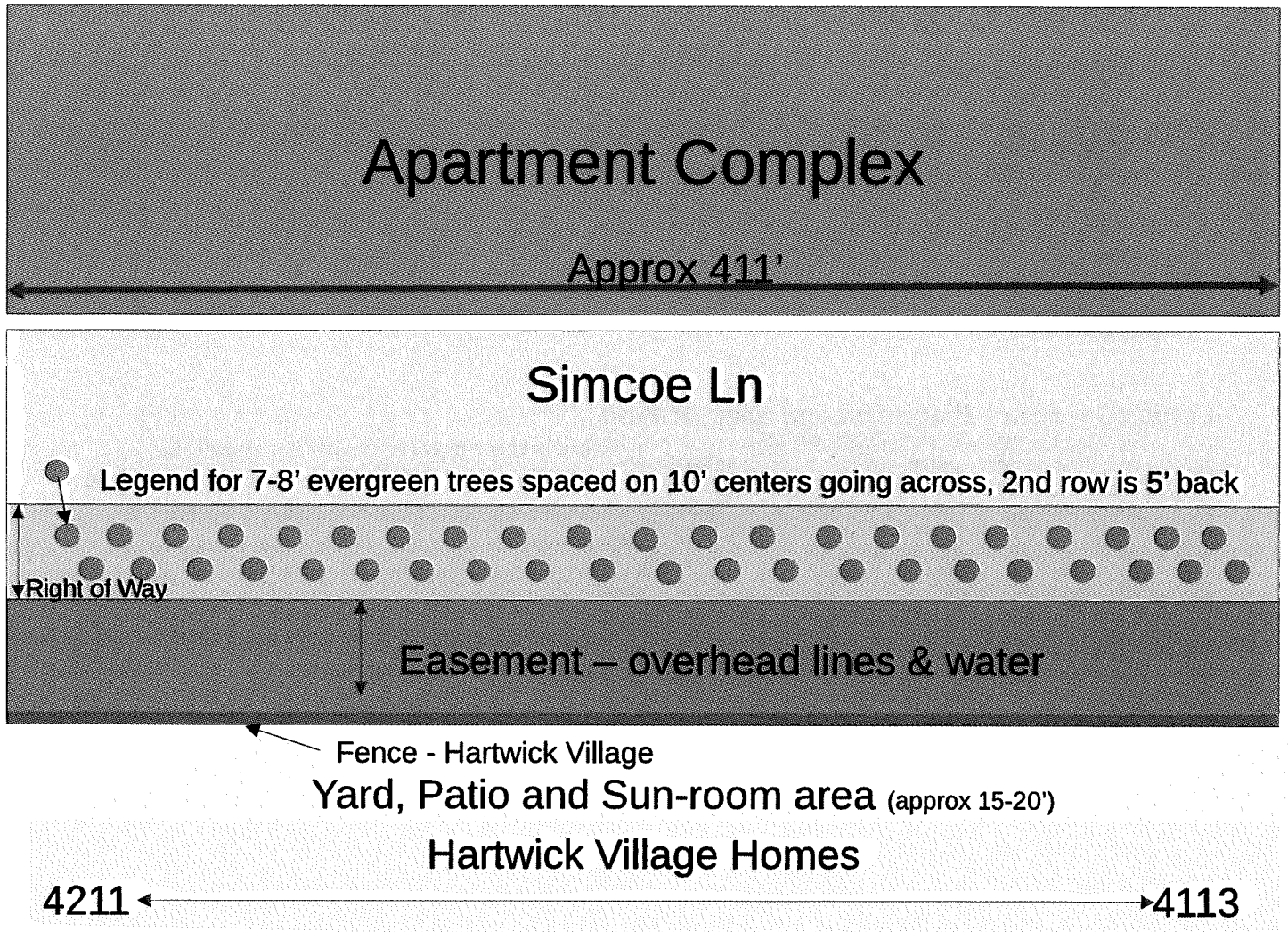


Exhibit 2b Scrub trees to be removed



These trees will have to be removed to allow space for the planting of the evergreen trees. It is likely they will be removed in order to install the curb and gutter system. These trees have been hacked up and trimmed by LG&E over the years and they are no longer viable as barrier or buffer for a new development.

Exhibit 3 – Fence Placement and Specification



This is the current 6' fence that should be increased to 8'. This view is from the proposed apartment side of Simcoe close to where the sidewalk is planned. Notice that standing at ground level, let alone from 3-5 stories above from the apartment complex, how little protection from sight, sound, and lack of privacy that fence provides.

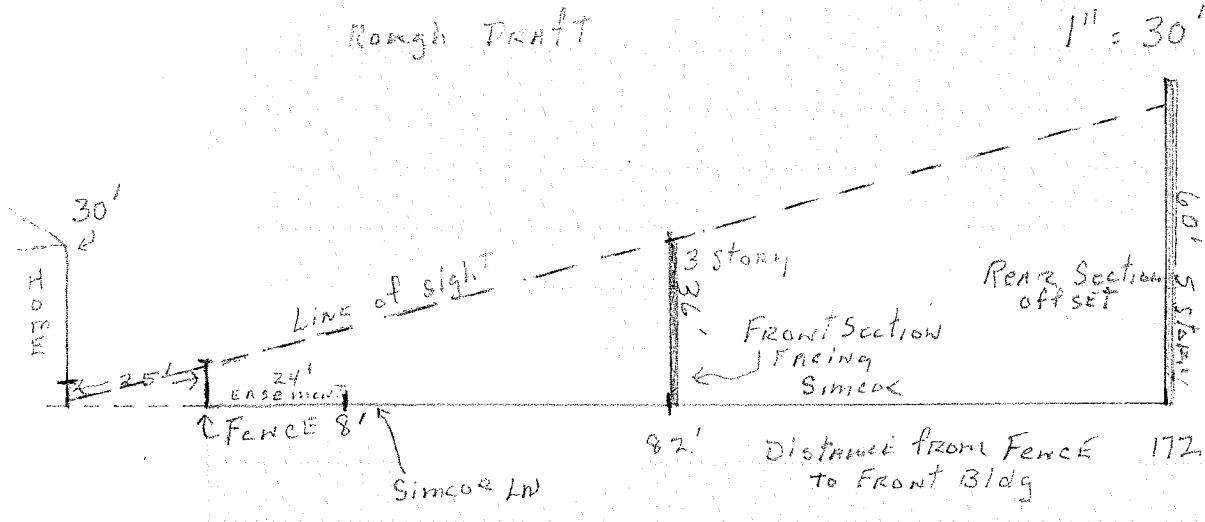
Fence Specifications: The overall fence shall consist of two sections. First a 245', 8' high solid privacy fence on both sides on 6x6 treated posts and 4-2x4 stringers per section. This covers the area shown in Exhibit 3. The second section is a 530', 6' high solid privacy fence on both sides on 4x4 treated posts and 3-2x4 stringers. Also included is removal and disposal of the existing fence.

Exhibit 4 Example of Building height



This is the tennis center behind a portion of Hartwick Village. It is approx 2 ½ to 3 stories high and approx 84' from the back of homes. 84' is close to the same distance as the proposed development plan for the building facing Simcoe Ln. Now imagine that the structure is 264' wide and 3-5 stories high. Now add windows and balconies and you can visualize the lack of privacy for those Hartwick Village resident directly across the way.

Exhibit 1 Line of Sight



As this rough diagram illustrates those residents above the 2nd floor will have a direct line of sight view into the back yards, patios, sun-rooms and lower windows of the home in Hartwick.

Exhibit 2



This view is from the proposed apartment side of Simcoe close to where the sidewalk is planned. Notice that standing on ground level, let alone from 3 stories above from the apartment complex, how little protection from sight, sound, and lack of privacy that fence provides.

Exhibit 3



This is the tennis center behind a portion of Hartwick Village. It is approx 2 1/2 to 3 stories high and approx 114' from the back of homes on that end of Hartwick Village. 114' is further back than the 82' planned for the apartment building wing facing Simcoe Ln. Now imagine that the structure is 264' wide and 5 stories high. Now add windows and balconies and you can visualize how the building will loom over Hartwick Village homes and residents directly across the street.

Williams, Julia

From: Jack Kelly <jaxxkelly@yahoo.com>
Sent: Friday, March 04, 2016 2:28 PM
To: Williams, Julia
Subject: Opposition to Variance in Case 15ZONE1070
Attachments: Simcoe LN Planing Building Variance.pdf

Case 15ZONE1070 Simcoe Ln Rezoning, developer Cityscapes Residential

Based on the current plan and information available to us, we are in opposition to the rezoning request . Our strongest opposition is to the variance request of the story building height and current traffic congestion. Attached is the document with comments regarding the variant request for a 60' 5 story building.

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Jack Kelly, VP Village of Hartwick HOA
Chairman, Springhurst Area Citizens Committee on Simcoe Ln Re-zoning
jaxxkelly@yahoo.com
937-671-6413

Case Number: 15ZONE1070

Regarding: **Rejection of Variance submitted for approval of 5 story (60') building**

Date: Feb 23, 2016

Submitted by: Springhurst Area Community Committee on Simcoe Ln Rezoning
Jack Kelly, Chairman email: jaxxkelly@yahoo.com Ph 937-671-7413
Comments prepared by Marsha Jenkins

Comments or Remarks:

1. The Neighborhood. The Village of Hartwick is comprised of large upscale 2 story townhomes, which are attractively landscaped and part of the large (1,114 homes) beautifully landscaped and maintained Springhurst development. The Village of Hartwick is a quiet neighborhood with limited access. The entire area is professionally maintained, beautifully landscaped, well buffered from traffic and commercial areas.

2. Design. The developers of the Simcoe Ln apartments in an article in Business First, Jan 18, 2016, described Cityscape Residential plans for this development as an "unorthodox design." Unorthodox is defined as "contrary to what is usual, traditional or accepted." We agree. The density of the project makes it unorthodox and not acceptable as currently planned. The plan is for 5 floor apartment building and 4 floor integrated parking garage. It is proposed to be a 450,000 square foot structure, 261 apartments and 10,000 square feet of courtyard. Its proposed to be built on ONLY 4.5 acres.

3. Building Height. Cityscapes Residential application for Variance to Exceed Maximum Building Height (from 45 to 60') states that changing the zoning to OFT (Regional Center) is not out of character with the area. They cite the Drury Inn, the Hilton Garden Inn, and Republic Bank as evidence that the five-story Simcoe apartments would not be out of character with the area. However, these examples are not comparable for several reasons.

a. Drury Inn, Hilton Garden Inn, and Republic Bank are all commercial buildings. All three face Hwy 22 (Brownsboro Rd). Republic Bank has adjacent to it a multipurpose neighborhood shopping center. Drury Inn and Hilton Garden Inn are across Hwy 22 and are part of The Paddock, a Town Center outdoor shopping mall.

b. The Drury Inn, Hilton Garden Inn and Republic Bank are not adjacent to any residences. To state that the 5-story Simcoe Ln apartments would not be out of character with the area ignores the Hartwick Village homes which are directly across Simcoe Ln with the front edge of the building 82' from the rear of Hartwick Village properties. The proposed 5-story apartments will literally be looming over the Hartwick Village homes, including their patios and sun-rooms. (See Exhibits 1 & 3)

c. The developer's Variance request states that it "shields view of residents across Simcoe Ln from less aesthetic view of an interstate highway." This is their purely subjective opinion. It assumes several things. First, that Hartwick Village residents could see the interstate highway from their homes. It also assumes that everyone would consider this building design as aesthetically pleasing.

d. A review of upscale apartments in close proximity to Simcoe Lane reveals that none are more than 3 stories. These include the Verbena (Norton Commons), The Crowne (Springdale Rd across from Paddock), and Champion Farms (Springhurst Blvd)

e. Champions Farms apartments which backs up to a different section of Springhurst is 3 stories in compliance with existing LDC requirements and furthermore is on a much larger lot with a very wide thickly landscaped buffer area between the rear of the apartments and the back yards of homes in Springhurst.

4. Character. The Developer states throughout its Variance request that the Simcoe Lane proposed five story apartment building is "not out of character for the area." The question is how is the area defined. The Application for Variance to exceed maximum building height states that there are 55 adjoining property owners. But it fails to identify who they are. No mention at all is made of the Village of Hartwick which is comprised of 27 homes, and whose patios and sun-rooms are directly across Simcoe Ln only 82' from the apartment building. To the residents of Hartwick Village, the character of the area is their residential, quiet neighborhood. To refer only to the Drury Inn, the Hilton Garden Inn and Republic Bank (all commercial properties) ignores the RESIDENCES of Hartwick Village, Abbeywood and Springhurst and the character of our RESIDENTIAL area. *(See Exhibit 2)*

5. Zoning Denial. At the original neighborhood meeting, the developer stated that they would consider a 4-story design, instead of the proposed five stories, but we have not seen any building elevations that shows anything other than 5 stories. Considering the narrowness of Simcoe Ln, density of project, only one exit road, only 4.5 acres, addition of 350 cars (approx 700-1,200 daily trips) **re-zoning should be denied based on the current design.** *(See exhibits 1, 2 &3)*

Williams, Julia

From: Alane McDonald <gismo03@gmail.com>
Sent: Thursday, March 24, 2016 12:14 PM
To: Williams, Julia
Subject: Re: Regarding Simcole Ln.

Thank you for getting back with me. I will be returning to Louisville around the 10th of April and will certainly be keeping up online with what is going on with this project. I contacted the highway department and spoke with Mr. Carrico. He explained, when I brought up about traffic going through Kroger parking lot, that people are like marbles, you throw them out and they go all directions! I didn't quite find this to be very professional and that such an issue with traffic is a lot different when safety is involved. I am taking notes on every person I speak with because My Voice needs to be heard, and the voice of anyone concerned with safety, traffic issues, etc. Mr. Carrico explained they only are concerned about State Highways, Really, what about the traffic that goes into State Highways, is this not a concern. Trying to get a good contact in Frankfort! Will keep you informed.

Thank You,
Alane McDonald

Sent from my iPhone

> On Mar 24, 2016, at 8:54 AM, Williams, Julia <Julia.Williams@louisvilleky.gov> wrote:

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> Thank you for letting me know your concerns regarding the change in zoning. Your letter will be made part of the record for the case. Your letter will either be summarized or included in its entirety in the staff reports prepared for the case.

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> Please let me know if you have any further concerns or questions regarding this case.

> Thanks

> Julia

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> -----Original Message-----

> From: gismo03@gmail.com [<mailto:gismo03@gmail.com>]

> Sent: Wednesday, March 23, 2016 10:57 PM

> To: Williams, Julia

> Subject: Regarding Simcole Ln.

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> My name is Alane McDonald, my address is 4209 Hartwick Village Place. I sent another gentleman a letter last month but understand you are the contact person. There are many concerns and issues regarding this project. I understand through neighbors, since I am out of town, that the traffic does not seem to be an issue! I can't imagine anyone agreeing that there isn't a traffic issue. I have lived in my home now four years, I have watched with the building progressing traffic also progresses. To send traffic through the Kroger is insane and causes more of a danger. Also to put such a building that takes all of property and leaves little green space for noise, etc. seems to be putting an elephant on a mole hill. I realize this property behind me will someday be an office park, restaurant etc., yet to put a pink elephant in an area to create more of a problem is destroying property value, safety on the roads, and most of all not doing anything about the existing problem. I grew up in construction, I know how this works, and it is exactly what people are fed up with, the government not standing up for the people. My property value will be destroyed and I will have no privacy at all. If you want to see what I mean please come to my home. I am certainly not blaming you, but asking you to look at the whole picture.

> Thank You,

> Alane McDonald

>
> Sent from my iPad

Williams, Julia

From: gismo03@gmail.com
Sent: Tuesday, February 16, 2016 2:05 PM
To: Brown, Christopher
Subject: 4113 Simcole Ln.case # 15 zone 1070

Attention, please listen to my concerns about this project! First of all I will tell you that my property value will go down the tubes. The traffic is so bad now, and to think if I ever had to get to one of the hospitals. I have sat in traffic and watched an ambulance try to get through. I thought how sad that was. All the development in this area has created a problem, but to think that you would add to the problem is unacceptable. Would you not agree to fix a problem, not create more of a problem. In Hartwick Village we also have a water problem when it rains. It seems that the sewer is on overload. I can tell you that to put a building of this size will be a disaster to our neighborhood! I have small grandchildren and we play outside all summer and anytime we can. These people want to destroy that pleasure. They will look right in my yard and Windows! No one would buy the place for any value. We all have worked hard, please hear my concerns and don't allow such a tall building. An office park, yes. Not a four or five story building. Please contact me since I am out of town.

Alane McDonald
4209 Hartwick Village Place
502-287-3309

Sent from my iPad

