

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
September 19, 2016**

A meeting of the Louisville Metro Planning Commission was held on September 19, 2016 at 6:00 p.m. at the East Government Center, located at 200 Juneau Drive, Louisville, Kentucky.

Commission members present:

Vince Jarboe, Chairman
Marilyn Lewis, Vice Chair
Lula Howard
Richard Carlson
David Tomes
Emma Smith
Robert Kirchdorfer
Robert Peterson
Clifford Turner
Jeff Brown

Staff Members present:

Joe Reverman, Assistant Director, Planning and Design Services
Brian Davis, Planning Manager
Julia Williams, Planning Supervisor
Lee Wells, Planning Technician
Pat Brierly, Engineering Supervisor, Transportation Planning
Jonathan Baker, Legal Counsel
Brad Selch, MSD
Pamela M. Brashear, Management Assistant

The following matters were considered:

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PUBLIC HEARING

CASE NO. 16ZONE1020

Request: Change in zoning from R-4 and R-5 to R-6 with a Variance on approximately 29.07 acres
Project Name: Taylorsville Road Apartments
Location: 11404, 11312, and 11314 Taylorsville Road
Owner: BBB Investments LLC; Mannoxx LLC
Applicant: Teri Delsignore
Representative: Mindel Scott and Assoc.; Bardenwerper Talbott & Roberts PLLC
Jurisdiction: Louisville Metro
Council District: 20-Stuart Benson
Case Manager: Julia Williams, RLA, AICP, Planning Supervisor

Notice of this public hearing appeared in **The Courier Journal**, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:00:00 Mrs. Williams discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Bill Bardenwerper, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223
George Chapman, 13000 Equity Place, Louisville, Ky. 40223
Vadim Kaplan, 1371 Bardstown Road, Louisville, Ky. 40204
Diane Zimmerman, CBM Smith, 9420 Bunsen Parkway, Suite 225, Louisville, Ky. 40220
David Mindel, 5151 Jefferson Boulevard, Louisville, Ky. 40219

Summary of testimony of those in favor:

First Tape

00:11:55 Mr. Bardenwerper gave a power point presentation. Business and apartment activity have picked up, but are still off by 50%. Sojourn church welcomes the proposed development and will allow the applicant to use their entrance as a second entrance. "One of the reasons for selecting this site is that an activity center and church are already established." People want to live close to where they work.

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00:26:17 Mr. Chapman performed a market study testing several locations and the proposed location was the first on the list. The interest group will be between the ages of 22-40. Studies were run on the internet and the proposal showed no red flags. There will be 1, 2 and 3 bedrooms at a cost ranging from \$623 - \$1200.

00:35:01 Mr. Kaplan stated that the project is well above average in the city. The majority will be 2 bedrooms and most of the buildings will be 3-stories. Other features include: stone, brick, several colors, low pitch roof, clubhouse, pool and fitness center.

00:39:48 Mr. Bardenwerper stated that the secondary entrance will be walkable and the applicant will rebuild the road as necessary.

00:43:13 Ms. Zimmerman presented her summary for the traffic impact study. The 2 entrances will divide the traffic with most people using the main entrance. Based upon the volume of traffic generated by the development and the amount of traffic forecasted for the year 2020, there will be an impact to the existing highway network. At the main entrance to the apartment community, an eastbound right turn lane and westbound left turn lane will be constructed. The exit will have a dedicated left and right turn lane.

00:46:33 Mr. Bardenwerper remarked, "The Comprehensive Plan is all about impact mitigation." We will improve the road so the traffic can flow. The traffic study is a pass fail and we're in an acceptable range.

00:52:45 Mr. Mindel presented his storm water analysis. The applicant/developer has to decrease the peak storm water runoff by 50%. A plan will be submitted to MSD for approval. The natural terrain falls toward the rear of the site and there will be less excavation and grading. "We want to save as many trees as we can on site."

00:57:05 Mr. Bardenwerper referenced/discussed guidelines 2, 3, 6, 7 and 8.

The following spoke in opposition to this request:

Caroline Frazier, 12502 Valley Pine Drive, Louisville, Ky. 40299
Pat Lawrence, 4108 Chenoweth Run Road, Louisville, Ky. 40299
Mary Lee Camp, 11717 Wicker Court, Louisville, Ky. 40299
David Baker, (Saratoga Woods Subdivision), Louisville, Ky. 40299
Orion Bell, Senior Citizen Complex
Dr. Michael Orvell, 4029 Bowling Brook Drive, Louisville, Ky. 40299
Nick Zilich, 4316 Saratoga Hill Road, Louisville, Ky. 40299
Robert Carothers, 5016 Carriage Pass Place, Louisville, Ky. 40299

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Robert H. Gaddie, 11308 Taylorsville Road, Louisville, Ky. 40299
Christopher Brandt, 11717 Wicker Court, Louisville, Ky. 40299
Barry Albert, 4109 Chenoweth Run Road, Louisville, Ky. 40299
Dale Cashon, 11710 Coventry Hill Road, Louisville, Ky. 40299
Fred E. Fischer, 4200 Chenoweth Run Road, P.O. Box 99976, Louisville, Ky. 40269
Richard Bradley, 4101 Bowling Brook Drive, Louisville, Ky. 40299
Wayne Knewasser, 12506 Valley Pine Drive, Louisville, Ky. 40299
Pamela Miller, 4110 Saratoga Woods Drive, Louisville, Ky. 40299
Michael Ashcraft, 11519 Saratoga Ridge Drive, Louisville, Ky. 40299

Summary of testimony of those in opposition:

Second Tape

00:23:07 Ms. Frazier, a retired school teacher is concerned about classes being overcrowded now, so where will all the new students go?

Ms. Frazier said she bought her home in this neighborhood because it's a quiet and calm community. "Are you really hearing us and do we make a difference?"

00:26:55 Ms. Lawrence is concerned about the traffic and storm water runoff. It already floods and all the water is coming directly to her property.

00:30:37 Ms. Camp said she hasn't lived in the area very long but is experiencing a significant increase of traffic with another apartment complex just opening. You're adding a lot of people and cars to traffic that's already at a high capacity.

00:34:20 Mr. Baker said he's not anti-growth. The infrastructure is not there to support this project. It will only make the traffic worse.

00:37:05 Mr. Bell said the traffic is bad and you're taking a great risk trying to turn with the speed limit being 55 miles per hour.

00:38:10 Mr. Orvell represents Bowling Brook Homeowner Association and they oppose the zoning change. They ask the commissioners to respect the residents already living there.

00:39:47 Mr. Zilich gave some statistics on traffic as there were some numbers left out of the traffic study. Property values on homes will drop. TARC doesn't serve the area. The developer needs to build in areas with other businesses.

00:45:37 Mr. Carothers is very concerned about the traffic. If the proposal is approved make it contingent upon the road coming out of the new development not to

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Taylorville Rd., but come short of it and frontage road built and taken up to Blankenbaker Pkwy. where there will be a true cross intersection so the traffic will flow east. The Urton Ln. extension has been talked about for almost 10 years and has not been done yet.

00:49:09 Mr. Gaddie has lived there for 56 years and has the following concerns: traffic – Taylorville Rd. is at maximum capacity now and heavy flow from 5 – 9 a.m. and 4:30 – 7:30 p.m.; the exhaust fumes add to an already bad situation; animals will be pushed out of their environment and will add to auto accidents; and privacy issue – wants a fence or landscaping because the pool and clubhouse are close to house.

00:54:24 Mr. Brandt is a Board member of the Saratoga Woods Homeowner's Association and they are in opposition to the proposal. There's no other high density in the area until you get out to the Gene Snyder Freeway and doesn't fit the character of the neighborhood. There's also no transit service in the area or sidewalks.

00:57:02 Mr. Albert stated, "I live where the storm water retention pond is adjacent to my property. I've got some concerns about that because I've seen some of the developers before and they tell you they're not going to flood you anymore but the reality of it is that it ends up happening and you have to try and deal with MSD. MSD won't do much about it since it's from the development." It's a shame to go from 68% trees to 13% (reduction of 80%). If the proper development/density was put on the property, maybe more trees could be saved. The traffic study is flawed and incorrect because the traffic is horrible. Also, the staff report states that the subject site, because of the high density, will be an inefficient use of the land.

Third Tape

00:00:50 Mr. Cashon stated that the applicant is only doing a patchwork instead of fixing the traffic problems. First work on the issues with infrastructure, and go from there.

00:03:29 Mr. Fischer spoke about the following issues: traffic – the Urton Lane connector was talked about 25 years ago and would not help anyway; will get lots of extra water from the runoff; there are 2 stubs for sanitation but I will not give up or sell any of my land for a private easement.

Mr. Fischer submitted renderings into the record.

00:11:34 Mr. Bradley said the bus driver will not come in his neighborhood. His daughter gets dropped off at the top of Taylorville Rd. at 3:40 p.m. "You add apartments, you add crime. It's a proven fact."

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00:14:49 Mr. Knewasser has the following concerns: Asked what the distance is between the 2 entrances and how many 2 and 3 stories; 82% proposed buildings are 3-story; variance of 5 feet; roof line will be noticeable.

00:18:19 Ms. Miller is concerned about the traffic. The speed limit of 55 m.p.h. and there only being 2 lanes makes it very dangerous. "I'm asking that you do not change the zoning to allow more cars on this road."

Ms. Miller submitted renderings (of heavy traffic) into the record.

00:21:50 Mr. Ashcraft said the traffic is extremely dangerous due to it being only 2 lanes, speed limit 55 m.p.h., lots of new developments adding more people and the trucks coming from Kroger, FedEx, etc. "The traffic count is not counting the cars that aren't moving." Reducing the tree canopy to 13% also has an impact on air quality.

Mr. Ashcroft remarked, "My career is in Economic Development and I applaud them for the proposal. It looks like a very good development. It's just the wrong development in the wrong location."

The following spoke neither for nor against the request:

Chuck Young, 4003 Chenoweth Run Road, Louisville, Ky. 40299
Allen Lowe, 11400 Saratoga Ridge Drive, Louisville, Ky. 40299

Summary of testimony of those neither for nor against:

Third Tape

00:27:31 Mr. Young stated that when he first moved to his home, he discovered the water coming down the hill was leaking into his cellar. He fixed it and doesn't want the problem returning with this proposed development.

00:29:09 Mr. Lowe stated that he doesn't feel the people working in the area will live at the proposed apartments. Also, where is the waste water going and do you have the capacity to handle that increased flow? Mr. Mindel answered saying the first thing the applicant/representatives have to do is meet with MSD about the storm water and sanitary capacity. The 2 options are as follows: go by gravity and using off-site easements or provide a private pump station.

Fourth Tape

Additional Agency Testimony:

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00:03:48 Mr. Bryerly, Transportation Planning, has compared the 2 studies (April and September) and although they have some variations, they come to the same conclusions: the proposal warrants a right and left turn in and it won't have a detrimental impact to traffic as a whole.

00:11:42 Mr. Selch, MSD, stated, "We have seen increased rainfall and intensity over the last few years and there are drainage issues in this watershed as documented earlier. That's why we have an increased detention policy in this watershed to detain flows for 25 and 100 years storm events to decrease runoff from developments by 50%. The developers/engineers are required to detain 50% of the pre-existing condition on the property in this particular watershed."

Additional Speakers "Other"

Wade Jordahl, 4111 Chenoweth Run Road, Louisville, Ky. 40299
Sandy Bartley, 4108 Chenoweth Run Road, Louisville, Ky. 40299

00:22:53 Mr. Jordahl asked if there's been consideration of adding a turn signal at Chenoweth Run Rd. turning left onto Taylorsville Rd.? It's a safety hazard. Commissioner Brown said no, that wasn't evaluated for this development.

00:28:03 Ms. Bartley remarked, "I cannot fathom that this apartment complex is not going to add water to the current creek issues." Taking the trees and grass out and putting in concrete and buildings will not decrease the flooding. Mr. Selch explained that holding the water in a detention basin and letting it out slowly should decrease it by 50%.

Rebuttal

00:30:20 Mr. Bardenwerper said you always create additional runoff but it will be handled with MSD requirements. Mr. Gaddie will be greatly impacted. The clubhouse was put next to him (60 feet) so there wouldn't be a 3-story building towering over him. "We will agree to a binding element to put a double-sided solid wood noise fence along there with styrofoam in the middle and we'll do double the level of vegetation along the fence as well, on his side if he prefers it that way." There is a great demand for housing in this community.

Deliberation

Fifth Tape

00:10:56 Commissioner Carlson mentioned the binding element for a gate and fence.

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00:13:57 Commissioner Peterson said the concerns are valid, mainly traffic and flooding. A third lane will definitely help the traffic issue. The area seems rural in nature. "There's no question that we're going to need housing for people working in the park."

00:17:48 Commissioner Turner stated that traffic is a concern. "There is a demand and I'm pro-development."

00:18:44 Commissioner Smith likes the quality of the proposed development and it will serve the needs of the community, but quality of life of the residents has to be taken into consideration as well.

00:20:20 Vice Chair Lewis said it's a nice proposal and could be worse. They've done everything asked of them. Regarding traffic, it seems like the biggest impact will be to the apartment residents. Traffic is an issue at a lot of places in the city.

00:23:15 Commissioner Brown is concerned about the high density and not having a choice to walk or TARC.

00:24:30 Commissioner Howard references the staff report checklist of the Comprehensive Plan regarding items 7, 8, 9, 23 and 24. "I do not think it's the proper land use for this site."

00:26:25 Commissioner Kirchdorfer said the location of the development fits. It has met 38 of the 47 guidelines of Cornerstone 2020.

00:28:01 Commissioner Tomes stated he has a long history with the area. He lived there 10 years and also experienced the flooding. The traffic has outgrown the road expansions. Once sewers were in place, growth was sure to come.

Chairman Jarboe stated that the applicant is trying to mitigate the issues. All cases have traffic issues, but there's no other multi-modal transportation in the area. Also, there are just 2 driving lanes and the density is too high.

Mrs. Williams said the applicant offered a binding element to contribute \$70,000.00 for a signalization study. Also, the applicant would like to reduce the zoning to R-5A.

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.

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RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** Case No. 16ZONE1020 to a date uncertain to allow the applicant time to submit a new plan with reduced density and to look at the differences between the 2 traffic studies.

The vote was as follows:

YES: Commissioners Brown, Carlson, Howard, Kirchdorfer, Lewis, Peterson, Smith, Tomes and Turner

NO: Chairman Jarboe

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STANDING COMMITTEE REPORTS

Land Development and Transportation Committee

No report given.

Site Inspection Committee

No report given.

Planning Committee

No report given.

Development Review Committee

No report given.

Policy and Procedures Committee

No report given.

CHAIRPERSON/DIRECTOR'S REPORT

No report given.

ADJOURNMENT

The meeting adjourned at approximately 11:20 p.m.

Chair

Planning Director