

PLANNING COMMISSION MINUTES

DECEMBER 20, 2001

DOCKET NO. 9-59-01V

Change in zoning from R-4 Single Family Residential to R-5A & R-7 Multi-Family Residential and a variance request to allow proposed buildings to be closer than 25 feet apart and to allow buildings and parking to encroach into required yards along a proposed access easement on property containing 29.4 acres located at 6501 Old New Cut Road and being in unincorporated Jefferson County.

Owner/Applicant: Kevin Cogan
136 St. Matthews Avenue
Louisville, Kentucky 40207

Existing Uses: Vacant

Proposed Use: Apartments & Townhouses
Staff Case Manager: Stephen Rusie, Planner II

Notice of this public hearing appeared in The Courier Journal on November 29, 2001, 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 Development Services offices, 900 Fiscal Court Building.)

The following spoke in favor of this request:

Paul Whitty, Attorney, Greenebaum Doll & McDonald, 3300 National City Tower, Louisville, Kentucky 40202, who submitted a booklet with various pictures and exhibits and a letter of support from Randell Rice.

David Reed, Presnell & Associates, 815 W. Market Street, Suite 300, Louisville, Kentucky 40202.

George Chapman, Integra Resources, Integra Realty Resources, KY-Southern Indiana, 3703 Taylorsville Road, Louisville, Kentucky 40220.

Paula Burns, 507 Iroquois Gardens, Louisville, Kentucky 40214.

Catherine Lanham, 7310 Cranfill Way, Louisville, Kentucky 40214.

PLANNING COMMISSION MINUTES

DECEMBER 20, 2001

DOCKET NO. 9-59-01V

James Bilotta, 333 Iroquois Gardens Drive, Louisville, Kentucky 40214.

Fred Miller, 121 Iroquois Gardens Drive, Louisville, Kentucky 40214.

Alison Riddle, 8712 Zachary Circle #4, Louisville, Kentucky 40214.

Christy Barnett, 8713 Zachary Circle #1, Louisville, Kentucky 40214.

Terrie L. West, 7511 Connor Way, #1, Louisville, Kentucky 40214.

Gary Richardson, 2500 Connor Way #1, Louisville, Kentucky 40214.

Jesse Harris, 9712 National Turnpike, Louisville, Kentucky 40118.

Jim Rice, 6400 Old New Cut Road, Louisville, Kentucky 40118.

Robert Roeder, 11702 Old Mitchell Road, Louisville, Kentucky 40118.

Ronnie Kaclin, 3610 Canterbury Drive, Louisville, Kentucky 40299.

David Mathis, 7919 Candleglow Lane, Louisville, Kentucky 40214.

The following spoke in opposition:

Kevin Bratcher, State Representative 29th District, 5205 Constance Drive, Louisville, Kentucky 40272.

Diana Newton, 10000 Moon Beam Court, Louisville, Kentucky 40272, who submitted a letter from Lindy Casebier, State Senator.

Louisa Felty, 6501 New Cut Road, Louisville, Kentucky 40118, who submitted various pictures, a flyer from MSD and her summary of testimony.

Terri Dieruf, 904 Whites Lane, Louisville, Kentucky 40118, who submitted a booklet with various pictures and exhibits and letter from Peter Cameron.

Cindy Hollis, 10008 Welch Drive, Louisville, Kentucky 40272, who submitted her summary of testimony.

PLANNING COMMISSION MINUTES

DECEMBER 20, 2001

DOCKET NO. 9-59-01V

Eldora Slack, 504 Caper Avenue, Louisville, Kentucky 40118, who submitted her summary of testimony.

Sharon Woodring, 9908 Larlyn Drive, Louisville, Kentucky 40118; who submitted a petition of residents in opposition, an opposition statement using the policies of Cornerstone 2020, and her summary of testimony.

Ron Weston, 423 Chieftain Drive, Louisville, Kentucky 40118, who submitted a faxed letter from Perry Clark, Kentucky State Representative and a Lojic Map.

Ray Pierce, 11612 Semillon Lane, Louisville, Kentucky 40272

J.J. Edrington, 6613 Old New Cut Road, Louisville, Kentucky 40118.

Mark Elwell, 10112 W. Manslick Road, Louisville, Kentucky 40118.

Paul Hosse, 9217 Star Rest Circle, Louisville, Kentucky 40272.

SUMMARY OF TESTIMONY OF PROPONENTS: (See transcript for text in full.)

Paul Whitty, the applicant's attorney, stressed that a number of changes had been made to the development plan as a result of meetings with neighbors, Planning Commission staff and LD&T reviews. These include reduction in number of buildings from 33 to 25; drainage improvements to ensure no adverse impact on neighbors; increased buffering and addition of a fence requested by an adjoining neighbor; added amenities (playgrounds, tennis and sports courts); townhouses which will face rather than back up to Old New Cut Road; sidewalks that will be added along Old New Cut Road and New Cut Road; and a reduction of the overall density from 16.9 to 14.2 dwelling units per acre. (See Development Plan at Tab 2, Applicant's Exhibit Book, and Townhouse design at Tab 6).

In addition, significant economic and social changes have occurred. The construction of the Gene Snyder Freeway, Riverport, UPS and expansion of the Airport mean that Fairdale is no longer isolated as it once was. Closer to the site, 275 jobs will soon be created at Commerce Park across the street, and road improvements will soon be made on New Cut Road.

Smart Growth & Compliance with Cornerstone 2020, the Snyder Plan and Comprehensive Plan

PLANNING COMMISSION MINUTES

DECEMBER 20, 2001

DOCKET NO. 9-59-01V

Mr. Whitty stated that the current plan reflects "smart growth" because it provides a mixture of uses and housing styles and protects the environment. Cornerstone 2020 adopted in June, 2000, established "Community Form Districts" which were intended to create livable communities. (See Tab 3, Applicant's Exhibit Book). High densities are to be confined to arterials, such as the Gene Snyder Freeway and New Cut Road. Under Cornerstone 2020 the proposed 14.2 dwelling units per acre is at the low end of the high density standard. Both the Snyder Freeway Study and 1979 Comprehensive Plan also recommended high density residential in this area. (See Tabs 4 and 5, Applicant's Exhibit Book).

David Reed, Presnell Associates, noted that the opponents have insisted that the site is only appropriate for single-family residential development. He asserted that his testimony would demonstrate that this proposal would result in conditions as good as or better than a single-family development.

Transportation Issues

The Kentucky Department of Transportation ("KDOT") plan to widen New Cut Road to 5 and 6 lanes has been awarded and is scheduled for completion in October, 2003. In support of this, Mr. Reed referenced a project schedule contained in a letter dated December 12, 2001 (See Tab 9, Applicant's Exhibit Book). In addition, the Applicant has agreed to make additional roadway improvements on Old New Cut Road. (See Development Plan, Tab 2).

The Traffic Analysis indicates that the intersection of Old New Cut and New Cut Road has a level of service "C" with a 30 second delay. A multi-family development at this location would only add an additional 1-2 second delay. Therefore, traffic conditions are comparable to that of a single-family development. The KDOT has also indicated that it would be willing to signalize this intersection once warrants are met. (See letter dated November 27, 2001 from Bill Monhollon, Department of Highways, at Tab 9, Applicant's Exhibit Book).

Drainage Issues

Mr. Reed testified that the site is designed to protect Bee Lick Creek. A basin will be constructed to collect sediment, and stormwater will be filtered through the basin before entering Bee Lick Creek. An additional 6 acre feet of storage will be provided on site. This ratio of 2/3.1 mitigation greatly exceeds MSD's required 1/1.5 standard. (See Drainage exhibits at Tab 10, Applicant's Exhibit Book).

Greenspace and Slopes

PLANNING COMMISSION MINUTES

DECEMBER 20, 2001

DOCKET NO. 9-59-01V

In addition, the 60% greenspace provided is significantly higher than that which would be provided by a single family development.

The neighbors have expressed concern about slopes. Using a tape measure, a 20% slope was demonstrated for the Commissioners and audience to see that this is not a severe incline. He also described the location of slopes using aerials photographs. (See Tab 8). The wooded hillside represents 20% slopes, whereas most of the proposed development is located in areas of 10 - 15% slopes. Windsor Forest, he noted, is a nearby single family subdivision constructed in areas having up to 25% slopes.

A Geo-Technical report prepared by Fuller Mossbarger Scott & May was previously submitted into the record. Mr. Reed read some of the report's conclusions:

- that there is no evidence of past surface erosion on site;
- that there would be no cutting of shale bedrock; and
- that critical areas will be protected. (See also Tab 11).

Mr. Reed stated that a multi-family development would disturb a *smaller portion of the site than a single-family development.*

Locational Issues

The first photograph at Tab 8 shows the development in its true location and relationship to adjoining residences. All homes along West Manslick Road are over 300 feet away from the rear of the proposed development. The succeeding aerial photographs provide additional contextual information. The recently constructed ProLogis warehouse is located across the street from the proposed multi-family development. Half of the building is leased, and is expected to create 200+ jobs. Negotiations are underway with another tenant which could create an additional 200 jobs.

The last series of photographs under Tab 8 are intended to show what passersby would see. A 45 foot tall bucket truck was used to provide various perspectives. In most instances, the truck was almost totally obscured by existing vegetation.

Design Issues

The design of the proposed town homes would be substantially the same as The Park at Oxmoor (See Tab 7). The garages along the south property line will be brick. Amenities will include a clubhouse, swimming pool, two tennis courts, three playgrounds, and 10,000 linear feet of sidewalk.

Market Analysis

PLANNING COMMISSION MINUTES

DECEMBER 20, 2001

DOCKET NO. 9-59-01V

George Chapman, a principal with Integra Realty Resources, presented his Market Analysis. (See Tab 12). Comparing the 1990 and 2000 Census Data, Mr. Chapman stated that this area was located in one of the lower growth areas for Jefferson County. However, Fairdale is becoming more popular because people are more interested in residing closer to employment centers. The completion of Commerce Park would itself be sufficient to occupy 30% of Phase I of Wyndamere.

In response to a Commissioner's question, Mr. Chapman stated that the completion of Wyndamere and Austin Park would increase the percentage of renters in the study area to 35% which is the county-wide average. This figure, he noted, also includes people who live in mobile home parks.

Additional Speakers Supporting Multi-Family Proposal

Paula Burns, 507 Iroquois Gardens, Louisville, KY 40214, a 1-year resident at Iroquois Gardens who previously resided at Park Place, stated that she had moved to an apartment in order to down-size. The complex is being remodeled and is well-maintained.

Catherine Lanham, 7310 Cranfill Way, Louisville, KY 40214, retired, stated that she has lived at Park Place since 1994 and moved there to be close to family and friends. She enjoys not having to be concerned with outside maintenance, and appreciates the fact that management does not allow unsightly vehicles to remain parked on the premises.

James Bilotta, 333 Iroquois Gardens, Louisville, KY 40214, has lived at Iroquois Gardens for 20 years. He works in schools maintenance at a nearby school. The apartment's premises are well-maintained and leaves and snow are removed.

A. Fred Miller, 121 Iroquois Gardens Drive, Louisville, KY 40214, is a 13-year resident of Iroquois Gardens. He is retired and lives in an apartment because he does not want the responsibility of outside maintenance. He noted that Iroquois Gardens has the same management as the proposed Wyndamere Apartments, and has found them quick to respond to resident complaints.

Alison Riddle, 8712 Zachary Circle, Louisville, KY 40214, is a 3-year resident at Park Place, who attends Bellarmine University and works part-time at Caritas.

PLANNING COMMISSION MINUTES

DECEMBER 20, 2001

DOCKET NO. 9-59-01V

Alison Riddle, 8712 Zachary Circle, Louisville, KY 40214, is a 3-year resident at Park Place, who attends Bellarmine University and works part-time at Caritas. She stated that Park Place is affordable. Ample notice is given to the residents regarding maintenance, and the pool is well-maintained.

Christy Barnett, 8713 Zachary Circle #1, Louisville, KY 40214, has resided at Park Place for 2 1/2 years. She stated that park place is a quiet and clean community. The use of a garbage compactor means odor is not an issue. She feels safe living there, especially since there is a security guard patrolling the premises.

Terrie L. West, 7511 Conner Way #1, Louisville, KY 40214, moved to Park Place 5 1/2 years ago when she was starting a new career. She said the Park Place apartments are "affordable". Other neighbors include a high school teacher and a medical professional; several police also reside there. Newsletters are distributed to the residents, and the property is well-maintained.

Gary Richardson, 7500 Connor Way #1, Louisville, KY 40214, is a 2-year resident of Park Place, stated that the management has strict rules that must be followed, or the lease is broken. Children have a nice playground to use. He takes pride in living there and stated that whoever owns Park Place obviously takes good care of their property. The building of Wyndamere would bring more people to Fairdale to shop in their stores.

Jesse Harris, 9712 National Turnpike, Fairdale, KY 40118, stated that he has lived in Fairdale for most of his life. He was President of his Class at Fairdale High School in 1997, and now attends the University of Louisville. The developer has plans to accommodate traffic and drainage, and to preserve existing trees. He believes the proposed apartments and townhouses will reflect the same high quality found at Park Place.

Jim Rice, 6400 Old New Cut Road, Fairdale, KY 40118, stated that he owns property across the street from the proposal. At first he was concerned about the appearance, but noted that the Developer has removed the dilapidated structures from the property.

Robert Roeder, 11702 Old Mitchell Hill Road, Fairdale, KY 40118, stated simply that he does not object to the construction of apartments at this location.

Ronnie Kaelin, 3610 Canterbury Drive, Louisville, KY 40299, an independent contractor who has worked for the Developer, stated that when Park Place was

PLANNING COMMISSION MINUTES

DECEMBER 20, 2001

DOCKET NO. 9-59-01V

The site was a swamp. However, Jefferson Development Group was able to build Park Place Apartments there and obviously "does the job right".

David Mathis, 7919 Candleglow Lane, Louisville, KY 40214, stated that he is a Fairdale resident. He asked the question: Do people really want those who can't afford to buy a house to move away?

SUMMARY OF TESTIMONY OF OPPONENTS: (See transcript for text in full.)

Kevin Bratcher, said he is the State Representative for Southern Jefferson County. He said that the majority of people residing in Fairdale are totally opposed to this request. He said that this area has become a "catch-all" for mobile home parks, large industrial warehouses and dense apartment complexes. He said that this trend is destroying communities like Fairdale and that this must be stopped. Mr. Bratcher said that the traffic problem alone should be enough for the Commissioners to deny this case. He said they do not want New Cut Road and Outer Loop to become another Hurstbourne Lane. He said that flooding in this area will also be affected by this proposal. He explained that with some improvements by MSD and private investors, the flooding situation has gotten better, but with a dense project such as this, will only erase the improvements that have been made thus far.

Diana Newton, said she agrees with Mr. Bratcher and that the infrastructure is insufficient to support this proposal. She said she is appalled and confused because a similar development with a density of 6.32 units per acre was recently denied and questioned how this development with 14 units per acre can even be considered. She asked the Commissioners to not allow another inappropriate development to destroy their chance of improving their quality of life.

Louisa Felty said that she lives across the street from this development. She explained a picture she took of Candlelight Subdivision which showed the infrastructure rolling down the hill. She said one of the buildings is bowing out and that someone said their apartment had moved. She said the drainage has been upgraded very little since the last meeting and that the retention basins the developer is proposing are only a temporary fix that only holds rains that are of short durations. She said MSD said they can correct this problem but she doesn't believe it. She said all of the flood plains have been raised up around them and that now they are a big sinkhole and the surrounding developments drainage all flows their way.

PLANNING COMMISSION MINUTES

DECEMBER 20, 2001

DOCKET NO. 9-59-01V

Terri Dieruf said that the obvious problem with this development is New Cut Road. She said that this road is being expanded but will take a number of months or years to complete. She said she thinks it is a good idea to phase the development with the completion of the road, but said that even if they allow Phase I to be built; they still must consider 600 other units which have already been approved that are not required to meet this phasing. She said that they do not need any additional units until the road construction is complete. She discussed alternate routes residents might take to get to the shopping centers. She said that the only way people could go is New Cut Road to Manslick to Third Street with the additional upgrades on Southside Drive. She said that these are two-lane roads that are curvy and have no sidewalks or shoulders. She also discussed the sidewalks the developer is proposing. She said that these sidewalks will not connect to anything outside of the apartment complex so anyone biking or walking is going to be walking along the edge of the road eventually. She said TARC doesn't have a service in this part of Fairdale and spoke with a TARC representative saying that they had no plans of adding a route here. She also said that their EMS vehicles come from Highview and sometimes as far as Eastern Jefferson County. She said her husband is a volunteer firefighter and said that they have had to assist on countless calls because EMS was not going to arrive for 15-20 minutes. She said they were promised last year that this service would be upgraded but nothing has happened yet. She said with a density of 20 units per acre that visually this building will look like 200 dwelling units dense. She said she also feels it is incompatible because of the brick wall surrounding it. She said most people don't have fences unless they are keeping horses or cattle. She also said that some of the existing apartments are not occupied and that this complex will only increase the vacancies. She said that Austin Park which is being built is very similar to this development and feels that another big apartment complex is not needed. Cindy Hollis said she is approximately one mile from this proposal. She said she is a member of the Fairdale Area Concerned Citizens and that she is the speaker for this group. She said she is a public school teacher but is not representing the district. She said she obtained numbers of students who are currently enrolled in the Fairdale schools. She said the figures have remained at a steadily high number. She said that the district still believes that the schools can handle more students. She said she has spoken with various principals in the area who wished remaining anonymous; and who are puzzled by this response. She said some schools use portable classrooms to accommodate the overflow of students. Although the District can bus these children to distant schools, they do tend to avoid this option because of strong resistance by parents. This then causes congestion within the schools. She said that she is not against development as long as it is reasonable, compatible and thought about with consideration of the community as a whole.

PLANNING COMMISSION MINUTES

DECEMBER 20, 2001

DOCKET NO. 9-59-01V

Eldora Slack said that Fairdale began in 1794, when the city of New Town was formed; this being only 16 years after George Rogers Clark founded Louisville. She said that New Town started to fade when residents started to go west to look for gold and seek better farm land. Farming in New Town was difficult because the land retained water and the springs often made planting late and rotted the crops. She said in 1910 residents met on Mt. Holly Road and decided to name the rural area Fairdale. She said that many think of this area as backwoods, rural, poor and a redneck community; but she said the residents include lawyers, doctors and educators etc. She said that there are six mobile home parks, five apartment complexes and two more that will be built. She said that outside of this are the single family dwellings with large lots and acreage. She said that Fairdale has the largest forest in the United States, this being the 5500 acre Jefferson County Memorial Forest. The main access to this forest is through the center of Fairdale. When Dave Armstrong was Judge Executive, he attempted to curb development by limiting new construction to 4 acre lots. He was trying to preserve Fairdale and the forest from over-development and protect the tranquility that abides the forest community. She said they are continuing that fight tonight. She said the Gene Snyder has become Fairdale's worst nightmare and has now quickly become a developer's delight creating an assortment of large developments. She said that the Snyder Corridor Guidelines in 1988 warned against heavily developing the New Cut area due to unstable soils and flood plains.

Sharon Woodring said that this site is located at the edge of a Neighborhood Form District and is adjacent to the Village Form District. She said that the high density of this development is in direct opposition to Cornerstone 2020. She said that this site is in the transition area of form districts and is not compatible with the surrounding area. No amount of buffering, site design, etc can mitigate the extreme density of this development. She also expressed that the density figures are incorrect. She said the density of this development is actually 31.09 units per acre and that this is way over any suitable density. She said the applicant has requested several variances. The front of the proposed building is along a blue line stream requiring a 25 foot buffer; and the second entrance is in violation of the 100 year floodplain. She said the building which faces the back is on slopes which are greater than 20%. She said the reason for the need for all of the variances is because the development is too intense for the environmental constraints. She said last year a similar development was denied in a vote of 5 to 1; and she requested that the Commission once again stand by that decision and uphold the C-1 Goal of Cornerstone 2020 which supports the preservation of existing neighborhoods:

PLANNING COMMISSION MINUTES

DECEMBER 20, 2001

DOCKET NO. 9-59-01V

Ron Weston said he strongly opposes this development. He said the main problem with this project is that the present infrastructure is not adequate to support this development. He said that he didn't realize he was an enemy to the environment for living in a single family residence. Mr. Weston discussed Kentucky Transportations Six Year Plan and how they were to have the upgrades completed by 1997 but now will not be finished until 2001. He said he spoke with the chief design engineer with the Transportation Cabinet and that he said once construction begins that it will take approximately 2 years and that they have pointed this out earlier. He expressed that this area has more than their share of affordable housing and said that higher priced and quality homes are needed. He said young professionals have to leave the area to get a higher priced home and that this is not right. He also said Governor Patton is going to start a Smart Task Growth Force and that this decision should not be rushed into. He said he would like the Village of Fairdale and the Jefferson County Forest to be viewed with pride by the entire county.

Ray Pierce said he is President of Flowervale Neighborhood Association and has lived in this area for 35 years. He said that the developer says that this community needs more affordable housing, but he said that this is not true. He said that 90% of all the low cost affordable housing is located in Southwest Jefferson County, and that they are also proud neighbors of 95% of all the mobile home parks in Jefferson County. He said there is also a large concentration of modular homes in this area. He said this is nothing more than warehouses for people. He said this development is inappropriate for the area because it will destroy the wetlands, wildlife habitat and is in close proximity to the flood plain.

J.J. Edrington, said he has met with the developer and feels he builds nice apartments. He said he moved from South Park and eventually moved to this location because of the noise from the airplanes. He said he's owned this property for about 10 years now and spent \$50,000 to remodel it. He said that if the Commission approves this, that it's like giving the developer money and taking away his peace and security. He said that most of his neighbors are retired and too old to relocate. He said the traffic is horrendous already.

Mark Elwell said the first song he would like to sing is Floating On The River. He said that this area is relatively flat and this makes it almost impossible to channel the water and avoid standing water problems without installing a paved ditch. He said that paved ditches are expensive to construct. He estimated \$321,000 dollars to design and construct a paved ditch from the rear side of Keys Ferry Road to Manslick Road for a total of 2500 feet. He said that MSD can't help them because all of their capital construction funds are already committed to other projects. He said he and his wife bought almost two acres and one acre is

PLANNING COMMISSION MINUTES

DECEMBER 20, 2001

DOCKET NO. 9-59-01V

now covered in water. He said his wife wakes him up early in the morning when it rains real hard telling him to get the dogs in before they drowned. He said his parents bought 5 acres off Fairdale Road which is also in the floodplain. He said MSD has sent letters out saying they were going to put new culverts in to take care of the water problem, but not one ditch has been dug yet. He said he keeps hearing how they're going to take care of the water problem but has yet to see it. He said that his sister lives near some apartments and has been robbed three times now. With over 800 more apartments in this area he just doesn't feel this is fair to throw this at them. He also said this will overcrowd the school system.

Paul Hosse said the developer's previous projects are quite impressive and that he has complimented his work, but will not do so here. He said upon talking to neighbors and friends that he has found little support for any additional apartments, no matter how upscale. He also feels that there are infrastructure and drainage problems that have not been addressed. He said without public transportation that roads will become even more crowded. He said they do not want growth for the sake of growth and that community integrity should prevail over the almighty dollar. He said this proposed development will do more harm than good.

Vernon Felty said TARC has cancelled public transportation in this area. He said with all the new apartment complexes going up that there will be 1200-1400 new apartments going up within the next couple of years. He said he thinks it will be hard to fill the vacancies. He said he has lived in this area since 1942 and he doesn't want to see his neighborhood looking like Preston Highway between Outerloop and Fern Valley, with low cost apartments and high crime rates. He said he feels the developer has good intentions but that sometimes things just don't work out.

REBUTTAL

Paul Whitty took issue with one of the opponent's statements that the Developer, Kevin Cogan, would be "stealing" from him if allowed to construct the proposed apartments. He stated that if Kevin had wanted to make a quick profit, he could have developed a mobile home park across the street, instead of Commerce Park which exists there today.

David Reed addressed drainage noting that Wyndamere has twice the required stormwater drainage capacity as required by MSD. He also noted that Candlelight Subdivison is built on 30% slopes and Windsor Forest on 25% slopes, so it's not true that you can't build in areas with steep slopes.

PLANNING COMMISSION MINUTES

DECEMBER 20, 2001

DOCKET NO. 9-59-01V

Unfortunately, Candlelight and Yorktown are older subdivisions which were built before geotechnical guidelines for development were adopted.

He reaffirmed that the ProLogis building is 50% leased and a meeting is being held tonight with another prospective tenant for the other 50%.

The schedule for completion of road improvements on New Cut Road could be optimistic or could be realistic. Nevertheless, the Developer has agreed to Binding Element 24 which ties completion of phases of Wyndamere to completion of specific roadway improvements.

George Chapman reviewed statistics of school occupancy from a letter prepared by Pat Todd, Director of Student Assignment for the Jefferson County Schools. He noted that Fairdale schools have an excess capacity for 377 students. An estimated 117 students will reside at Wyndamere. Students can choose where they wish to go to school. Approximately 1/3 of this number would elect to attend neighborhood schools.

Paul Whitty asked "If this is not the place for this development, then where"? Factory Lane in eastern Jefferson County, which has less traffic capacity, was recently approved for a large multi-family development. This proposal puts jobs and housing together. That is "smart growth".

In conclusion, Mr. Whitty stated that the on-site drainage improvements will be made at the Developer's expense. We cannot make existing drainage worse. Substantial changes have been made to the development plan: density has been reduced, development has been drawn into the center of the site, and buffering has been increased. Several meetings have been held with the neighbors. Some say they would support single family development of this site. Opposition to multi-family development is simply "fear" and is exclusionary. This plan deserves to be approved since it complies with Cornerstone 2020.

A transcript of the public hearing is on file in this docket.

In a business session subsequent to the public hearing on this request, the Commission took the following action.

On a motion by Commissioner Thieneman, the following resolution was adopted:

WHEREAS, The Commission finds that based upon testimony and evidence submitted during the public hearing, Land Development and Transportation

PLANNING COMMISSION MINUTES

DECEMBER 20, 2001

DOCKET NO. 9-59-01V

Committee review, the staff report and the file of the case, that the proposed rezoning from R-4 Single Family Residential to R-7 Multi-Family Residential is in violation of Policy 7.1 (Impact of Developments) because the proposed apartment complex will have an adverse effect on traffic; specifically, New Cut Road, as it exists today, has inadequate carrying capacity to handle the anticipated traffic from this proposed development of 420 dwelling units; while the County plans to widen New Cut Road between Outer Loop and the Gene Snyder Freeway, it is not known when the widening will be completed; and it is not appropriate to approve the proposed development based on the fact that New Cut Road will be widened because the traffic situation after the widening is completed is uncertain and will need to be evaluated; and

WHEREAS, The Commission finds that the proposal violates Policies 3.1 (Compatibility) and 3.3 (Residential Compatibility) because the proposed development is not compatible in scale with the surrounding area and there is not an appropriate transition between the proposed development and surrounding areas; the proposed development is a multi-family apartment and townhouse development of 14.29 dwelling units per acre and contains three story buildings along the south property line directly adjacent to an existing single family residential neighborhood, and there is insufficient buffering to ensure an appropriate transition between the existing neighborhood and the proposed development;

NOW, THEREFORE, BE IT RESOLVED, that the Louisville and Jefferson County Planning Commission does hereby **RECOMMEND** to Fiscal Court of Jefferson County, that the change in zoning **from R-4 Single Family Residential to R-5A Multi-Family Residential and R-7 Multi-Family Residential** on property described in the attached legal description be **DENIED**.

The vote was as follows:

YES: Commissioners Crawford, Thieneman, Seraphine and Abstain.

NO: Commissioner Adams.

NOT PRESENT FOR THIS CASE: Commissioners Ernst, Cash and Herron.

ABSTAINING: Commissioner Matheny.

PLANNING COMMISSION MINUTES

JANUARY 17, 2002

APPROVAL OF MINUTES

(1) PLANNING COMMISSION - DECEMBER 6, 2001 at 1:00 p.m. (9-56-01)

On a motion by Commissioner Herron, the following resolution was unanimously adopted:

RESOLVED, That the Louisville and Jefferson County Planning Commission does hereby **APPROVE** the minutes of the meeting for Docket No. 9-56-01 conducted on December 6, 2001, at 1:00 p.m.

The vote was as follows:

YES: Commissioners Crawford, Seraphine, Abstain, Ernst, Adams, Matheny, Cash, Herron and Thieneman.

NO: No one.

NOT PRESENT FOR THIS CASE: No one.

ABSTAINING: No one.

(2) PLANNING COMMISSION – DECEMBER 20, 2001 AT 7:00 P.M.

On a motion by Commissioner Thieneman, the following resolution was adopted with the following attachment from Commissioner Thieneman, and three corrections:

Commissioner Thieneman submitted a memorandum dated January 17, 2002 addressed to the Louisville and Jefferson County Planning Commission stating:

The minutes of the night hearing on Dec. 20, 2001 for Docket # 9-59-01V accurately reflect that traffic was the primary reason this project was denied. As the commission member who made the motion for this denial, I must admit that I failed to understand and give adequate consideration to the binding element that was specifically crafted to delay this project until the traffic problem was solved by the widening of New Cut Road. I believe my motion should have been to defer the vote on this project until I could have considered the impact of this binding element. I deeply regret my failure, my motion, and my vote.

Sincerely,

Ken Thieneman

RESOLVED, That the Louisville and Jefferson County Planning Commission does hereby **APPROVE** the minutes of the meeting conducted on December 20,

PLANNING COMMISSION MINUTES

JANUARY 17, 2002

APPROVAL OF MINUTES

2001 at 7:00 p.m. with the submittal of the memorandum by Commissioner Thieneman and with the following corrections:

1. To reflect that the hearing was held at 7:00 p.m. located at the Southwest Government Center and not at 1:00 p. m. at the Old Jail Building.
2. To reflect that a resident in support of this project, Jim Rice, stated that he owned property across the street from this development and did not live across the street.
3. To reflect that Commissioner Crawford voted to deny this case.

The vote was as follows:

YES: Commissioners Crawford, Seraphine, Abstain, Adams, Matheny and Thieneman.

NO: No one.

NOT PRESENT FOR THIS CASE: No one.

ABSTAINING: Commissioners Herron, Cash and Ernst.

(3) PLANNING COMMISSION – JANUARY 3, 2002 at 1:00 p.m.

On a motion by Commissioner Adams, the following resolution was adopted:

RESOLVED, That the Louisville and Jefferson County Planning Commission does hereby **APPROVE** the minutes of the meeting conducted on January 3, 2002 at 1:00 p.m.

The vote was as follows:

YES: Commissioners Crawford, Seraphine, Abstain, Ernst, Adams, Matheny, Cash, and Thieneman.

NO: No one.

NOT PRESENT FOR THIS CASE: No one.

ABSTAINING: Commissioner Herron.