

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
May 24, 2016**

A meeting of the Louisville Metro Planning Commission was held on May 24, 2016 at 6:00 p.m. at the East Government Center, located at 200 Juneau Drive, Louisville, Kentucky.

Commission members present:

Donnie Blake, Chair
Vince Jarboe, Vice Chair
Jeff Brown
Lula Howard
Robert Kirchdorfer
Marilyn Lewis
Rob Peterson
David Tomes

Commission members absent:

Clifford Turner
Chip White

Staff Members present:

Emily Liu, Director, Planning and Design Services
Joseph Reverman, Assistant Director, Planning and Design Services
Brian Davis, Planning & Design Supervisor
Julia Williams, RLA, AICP, Planner II
Zach Schwager, Planning Technician
John G. Carroll, Legal Counsel
Tammy Markert, Transportation Planning
Pamela M. Brashear, Management Assistant

The following matters were considered:

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PUBLIC HEARING

CASE NO. 15ZONE1070

Case No: 15ZONE1070
Request: Change in Form District from Neighborhood to Regional Center; Change in Zoning from R-4 to OR-3; Waivers; Variances; District Development Plan
Project Name: Cityscape Simcoe Lane
Location: 4113, 4190, 4200 and 4206 Simcoe Lane
Owner: Bette Kaelin; Fred and Linda Caldwell; Raymond Borchert
Applicant: Cityscape Residential, LLC
Representative: Land Design and Development;

Bardenwerper, Talbott and Roberts, PLLC
1000 North Hurstbourne Parkway
Louisville, Ky. 40222

Jurisdiction: Louisville
Council District: 17 – Glen Stuckel
Case Manager: Julia Williams, RLA, AICP, Planner II

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:

00:03:49 (1st tape) Mrs. Williams discussed the case summary, standard of review and staff analysis from the staff report.

52:54 (2nd tape) Ms. Markert directed that the applicant use the shopping center parking lot in the traffic study because motorists are currently using the Avish Gardens shopping center as a cut-through and wanted the traffic study to reflect the truth of how people will utilize the light at Avish Gardens and Brownsboro Road.

16:55 (3rd tape) Ms. Markert said she spoke with KIPDA and the state. KIPDA said the growth rate along the corridor to use for this project has not changed and is 2%.

The following spoke in favor of this request:

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Bill Bardenwerper, Bardenwerper, Talbott and Roberts, PLLC, 1000 North Hurstbourne Parkway, Louisville, Ky. 40222

Brian Evans, Cityscape Residential, LLC, 300 Distillery Commons, Suite 200, Louisville, Ky. 40206

Kelly Lawrence, Cityscape Residential, LLC, and 8335 Keystone Crossing, Indianapolis, In. 46240

Kevin Young, Land Design and Development, 503 Washburn Avenue, Louisville, Ky. 40222

Diane Zimmerman, CBM Smith, 9420 Bunsen Parkway, Suite 225, Louisville, Ky. 40220

Bette Kaelin, 4206 Simcoe Lane, Louisville, Ky. 40241

Fred Caldwell, 4190 and 4200 Simcoe Lane, Louisville, Ky. 40241

Raymond Borchert, 4113 Simcoe Lane, Louisville, Ky. 40241

Jack Kelly, 4109 Hartwick Village, Louisville, Ky. 40241

Summary of testimony of those in favor:

00:17:29 (1st tape) Mr. Bardenwerper gave a power point presentation and emphasized how the proposal meets the Comprehensive Plan by being in close proximity to where people want to go – work, shopping, banking, etc.

Mr. Bardenwerper stated that the targeted residents are ones that work out of their homes/apartments, don't need large living spaces, and rely on technology.

00:29:53 (1st tape) Mr. Evans said he sees this site as an infill site in the suburbs and that the development promotes the goals of Move Louisville by reducing vehicle miles traveled, providing residents with multiple choices for travel and creating a land use that provides a better link to multi-modal transportation.

00:34:56 (1st tape) Ms. Lawrence gave a power point presentation and stated that Cityscape focuses exclusively on multi-family housing and have built about 3500 units in Louisville and Kansas City with another 1200 that are planned over the next 12 months.

00:44:49 (1st tape) Mr. Young gave a power point presentation and discussed the site plan, variances and waivers. The structure was reduced from 5-story to 3-story along Simcoe and there will be road improvements to Simcoe.

00:55:39 (1st and 2nd tape) Ms. Zimmerman prepared and discussed the traffic impact study. The assumption of a 2% annual growth rate was reviewed and accepted by Metro Transportation Planning. She mentioned that Metro Transportation Planning staff advised the applicant to divert the traffic from Simcoe Ln. through the Avish Gardens development to use the traffic signal at the Avish Gardens exit onto KY22.

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07:13 (2nd tape) Mrs. Kaelin stated that people are getting back to walking as in the past, but more for health these days.

10:30 (2nd tape) Mr. Caldwell said he has a lot of fond memories and has seen a lot of changes in the 46 years he's lived in the area.

12:19 (2nd tape) Mr. Borchert said he's surrounded by new development, and is looking forward to this case being approved.

13:33 (2nd tape) Mr. Kelly is the Vice President of the Village of Hartwick Homeowners' Association. Communication with Cityscape has been positive and the Board of Directors is in support of this project.

16:00 (2nd tape) Mr. Bardenwerper remarked that people cut through shopping centers.

19:55 (2nd tape) Commissioner Tomes questioned Ms. Zimmerman regarding the Traffic Impact Analysis.

The following spoke in opposition to this request:

James Onnen, 4100 Abbeywood Village Drive, Louisville, Ky. 40241

Greg Troutman, 4000 Abbeywood Village Drive, Louisville, Ky. 40241

Robert Atkins, 4019 Whiteblossom Estates Court, Louisville, Ky. 40241

Judy Marti, 9920 White Blossom Boulevard, Louisville, Ky. 40241

Alane McDonald, 4209 Hartwick Village Place, Louisville, Ky. 40241

Rodolfo (Rudy) Rodriguez, 4205 Hartwick Village Place, Louisville, Ky. 40241

Chris Haden, 9703 Moorfield Circle, Louisville, Ky. 40241

Linda Miller, 4118 Hartwick Village Place, Louisville, Ky. 40241

Summary of testimony of those in opposition:

28:40 (3rd tape) Mr. Onnen gave a power point presentation. He indicated that the project is not ready to be approved from the standpoint of traffic.

Mr. Onnen has conducted a traffic study and submitted it into the record. Mr. Onnen said he reviewed the applicant's traffic study and found it lacking in the following: the scope of the study is not sufficient with respect to locations and doesn't address accident history; does not meet KYTC traffic study guidelines; traffic growth assumptions are not consistent with historical data; there have been several errors; and there are also issues of credibility.

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46:37 (3rd tape) Mr. Troutman is the Vice-President of the Springhurst Community Association. All 17 Board members are against this project. He indicated that when the traffic backs up it will clog up then ripple out to a mile or more down KY22 east, west and Hurstbourne Parkway south.”

49:30 (3rd tape) Mr. Atkins is concerned about safety for the pedestrians. He was concerned that new bridge traffic wasn’t considered in the study.

52:30 (3rd tape) Ms. Marti doubts that people will walk to the grocery store, movies, etc. The traffic is clogged already and will be worse with an additional 500 cars or so.

55:02 (3rd tape) Ms. McDonald spoke about credibility.

Ms. McDonald spoke with Mr. Carrico (KYTC) and asked him what the state reviews and he said that the only thing they look at is the state highway, not neighborhood roads. Traffic is horrendous.

57:04 (3rd tape) Mr. Rodriguez is a newcomer to the neighborhood.

Mr. Rodriguez said he thinks the traffic study is inaccurate.

00:00 (4th tape) Mr. Rodriguez is against cutting through the shopping center to bypass traffic.

02:44 (4th tape) Mr. Haden remarked that he too was concerned about the uncertainty of the east-end bridge traffic and how that’s going to impact the Gene Snyder intersection with KY22. He felt that the impacts have not been properly studied.

Mr. Haden also stated that there’s no guarantee that the property owner of Avish Gardens is going to cooperate down the road with how traffic in that parking lot will be moving.

Mr. Haden also stated he’s concerned about the height of the development.

09:38 (4th tape) Ms. Miller said there’s only one entrance/exit into her neighborhood and it’s very hard getting in and out.

The following spoke neither for nor against the request:

Daniel A. Huneke, 6302 Wolf Pen Branch Road, Prospect, Ky. 40059

Summary of testimony of those neither for nor against:

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11:25 (4th tape) Mr. Huneke is the Avish Gardens Shopping Center owner. He acknowledged that speed is a problem in the center and that there is a 3-way stop to slow down the drivers.

Mr. Huneke understood from the proposal that there will be some additional traffic through the shopping center but it didn't concern him because of the time of day that the additional traffic would be using the centers light. He indicated that the new residents would be going through the center in the morning to go to work or turning right off of Simcoe and that it wasn't a problem. Half of the stores don't open until 9:00 or 10:00 and by that time any cut-through people have gone to work. He was concerned that the government suggested private property as part of their traffic solution.

Rebuttal

54:56 (4th tape) Mr. Bardenwerper remarked that an honest traffic study was submitted and reviewed by professional traffic engineers. He mentioned that traffic is a big issue but it is not being made worse by the new development. The traffic study was prepared in accordance with all the standard traffic impact study design criteria and the analysis doesn't indicate there is a problem at the intersection.

08:18 (5th tape) Mr. Bardenwerper remarked that connectivity is just as important to the decisions as is walkability, bikeability, reducing vehicle miles traveled and creating opportunities for people to live in close proximity to where they work, shop and want to dine.

14:33 (5th tape) In response to a question asked by Chairman Blake, Ms. Zimmerman responded that if the shopping center wasn't used in the study and just Simco was used that there would be a level of service F on Simcoe Ln. which is generated by the extreme delays caused by the left turn lane. She further explained that there's no mitigation available except to provide an access to a traffic signal to make that left turn. A new signal at Simcoe would be too close to the light at Avish Gardens and KY22 and to the Snyder ramps. A traffic signal is mitigation when you hit level of service F on an unsignalized intersection.

Deliberation

00:20:05 Commissioner Kirchdorfer said he will rely on the experts to make his decision.

Commissioner Howard applauds the applicant for proposing an infill development. The site plan conforms to the applicable guidelines and policies of the Comprehensive Plan

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and requirements of the Land Development Code but the proposal of this density is on a local street.

Commissioner Brown stated that he wasn't comfortable with the units proposed without having the Avish Gardens property owner give a written agreement to allow that traffic through his center.

Commissioner Lewis is in favor of the development but not sure cutting through the shopping center is the answer of dealing with the traffic.

Commissioner Tomes said he thinks it's the wrong project for that site. Transferring the problem from intersection to intersection is not a solution.

Commissioner Peterson is concerned about traffic and connectivity and suggests making the Simcoe Ln. interchange right-out right-in only and barricaded so you can't turn left.

Chairman Blake said there wasn't enough work done between the applicant and the shopping center owner/owners.

46:37 (5th tape) Commissioner Brown remarked that he would like them to provide some kind of legal access that clearly shows they have permission to use private property to distribute the traffic because without that the impact to that Simcoe intersection is unacceptable.

48:15 (5th tape) Commissioner Peterson stated that he would like them to come back with an improvement plan and not just access rights. He would like some sort of plan that significantly helps with the traffic flowing through there safely.

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.

On a motion by Commissioner Jarboe, seconded by Commissioner Lewis, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** Case No. 15ZONE1070 to a date uncertain to re-notice the public, to allow the applicant to meet with the developer of Avish Gardens and come up with a plan that betters the community and makes things safer.

The vote was as follows:

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**YES: Commissioners Blake, Brown, Howard, Jarboe, Kirchdorfer, Lewis,
Peterson and Tomes**

NOT PRESENT AND NOT VOTING: Commissioners Turner and White

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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 11:40 p.m.

Chair

Planning Director

PLANNING COMMISSION MINUTES
August 4, 2016

BUSINESS SESSION

CASE NO. 15ZONE1070

01:01:53

Request: Set a Planning Commission Night Hearing date
Project Name: Cityscape Simcoe Lane
Location: 4113, 4190, 4200 and 4206 Simcoe Lane
Owner: Bette Kaelin, Fred and Linda Caldwell and Raymond Borchert
Applicant: Cityscape Residential, LLC
Representative: Land Design and Development, Bardenwerper, Talbott and Roberts, PLLC
Jurisdiction: Louisville
Council District: 17 – Glen Stuckel
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.)

Discussion

01:02:18 Ms. Williams stated the possible hearing dates as follows: September 7th, September 12th or September 14th.

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.

On a motion by Commissioner Howard, seconded by Commissioner Tomes, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby set the special Planning Commission night hearing, Case No. 15ZONE1070, for September 12, 2016 at the East Government Center, 6:00 p.m.

The vote was as follows:

YES: Commissioners Blake, Brown, Howard, Jarboe, Lewis, Tomes and Turner
NOT PRESENT AND NOT VOTING: Commissioners Kirchdorfer and Smith

PLANNING COMMISSION MINUTES
August 4, 2016

BUSINESS SESSION

CASE NO. 15ZONE1070

ABSTAINING: Commissioner Peterson

LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
April 14, 2016

NEW BUSINESS

CASE NO. 15ZONE1070

Case No: 15ZONE1070
Request: Change in Form District from Neighborhood to Regional Center; Change in Zoning from R-4 to OR-3; Waivers; Variances; District Development Plan
Project Name: Cityscape Simcoe Lane
Location: 4113, 4190, 4200 and 4206 Simcoe Lane
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Applicant: Cityscape Residential LLC
Representative: Land Design and Development; Bardenwerper Talbott and Roberts PLLC
Jurisdiction: Louisville
Council District: 17 – Glen Stuckel
Case Manager: Julia Williams, RLA, AICP, Planner II

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:11:39 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, Bardenwerper, Talbott and Roberts, PLLC, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223
Kevin Young, Land Design and Development, 503 Washburn Avenue, Louisville, Ky. 40222
Diane Zimmerman, CBM Smith, 9420 Bunsen Parkway, Suite 225, Louisville, Ky.

Summary of testimony of those in favor:

00:16:29 Mr. Bardenwerper gave a power point presentation. The proposed site is a high intensity area and people will be able to walk to the grocery, work, etc. There will be 3 and 5 story buildings with plenty of landscaping, screening and buffering.

00:26:43 Mr. Young continued the power point presentation. The proposal consists of the following: 2 paved drive lanes with green space in the middle, 4-story garage with 393 parking spaces, 50 foot variance for the tennis center, replacing fence, 75 feet and 185 feet setbacks, widening Simcoe Ln., adding curbs on both sides of the property and underground detention.

LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
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NEW BUSINESS

CASE NO. 15ZONE1070

00:35:49 Ms. Zimmerman explained the Trip Generation results for the proposed development.

00:42:33 Mr. Bardenwerper said there will be studio, 1, 2 and 3 bedroom units.

The following spoke neither for nor against the request:

Michael Trigger Cussman, 900 East Market Street, Louisville, Ky. 40206

Jim Onnen, 4100 Abbeywood Vuillage Drive, Louisville, Ky. 40241

Greg Troutman, 4000 Abbeywood Village Drive, Louisville, Ky. 40241

Summary of testimony of those neither for nor against:

00:56:32 Mr. Cussman does not oppose the proposal, but is concerned about the traffic study.

00:57:20 Mr. Onnen performed his own traffic study and gave the results. "The applicant's study is a substantial understatement of the total traffic in this network and does not appear to address what will happen when the east end bridge opens." The delays also need to be considered.

01:08:19 Mr. Troutman is the Vice President of the Springhurst Community Association (SCA).

Mr. Troutman stated that the fencing to be replaced is maintained by the SCA, as it's owned by them and no one has made a proposal to them for replacing the existing fence. "We would ask that if there's going to be any changes made to this fence, that the SCA, the entity that owns and maintains this fence, someone come to us with a proposal and get our agreement to that."

Deliberation

01:12:04 Planning Commission deliberation. Commissioner Blake stated, "I'm somewhat concerned about using the shopping center for the traffic pattern." Mr. Bardenwerper replied, "We picked the use which has the least impact on the interchange. Diane Zimmerman is a licensed Traffic Engineer and her study rises to a certain level of credibility." We're using a.m. and p.m. peak left turns only through the shopping center.

An audio/visual recording of the Land Development & Transportation Committee meeting related to this case is available on the Planning & Design Services

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website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

The Committee, by general consensus, scheduled this case for a night hearing to be held on May 24, 2016 at the East Government Center, 6:00 p.m.