



The Hurstbourne Herald

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STREET CLOSING STAFF REPORT

Introduction



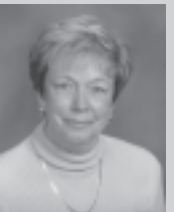
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Mayor



Dick Hays
Commissioner
Code Enforcement/
Sanitation



Ed Dahlem
Commissioner
General
Government



Lois Wagner
Commissioner
Public Works



Earl Hubbuch
Commissioner
Public Safety

The City of Hurstbourne began in the 1960s and was developed over the next 20 years. The completed City consisted of over 12 different parcels. As each parcel was completed, stub streets were left to be connected to the next parcel.

Each governmental planning agency that reviewed new development plans for our City over this 20 year period would only allow existing stub streets to be connected to compatible residential sections that would create a cohesive development pattern.

The last section of the City of Hurstbourne was approved by the Planning Commission in the early 1980s. The following is a quote taken from those minutes:

“Residential Guidelines deal with the protection of residential neighborhoods from adverse impacts of proposed development and use changes; the assurance that residential developments have a similar size, height, mass or scale to surrounding developments and with the development of resident densities that are compatible with adjacent residential areas.”

The Hurstbourne City Commission is dedicated to the protection of our beautiful City and to make certain it will not be harmed by massive traffic volumes from large scale developments.

Over the past six years the City Commission has demanded that the Oxmoor Farm developers and Metro Planning Commission conduct a proper **Traffic Impact Study**. The study would show the impact of the traffic from the Oxmoor Farm development on the City of Hurstbourne if any or all of our six streets were connected.

Both the developers and Metro Planning Commission have taken an uncompromising approach. They insist on complete connectivity without any supporting data that our streets could even begin to accommodate the additional traffic.

We know from the middle of November thru the Christmas season, we now have traffic volume that makes a trip across our City very difficult. Is it possible that this traffic congestion would become a daily occurrence if our City is connected to all approved future developments?

The current Oxmoor Center comprises 75 acres. St. Matthews Mall comprises 125 acres, combined total commercial space of 200 acres.

The Oxmoor Farm development, when completed, will consist of approximately 350 commercial acres, (retail, residential, condos and apartments, hotels, sales, office etc.).

We know the current Oxmoor Center has approximately 160,000 customers per week. During the Christmas season this number increases to 480,000 customers per week! If we are connected to the new development, will we experience Christmas traffic congestion every day?

On the other side of our City we have U of L Shelby Campus. In June 2004 U of L announced that they were going to develop 180 acres of the existing 232 acres (just a little less than both the current Oxmoor Center and St. Matthews Mall combined). This will be a commercial development. (See **attachment C1 for Sheldon S. Shafer's C. J. article**)

University officials proudly announced that one of the City of Hurstbourne's busiest streets, Whittington Parkway, will be the main connector road from U of L campus into the City of Hurstbourne. This will disperse the new development's traffic into our City. The University also announced that traffic from the busy Hurstbourne–Shelbyville intersection will improve by using Whittington Parkway as an alternate route thru our City.

Several additional commercial developments that could greatly impact traffic volumes in the City of Hurstbourne are the current expansion of Oxmoor Toyota, the future

redesigning of Williamsburg Office Park and Hurstbourne Plaza Shopping Center, as well as several other projects.

The Hurstbourne City Commission does not unilaterally oppose development in our area. We agree with a statement made by Mohammad Nouri, Assistant Director for Transportation Metro Planning and Design, regarding traffic in the Hurstbourne area, **“All of a sudden you are dealing with a heavily built-up, poorly planned, congested area.”** We're asking that Metro Planning Commission fulfill its responsibility and mandate proper traffic studies be conducted to accurately analyze our City. This will prevent an irreversible gigantic addition to an already **“Poorly Planned Congested Area”!**

After several frustrating years of Metro Planning Commission refusing to have any dialogue about the impact of the enormous volumes of future traffic projections, the City Commission began to investigate a street closing process.

The final plan would be a lengthy complicated process for gating exit streets. Once completed, the closures would not be utilized unless traffic volumes become so great that it became necessary to protect our safety and quality of life. Lyndon Lane @ Shelbyville Rd., Whipps Mill Road, Chadwick, Shaftsbury, Whittington Parkway, Seaton Springs, Linn Station Road @ Hurstbourne Parkway and Blairwood Road would all be open. The exit streets that would connect to the Oxmoor Farm—Linn Station Road, Cheffield Drive, Oxmoor Woods Parkway, Stamford Drive, Lincolnshire Drive and Lyndon Lane—would have the option to be gated, always, occasionally, or rarely, depending on traffic volumes.

This newsletter is intended to furnish our residents and Metro Planning Commission with important information so they can assist the Hurstbourne City Commission in preserving our beautiful City for the future.



Oxmoor Farm Development

Three trusts owned the property comprising the Oxmoor Farm: William Marshall Bullitt Trust, Thomas W. Bullitt Trust and the Annie L. Bullitt Trust. The trustees for the trusts were PNC and Stock Yards Bank. Plans were begun in the 1990s to develop this property.

In June 2002 various firms employed by the Bullitt Trusts, including LDR International, of Baltimore, Maryland and other large firms appeared before the Planning Commission to request approval of the Oxmoor Farm development. The property consists of approximately 450 acres located behind Oxmoor Center (See **attachment B1 for a breakdown of each development parcel**) The property boundaries are:

- I 64 on the South
- I 264 on the West
- Oxmoor Shopping Center/ Shelbyville Rd. on the North

- City of Hurstbourne on the East

One of the most important parts of the application package for any large development is a **Traffic Impact Study**. This study is the foundation that supports every other piece of the complete package to justify the request for approval. Metro Planning Commission has a duty and responsibility to require a complex, complete **Traffic Impact Study** assessing the effects of a new development's traffic on the surrounding transportation network. All streets connected directly into the development should be mandated to become part of this important study.

For this part of the application process, Oxmoor Farm developers retained Gresham, Smith and Partners to perform an **Air Quality and Traffic Impact Study** to assess the impact the

development would have on the surrounding roadway systems.

The City of Hurstbourne has six streets that are shown on the master plan of the development as being connected directly into the Oxmoor Farm. Those streets are Linn Station Road, Cheffield Drive, Stamford Drive, Lincolnshire Drive, Oxmoor Woods Parkway and Lyndon Lane. We have consulted with numerous planning experts, and all of these experts emphatically agree that the six streets that connect our City to the development, as well as all of Hurstbourne streets, should have been included in the **Traffic Impact Study** required by the Planning Commission. However, they were not included. (See **attachment B2 for streets identification**)

The following is a portion of the criteria needed to plan a safe, efficient future road network that the **Traffic Impact**

Study should have considered, but did not include.

- The current number of vehicles using our streets during various times of the day.**
- The maximum traffic capacity of each street based on structure and design.**
(Our extra wide single lane streets with medians are uniquely designed for low volume traffic.)
- The number of vehicles that use our streets strictly for cut-through.**
- Some of the additional traffic created by the new development would be assigned to each of the connecting streets. This number would be taken from accepted standards published by the Institute of Traffic Engineers.**
- Can the street accommodate the additional traffic and still function efficiently and safely?**
- If the street cannot function efficiently and safely, what improvements would be needed before the street can accommodate the new development traffic—*such as removal of medians to create additional traffic lanes and other remedies?***

The incomplete **Traffic Impact Study** permitted by the Planning Commission, at a cost of several hundred thousand dollars, collected data from 18 intersections. The study showed traffic at nine (9) of the eighteen (18) intersections was already operating above capacity, which is a failing mark, and demonstrates a pattern of irresponsible, poor planning in the past. In a properly managed traffic system, such planning errors would be addressed, corrected and eliminated from future planning. (See attachment **B3 for list of intersections**)

The non-signalized intersection (no traffic signal) at Shelbyville Road and Whipps Mill Road was recommended for an additional traffic signal to allow Whipps Mill Road traffic *direct access into the City of Hurstbourne*. Whipps

Mill Road was classified as a major traffic collector for the Oxmoor Farm development. It is highly irresponsible for the Planning Commission to accept this recommendation as part of the **Traffic Impact Study** without questioning the lack of properly projected accurate traffic data for the proposed new traffic signalized intersection.

(See attachment **B4 for Gresham Smith and Partners engineer’s report**)

At the 2002 Planning Commission hearing, traffic engineers from Gresham Smith and Partners told the Planning Commission that no traffic from the new development was assigned to Hurstbourne streets because they felt the increase, if any, would be insignificant, citing Lyndon Lane as one of those insignificant streets. However, David Lee, a certified traffic engineer who *was not* employed by the developers, told the Planning Commission that after reviewing the **Traffic Impact Study** prepared by Gresham Smith and Partners, he was surprised that the report assigned no traffic to Lyndon Lane. *Lee stated that the potential for traffic from the development to use Lyndon Lane was significant. Also, there is a significant amount of traffic that uses the site that comes from the northeast area, (Herr Lane and Lyndon Lane through Lyndon, coming to Shelbyville Road) so there’s a great potential here for a significant amount of traffic that is generated by this development to utilize South Lyndon Lane as connected to Christian Way.* (Metro Planning and Design’s own experts stated in the July 10, 2008 staff report for the road closing hearing for Lyndon Lane, “**When the Oxmoor Farm proposal was approved, this connection (Lyndon Lane) provided a significant connection for that project to distribute traffic and closure would eliminate a major transportation connection point in the development pattern of the community**”).

By not conducting a proper and unbiased **Traffic Impact Study** of City of Hurstbourne streets in 2002, the Planning Commission allowed the Oxmoor Farm developers to avoid the dilemma of creating data that would jeopardize the development of Oxmoor Farm in its present form.

It’s very important for everyone to be aware that after obtaining formal approval and publicity has subsided, developers often return to Metro Planning and Design for dramatic changes. The review of revised plans does not receive or require the publicity and scrutiny of the original plans.

Also, the Oxmoor Farm developers did not divulge exactly where they would be constructing affordable housing. Would it be on the next parcel adjacent to our City? We only know what Rick Northern, attorney for the Oxmoor Farm developers, told the Planning Commission, “*Another issue arose with regard to affordable housing. I will tell the Commission we’ve had a number of meetings with the Director of Housing from the City of Louisville, Tim Berry. And we intend to address affordable housing at the detailed district development plan. That’s an issue of importance to us*”.



Shelby Campus

Shelby Campus is an extension of the University of Louisville. The property consists of two hundred thirty-two (232) acres and is located directly north of the City of Hurstbourne along Shelbyville Road. In 2004 the University paid Stebbins Associates of Massachusetts, an urban design firm, \$319,000 to design a master plan for developing 180 of the 232 acres. Larry Owsley, U of L Vice President for Business Affairs, reported that the development would be leased, with the University retaining title to the property. Income from the leases would finance the development cost. Although no estimate was given for the income from the land leases, Ron Stebbins lead consultant with Stebbins, stated "Nearly every college in the country would die for this property."

According to the June 25, 2004 press release from the University, the campus will be developed in three stages. The first stage would be roads and sewers, a new conference center and about 80,000 square feet of office space. The second stage would begin after five years and as demand develops, involving construction of up to 800,000 square feet of new office space in the center of the campus and up to 335,000 square feet of offices along the City of Hurstbourne side of the campus. The third phase of the development through the end of the century could include up to a total of 3,000,000 square feet of office space. In addition, construction is currently underway for a \$34.6 million, 45,000 square-foot biomedical research center. The center will be completed in 2009.

(See Attachment C1 for press release)

The plans include four new four-lane divided highways through the campus. Three of the roads will create new signalized intersections at Hurstbourne Parkway. The fourth new road would create a four lane extension of Whittington Parkway completely across the campus, between the City of Hurstbourne and Whipps Mill Road. In April 2007, the University of Louisville received 5.3 million dollars from the State of Kentucky to build the road network for Shelby Campus. Governor Ernie Fletcher stated at the ceremony when the money was given to the University, "The investment we are making in this highway infrastructure project will accelerate the University's development of a Business and Technology Park on Shelby Campus." Bids for roads and infrastructure are finalized. Before the end of 2008 Shelby Campus will have a major, divided four-lane roadway. This will allow traffic a direct route through the City of Hurstbourne, avoiding the congestion on major roadways.

(See attachment C2)

In their press release in July of 2006, the University reported that the new Whittington Parkway intersection would reduce the traffic congestion at Shelbyville Road and Hurstbourne Parkway by allowing an alternate route through the City of Hurstbourne. Daily

and Associates, an engineering firm retained by the City of Hurstbourne, predicted the Campus would generate 14,000 new trips during a 24-hour period on a weekday. If the congestion of Hurstbourne Parkway and Shelbyville Road would be significantly reduced by this additional traffic being diverted into our City, in addition to the thousands of additional vehicles traffic from the Campus, we begin to visualize traffic congestion of catastrophic proportion in our City. (See Attachment C3 for Daily and Associates' report)

This very disturbing traffic impact is occurring on the east side of our City. A much larger dramatic impact will take place on the west side of our City, the Oxmoor Farm development. Once completed there will be two new interstate overpasses that will allow tens of thousands of additional vehicles to expeditiously enter directly in to the new Oxmoor Farm development, Oxmoor Center, and Shelbyville Road Mall from all parts of the Louisville Metro area, avoiding Shelbyville Road and Hurstbourne Parkway. If we allow our streets to be connected to the Oxmoor Farm development, Oxmoor Center and Shelbyville Road Mall, the route of choice to travel from those developments to Shelby Campus, Forest Green, Fenley Development, UPS, The Summit, and other points east and north of Oxmoor or to travel from those places to these huge developments will be through the City of Hurstbourne.



Hurstbourne Transportation Study and Small Area Plan

In 2005 Metro City Council approved \$150,000 (final cost of the Plan was over \$200,000) for a Hurstbourne Transportation Study and Small Area Plan. The purpose of the Plan was to analyze existing traffic and traffic patterns, research areas of improvement, and develop guidelines for implementation into future developments.

The scope of work that defined the Plan listed the main areas to be included. (See attachment D1 for scope of work) The following are major requirements of the Plan that were specific to the City of Hurstbourne:

- Traffic congestion on major arterials currently alleviated by accessing neighborhood

connections is diminishing neighborhood quality of life.

- Impact of traffic congestion on adjacent neighborhood streets and cut-through traffic on Nottingham Parkway, Lyndon Lane, Linn Station and Oxmoor Woods Parkway and reevaluation of connections between City of Hurstbourne, Oxmoor Farm

and U of L Campus.

- The Oxmoor Farm and U of L Shelby Campus pending developments' traffic impact on the City of Hurstbourne and traffic on Shelbyville Road and Hurstbourne Parkway.
- The impact of street closures in the City of Hurstbourne will be modeled.

City of Hurstbourne officials were assured that a competitive bidding process would be used to select an engineering consulting firm to conduct this very important Plan. The engineering firm of Gresham Smith and Partners, the same firm employed by the Oxmoor Farm developers in 2002, was chosen. Gresham Smith and Partners Engineers, when conducting the Plan as defined, would be critiquing their own data for the Hurstbourne Transportation Study, the same data they developed for Oxmoor Farm developers in 2002 to facilitate the development's approval by the Planning Commission.

A task force was created to furnish input for the Plan, which included Commissioners Dahlem and Wagner from the City of Hurstbourne. As work progressed, both Commissioners were in disagreement with strict guidelines imposed by Metro Government. As the plan developed into its final stages the Commissioners were forbidden to discuss contents of the Plan with anyone, including the Hurstbourne City Commission. In addition, no new traffic data was permitted, only the old data developed in 2002 by Gresham Smith and Partners Engineers. These limitations were detrimental to the accuracy and integrity of the Plan and did not comply with the scope of work used to define the project.

After completion, the Plan would be presented to Metro Planning Commission for approval, and if approved, would be presented to Metro City Council for passage. The Plan would become a permanent part of the entire county land use plan and would have to be considered for all future development in the Hurstbourne area.

In March 2007, the Hurstbourne City Commission decided it was in the best interest of our City to seek additional expert advice from a traffic engineer. Several firms in the Louisville area were contacted but all refused to assist, explaining that because of the nature of their livelihood, they would not oppose any proposed or pending development. City of Hurstbourne officials then searched for a traffic engineer outside the Louisville area, and employed the services of Brad Yarger, P.E., of Yarger Engineering, 1401 Alimingo Drive, Indianapolis, Indiana. Mr. Yarger specializes in traffic engineering. He reviewed the Oxmoor Farms Traffic Impact and Air Quality Study from 2002 and the transportation portion of the Hurstbourne Transportation Study and Small Area Plan. **(See attachment D2 for Mr. Yarger's report)**

In April 2007, the Hurstbourne City Commission employed the services of Attorney Michael F. Tigue, Land Use Specialist with the law firm of Middleton Reutlinger. Mr. Tigue did a review of the Hurstbourne Transportation Study and Small Area Plan and assisted in drafting Municipal Order 07-19. This Municipal Order outlined several of the Commission's concerns about the Study and the Oxmoor Farm Plan. The document was sent to Metro Council and Metro Planning Commission for consideration. **(See Attachment D3 M.O. for 07-09)**

When the final report of the Plan was completed, both Commissioner Dahlem and Wagner expressed dissatisfaction regarding the quality and content, and the failure of Gresham Smith and Partners to address the areas from the scope of work that pertained directly to the City of Hurstbourne.

Metro Planning Commission held a public hearing on July 17, 2007 on adopting the Hurstbourne Transportation Study and Small Area Plan. Gresham Smith and Partners Engineers—employed in 2002 by Oxmoor Farm developers and now employed by Metro Planning and

Design—presented in detail their work in preparing the Plan. Numerous individuals also employed by Metro Planning and Design spoke at the hearing. All spoke in favor of the adoption of the Hurstbourne Transportation Study and Small Area Plan as written. An attorney currently employed by the Oxmoor Farm Developers spoke, praising the work of Gresham Smith and Partners. Members of the Hurstbourne City Commission and Attorney Kyle Hubbard also addressed Metro Planning Commission, stating that they believed the Plan was incomplete and did not follow the prescribed scope of work as required by law. **(See attachment D4 for the City of Hurstbourne's report filed with Metro Planning and Design)**

The most important factor of the now \$200,000 study before Metro Planning Commission was the impact of traffic resulting from the combined 650 acre developments of Oxmoor Farm and Shelby Campus and how this increased traffic would affect the quality of life, safety, and efficiency of the City of Hurstbourne streets and surrounding neighborhoods. Metro Planning Commission permitted the Hurstbourne Transportation Study and Small Area Plan to be based on outdated 2002 data paid for by Oxmoor Farm developers, allowing this privately developed data to serve as the government's official statistical basis for the study. Gresham Smith and Partners were also permitted to disregard traffic data for Shelby Campus and Whittington Parkway, the City of Hurstbourne street that would become a main collector road for the campus development.

However, Metro Planning Commission approved passage of the Hurstbourne Transportation Study and Small Area Plan, and it was sent to Metro Council for final approval. When approved by the Metro Council, the contents of the study would have to be utilized for future developments in the Hurstbourne area, including the 650 acres of Oxmoor Farm and Shelby Campus. Before passage by the Metro Council, the Hurstbourne City Commission sent

them a letter outlining its concerns. The letter also contained Traffic Engineer Specialist Brad Yarger's analysis of the plan. He concluded that for the Plan draft to be valid and serve a useful purpose, it was paramount that certain missing

components be included. Mr. Yarger spent considerable time drafting 16 items to be added to the plan. On July 19, 2007, Metro Council passed the Transportation Study and Small Area Plan, with only four minor amendments, failing to

address the concerns of the Hurstbourne City Commission and their engineer. (See attachment # D5 the letter, attachment # D6 for the four minor amendments).



Continuing Development in the Area

In the 1990s, traffic congestion was beginning to seriously compromise the integrity of our roadway systems. Millions of dollars were spent on analyzing traffic and developing regulations that were intended to correct the rapid, poorly controlled growth in our area. Future, proper planning was pledged by all. The results intended have not been the results achieved.

The crowded, congested roadway systems throughout the Hurstbourne area have been subject to continuing additional traffic from ongoing developments. Metro Planning Commission, on a regular basis, approves developments, adding unknown volumes of traffic to an already failing roadway system. By continuing to allow more and more traffic on our congested streets, the end result promises to be a traffic catastrophe.

In 1990 a task force was created to study the undeveloped portion of Hurstbourne Parkway. Its mission was to prevent this undeveloped area from becoming a congested traffic nightmare, because that's what had happened to many of the developed portions. An editorial in Business First, January 29, 1990 noted, **"Anyone who drives along Hurstbourne Lane between Taylorsville and Shelbyville roads has to wonder if planning for development in that area was handled by a 3-year-old. The hodgepodge of development that has created a crowded, dangerous and polluted nightmare must not be repeated anywhere in Jefferson County."** (See attachment E1 for the complete article)

Also in 1990 there appeared an article in *Louisville Magazine* by Barbara McDaniel. She writes about the Jefferson County Planning Commission

updating their Comprehensive Land Use Plan: **"We have to prepare now for what continued development will mean to our area by sound, cooperative planning. We can't afford to offer growth and prosperity for one neighborhood at the expense of another."** In the same article, Ms. Minx Auerbach, Chairperson of the Planning Commission stated, "We are now at an opportune time to have an impact on future planning."

(See Attachment E2 for Ms. McDaniel's article)

If these individuals created a follow-up article today, would they report that planning in our area has been done responsibly? If Ms. Auerbach could analyze our area now, would she believe it was impacted as intended? Would she feel that our current Metro Planning Commission is consistently making good, solid, sound, professional traffic impact decisions? Mohammed Nouri, Assistant Director for Transportation for Metro Planning and Design, who is responsible for evaluation and approval of each new developments traffic impact, gave a recent press release regarding traffic in the Hurstbourne area. He stated, **"All of a sudden you're dealing with a heavily built-up, poorly planned, congested area."** The span of time between both press releases is approximately 18 years, not all of a sudden. Over this 18 year span, before any new development was allowed to add more traffic to our saturated roadways, each had to first obtain approval from Metro Planning Commission. In 1990 the Planning Commission, chaired by Ms. Auerbach, drafted regulations for future planning that would protect our safety and quality of life. We challenge Metro Planning Commission to revisit those regulations and start 1 **"Preparing now for what continued development will mean to**

our area by sound, cooperative planning. We can't afford to offer growth and prosperity for one neighborhood at the expense of another!"

Also in 1994 Parsons, Brinckerhoff, Quade & Douglas did an extensive traffic study of Hurstbourne Parkway for the State Highway Department. This very detailed report classified Linn Station Road and Hurstbourne Parkway as the most congested intersection in the region. This intersection would have unbearable congestion by 2010 unless proper measures were taken, they predicted. Their study stated, **"Any solution that would place additional traffic on Linn Station west of Hurstbourne Parkway (City of Hurstbourne) would be unacceptable to the local officials and residents, as the long traffic backup at the signal, often extends westward into the residential subdivision (Hurstbourne), at times blocking driveways."**

(See attachment E3 for portions of the study's Executive Summary)

The following are just a few examples of increasing traffic due to ongoing or new recent developments in our area.

Oxmoor Toyota

Oxmoor Toyota, 8107 Shelbyville Road is expanding. They will be moving into a new 70,000 square foot, \$10,000,000 building currently under construction next door to their old location. The 8 Mile Center shopping strip, which the Oxmoor Toyota auto group purchased for \$5,250,000, has been demolished to make room for the new building. The old 30,000 square foot building will be used to house another of the group's franchises—possibly the Oxmoor Hyundai operation.

Two new turn lanes will be added for traffic turning from Shelbyville Road onto Christian Way. In their press release, Tim Beno, CFO of Oxmoor Toyota stated, **“We believe we can retail 1,000 vehicles a month, in an attempt to become the largest volume Toyota store in the region.”** An additional 40 service bays will be added, and the auto group expects to draw much of its customer base from the two large area malls.

The City of Hurstbourne receives constant complaints from residents regarding customers from the Ford and Acura dealerships at Oxmoor test-driving vehicles in our City. With the two extra turn lanes onto Christian Way from Shelbyville Road, customers can drive directly out of the new Toyota dealership, via a traffic signal, into the extra lanes and onto Christian Way, straight into our City! Also, our City is located between the mega auto malls on Hurstbourne Lane and other auto dealerships around Oxmoor Center. The route of choice for customers traveling between these mega dealerships will be directly through the City of Hurstbourne.

Shelby Campus

See the special section for Shelby Campus.

Dorsey Village

A condo development off Shelbyville Road. at Dorsey Lane. One hundred (100) plus condos are currently built or under construction.

Dorsey Point

A condo development off Dorsey Lane at Shelbyville Road is currently under construction.

Gardens at Dorsey

A patio home development off Dorsey Lane with eighty-one (81) units.

Villas at Dorsey

A patio home development off Dorsey Lane with fifty (50) units either built or under construction.

Calypso Cove

This is a large YMCA pool and water park off Whipps Mill Road, with parking for about 250 vehicles.

New Shopping Center off Hurstbourne Parkway Bordering Shelby Campus

New businesses at the location include Homewood Suites (a 100-room hotel), National City Bank, Jason Deli, Happy Toes, Element Skin Care and Highland Cleaners.

Ormsby 111

Faulkner Real Estate constructed a six-story office building at Dorsey Lane and Hurstbourne Parkway. This building contains 25,000 square foot of office space.

Dorsey Point Center

On June 19, 2008, Metro Planning Commission approved this 17.5 acre development at Morat Avenue and Hurstbourne Parkway, in the vicinity of Dorsey Lane and Hurstbourne Parkway. The previous zoning allowed residential homes (R4) only. The new zoning will permit a commercial development (C1) with a special use permit of outdoor alcohol sales and consumption. The proposed use was for retail, restaurants, general office and a bank.

The following are some large developments that are approved or proposed for the east end of the metro area. Has Metro Planning Commission analyzed the additional traffic from each development? Has the additional traffic been accepted rather than scrutinized?

Middletown Corporate Campus

Faulkner Hinton has proposed a development on 35 acres at Blankenbaker and I-64. The plans are for three, six-story office buildings with a combined total of 450,000 square feet of office space. There will also be two restaurants. Each will be 5000 square feet. The complex will have 2,265 parking spaces.

(See attachment E4 for Bill Pike’s May 4, 2004 C.J. article)

Shakes Run

In July 2006, Metro Planning Commission approved Elite Homes’ proposal for Shakes Run, a subdivision with 483 houses on 250 acres east of Eastwood Fisherville Road and south of Interstate 64.

(See attachment E5 for Bill Pike’s November 28, 2006 C.J. article)

Urton Lane Extension

In June 2007 there was another hearing before Metro Planning Commission Design on the Urton Lane extension. This area is bounded by the Snyder, Interstate 64, Blankenbaker Parkway and the area south of Taylorsville Rd. The proposed development consisted of 435 apartments and 500,000 square feet of stores, offices and a hotel.

(See attachment E6 for Bill Pike’s June 6, 2007 C.J. article)

Southfields

Polo Fields Inc. has proposed a subdivision at Southfields, the former police training facility across from Long Run Park. The subdivision will contain 158 houses and 88 condominiums.

(See attachment E7 for Chris Otts September 26, 2007 C.J. article)

Covington by the Park

Developer Martin Hoehler has proposed a 1,100 home subdivision in an area off Taylorsville Lake Rd., close to Taylorsville Rd. (The City of Hurstbourne has 1280 homes.)

(See attachment E8 for Darryn Simmons’s February 20, 2008 C.J. article)

11990 *Louisville Magazine* article by Barbara McDaniel



Street Closings

In 2002 the Planning Commission approved the approximately 450 acre Oxmoor Farm development. This new development forms the entire western boundary of the City of Hurstbourne. The Planning Commission ordered a **Traffic Impact and Air Quality Study** to evaluate the traffic impact of Oxmoor Farm on surrounding roadway systems. Because of the tens of thousands of new daily trips the development would generate, along with the development's size, obviously an in-depth **Traffic Impact and Air Quality Study** was warranted. All studies of this type follow guidelines established by the Institute of Traffic Engineers as well as local planning ordinances. Further, it is an absolute standard among planning professionals that streets connecting directly to this type of development are an integral part of any related study. Six streets within the City of Hurstbourne would connect directly into Oxmoor Farm.

The traffic study was executed by Gresham Smith and Partners and was paid for by Oxmoor Farm developers. The study concluded there would be only an insignificant increase of traffic on any Hurstbourne street. This conclusion, although absolutely wrong, allowed the developer to avoid addressing the City of Hurstbourne's concerns regarding unacceptable volumes of traffic on our connecting roadways caused by Oxmoor Farm. The Planning Commission irresponsibly accepted the study's premise that a development generating 38,132 new daily trips into the surrounding roadway systems would send insignificant traffic onto our six connecting streets.

Some of Hurstbourne's streets are over 50 years old. These ever-deteriorating roadways are repaired annually with shrinking revenues. The Hurstbourne City Commission has a sworn duty to plan in good faith for the future, to protect our residents safety and quality of life, and to keep all infrastructures in good repair. Responsible future planning cannot be accomplished without honest assessment of the impact of

Hurstbourne street connections to the Oxmoor Farm development, or any other similar developments.

Because of the absence of current and complete traffic data in the **Traffic Impact and Air Quality Study** in 2002, in 2003 the Hurstbourne City Commission attempted to initiate dialogue with Metro Planning Commission as well as the Oxmoor Farm developers to develop an accurate **Traffic Impact Study** for the City of Hurstbourne's streets. The developer failed to respond. *The position of Metro Planning Commission was that they only supported connectivity, "The more connections you have, the less traffic you have on any one street."*

When it became obvious that Metro Planning Commission had taken a firm, uncompromising position that Hurstbourne's streets must be connected to the Oxmoor Farm development, regardless of the consequences, the Hurstbourne City Commission employed Attorney John Singler in November 2003. His task was to review the Oxmoor Farm development zoning approval and determine the best course of action to address the following issues:

—**What is the significance of the approval of the general district development plan of Oxmoor Farm and what can still be challenged?**

—**What commitment has the City already made in the case?**

—**Can Hurstbourne force further study of the traffic impact from Oxmoor Farms on Hurstbourne's streets?**

—**Can Hurstbourne be forced to change its infrastructure (such as removing medians) to accommodate Oxmoor Farm traffic?**

(See attachment F1 for Attorney Singler's report)

In May 2004, the Hurstbourne City Commission employed Mark Madison, a Professional Associate with Daily and Associates Engineers, Inc. to further evaluate the potential impact of the impending Oxmoor Farm development on the infrastructure and quality of life

in the City of Hurstbourne. Mr. Madison is not an engineer. Hurstbourne's efforts to employ a local engineer to evaluate the Oxmoor Farm's traffic study and issue a critical report of the study, if warranted, was not successful. (See attachment C3 for Mr. Madison's report)

In the spring of 2004, Ms. Betty Mueller, a Hurstbourne resident, presented the idea of creating a "Small Area Plan" for the City of Hurstbourne to Councilwoman Julie Adams. Ms. Adams secured funding to form a study advisory team to create a Hurstbourne Transportation Study and Small Area Plan. In a July 1, 2004 memo, Adams states that the transportation study is for Hurstbourne and adjacent areas, and that the existing and planned roadway network will be analyzed. Commissioners Wagner and Dahlem were selected as members of the advisory team. A scope of work was written, the project put out for bids and an engineering firm, Gresham Smith and Partners was selected. (See attachment F2 for Ms. Adams's memo, attachment D1 for scope of work)

In November 2004, the team held its first meeting. Hurstbourne City Commissioners Wagner and Dahlem were assured that the traffic impact of Oxmoor Farm and Shelby Campus would be a vital part of study criteria. As additional meetings were conducted, advisory team members were told that Gresham Smith and Partners would be allowed to utilize their 2002 **Traffic Impact and Air Quality Study** for the foundation of any traffic data developed for the committee. After several committee meetings, it became obvious to Hurstbourne representatives that the Hurstbourne Transportation Study and Small Area Plan, when complete, would be slanted to support the pending developments of Oxmoor Farm and Shelby Campus, rather than provide the accurate traffic analysis needed. Metro Planning and Design staff, not Councilwoman Adams, was in control and responsible for all study criteria.

In February 2006, the Hurstbourne City Commission employed the services of William Fehribach, P.E., President of A&F Engineering, Indianapolis, to review the Oxmoor Farm Development Traffic Impact Study. He concluded the study was incomplete without a Traffic Impact Analysis analyzing the traffic impacts on our City, including the traffic from Shelby Campus. Mr. Fehribach concluded that the proper study could be very expensive. Also, unless the Metro Planning Commission agreed the study was needed and allowed it to become part of the record, it might never be considered and would be virtually worthless. It was decided not to have Mr. Fehribach perform the study until Metro Planning Commission agreed to accept the data as part of the **Traffic Impact and Air Quality Study** of the pending developments. (See **attachment F3 for Mr. Fehribach's preliminary report**)

The Hurstbourne City Commission became very concerned as the Hurstbourne Area Transportation Study and Small Area Plan was being drafted. The Commission believed the Study was not following the scope of work, and that crucial information was missing. In March 2007, Hurstbourne hired attorney Kyle Hubbard to monitor the study and assist when it was presented to the Metro Planning Commission for approval.

The Hurstbourne City Commission decided that it might become necessary to close some streets to protect the safety and quality of life of our residents. In April 2006 the Commissioners sent each Hurstbourne resident a survey seeking their input, for or against the idea. Seventy two percent of respondents voted 'yes' to closing streets. After further consideration the City Commission asked attorney Hubbard to begin exploring the process for closing exit streets, starting with Linn Station Road and Lyndon Lane, followed by other streets. The physical closing of streets would be with attractive gates, allowing only our residents and emergency vehicles complete access. Also, the gates would allow the streets to be opened or closed depending on

fluctuating traffic volumes. In the end, all exit streets would be considered for closure. No street would be closed if it caused another street to bear the additional traffic.

Linn Station Road stops at number 8716, and there is a wooden fence across the dead end. This will be the closure point for Linn Station Road. Lyndon Lane will be gated at the driveway of number 403. The dividing property line between Hurstbourne and Louisville is at this driveway. The intersection where Christian Way, Oxmoor Woods Parkway and Lyndon Lane intersect is inside the boundary of City of Louisville. The Hurstbourne City Commission has tried for several years to obtain possession of this intersection from the City of Louisville, but they have refused to discuss the matter. (See **Attachment F4 for map of closures.**)

In April 2004, the City Commission received a petition from residents on Lyndon Lane. Seventy percent of these residents wanted speed humps to control speeding traffic. Speed humps for Lyndon Lane were included in the fall 2007 paving contract bids and were installed in November 2007.

In 2007 the street closing process which started in April 2006 was ongoing. The City of Hurstbourne has the right to close its own streets; however, they must first make application to Metro Planning Commission and seek its approval. This approval is a formality. Metro Planning Commission schedules a public road closing hearing before making its recommendation. Once the public hearing is held and Metro Planning Commission makes its recommendation, the City of Hurstbourne has the final say on closing its streets.

In 2006, 2007 and 2008, documents were filed and refiled, along with several preliminary meetings with the members of Metro Planning Commission and/or staff, attempting to obtain a date for a public hearing on the street closures. Metro Planning Commission demanded that Hurstbourne conduct an in-depth **Traffic Impact Study** for inclusion in the street closing application, to include, but not be limited to traffic flow, traffic

counts, cut-through traffic and other criteria for **Lyndon Lane only**. This very involved study would be very expensive. Metro Planning Commission was told that closures were being considered only because of lack of data from the Oxmoor Farm development; to exclude this traffic from the study and only use current Lyndon Lane traffic was not acceptable. It was hypocritical for Metro Planning Commission to attempt to force the City of Hurstbourne to create an in-depth, very expensive **Traffic Impact Study** that should have been a prerequisite in the application for the filing of the Oxmoor Farm development. The City of Hurstbourne refused to pay for the study.

Metro Planning Commission refused to allow any reference to Oxmoor Farm traffic, or to include it in the traffic study they demanded. Although the 2002 Traffic Study for the Oxmoor Farm development concluded that additional traffic on Hurstbourne's streets would be '*insignificant*', Metro Planning Commission's staff engineers reports presented for the road closing hearing in June 2008 stated the opposite of that conclusion. The Planning Commission's staff engineers recommended denying the street closures because:

- "When the Bullitt (Oxmoor) Farms proposal was approved this connection provided a significant connection for that project to distribute traffic."**
- "I do not recommend this closure, as it would eliminate a major transportation closure connection point in the development pattern of the community."**

By Metro Planning Commission's own engineers' statements, the streets that Hurstbourne proposed closing were, in fact, intended to serve as significant, major transportation connecting points. Therefore, the Metro Planning Commission's refusal to permit the inclusion of Oxmoor Farm's massive traffic volumes in the required study would render the expensive study completely worthless—although it would allow the Metro Planning Commission to avoid exposing the true reason

Hurstbourne was being forced to close their streets.

Attorney Hubbard moved forward in preparation for the public hearing. Engineer Brad Yarger was asked to be part of the presentation. (See

Conclusion

In order for our Community to grow responsibly Metro Planning Commission must develop and abide by a long-range master land use plan. This plan must be an absolute, required process that measures every Metro Planning Commission decision against a clear, unified vision of the future. This plan should have limits on road capacities, air pollution, and other influences. In the Hurstbourne Lane-Shelbyville Road corridor, proper traffic analysis should be required for every ongoing development. Once intersections in any area approach failure limits, additional development should not be permitted without proper roadway improvements. In 2002, the Planning Commission received a traffic study rating nine (9) out of eighteen (18) major intersections in our area as over capacity and failing. However, congestion has consistently been allowed to grow as developments are approved, and the additional traffic has been accepted rather than scrutinized.

Let's look back to when our roadways were becoming congested, but had not developed into the debacle existing now. In 1989 a task force was created to develop criteria for the Louisville and Jefferson County Planning Commission. Its mission was to create planning law to eliminate traffic congestion problems on Hurstbourne Parkway and avoid the problems that we experience today. A press release in January 1990 by the head of the task force said, "The idea behind the Plan is to create a parkway setting along portions that have not been developed, so the corridor won't become another Shelbyville Road or Dixie Highway. Hurstbourne Lane between Taylorsville and Shelbyville already is saturated with developments, but the guidelines should prevent congestion there from getting worse."

Attachment F5 for a synopsis of Mr. Hubbard's report)

On May 13, 2008, after inspection of the meeting site, Metro Planning Commission agreed to hold a public hearing at the Hurstbourne Christian

Also in that press release, Ms. Minx Auerbach, chairman of the Planning Commission, voiced her concern that, "developers are now pushing the planning for the Louisville area." Agreeing with Ms. Auerbach in the same article was William Dakan, professor at the University of Louisville, who viewed East End growth "with some dismay". Dakan stated, "The Planning Commission doesn't really plan; there is no planning map of the city." (See *attachment #G1 for the complete article*)

In a press release dated August 1, 2007, members of the Metro Planning Commission were asked to comment on the City of Hurstbourne's concerns that traffic from the developments of Oxmoor Farm and Shelby Campus could greatly impact their safety and the quality of life in their city. Several Planning Commission members said, "**Traffic is a fact of life in busy areas.** One member stated, "*The City's (Hurstbourne's) notion of blocking streets would be counterproductive. The more connections you have, the less traffic you have on any one street!*" Another member said, "*The guide should not single out Hurstbourne for special treatment!*" This short-sighted planning philosophy has allowed developers to continue to obtain approval for developments that reek havoc to our roadway system. (See *attachment #G2 for the complete article by Bill Pike*)

In 1977 the City of Hurstbourne was well on its way to become the beautiful, unique city it is today. In November 1977 the City of Louisville began the process of annexing our subdivision. David Beckman, our first Mayor, and many others began a five-year battle before our City was incorporated in 1982. If the annexation had taken place Metro

Church, 601 Nottingham Parkway on June 10, 2008 at 6:30 P.M. However, after an over-capacity crowd arrived, the meeting had to be canceled, to be rescheduled later at a more appropriate location.



Planning Commission would have no opposition from our community (now Hurstbourne) in approving developments based on their flawed belief that "*the more connections you have the less traffic you have on any one street.*"

The City of Hurstbourne was created to be a low traffic volume residential community. The unique design of our extra-wide single lane roadways with large medians was never intended to be converted into thoroughfares to alleviate congestion on Shelbyville Road and Hurstbourne Parkway.

After experiencing many frustrating years of inaction by Metro Planning Commission ignoring our requests that they control the traffic growth and congestion threatening our safety and quality of life, the Hurstbourne City Commission has been forced to take the necessary measures needed to assure our beautiful City does not become a collection of congested, hazardous streets.

"Anyone who drives along Hurstbourne Lane between Taylorsville and Shelbyville roads has to wonder if planning for development in that area was handled by a 3-year-old. The hodgepodge of development that has created a crowded, dangerous and polluted nightmare must not be repeated anywhere in Jefferson County." (Editorial in Business First, January 29, 1990)



Attachments

A copy of the referenced attachments may be obtained at the City of Hurstbourne office.

Road Closing Hearing

Because of scheduling conflicts Metro Planning Commission cannot conduct a road closing hearing until November 2008. We have a tentative date for the hearing of November 11, 2008, at 6:30 P.M. Once we are certain of the exact date everyone will receive notice by U.S. Mail, approx. two weeks before the meeting.



CITY OF HURSTBOUNRE CONCERT IN THE PARK

Sunday, September 28, 2008
6:00 - 8:00 PM

In the City Park at the corner of
Nottingham Parkway &
Linn Station Road

Concert music provided by
Pete Willinger's Orchestra



**Come Join The Fun
Meet your Neighbors**

Bring Your Own Chairs

We'll Provide Hot Dogs,
Chips, Brats and Drinks

JUNK PICK UP

October 4, 2008

HAVE ALL JUNK FOR PICK UP AT THE CURB BY 6:00 AM

LATEX PAINT

Remove the lid. Set can in a well-ventilated area until paint has dried. Set it out for collection next to your trash with the lid off. You may place kitty litter, sawdust or shredded paper in the paint to help it dry faster.

OIL-BASED PAINT

Oil-based paint is considered hazardous household waste. You may take oil-based paint and other qualifying items to the HazBin. The HazBin is located at 7501 Grade Lane. Hours: Wednesdays & Saturdays 9:00 - 3:00 PM. Contact Metro Call for holiday hours and other items accepted at 574-5000.

REFRIGERATORS

To qualify a refrigerator for a junk pick up, you must have the freon removed by a certified technician. Please attach a copy of the technician's freon removal form to the refrigerator when you set it out for pick up.

ITEMS THAT CAN NOT BE PICKED UP

- Tires
- Fluids
- Chemicals
- Combustibles
- Batteries
- Propane tanks
- Lumber Over 4' (*under this length acceptable*)
- Fluorescent light bulbs over 10'
– must be broken to dispose of
(*under 10' not required to break*)



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URGENT

MARK YOUR CALENDAR

Concert in the Park
Sunday, September 28, 2008
6:00 - 8:00 PM

Junk Pick Up
October 4, 2008

See Inside for Details