

St Germain, Dante

From: John Talbott <John@bardlaw.net>
Sent: Tuesday, December 6, 2022 6:13 PM
To: St Germain, Dante
Subject: FW: Waldman/Johnson
Attachments: Atty-Rueff-Affidavit-Trees.pdf

Follow Up Flag: Follow up
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Dear Dante:

I am not sure that I provided you the information on the FFDRO, but I did find the email below, and again include the Rueff affidavit attachment. Thank you for your patience and hopefully this has not compromised you in any way.

AGENCY COMMENT 1: We believe the concern about 5,000 square feet or more of forest being cleared without DRO approval has been appropriately addressed on our end with the attached affidavit from Ms. Rueff which is attached (and was provided on October 7). There is a “for development purposes” qualifier to the Development Review Overlay District Chapter 3, Part 1, B.2. “clearing of forested area” prohibition. None of the trees that have been removed were removed for development purposes. The potential buyer of the property has not removed any trees. The seller of the property removed trees for personal gain, not for “development purposes.” Thus, no breach of Chapter 3, Part 1, B.2 has occurred.

AGENCY COMMENT 2: We believe the concern about “clustered” multi-family units does not exist within LDC 4.3.20.E.4. This comment raises concern about the locations of the multi-family units, ostensibly asking that the units be spread out more. While this section of the LDC does refer to clustering the diversity housing, it does not refer to not clustering the multi-family. The prohibition against clustering is simply that “Diversity Housing units should not be clustered or otherwise consolidated within a single defined area within the development.” In some cases, the two may be one-in-the-same, but in our case, we are also making the single family homes part of our diversity housing. Within the single-family units are evenly-distributed Diversity Housing units. Within the multi-family units are evenly-distributed Diversity Housing units. All Diversity Housing units are evenly distributed throughout the development; there is no clustering.

More importantly, this development achieves the overarching goal of compatibility within the development, LDC 4.3.20.E.4.c. The buildings are all constructed of an architectural style that harmonizes with the other buildings in the neighborhood. The Diversity Housing units are

constructed with exterior materials and architectural designs that are consistent with the materials and designs of the market rate units in the project. The proposed buildings are uniform and upscale – to the naked eye they do not discriminate against nor define the occupant as anything other than a person living in a new, contemporary development. The proposal serves the purpose of MRDI by mixing Diversity Housing into a development in such a way that Diversity Housing and non-diversity housing blend seamlessly.

AGENCY COMMENT 6: We believe that this the request to note the location of all trees exceeding “18 in diameter at a point 54” above the ground is too onerous, time-intensive, and expensive of a request in a development that includes more than 20 forested acres. It is also, considering the terrain and size of the property, not practical since we will not know exactly what trees are necessary to remove with that specificity until site work and construction plans are drawn. We ask that we only be required to do our best to give a reasonable idea about the trees to be removed and the existing canopy as a result. It is noteworthy that our plan has us preserving a substantial amount of the already-existing tree canopy and *increasing* the existing tree canopy from 910,757 square feet to 1,064,463 square feet.

AGENCY COMMENTS 7 & 9: We believe that our plan satisfies PDS Agency Comment 7 as it relates to the 100-foot Floyds Fork buffer, and PDS Agency Comment 9 as it relates to development taking place within the floodplain. The proposed plan increases the compensation basins that already exist in the area while not significantly disturbing the forested areas in the buffer zone. We will maintain the root system of the trees, and any disturbance in the 100-foot Floyds Fork buffer will result in the same volume of floodplain or an increased volume of floodplain, either of which leaves the area in as good or better condition than if development did not occur. Additionally, the review process requires the Planning Commission to consult with MSD, which would use the floodplain ordinances to approve a development such as this one. LDC 3.1.B.3. We will be prepared to demonstrate to the Planning Commission that there will either be no negative environmental impacts, or that any negative environmental impacts will be mitigated.

AGENCY COMMENT 10: Admittedly, this plan requires excavation and filling within the floodplain. Indeed, almost half of the property is located within the floodplain. But, the concerns raised in this comment concern discretion that filling and excavation should not be permitted in the floodplain. That discretion should be exercised here in favor of the development, as this development promotes at least four valuable goals for citizens of Louisville: (1) it provides Diversity Housing; (2) it maintains or increases the floodplain; (3) it increases the tree canopy; and (4) it provides hundreds of citizens of Louisville new housing opportunities. Moreover, we will comply with the floodplain requirements which were recently increased for compensation, and work with MSD to create a plan that addresses all flooding concerns.

AGENCY COMMENT 12: Please see the justification document requested.

AGENCY COMMENT 13: To the extent this development is spread out rather than clustered, it is in part done so to preserve the existing tree canopy and steep slopes, which are two goals of the FFDRO. There is a steep slope and tree line that cuts through the middle of the property north-to-south and across the top third of the property from east-to-west on the eastern side. That topography and tree canopy is preserved, thus making the natural development of the single-family portion of the property a P-shaped subdivision. This alignment also allows for the Diversity Housing to be spread out throughout the development, which accomplishes one of the main goals of MRDI developments

AGENCY COMMENT 13: Our plans preserve 809,548 square feet of the 1,052,533 square feet of existing tree canopy to act as screening for the structures that will be built. Additionally, the proposed compensation basins do not substantially disrupt the tree canopy. The scenic corridor buffer is preserved, and the nature of the landscape is that most of the development occurs on the back side of the property where the property is lower in elevation. Thus, the tree canopy that is preserved will largely screen and filter the views from the scenic corridor of the development. The plans preserve the area's rural appearance by maintaining large portions of the existing tree canopy and providing a 60-foot scenic corridor buffer. Additionally, all of the multi-family homes are set back farther than the 60-foot scenic corridor buffer and are faced perpendicular to the roadway.

AGENCY COMMENT 17: With more than a quarter million square feet of tree canopy being preserved along Floyds Fork, and an additional quarter million square feet of tree canopy being preserved throughout the development, this site plan aims to protect natural resources and viewsheds while providing additional Diversity Housing to the citizens of Louisville. Additionally, the site plan aims to preserve the views along the scenic corridor by placing multi-family dwelling units facing perpendicular to the roadway and setback farther than the 60-foot scenic corridor buffer requires. Analyzing the LOJIC satellite view and comparing it to the plan, it appears that the majority of the existing tree canopy that exists along the stream is preserved. Many of the steep slopes are preserved to permit minimal disruption to the natural resources. And the creation of a floodplain compensation, detention, and water quality basin adjacent to Floyds Fork further protects the natural resources and viewsheds from flooding and erosion, enabling citizens of Louisville to continue to utilize Floyds Fork for years to come.

Hopefully these explanations provide you what you need. If you have any questions or other comments, do not hesitate to contact me...Best, jt

From: John Talbott <John@bardlaw.net>

Date: Friday, October 7, 2022 at 2:55 PM

To: St. Germain, Dante <Dante.St.Germain@louisvilleky.gov>

Cc: Brent Hackworth <brent@highgates.com>, David Mindel (dmindel@mindelscott.com) <dmindel@mindelscott.com>

Subject: Waldman/Johnson

Dear Dante, attached is the affidavit from Jean Rueff (the property owner) supplied to me from Steve Porter. I believe that this should take care of the agency comment pertaining to tree cutting, but if not please let me know if I need to do anything else.

Also, below are the comments, along with several of the attachments, in response to the other numbered agency comments sent to my from my client...

3 - See the attached.

4 - Apartments = 1 from each building including a total of 2 from the building closest to Johnson Road.

5 - See attached.

27 - We discussed location in our meeting. With David redesigning, I am not sure what would be best. Attached are pictures of examples of how it will be screened.

32 - The buildings meet the 35' rule. Scott Kremer has yet to get me information proving why / showing math. I have sent him another reminder that I need asap.

35 - See attached. I had sent previously and we can use those, we can also use what I sent for Broad Run.

38 - With such limited space, not sure what besides a small dog park, a small playground (see attached) and maybe a sitting/pick-nick area?

Dante, We should have you the information on the other comments next week, in addition to a letter to Emily regarding interpretation of the MRDI regulation.

Best regards, and have a good weekend...jt

From: stpinlou@aol.com <stpinlou@aol.com>

Date: Thursday, June 16, 2022 at 3:55 PM

To: John Talbott <John@bardlaw.net>

Subject: Johnson Road

John,
i am attaching the Affidavit of Jean Rueff, owner of the property.
Steve

Stephen T. Porter
Attorney at Law
2406 Tucker Station Road
Louisville, KY 40299
502-905-9991
stpinlou@aol.com

BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

1000 N. HURSTBOURNE PARKWAY • BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG. • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223
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STATEMENT OF COMPLIANCE/LETTER OF EXPLANATION FOR FLOYDS FORK OVERLAY DISTRICT GUIDELINE 4

Applicant: Highgates Development

Owners: Jean Rueff

Project Name/Location: 1614 Johnson Road
Attached single family and multi-family residential
subdivision

Proposed Use:

Request: MRDI Subdivision

Engineers, Land Planners, Landscape
Architects: Mindel Scott & Associates, Inc.

INTRODUCTION

This “Mixed Residential Development Incentive” (“MRDI”) community of 130 proposed residential building lots and 126 multi-family units in four buildings is proposed by a company that in recent years has become increasingly active in the Louisville market building communities dedicated to the entry-level and middle-income markets, where demand appears to outpace supply for both new for-sale and new rental product. This area is one of Louisville’s prime growth areas for development of this exact kind because of these other factors: (a) the availability of significant sized tracts of land available for development that are served by sanitary sewers which MSD spent major taxpayer money to accommodate environmentally positive growth; (b) the presence of readily accessible significant and growing retail activity.

The specific issue addressed in this Statement of Compliance/Letter of Explanation concerns Floyds Fork Overlay Guideline 4: Hillside, to address staff’s PDS Agency comment #12.

COMPLIANCE WITH THE FLOYDS FORK OVERLAY GUIDELINE 4: HILLSIDES

The Floyds Fork Development Review Overlay (FFDRO) is an overlay area shown on Louisville Metro’s zoning district maps, which “constitutes a second level of development standards in addition to those specified by the underlying zoning district”, the “purpose” of which “is to protect the quality of the natural environment . . . by promoting compatible development of land and structures” from “blighting influences” . . . , “unsafe buildings” . . . , “significant damage or destruction of prominent hillsides or valleys caused by improper development” . . . , “significant damage to the economic value of existing properties and/or new developments” . . . , “soil erosion and stream siltation” . . . , “destruction of mature and/or valuable trees and other vegetation and wildlife habitat” . . . , and “loss of high quality visual character.” LCD 3.1.A.1.

The FFRDO Regulations attempt to accomplish these purposes by reviewing development applications against certain “guidelines” which contain such word choices as “desirable”, “preferred”, “recommended”, “discouraged”, “encouraged”, “intended”, “where possible”, “may” and “would”. Indeed, there are 62 different times the word “should” is used in the FFRDO Guidelines, with only a single use of the word “shall”. This is why the FFRDO review is conducted against mere “guidelines”, not detailed, objective “standards”, like the rest of the LDC.

As such, in each case a FFRDO review is conducted by the Planning Commission to determine a proposed development’s “impact on environmental characteristics.” To aid the Planning Commission in doing so, the FFRDO Regulations state that the applicant must “provide adequate information to allow the Commission to determine impacts of the proposal and compliance with the [established] guidelines.” LDC 3.1.B.3. If the Planning Commission determines there to be negative impacts, the next question for the Planning Commission is to determine if those impacts “can be overcome” and “mitigated to a substantial degree” through “incorporation of any necessary mitigation measure” — defined by the FFRDO as Conditions of Approval (COA). In such case, “approval of the development . . . will be given”, contingent of course upon compliance with other LDC regulations. LDC 3.1.B.8.

FFRDO: Chapter 3, Part 1, Section 4 reads:

4. Hillside

- a. Design subdivisions and locate structures to preserve the natural character of the land to the greatest extent possible.
- b. Areas with slopes of 20% or greater generally should not be disturbed.
- c. Major subdivisions with developable lots or roadways situated on slopes of 33% or greater should be permitted only if a report prepared by a qualified geotechnical or soils engineer documents that the proposed design will not result in hazardous conditions and certifies work during construction.
- d. Minimize cuts and fills. Necessary cuts, fills and other earth modification should be replanted with appropriate vegetation. Minimize the practice of terracing hillsides in order to provide additional building sites. Structural containment of slopes should be minimized; retaining walls exceeding six feet in height should be avoided.

To comply with FFRDO Guideline 4(a) and (b), the Applicant has designed this subdivision in such a way as to maximize development in the areas that do not have 20% or greater slopes, as shown by this “Existing Steep Slopes Exhibit” created on November 21, 2022:



In that exhibit, which has been submitted on ACCELA, the gray shaded regions connote the existing slopes of 20% or greater, and the majority of those regions are undisturbed by the proposed development.

Additionally, to further comply with FFDRO Guideline 4(a)-(d) and maximize safety during and long after construction on the site, the Applicant had studies performed by ECS Southeast, LLP. The results of the first study, titled “Preliminary Slope Evaluation & Karst Survey”, and dated May 20, 2022, and the second study, titled “Johnson Road Residential – Slope Exploration”, and dated November 10, 2022, have been submitted to the ACCELA system. In those studies, the geologists and engineers at ECS Southeast, LLP conducted extensive geotechnical studies of the site, including site reconnaissance, soil surveys, and borings, and have concluded that though there are steep slopes on the site, construction can proceed on the site pursuant to a set of recommendations that will help “maintain the stability of the existing and planned slopes during the design and construction of the new subdivision, and over the life of the new homes.” The recommendations are as follows:

- ECS should be contacted to review and evaluate specific foundation and design plans immediately prior to and during construction.
- All foundations located in areas with slopes greater than 20% should bear entirely on competent rock (sound and continuous).
- Plan to install foundation and sub-floor drainage systems for structures bearing entirely on rock or near the soil/rock interface.
- Plan grading to minimize changes to existing topography along slopes.
- Minimize disturbance to slopes and vegetation outside new construction areas.
- Avoid significant transverse cuts along face or at the toe of existing slopes.

- Avoid significant embankments on the face, or along or at the crest of existing slopes.
- Avoid placing new construction at or within 10 feet of the crest of existing slopes.
- Maintain the following limits for new cuts in soil without additional geotechnical exploration and analysis:
 - 3:1 (horizontal: vertical) or flatter slopes.
 - Properly strip all vegetation, topsoil, etc. where fill will be placed.
 - Construct embankments with controlled fill compacted to at least 98 percent of the Standard Proctor maximum dry density and within 2 percent of the optimum moisture content.
 - Maximum fill embankment height: 5 feet.
 - Horizontally bench new fill into existing slopes in maximum one-foot vertical steps.
- Established drainage features displaying evidence of active or ephemeral springs should be preserved by constructing a spring box drainage blanket and/or finger drain, as appropriate, to provide an outlet for accumulated discharge flow.
- Provide adequate erosion control/protection of soil (silt fencing, geotextile fabric, erosion mats, etc.) surface water drainage control (drainage ditch, gravity drains, blanket drains, etc.) during construction and over the life of the subdivision.
- Establish permanent vegetative cover and protect cut grades (placement of structural fill, well graded stone, vegetative cover, or equivalent) as soon as practical to reduce exposure to potential adverse conditions.

These recommendations are in keeping with the intent, purpose, and design of FFDRO Guideline 4: Hillides. Furthermore, the Applicant remains committed to safety and to ensuring that this development is constructed and designed with safety and stability. This subdivision design not only largely avoids disturbing steep slopes on the site per the FFDRO Guidelines, it also follows extensive studies and recommendations regarding construction on the few portions that do require construction within the steep slopes. Accordingly, the Applicant submits that this proposed development is in full compliance with FFDRO Guideline 4.

* * *

For all of the above-stated reasons, those shown on the detailed district development plan and those explained at the public hearing, this application complies with the Floyds Fork Overlay Guideline 4.

Respectfully submitted,



John C. Talbott
 Bardenwerper, Talbott & Roberts, PLLC
 Building Industry Association of Greater Louisville Bldg.
 1000 N. Hurstbourne Parkway, Second Floor
 Louisville, KY 40223

St Germain, Dante

From: John Talbott <John@bardlaw.net>
Sent: Wednesday, May 3, 2023 2:22 PM
To: St Germain, Dante
Cc: Allison Hicks; David Mindel; Nick Pregliasco; Joseph Waldman; Brent Hackworth
Subject: Re: Floyds Fork DRO 22-MSUB-0004

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Dear Dante, the RES report identifies 4 wetlands areas and 3 open water areas. Of these seven areas, only two will be impacted. The other 5 wetlands and open water areas will be preserved in their natural state to protect the wildlife habitat and existing vegetation. Regarding the one open water area that will be removed, this area is a man-made farm pond, which is not jurisdictional, and therefore not regulated by the Land Development Code, or more particularly the Floyds Fork DRO Guidelines. The only one jurisdictional wetland (of the 4 identified) which will be removed is "Wetland 3". In removing this one wetland, we will follow all LDC, MSD regulations, and more importantly, the federal Army Corps of Engineers rules and regulations to limit as much as possible any environmental impact. Additionally, we are preserving over 186,000 sq.ft. of open space, instead of only the required 50,000 sq.ft for the preservation of the wildlife habitat in the area.

The binding element we propose to further provide commitment to our plan and the environmental protections we are adopting, is as follows:

"The applicant shall not engage in any land disturbing activities in the jurisdictional wetland identified as Wetland 3 until all necessary federal and MSD approvals and permits have been obtained. No other jurisdictional wetlands or jurisdictional open water areas will have any land disturbing activities."

Sent from my iPhone

On May 3, 2023, at 1:01 PM, St Germain, Dante <Dante.St.Germain@louisvilleky.gov> wrote:

John,

Do you have anything you would like to me to provide to the Commissioners on this section? The staff report needs to be finished today so the sooner you can get something to me the better.

Dante St. Germain, AICP

Planner II

Planning & Design Services

Department of Develop Louisville

LOUISVILLE FORWARD

444 South Fifth Street, Suite 300

Louisville, KY 40202

(502) 574-4388

<https://louisvilleky.gov/government/planning-design>



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From: St Germain, Dante

Sent: Monday, May 1, 2023 11:04 AM

To: John Talbott <John@bardlaw.net>

Subject: Floyds Fork DRO 22-MSUB-0004

John,

I didn't request an explanation for the following provision in the DRO before because I didn't know about the wetlands earlier. I am adding it to the staff report for May 11 and wanted to give you an opportunity to address it.

Areas identified as wetlands in studies approved by government agencies should be preserved in their natural state. Drainage, flooding patterns and any hydrologic system(s) needed to sustain the wetlands should not be altered. Existing vegetation and wildlife habitat should be preserved.

Dante St. Germain, AICP

Planner II

Planning & Design Services
Department of Develop Louisville
LOUISVILLE FORWARD
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St Germain, Dante

From: John Talbott <John@bardlaw.net>
Sent: Thursday, May 11, 2023 2:35 PM
To: Stuber, Beth; Kern, Jennifer; St Germain, Dante
Cc: David Mindel (dmindel@mindelscott.com); Joseph Waldman; Brent Hackworth
Subject: Re: Waldman/Johnson (22-MSUB-0004)

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Beth and Jennifer, many thanks for your attention to this matter....Dante, will you make sure this email is made a part of the official record? Best, jt

From: Stuber, Beth <Elizabeth.Stuber@louisvilleky.gov>
Date: Thursday, May 11, 2023 at 2:33 PM
To: John Talbott <John@bardlaw.net>, Kern, Jennifer <jennifer.kern@louisvilleky.gov>, St Germain, Dante <Dante.St.Germain@louisvilleky.gov>
Cc: David Mindel (dmindel@mindelscott.com) <dmindel@mindelscott.com>, Joseph Waldman <joseph@highgates.com>, Brent Hackworth <brent@highgates.com>
Subject: RE: Waldman/Johnson (22-MSUB-0004)

John,

Jennifer and I have reviewed the case in depth. Public Works and Transportation have decided to approve the plan filed for the Planning Commission as is and not ask for any off-site improvement. While there are a number of traffic concerns in the area, the traffic study data shows that the impact of this site will not trigger or require improvements by the developers of this site.

Beth Stuber, PE
Transportation Engineering Supervisor

From: John Talbott <John@bardlaw.net>
Sent: Wednesday, May 10, 2023 6:43 AM
To: Kern, Jennifer <jennifer.kern@louisvilleky.gov>
Cc: Stuber, Beth <Elizabeth.Stuber@louisvilleky.gov>; David Mindel (dmindel@mindelscott.com) <dmindel@mindelscott.com>; Joseph Waldman <joseph@highgates.com>; Brent Hackworth <brent@highgates.com>
Subject: Re: Waldman/Johnson (22-MSUB-0004)

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Dear Jennifer, thank you for the follow up. No, we are not asking to be relieved of any permit fees or system development charges.

In order to provide a little background, this case is not a rezoning, but it is for an R-4 Major Subdivision approval, utilizing the incentives for affordable housing under the MRDI regulation in Chapter 4 of the Land Development Code. Johnson Road also has been improved already with System Development Road funds. I am not sure of the exact year, but it was in recent memory.

Our application on the subdivision has been in the process for a very long time, and it is on the docket for May 11, which was the reason for me reaching out to you and others on traffic on April 27. It has been our understanding that from a traffic standpoint that we addressed all of the questions from Public Works, Transportation, and KYTC. All matters raised in Agency Review were addressed and removed from the Agency Review reports. My intent on reaching out to you and the others in these areas was simply to confirm our understanding that from a traffic standpoint, all issues are resolved.

For a variety of reasons, we requested a continuance last night on our case. However, we still would like to receive confirmation on this question. You mentioned that you were meeting with all of the stakeholders on this subject last Friday. If you could fill me in on the review, I would appreciate it.

Many thanks, and look forward to hearing from you and the others.

With kind regards,



Land Law

John C. Talbott

Bardenwerper Talbott & Roberts, PLLC
Office 502-426-6688
Cell 502-741-8783

From: Kern, Jennifer <jennifer.kern@louisvilleky.gov>
Date: Tuesday, May 9, 2023 at 8:44 PM
To: John Talbott <John@bardlaw.net>
Cc: Stuber, Beth <Elizabeth.Stuber@louisvilleky.gov>
Subject: RE: Waldman/Johnson (22-MSUB-0004)

John,
I will not have time for call before the hearing. I'm not sure I follow what you're asking below. Are you asking for system development fees to not be charged at the building permit level?

Jennifer Caummisar-Kern

Jennifer.Kern@louisvilleky.gov | (502)574-3925

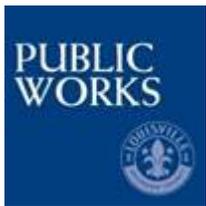
From: John Talbott <John@bardlaw.net>
Sent: Tuesday, May 9, 2023 3:02 PM
To: Kern, Jennifer <jennifer.kern@louisvilleky.gov>
Subject: Re: Waldman/Johnson (22-MSUB-0004)

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Jennifer, this is John Talbott. I was following up on the email I sent week before last. Could you give me a quick call? Many thanks..jt

From: Kern, Jennifer <jennifer.kern@louisvilleky.gov>
Date: Monday, May 1, 2023 at 10:27 AM
To: John Talbott <John@bardlaw.net>, Stuber, Beth <Elizabeth.Stuber@louisvilleky.gov>, Brown, Jeffrey <Jeffrey.Brown@louisvilleky.gov>, Jason Richardson (<jasonr.richardson@ky.gov> <jasonr.richardson@ky.gov>
Cc: David Mindel (<dmindel@mindelscott.com> <dmindel@mindelscott.com>), Joseph Waldman <joseph@highgates.com>, Brent Hackworth <brent@highgates.com>, Nick Pregliasco <nrp@bardlaw.net>, Diane B. Zimmerman <dianeبزim@att.net>
Subject: RE: Waldman/Johnson (22-MSUB-0004)

John,
We'll be discussing in house on Friday and will get you a response as soon as possible.



Jennifer Caummisar-Kern, PE, PTOE, CFM

Director
Louisville Metro Public Works
444 S. 5th Street
Louisville, KY 40202
Jennifer.Kern@louisvilleky.gov | (502)574-3925

From: John Talbott <John@bardlaw.net>
Sent: Thursday, April 27, 2023 12:26 PM
To: Stuber, Beth <Elizabeth.Stuber@louisvilleky.gov>; Brown, Jeffrey <Jeffrey.Brown@louisvilleky.gov>; Kern, Jennifer <jennifer.kern@louisvilleky.gov>; Jason Richardson (<jasonr.richardson@ky.gov> <jasonr.richardson@ky.gov>
Cc: David Mindel (<dmindel@mindelscott.com> <dmindel@mindelscott.com>); Joseph Waldman <joseph@highgates.com>; Brent Hackworth <brent@highgates.com>; Nick Pregliasco <nrp@bardlaw.net>; Diane B. Zimmerman <dianeبزim@att.net>
Subject: Waldman/Johnson (22-MSUB-0004)

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Dear All, first of all, Jennifer, congratulations on your new appointment as the new Director of Public Works. We have not met, but I have heard very positive things about you, and look forward to meeting you in the near future.

I wanted to check in on this MRDI, Major Subdivision application. The Planning Commission Hearing is currently scheduled for May 11, having previously been docketed in April. Since we were docketed, it is my understanding that all road and traffic issues have been addressed to the satisfaction of Metro Public Works, Transportation, and KYTC. In order to provide some background, this case is not a rezoning case, again it is simply a Major Subdivision approval under

the MRDI regulation. Johnson Road, on which the property of this case sits, has already improved with funds from the Road System Development funds as I understand as well.

Could you confirm that my understanding is correct? Attached is the most recent Agency Review from February 1, 2023, where the Transportation agency comments had been removed, but there was the note about the Traffic Study being under review before the case was docketed for the PC hearing. Diane Zimmerman's TIS is also attached for convenience.

Many thanks for your attention to this issue, and look forward to hearing from you.

With kind regards, jt



Land Law

John C. Talbott

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