

St Germain, Dante

From: Judith Schmuckie <judithschmuckie4@gmail.com>
Sent: Friday, February 24, 2023 2:37 PM
To: St Germain, Dante
Cc: Hawkins, Tammy; Deshields, Lanesha
Subject: Proposed Apartments at 5127 Terry Road

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Good afternoon. I am writing to express several concerns regarding the proposed apartment development at 5127 Terry Road.

I have been told that a traffic study was conducted for this proposed development. When and how was this done? No traffic study equipment was ever placed on Lemmah Drive (the ONLY street access in or out of Murray Heights). No traffic study equipment was ever observed on Terry Road near where the entrance/exit for this development will be. How can an accurate traffic study be conducted without accurately monitoring the volume of traffic in the impacted area? There are currently numerous apartment developments being added in this area. A large complex is planned for the old Gagel Truck Farm. There is a large development under construction behind Big Lots. The large development on Cane Run was recently added. How many more LARGE developments are going to be added in this area?

Lemmah Drive is the ONLY street in or out of Murray Heights. The proposal calls for joining onto Joy Drive and using Lemmah Drive as an access point for this development. On numerous occasions, traffic accidents at the corner of Lemmah Drive and Terry Road have closed this intersection completely - no access in or out of our subdivision. And I'm not talking about lack of access for a few minutes. It is closed while police investigations are done, wrecked cars are removed, debris is removed from the street, etc. This can be an hour or more.

Lemmah Drive is the ONLY street in or out of Murray Heights. There are 200+ homes in this subdivision. I was previously told that it was an issue with the PRP fire department to have this many homes with only 1 access point and that no other homes could be added to our subdivision with only 1 access. Now you want to add 200+ apartments to our subdivision? Has anyone considered how dangerous this is for the residents if a fire or medical emergency were to occur?

The apartment buildings were previously stated to be 35 feet high. Now a revision has been requested to 39 feet so the apartments can have taller ceilings. Why do affordable housing units need to have higher ceilings? I have standard ceilings in my home with no issues. I can tell you why - the more "luxurious" the apartments the higher the rent that can be charged.

I understand there is going to be a walking path in the rear of the development. May I ask a walking path to where? There are no sidewalks in our neighborhood.

The head of the development company publicly called the residents of Prospect racist for not wanting an affordable housing complex in their neighborhood. Not wanting this development has nothing to do with race. It's about overwhelming our existing neighborhood with traffic, not to mention impacting public services like police and fire that serve this area. I would like to know how the number of new developments in Southwest Jefferson County compares to developments in other parts of the county?

Please consider - do we need another large complex in this part of Jefferson County? I say no. Thank you for your consideration!

St Germain, Dante

From: Murray Heights <murrayheightsky@gmail.com>
Sent: Friday, February 24, 2023 12:41 PM
To: St Germain, Dante
Cc: Hawkins, Tammy; Deshields, Lanesha; Liu, Yu
Subject: Re: 22-ZONE-0050 - 5127 Terry Rd

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Dante, of course you would be included as well, so that should ensure that all interested persons have access to it. This process seems very disadvantageous to those of us adversely impacted and unskilled at navigating this process. Who is looking out for our quality of life? Please help me understand that.

I gather, in hindsight, that being able to attend the LD&T meeting would have been the best way to address the committee - but we did not know that. (Some who should have received notices, shared that they did not, but there's no recourse for that.) There is no way for an ordinary citizen to know this stuff. I want you to please help us get these requests seen and heard. LDG has been dismissive and has not budged a single inch on anything we have asked - just getting questions answered, and truthfully answered, has been a struggle.

Can we request an additional LD&T meeting?

Tina Burnell

On Fri, Feb 24, 2023 at 12:20 PM St Germain, Dante <Dante.St.Germain@louisvilleky.gov> wrote:

Whether you include the developer on the email or not, not all persons who may be interested in the case will necessarily get a copy of it. Therefore, the Commissioners cannot engage with it or consider it outside the public meeting.

If you want to notify the Commissioners of your thoughts on any case, you can email me and I will include your comments in the public record. That is the correct way to contact the Commissioners, because that is published with the staff report and all interested persons have access to it.

Dante St. Germain, AICP

Planner II

Planning & Design Services

Department of Develop Louisville

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From: Murray Heights <murrayheightsky@gmail.com>

Sent: Friday, February 24, 2023 12:08 PM

To: St Germain, Dante <Dante.St.Germain@louisvilleky.gov>; Hawkins, Tammy <Tammy.Hawkins@louisvilleky.gov>;
Deshields, Lanesha <Lanesha.Deshields@louisvilleky.gov>; Liu, Yu <emily.liu@louisvilleky.gov>

Subject: Re: 22-ZONE-0050 - 5127 Terry Rd

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We had a community meeting last night - no one understood the importance of the LD&T meeting, including myself - and we feel that has put us at a disadvantage for input - so I simply want to copy them on an email with the collective input and requests we discussed. It seems I should be able to have public officials email addresses do this. They don't have to respond or engage in discussion - and I am not asking them to do so. The developer will be included on the email.

Tina Burnell

On Fri, Feb 24, 2023 at 11:51 AM St Germain, Dante <Dante.St.Germain@louisvilleky.gov> wrote:

The only email addresses I can provide are on this page:

<https://louisville.legistar.com/DepartmentDetail.aspx?ID=23455&GUID=02555248-15FD-4CCF-88A1-EAA624D4E610>

However, I will let you know that the Planning Commission members (which include the LD&T members) cannot discuss a case with any interested party outside the public forum of the meetings.

Dante St. Germain, AICP

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From: Murray Heights <murrayheightsky@gmail.com>

Sent: Friday, February 24, 2023 11:43 AM

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

Subject: 22-ZONE-0050 - 5127 Terry Rd

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Hi Dante,

Can you please send me email address for the members of the LD&T committee?

Thanks,

Tina Burnell

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St Germain, Dante

From: Murray Heights <murrayheightsky@gmail.com>
Sent: Friday, February 24, 2023 1:23 PM
To: Ashburner, Clifford; Chris Dischinger; Christi Lanier-Robinson; St Germain, Dante
Cc: Amanda Bell; Dala Wolfe; Deshields, Lanesha; Gina Davis; Hawkins, Tammy; James.Mims@louisvilleky.gov; Brown, Jeffrey; Madonna.senn@yahoo.com; Melinda Hoskins; Patti Heath; Sarah Harned; Smbogard@gmail.com; Tanya Schantz; brandi2164@gmail.com; caanholder@hotmail.com; deniselet@att.net; donna.rock5; jcaulk31@outlook.com; jlvamb44@gmail.com; jm.kayse3@gmail.com; msekennell@aol.com; norm@whoever.com; theboobean@yahoo.com; tr5mill@aol.com
Subject: 22-ZONE-0050 - 5127 Terry Rd

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With the zoning meeting coming up on March 2, 2023. We want to express concern and frustration that LDG has not compromised or conceded a single inch on any of the things that the affected residents of our neighborhood have requested. We did not understand the importance of the LD&T meeting(s) - and as citizens unaccustomed to navigating this process - we have felt lost and frustrated.

LDG, in both their own "waiver request" and "variance request", attempts to justify their requests by citing "relief to the applicant" and "unnecessary hardship" to the applicant, yet they have given ZERO consideration or respect to the relief and unnecessary hardship they are creating for our community and ZERO consideration to our homes or our quality of life.

We held a community meeting last night, with a good turnout, to discuss this development - below are our collective requests. These are reasonable and fair to both parties and again we ask LDG to consider the following:

1. We ask that buildings labeled 3 & 4 remain where they are at a 50' setback but be lowered to two story instead of 3-story. The current design of a 3-story 44' tall building will absolutely TOWER over the single level ranch homes on Huberta Drive. (those levels can always be moved to buildings 7 & 8 for two 4-story units if they feel they need to maintain 216 units - otherwise in fairness to adjacent property owners, these two buildings should not be permitted at 3-stories tall. It would obliterate the adjacent homeowners sight lines and completely overshadow the single level ranch homes behind them. Not to mention the loss of any privacy in our own backyards.

2. We ask that 6' white vinyl fencing and enhanced landscaping (with trees that don't lose their leaves) be installed behind the full length of houses on Huberta Drive directly impacted by these apartments.

3. We ask that binding elements include:

- common areas maintained
- no cars up on blocks or abandoned on the property
- no vehicles being worked on for maintenance of repairs
- no towels, clothings, or other materials hanging from balconies
- garbage areas enclosed on 3 sides and kept clean at all times

Our neighborhood and our homes will be directly impacted by this development. We ask that you consider our quality of life in the final decisions.

On behalf of Murray Heights,
Tina Burnell
502-365-6949

St Germain, Dante

From: Rich Carlson (GM) <rich.carlson8001@gmail.com>
Sent: Wednesday, February 22, 2023 11:33 AM
To: 'Troy Kerr'
Cc: St Germain, Dante
Subject: RE: 5127 Terry Road Apartments

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Hi Troy-

I am copying Ms. Dante St. Germain, the case manager, on this e-mail.

Unfortunately the Land Development Code does not address the topic of “remoteness” like fire and building codes do when it comes to exits. (I wish it did.) So it becomes a matter of whether guys like us can convince the “plan approvers” that an issue exists.

I can see the scenario of a fire in buildings 2-8 and a supply line laid which effectively keeps residents from entering/leaving. And we’ve been to enough of these to know how pleasant these folks are. So there is merit to connect Harvest Drive, as unpopular as it will be with the neighbors.

I’m not seeing a divided driveway/entrance on the latest plan. The land designer school of thought is two – 9’ or 10’ driveways equals 18’ or 20’ the minimum road width. Unfortunately the designers and others don’t know when a ladder truck is set-up, the spread between the outriggers is 17’ 10”, so the narrow width doesn’t work. (I’m trying to educate, but it is slow going).

A couple of other things I’m thinking about on this case. Who will maintain Joy Drive, if it remains a private street (potholes, etc.) Also whether there is sufficient turning radii around buildings 4 & 5. (I imagine you could reach out to the land planner, Derek Triplett 426-9374, provide him with your apparatus turning specifications and ask him to layout an “Auto Turn” plan to demonstrate what they propose will work for your apparatus.

One other thing I asked about was some kind of means to access that long easement at the rear. That way if there is a field fire or some other kind of incident in that large area, fire would have an easier access and perhaps even a fire hydrant more accessible.

Here is a link to all the files I have access to:

<https://louisville.legistar.com/LegislationDetail.aspx?ID=6002541&GUID=D29DEC96-7EF9-461E-A0AF-423966065A71> This case is scheduled for a change in zoning hearing on March 2. You are welcome to attend either in person or on line and if you have additional comments, they would be most helpful.

Have a good ‘un!

Rich

From: Troy Kerr <TKerr@prpfire.org>
Sent: Wednesday, February 22, 2023 9:42 AM
To: rich.carlson8001@gmail.com
Cc: Major Allen Richard <arichard@prpfire.org>
Subject: 5127 Terry Road Apartments

I made a few phone calls inquiring about the 5127 Terry Road project and was told "He has been all over this project", he being you. The concern is the 2 entrances to the complex due to the size and if the two proposed entrances actually qualify as such being that they are in fact separate entrances but meet only a few hundred feet way and run to the rest of the complex. I was also told you are more concerned with the turn in from the proposed Joy Drive. I see that the divider could in fact pose a problem for fire equipment entering from that entrance. Any insight is welcome.



Troy V. Kerr, Fire Inspector II
Pleasure Ridge Park Fire District
Fire Prevention Bureau

Cell: 502-445-3331
Office: 502-937-2125
Fax : 502-995-7279
Email: tkerr@prpfire.org

9500 Stonestreet Road
Louisville, KY 40272

www.prpfire.org



St Germain, Dante

From: Murray Heights <murrayheightsky@gmail.com>
Sent: Tuesday, February 21, 2023 4:26 PM
To: St Germain, Dante
Subject: Re: 22-ZONE-0050 - 5127 Terry Rd

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Thank you, Dante.

Tina Burnell

On Tue, Feb 21, 2023 at 4:18 PM St Germain, Dante <Dante.St.Germain@louisvilleky.gov> wrote:

I have attached a copy of the most recent site plan received.

Dante St. Germain, AICP

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From: Murray Heights <murrayheightsky@gmail.com>

Sent: Tuesday, February 21, 2023 4:11 PM

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

Cc: Ackerson, Brent <Brent.Ackerson@louisvilleky.gov>; Amanda Bell <bell.amandajo@gmail.com>; Armstrong, Cassie <Cassie.Armstrong@louisvilleky.gov>; Arthur, Jecorey <Jecorey.Arthur@louisvilleky.gov>; Ashburner, Clifford <Clifford.Ashburner@dinsmore.com>; Batshon, Khalil <Khalil.Batshon@louisvilleky.gov>; Benson, Stuart <Stuart.Benson@louisvilleky.gov>; Blackwell, Rick <Rick.Blackwell@louisvilleky.gov>; Chappell, Jennifer <Jennifer.Chappell@louisvilleky.gov>; Chris Dischinger <cdischinger@ldgdevelopment.com>; Christi Lanier-Robinson <crobinson@ldgdevelopment.com>; Deshields, Lanesha <Lanesha.Deshields@louisvilleky.gov>; Engel, Robin <Robin.Engel@louisvilleky.gov>; Flood, Madonna <Madonna.Flood@louisvilleky.gov>; Fowler, Cindi <Cindi.Fowler@louisvilleky.gov>; Hawkins, Tammy <Tammy.Hawkins@louisvilleky.gov>; Hudson, Jeff <Jeff.Hudson@louisvilleky.gov>; Johnson, Shannon <Shannon.Johnson@dinsmore.com>; Kramer, Kevin <Kevin.Kramer@louisvilleky.gov>; Madonna.senn@yahoo.com; McCraney, Paula <Paula.McCraney@louisvilleky.gov>; Melinda Hoskins <melindahoskins69@gmail.com>; Mulvihill, Patrick <Patrick.Mulvihill@louisvilleky.gov>; Owen, Andrew <Andrew.Owen@louisvilleky.gov>; Parker, Marilyn <Marilyn.Parker@louisvilleky.gov>; Piagentini, Anthony <Anthony.Piagentini@louisvilleky.gov>; Purvis, Donna <Donna.Purvis@louisvilleky.gov>; Reed, Scott <Scott.Reed@louisvilleky.gov>; Ruhe, Betsy <Betsy.Ruhe@louisvilleky.gov>; Sarah Harned <inswsn@gmail.com>; Seum JR, Dan <Dan.Seum@louisvilleky.gov>; Shanklin, Barbara <Barbara.Shanklin@louisvilleky.gov>; Smbogard@gmail.com; Tanya Schantz <Hellraiser0509@gmail.com>; Winkler, Markus <Markus.Winkler@louisvilleky.gov>; brandi2164@gmail.com; dalawolfe@att.net; deniselet@att.net; grdavis2004@yahoo.com; heap8506@yahoo.com; jcaulk31@outlook.com; jm.kayse3@gmail.com; msekennell@aol.com; norm@whoever.com; theboobean@yahoo.com; tr5mill@aol.com

Subject: Re: 22-ZONE-0050 - 5127 Terry Rd

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Thank you for this information, Dante.

What we are actually wanting to see is the final design of the entire proposed complex layout including any changes that needed to be made to the Joy Drive connection or anywhere else up to this point that differs from the original plan we were presented with in March 2022.

Thank you,

Tina Burnell

On Tue, Feb 21, 2023 at 3:20 PM St Germain, Dante <Dante.St.Germain@louisvilleky.gov> wrote:

If I understand correctly, your question is regarding landscaping along a portion of the property? Landscaping final plans are made at a different stage of the process, after the zoning change is acted upon, and usually do not have neighbor input as they are made in compliance with the Land Development Code in most cases. If you have particular landscaping that you want to see the developer required to use, the time to bring that up is at the LD&T meeting or the Planning Commission public hearing, to request a binding element regarding landscaping. The Planning Commission and/or Metro Council can apply a binding element to the site regarding general landscaping, for instance, requiring the applicant to build a fence instead of using a hedge, or vice versa, or requiring a specific type of fence, etc. The exact species of trees/shrubs cannot be specified at this early stage as it is not known right now what will be available when it comes time to install landscaping, but generalizations as to the type of species to be used can be made (for instance, evergreen vs. deciduous, Type A vs. Type B or Type C trees, etc.)

Dante St. Germain, AICP

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From: Murray Heights <murrayheightsky@gmail.com>

Sent: Tuesday, February 21, 2023 11:53 AM

To: Ashburner, Clifford <Clifford.Ashburner@dinsmore.com>

Cc: Amanda Bell <bell.amandajo@gmail.com>; Chris Dischinger <cdischinger@ldgdevelopment.com>; Christi Lanier-Robinson <crobinson@ldgdevelopment.com>; Deshields, Lanesha <Lanesha.Deshields@louisvilleky.gov>; Hawkins, Tammy <Tammy.Hawkins@louisvilleky.gov>; Johnson, Shannon <Shannon.Johnson@dinsmore.com>; Madonna.senn@yahoo.com; Melinda Hoskins <melindahoskins69@gmail.com>; Sarah Harned <inswsn@gmail.com>; Smbogard@gmail.com; St Germain, Dante <Dante.St.Germain@louisvilleky.gov>; Tanya Schantz <Hellraiser0509@gmail.com>; Owen, Andrew <Andrew.Owen@louisvilleky.gov>; Piagentini, Anthony <Anthony.Piagentini@louisvilleky.gov>; Shanklin, Barbara <Barbara.Shanklin@louisvilleky.gov>; Ruhe, Betsy

<Betsy.Ruhe@louisvilleky.gov>; brandi2164@gmail.com; Ackerson, Brent <Brent.Ackerson@louisvilleky.gov>; Armstrong, Cassie <Cassie.Armstrong@louisvilleky.gov>; Fowler, Cindi <Cindi.Fowler@louisvilleky.gov>; dalawolfe@att.net; Seum JR, Dan <Dan.Seum@louisvilleky.gov>; deniselet@att.net; Purvis, Donna <Donna.Purvis@louisvilleky.gov>; grdavis2004@yahoo.com; heap8506@yahoo.com; jcaulk31@outlook.com; Arthur, Jecorey <Jecorey.Arthur@louisvilleky.gov>; Hudson, Jeff <Jeff.Hudson@louisvilleky.gov>; Chappell, Jennifer <Jennifer.Chappell@louisvilleky.gov>; jm.kayse3@gmail.com; Kramer, Kevin <Kevin.Kramer@louisvilleky.gov>; Batshon, Khalil <Khalil.Batshon@louisvilleky.gov>; Flood, Madonna <Madonna.Flood@louisvilleky.gov>; Parker, Marilyn <Marilyn.Parker@louisvilleky.gov>; Winkler, Markus <Markus.Winkler@louisvilleky.gov>; msekennell@aol.com; norm@whoever.com; Mulvihill, Patrick <Patrick.Mulvihill@louisvilleky.gov>; McCraney, Paula <Paula.McCraney@louisvilleky.gov>; Blackwell, Rick <Rick.Blackwell@louisvilleky.gov>; Engel, Robin <Robin.Engel@louisvilleky.gov>; Reed, Scott <Scott.Reed@louisvilleky.gov>; Benson, Stuart <Stuart.Benson@louisvilleky.gov>; theboobean@yahoo.com; tr5mill@aol.com
Subject: Re: 22-ZONE-0050 - 5127 Terry Rd

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Mr. Ashburner,

Again, the BOZA meeting is scheduled in two weeks - **WHEN** do you expect to have a final design to share? We should be given ample time to review the final plans of a proposed complex that will impact our homes and our neighborhood.

LDG has made several changes without notifying us, including failing to notify those who directly signed up to be kept informed - we do not want to go forward uninformed or be blindsided by last minutes changes.

Tina Burnell

On Tue, Feb 21, 2023 at 11:37 AM Ashburner, Clifford <Clifford.Ashburner@dinsmore.com> wrote:

Ms. Burnell,

When we have a final design of the area in question, I'll be sure to make sure you have a copy. As of this moment, we don't have the design finalized.

Cliff

From: Murray Heights <murrayheightsky@gmail.com>

Sent: Tuesday, February 21, 2023 11:32 AM

To: Ashburner, Clifford <Clifford.Ashburner@DINSMORE.COM>

Cc: Amanda Bell <bell.amandajo@gmail.com>; Chris Dischinger <cdischinger@ldgdevelopment.com>; Christi Lanier-Robinson <crobinson@ldgdevelopment.com>; Deshields, Lanesha <lanesha.deshields@louisvilleky.gov>; Hawkins, Tammy <tammy.hawkins@louisvilleky.gov>; Johnson, Shannon <Shannon.Johnson@DINSMORE.COM>; Madonna.senn@yahoo.com; Melinda Hoskins <melindahoskins69@gmail.com>; Sarah Harned <inswsn@gmail.com>; Smbogard@gmail.com; St Germain, Dante <dante.st.germain@louisvilleky.gov>; Tanya Schantz <Hellraiser0509@gmail.com>; andrew.owen@louisvilleky.gov; anthony.piagentini@louisvilleky.gov; barbara.shanklin@louisvilleky.gov; betsy.ruhe@louisvilleky.gov; brandi2164@gmail.com; brent.ackerson@louisvilleky.gov; cassie.armstrong@louisvilleky.gov; cindi.fowler@louisvilleky.gov; dalawolfe@att.net; dan.seum@louisvilleky.gov; deniselet@att.net; donna.purvis@louisvilleky.gov; grdavis2004@yahoo.com; heap8506@yahoo.com; jcaulk31@outlook.com; jecorey.arthur@louisvilleky.gov; jeff.hudson@louisvilleky.gov; jennifer.chappell@louisvilleky.gov; jm.kayse3@gmail.com; kevin.kramer@louisvilleky.gov; khalil.batshon@louisvilleky.gov; madonna.flood@louisvilleky.gov; marilyn.parker@louisvilleky.gov; markus.winkler@louisvilleky.gov; msekennell@aol.com; norm@whoever.com; patrick.mulvihill@louisvilleky.gov; paula.mccraney@louisvilleky.gov; rick.blackwell@louisvilleky.gov; robin.engel@louisvilleky.gov; scott.reed@louisvilleky.gov; stuart.benson@louisvilleky.gov; theboobean@yahoo.com; tr5mill@aol.com

Subject: Re: 22-ZONE-0050 - 5127 Terry Rd

4th REQUEST

Mr. Ashburner,

The BOZA meeting is in two weeks -

When will you have a final draft of the area to share? This is the 4th time I have asked for this information.

Dante, please include for the record that LDG has repeatedly failed to provide this information or reply in any way to this question.

Tina Burnell

502-365-6949

On Sat, Feb 18, 2023 at 12:33 PM Murray Heights <murrayheightsky@gmail.com> wrote:

3rd request for this information.

Mr. Ashburner,

When do you expect to have a final design of the area?

Tina Burnell

On Mon, Feb 13, 2023 at 3:43 PM Murray Heights <murrayheightsky@gmail.com> wrote:

Mr. Ashburner,

When do you expect to have a final design of the area?

Tina Burnell

On Thu, Feb 2, 2023 at 12:26 PM Murray Heights <murrayheightsky@gmail.com> wrote:

Mr. Ashburner,

Thank you for your response - including both #2's.

It seems LDG cannot/will not compromise or make any adjustments regarding the requests. Disappointing, but not at all surprising. It is evident that our concerns are of no consequence to LDG.

When do you expect to have a final design of the area?

Tina Burnell

On Mon, Jan 30, 2023 at 5:49 PM Ashburner, Clifford <Clifford.Ashburner@dinsmore.com> wrote:

Ms. Burnell:

I have some of the answers you've requested and a thought on how to find information in the future on this case.

First, all records submitted are available by going to www.louisvilleky.gov/government/planning-design and clicking on the "Search Planning Cases" link on the homepage. From there, you should be able to search by address and find information we have filed related to the Terry Road site.

Second, as to your specific questions, I've addressed them in the order presented below:

1. We do not believe we can move the buildings as requested and maintain the open space, buffering and parking areas.
2. We cannot agree to lower the height of the buildings referenced. In addition, if the buildings were lowered from 3 stories to 2 in that area, the setback requirement would be reduced from 50' to 15'. Reducing the height of those buildings would potentially result in them moving closer to your property line than proposed.
3. (addressed the second "2" in your email and 3) The screening proposed will be according to the LDC, which will include evergreens, deciduous trees, and a 6' solid screen of some kind. The screen can either be a fence or solid plantings. A final design of this area hasn't been arrived at yet. If you have suggestions on the areas where your property and the subject property touch, please feel free to pass them on.
4. There are no plans for sidewalks within the neighborhood, just the connection to the stub at Harvest.
5. The traffic study is available at the Planning Commission's site above. At the conclusion of the recent LD&T meeting, it was suggested that the proposal connect Joy and Murray through the subject property. Our team is evaluating that right now. This proposed route, demanded by Louisville Metro Public Works, may affect the traffic study and turn lanes proposed in Terry Road.
6. The current breakdown of bedrooms is: 84 1-bedroom units; 96 2-bedroom units; and 36 3-bedroom units.

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Sent: Friday, January 27, 2023 3:17 PM

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

Cc: Amanda Bell <bell.amandajo@gmail.com>; Ashburner, Clifford <Clifford.Ashburner@DINSMORE.COM>; Chris Dischinger <cdischinger@ldgdevelopment.com>; Christi Lanier-Robinson <crobinson@ldgdevelopment.com>; Hawkins, Tammy <Tammy.Hawkins@louisvilleky.gov>; Johnson, Shannon <Shannon.Johnson@DINSMORE.COM>; Madonna.senn@yahoo.com; Melinda Hoskins <melindahoskins69@gmail.com>; Sarah Harned <inswsn@gmail.com>; Tanya Schantz <hellraiser0509@gmail.com>; Weathers, Chuck <Charles.Weathers@louisvilleky.gov>; brandi2164@gmail.com; dalawolfe@att.net; deniselet@att.net; grdavis2004@yahoo.com; heap8506@yahoo.com; jcaulk31@outlook.com; jm.kayse3@gmail.com; theboobean@yahoo.com; tr5mill@aol.com

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Tina Burnell

502-365-6949

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St Germain, Dante

From: Murray Heights <murrayheightsky@gmail.com>
Sent: Tuesday, February 21, 2023 11:53 AM
To: Ashburner, Clifford
Cc: Amanda Bell; Chris Dischinger; Christi Lanier-Robinson; Deshields, Lanesha; Hawkins, Tammy; Johnson, Shannon; Madonna.senn@yahoo.com; Melinda Hoskins; Sarah Harned; Smbogard@gmail.com; St Germain, Dante; Tanya Schantz; Owen, Andrew; Piagentini, Anthony; Shanklin, Barbara; Ruhe, Betsy; brandi2164@gmail.com; Ackerson, Brent; Armstrong, Cassie; Fowler, Cindi; dalawolfe@att.net; Seum JR, Dan; deniselet@att.net; Purvis, Donna; grdavis2004@yahoo.com; heap8506@yahoo.com; jcaulk31@outlook.com; Arthur, Jecorey; Hudson, Jeff; Chappell, Jennifer; jm.kayse3@gmail.com; Kramer, Kevin; Batshon, Khalil; Flood, Madonna; Parker, Marilyn; Winkler, Markus; msekennell@aol.com; norm@whoever.com; Mulvihill, Patrick; McCraney, Paula; Blackwell, Rick; Engel, Robin; Reed, Scott; Benson, Stuart; theboobean@yahoo.com; tr5mill@aol.com
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Mr. Ashburner,

Again, the BOZA meeting is scheduled in two weeks - **WHEN** do you expect to have a final design to share? We should be given ample time to review the final plans of a proposed complex that will impact our homes and our neighborhood.

LDG has made several changes without notifying us, including failing to notify those who directly signed up to be kept informed - we do not want to go forward uninformed or be blindsided by last minutes changes.

Tina Burnell

On Tue, Feb 21, 2023 at 11:37 AM Ashburner, Clifford <Clifford.Ashburner@dinsmore.com> wrote:

Ms. Burnell,

When we have a final design of the area in question, I'll be sure to make sure you have a copy. As of this moment, we don't have the design finalized.

Cliff

From: Murray Heights <murrayheightsky@gmail.com>

Sent: Tuesday, February 21, 2023 11:32 AM

To: Ashburner, Clifford <Clifford.Ashburner@DINSMORE.COM>

Cc: Amanda Bell <bell.amandajo@gmail.com>; Chris Dischinger <cdischinger@ldgdevelopment.com>; Christi Lanier-Robinson <crobinson@ldgdevelopment.com>; Deshields, Lanesha <lanesha.deshields@louisvilleky.gov>; Hawkins, Tammy <tammy.hawkins@louisvilleky.gov>; Johnson, Shannon <Shannon.Johnson@DINSMORE.COM>; Madonna.senn@yahoo.com; Melinda Hoskins <melindahoskins69@gmail.com>; Sarah Harned <inswsn@gmail.com>; Smbogard@gmail.com; St Germain, Dante <dante.st.germain@louisvilleky.gov>; Tanya Schantz <Hellraiser0509@gmail.com>; andrew.owen@louisvilleky.gov; anthony.piagentini@louisvilleky.gov; barbara.shanklin@louisvilleky.gov; betsy.ruhe@louisvilleky.gov; brandi2164@gmail.com; brent.ackerson@louisvilleky.gov; cassie.armstrong@louisvilleky.gov; cindi.fowler@louisvilleky.gov; dalawolfe@att.net; dan.seum@louisvilleky.gov; deniselet@att.net; donna.purvis@louisvilleky.gov; grdavis2004@yahoo.com; heap8506@yahoo.com; jcaulk31@outlook.com; jecorey.arthur@louisvilleky.gov; jeff.hudson@louisvilleky.gov; jennifer.chappell@louisvilleky.gov; jm.kayse3@gmail.com; kevin.kramer@louisvilleky.gov; khalil.batshon@louisvilleky.gov; madonna.flood@louisvilleky.gov; marilyn.parker@louisvilleky.gov; markus.winkler@louisvilleky.gov; msekennell@aol.com; norm@whoever.com; patrick.mulvihill@louisvilleky.gov; paula.mccraney@louisvilleky.gov; rick.blackwell@louisvilleky.gov; robin.engel@louisvilleky.gov; scott.reed@louisvilleky.gov; stuart.benson@louisvilleky.gov; theboobean@yahoo.com; tr5mill@aol.com

Subject: Re: 22-ZONE-0050 - 5127 Terry Rd

4th REQUEST

Mr. Ashburner,

The BOZA meeting is in two weeks -

When will you have a final draft of the area to share? This is the 4th time I have asked for this information.

Dante, please include for the record that LDG has repeatedly failed to provide this information or reply in any way to this question.

Tina Burnell

502-365-6949

On Sat, Feb 18, 2023 at 12:33 PM Murray Heights <murrayheightsky@gmail.com> wrote:

3rd request for this information.

Mr. Ashburner,

When do you expect to have a final design of the area?

Tina Burnell

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Sent: Wednesday, January 25, 2023 12:12 PM

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

Cc: Amanda Bell <bell.amandajo@gmail.com>; Ashburner, Clifford <Clifford.Ashburner@dinsmore.com>; Chris Dischinger <cdischinger@ldgdevelopment.com>; Christi Lanier-Robinson <crobinson@ldgdevelopment.com>; Hawkins, Tammy <Tammy.Hawkins@louisvilleky.gov>; Johnson, Shannon <Shannon.Johnson@dinsmore.com>; Madonna.senn@yahoo.com; Melinda Hoskins <melindahoskins69@gmail.com>; Murray Heights <murrayheightsky@gmail.com>; Sarah Harned <inswsn@gmail.com>; Weathers, Chuck <Charles.Weathers@louisvilleky.gov>; brandi2164@gmail.com; dalawolfe@att.net; deniselet@att.net; grdavis2004@yahoo.com; heap8506@yahoo.com; jcaulk31@outlook.com; jm.kayse3@gmail.com; theboobean@yahoo.com; tr5mill@aol.com

Subject: Re: 22-ZONE-0050 - 5127 Terry Rd

CAUTION: This email came from outside of Louisville Metro. Do not click links, open attachments, or give away private information unless you recognize the sender's email address and know the content is safe.

Good afternoon all.

When can expect an update/answer to the questions submitted.

Thanks

Tanya Schantz.

On Mon, Jan 23, 2023 at 8:10 AM St Germain, Dante <Dante.St.Germain@louisvilleky.gov> wrote:

Thank you for your comments on this case. I will add them to the record.

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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<https://public.govdelivery.com/accounts/KYLOUISVILLE/subscriber/new>

From: Murray Heights <murrayheightsky@gmail.com>

Sent: Friday, January 20, 2023 6:34 PM

To: Ashburner, Clifford <Clifford.Ashburner@dinsmore.com>; Chris Dischinger <cdischinger@ldgdevelopment.com>; Christi Lanier-Robinson <crobinson@ldgdevelopment.com>; Johnson, Shannon <Shannon.Johnson@dinsmore.com>; St Germain, Dante <Dante.St.Germain@louisvilleky.gov>; Weathers, Chuck <Charles.Weathers@louisvilleky.gov>; Hawkins, Tammy <Tammy.Hawkins@louisvilleky.gov>

Cc: Amanda Bell <bell.amandajo@gmail.com>; Hellraiser0509@gmail.com; Madonna.senn@yahoo.com; Melinda Hoskins <melindahoskins69@gmail.com>; Sarah Harned <inswsn@gmail.com>; brandi2164@gmail.com; dalawolfe@att.net; deniselet@att.net; grdavis2004@yahoo.com; heap8506@yahoo.com; jcaulk31@outlook.com; jm.kayse3@gmail.com; theboobean@yahoo.com; tr5mill@aol.com

Subject: 22-ZONE-0050 - 5127 Terry Rd

CAUTION: This email came from outside of Louisville Metro. Do not click links, open attachments, or give away private information unless you recognize the sender's email address and know the content is safe.

We remain opposed to the proposed high- density apartment development.

Walmart across the street on Raggard recently closed because it was the worst in the city - theft was rampant and multiple police runs made daily. The nearby Riverport Apartments require grounds security and there are still multiple complaints made to the Council office and police dept. - not to mention the numerous online complaints

regarding maintenance issues. We have zero expectation or reason to believe this proposed complex will be any different.

With that said...

1. We ask that you consider putting more distance between the apartments and the property line beyond the proposed mere 50ft. Both complexes proposed for Prospect planned for more distance - we would appreciate the same.

2 Please consider lowering the apartments (shown on plans as #3 & #4) that run directly behind homes on Huberta from 3-story to 2-story. Those will tower over the single story houses here...and 216 units outnumber the homes than we have in the entire neighborhood.

2. Are there any plans for a fence between the complex and surrounding homes?

3 Any plans to add fast growing tall buffer trees along the property line between homes and apartments?

4. With the newly proposed pedestrian access to Harvest - are there plans for sidewalks? Harvest, Lemmah, Joy, and a portion of Huberta that are all closer to the proposed complex do not have sidewalks. Nor are there sidewalks along Terry Rd in this area.

5. Is there a report or any new information on the traffic study that was suppose to be done?

6. What is the breakdown on the number of bedrooms for the proposed units?

Tina Burnell

502-365-6949

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

NOTICE: This electronic mail transmission from the law firm of Dinsmore & Shohl may constitute an attorney-client communication that is privileged at law. It is not intended for transmission to, or receipt by, any unauthorized persons. If you have received this electronic mail transmission in error, please delete it from your system without copying it, and notify the sender by reply e-mail, so that our address record can be corrected.

St Germain, Dante

From: Cindy Holder <CAANHOLDER@hotmail.com>
Sent: Friday, February 3, 2023 10:28 PM
To: St Germain, Dante; clifford.ashburner@dinsmore.com
Cc: murrayheightsky@gmail.com
Subject: Case #22-Zone-0050 5127 Terry Rd

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Good Evening,

I am opposed to the variance request from LDG to exceed the maximum building height requirement and strongly urge you to disapprove it. If allowed, the height of these apartment buildings would have an extremely adverse impact on the sight lines of adjacent property owners. The homes in our subdivision are mainly single level ranch style homes and these apartment buildings would tower over them.

Again, please disapprove LDG's request for variance in this matter.

Respectfully,

Cindy Holder
3213 Huberta Dr.
Louisville, KY 40216

St Germain, Dante

From: Patti Heath <heap8506@yahoo.com>
Sent: Sunday, February 5, 2023 8:46 PM
To: St Germain, Dante; Clifford Ashburner
Cc: Murray Heights
Subject: 5127 Terry Rd.

CAUTION: This email came from outside of Louisville Metro. Do not click links, open attachments, or give away private information unless you recognize the sender's email address and know the content is safe.

I am very much in opposition of the request by LDG to exceed the maximum requirement for the height of the apartment buildings from 35' to 39'. The majority of the homes in Murray Heights are single level ranch style homes that are approximately 25'tall.

LDG states the extra 4' on each building is necessary for higher ceilings. Why are higher ceilings necessary?

Why was this not added to the initial proposal? It seems to me that if LDG felt it was necessary to have taller ceilings , that would have been added in on the original blue prints.

The apartment buildings will tower over the homes in our neighborhood.

Please do not approve this request.

Thank you

David and Patti Heath

Sent from my iPhone

St Germain, Dante

From: Murray Heights <murrayheightsky@gmail.com>
Sent: Monday, February 13, 2023 3:35 PM
To: Deshields, Lanesha; Hawkins, Tammy; St Germain, Dante; Weathers, Chuck; Owen, Andrew; Piagentini, Anthony; Shanklin, Barbara; Ruhe, Betsy; Ackerson, Brent; Armstrong, Cassie; Fowler, Cindi; Seum JR, Dan; Purvis, Donna; Arthur, Jecorey; Hudson, Jeff; Chappell, Jennifer; Kramer, Kevin; Batshon, Khalil; Flood, Madonna; Parker, Marilyn; Winkler, Markus; Mulvihill, Patrick; McCraney, Paula; Blackwell, Rick; Engel, Robin; Reed, Scott; Benson, Stuart
Cc: Amanda Bell; Ashburner, Clifford; Chris Dischinger; Christi Lanier-Robinson; Dala Wolfe; Madonna.senn@yahoo.com; Melinda Hoskins; Patti Heath; RNJohnson@gannett.com; Sarah Harned; Smbogard@gmail.com; Tanya Schantz; a.stahlman@hearst.com; addie.meiners@hearst.com; assign@whas11.com; brandi2164@gmail.com; caanholder@hotmail.com; cotts@wdrb.com; deniselet@att.net; digitalteam@wdrb.com; donna.rock5; Gina Davis; investigate@wdrb.com; jcaulk31@outlook.com; jm.kayse3@gmail.com; Abner, Josh; louisville@bizjournals.com; lounews@courierjournal.com; mglowicki@courier-journal.com; mgreen@lanereport.com; mgreen@wdrb.com; newstips@wlky.com; terrymeiners@iheartmedia.com; theboobean@yahoo.com; tr5mill@aol.com; wave-newsdesk@gray.tv; wave-troubleshooting@gray.tv
Subject: Louisville Development Group - Proposed High-Density Complex 5127 Terry Rd
Attachments: image_123986672.JPG; image_123986672.JPG; Screen Shot 2023-01-30 at 12.33.56 PM.png; 277988285_4979335872161804_3349572746599241731_n.jpg

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Case #22-ZONE-0050

"A single lie discovered is enough to create doubt in every truth expressed."

Dear Metro Council,

How do you trust a developer when they knowingly present information with intent to deceive? When they knowingly present information in a misleading manner in order to gain a more favorable reception?

You don't - but that's what Louisville Development Group has done.

In March 2022, LDG held a required meeting regarding a proposed high-density affordable apartment complex at 5127 Terry Rd in which attorney Cliff Ashburner, who represented them at that meeting, was directly asked if they would connect the complex to our small neighborhood.

During the March 15, 2002 meeting at time mark 55:37, Charlotte Pence, a resident of Joy Drive, specifically asked about the complex connecting to Joy Drive.

Mr. Ashburner responded:

"Right now the plan does not show access - we do not show a connection and I think, I don't think LDG proposes a connection. Now Metro Public Works, we may get a comment that they want Joy to connect but I don't know right now that that will uh come to..."

<https://dinsmore.webex.com/recording/service/sites/dinsmore/recording/playback/7d69336886dd103ab7fd005056a8ac81>. (Recording password: XxWUBMP7)

But HE DID IN FACT KNOW. It is required by the Land Development Code (5.9.2) - LDG knew that and Cliff Ashburner knew that - which is why he stammered around the question. LDG knew it full well when they drew up initial plans to present to the affected residents in that first meeting. THEY KNEW AND ACTED PURPOSELY IN A WAY TO DECEIVE.

No reasonable person would believe that an experienced developer like LDG doesn't know the Land Development Code when they have already completed numerous developments in the city. LDG purposely deceived affected residents to facilitate a more favorable presentation of this proposed development and in an effort to minimize opposition. They prey on and take advantage of residents who don't know better. This is a pattern, not an exception. This wasn't a mistake or an oversight, it was blatant. They know they can present ONE PLAN while twisting and misrepresenting intentions, then make numerous significant changes, with NO legal requirement to notify those affected, not even those who have directly asked and signed up to be kept informed.

At last check that I initiated, not only are they going to connect Joy Drive for vehicular traffic, they are also going to open Harvest Drive up for pedestrian access from the complex to our neighborhood. Not a single affected resident was notified of these changes. (Harvest does not even have sidewalks - and Cliff Ashburner has indicated that no sidewalks are planned).

Your constituents aren't versed in Land Development Code. They don't know where and how to check for updates and changes. This leaves them uninformed and vulnerable. It leaves the door open for deceitful actions just like this where residents are misled, frustrated, and blindsided.

I directly and repeatedly invited Chris Dischinger, Christi Lanier-Robinson, and Cliff Ashburner to respond to the outlined assertion - all chose to ignore me. (*Please see attached copy of the email*) Why? Because they are not compelled to respond to questions, NOR are they compelled to be truthful. There is NOTHING in the applicant process that requires them to do so. They have made it clear that our voice does NOT matter to them, but it should matter to our elected officials.

Mr. Ashburner knowingly and purposely deceived residents when he stated in the public meeting held on March 15, 2022 that they had no plans to connect the affordable housing development to our neighborhood. They knew full well it was REQUIRED by LDC. The "waiver request" they included for "show" on the original plans presented was null and void from the start and they knew it. Check their records with Planning and Development - this isn't isolated. It's likened to a bait and switch.

In light of their refusal, I asked the case representative at Planning and Development, Dante St. Germain, to add this information to the case file, with hope that it will be considered in the Planning and Development final decision.

The lack of integrity is something that should not be overlooked or tolerated. It certainly does not build trust or confidence when a developer acts with purposeful deceit and misleads affected residents. Our elected officials should be a vocal and strong defense against this.

LDG is being permitted to build all over the city of Louisville with no accountability to affected homeowners and they utilize every loophole in the process to slight and negate residents affected by their developments. They repeatedly demonstrate disdain, indifference, and a lack of respect for those impacted by their developments.

As I have learned during this process of desperately trying to protect our small, close-knit neighborhood of about 200 single family houses - there are ZERO repercussions and ZERO LEVEL of accountability for LDG. They can LIE and they can IGNORE or DECEITFULLY respond to questions from affected residents because there are NO repercussions for their actions or lack thereof, and there is nothing in the process that protects affected residents from their indifference and unethical actions. And, we've all seen how snarky and aggressive they get when you fight back like Prospect has done.

https://www.wdrb.com/news/developers-sue-louisville-metro-council-over-rebuffed-low-income-apartments-near-prospect/article_80341e0f-6f23-561b-88d6-68e453fcde23.html

https://www.wdrb.com/news/business/prospect-sues-to-stop-low-income-apartment-development/article_e486caec-9693-11ed-8a30-bf80d619f571.html

<https://www.courier-journal.com/story/news/local/2022/12/28/louisville-veridian-prospects-edge-housing-complex-blocked-judge/69760928007/>

Let's not forget how Chris Dischinger took to the Courier Journal to malign and vilify those in Prospect who opposed his development.

<https://www.courier-journal.com/story/opinion/2019/09/26/prospect-residents-threats-racism-over-affordable-housing-plan-foul/3773522002/>

You, as representatives of your constituents, know that spending hundreds of thousands of dollars to fight them isn't practical for most areas that LDG chooses for a 'hit and run' build. Both the Veridian and Prospect Cove proposals were smaller and further from the property line than the planned 216 Units they intend to cram into nine 3-story high-density buildings from 35' - 39' in height with a mere 50ft setback from the property line on the lot at 5127 Terry Rd. The MSD ditch behind us doesn't even drain properly as it is.

Who will speak for us? Is Councilman Scott Reed the only one willing to speak against their nonsense?

LDG sure doesn't like for people to speak against them - in fact, they blocked me from their Facebook page after I left a negative review and related comments regarding their actions. (I have screenshots) This would be laughable, except for the fact that their attempt to silence my voice as they destroy the neighborhood we have lived in for 24 years is reprehensible, cowardly, and uncouth. It only strengthens my resolve to speak out.

Do you remember when Chris Dischinger's wife, Lisa Dischinger, had a supposed "female owned" business, Overlook Development, popped-up to take advantage of hundreds of thousands of dollars of tax credits at Whispering Woods and more than \$14 million in low-interest government financing? That was certainly convenient...and shady.

<https://www.wave3.com/story/20625537/developer-loses-female-owned-status-after-troubleshooter-investigation/>

Please pay attention - the history is there, the records are there. LDG operates like a band of land development tyrants - and when they don't get their way they maliciously charge their opposition with racism and socio-economic bias while presenting themselves as some sort of affordable housing savior of the poor. You can be sure their profit margin is what matters most - they have their hands out for every dollar they can get, from every source - not just from Louisville, not just from Kentucky, but from several surrounding states as well.

I am asking that this be addressed. I am asking that the code and process be amended and updated to include severe consequences for lying, misleading, and failing to respond to affected constituents in a timely and forthright manner and that there be consequences for knowingly and repeatedly filing applications that are non-compliant with LDC. These actions should disqualify an application from consideration.

After our initial meeting in March, I submitted several questions on behalf of our community. Cliff Ashburner took nearly 4 weeks to reply with laconic answers and redirection to their website. They couldn't tell us how many bedrooms per unit, failed to adequately respond to other questions submitted, then Cliff refused to provide an email for the developer upon request. His demeanor was that of indifference and an appreciable lack of respect. I finally spoke to Christi Lanier-Robinson by phone and it seemed her role was to attempt to pacify our concerns after Cliff had shown complete disregard.

Not one thing we have asked for then or since then was considered. They force all of the impact and burden upon us with zero concessions. Again, our input is completely irrelevant to them.

Perhaps they feel superior to us little people in the Southend of town? Maybe they're biased and don't feel we deserve the dignity of truth and thorough answers? Maybe we don't have a socio-economic status worthy of their time and respect? Maybe they think we are too stupid, uneducated, or beneath them?

Did you know LDG has disparaging slang for those who oppose their developments? They call us "NIMBY's" (not in my backyard). That came straight from Christi Lanier-Robinson's mouth during our conversation. Nothing like a business creating mocking, scornful nicknames for those who oppose their developments. Shameful. Indifferent.

Please don't allow LDG or any developer to take advantage of residents in this city. They are not a charity operation. LDG is highly financially incentivized by both the city and the state. (And we aren't the only state they are dipping into!) They are committed to lining their pockets and increasing their personal wealth while feigning concern for the poor and homeless as they build countless hit and run, high-density complexes across the city in the backyards of homeowners whose concerns they dismiss out of hand and treat with utter disregard. **There's no benevolence at work here.** They "give back" a small portion of what they are taking and being given through grants, tax credits, incentives, etc. to gain favor from businesses and officials in the community. It's an irony that seems to go unnoticed. This is a for-profit business with a feigned emotionally-charged philosophy that makes them millions exploiting the needs of the less fortunate. Don't be fooled into believing otherwise.

<https://www.multihousingnews.com/ldg-development-scores-40m-for-louisville-affordable-community/>

<https://louisvilleky.gov/news/ldg-multifamily-relocate-expand-headquarters-louisville>

<https://www.lanereport.com/161103/2022/11/ldg-multifamily-cuts-ribbon-at-historic-madrid-building/>

Please review this file. Look at the way it was presented and the changes they have made with zero notification to those affected. And now they are asking for a maximum building height waiver (5.3.1 of the LDC) that was filed with a false statement of justification including among several lies - erroneously claiming it will not have any adverse impact on our sight lines! That is a lie. **The entire complex will adversely impact the sight lines of adjacent property owners.** Exceeding the max height code for higher ceilings is aesthetic- it is NOT a necessity. Would you be okay if that was YOUR backyard? How many times have they repeated the same scenario? Hint: There are records.

This is not about affordable housing, it's about money to them. The Walmart across the street on Raggard was the worst in the city - the police were there daily and theft was so out of control the store eventually closed. The Riverport Family Complex on Cane Run has serious maintenance and safety issues, unsupervised kids run rampant all hours, and it requires security for the grounds. It's completely illogical to believe this development will be any different. LDG takes the money, builds the complex, then moves on - they don't care what is left in their wake or who it affects.

*I have attached a picture of the property, sight line, and wildlife that will be destroyed by this development. Several years back, our neighbors (Darrell and Ronna Martin) wanted to buy 5 acres of this same land and build a new single family home with access via Harvest Drive - that proposal was denied by this city. Why is that? Why was an individual denied access to build a home, but LDG can come in and build **NINE 3 story high-density apartment buildings** on that same*

land?? **216 UNITS outnumber the single family homes in our neighborhood.** That just doesn't make sense. This alone should raise flags.

Their proposed development affects our community, our homes, our families. We have invested here where we live. We have a reasonable expectation of timely, thorough, and truthful responses to our questions and concerns.

I implore you to investigate. Please make changes. Hold them accountable. Don't turn a blind eye to this unethical behavior. Be a voice for those you represent. Demand answers and accountability.

Tina Burnell
502-365-6949

VARIANCE JUSTIFICATION S

LDG Multifamily, LL

5127 Terry Road

The proposed variance from Section 5.3.1 of the L maximum building height to be 39 feet instead of the requi adversely affect the public health, safety or welfare. Th applicant to exceed the maximum building height by two fe this vacant property into a multi-family residential communi to provide additional volume in each of the units for higher

The proposed variance will not alter the essential cha permit the multi-family structures to exceed the maximum proposed development is located adjacent to Terry Road a between the proposed buildings and adjacent residential pro proposed density.

The proposed variance will not cause a hazard or n variance will permit the multi-family structures to exceed th The variance will not have any adverse impact on the sightli

The proposed variance will not allow an unreasonable of the zoning regulations. The applicant proposes to exceed as necessary. The proposed development will allow the appli height by only two feet to provide additional high-quality m

The proposed variance arises from special circumsta land in the vicinity of the project. The proposed developme structures, which requires a variance of only two feet



4:33



- 1 Did Derek Triplett know that this is a requirement of the Land Development Code?**
- 2. Did Cliff Ashburner know that this is a requirement of the Land Development Code?**
- 3 Did LDG and/or representatives of LDG know that this is a requirement of the Land Development Code?**
- 4. Has LDG navigated this process for any other proposal by presenting original plans with no connectivity, only to have to subsequently modify the plans due to this same requirement of the Land Development Code?**

Thank you,
Tina Burnell
...



me Jul 6, 2022
to Clifford, Chris, Christi, Shannon... ▾



Dante,

I want to note for the record that LDG and it's representative attorney, Cliff Ashburner, have refused to answer the following yes/no questions that were submitted twice.

Tina Burnell
...

4:33



Tina Burnell

...



me Jun 29, 2022



to Clifford, Chris, Christi, Shannon... ▾

I didn't see anyone answer these questions - resubmitting...

With respect to connection to the stub streets per LDC section 5.9.2 -

1 Did Derek Triplett know that this is a requirement of the Land Development Code?

2. Did Cliff Ashburner know that this is a requirement of the Land Development Code?

3 Did LDG and/or representatives of LDG know that this is a requirement of the Land Development Code?

4. Has LDG navigated this process for any other proposal by presenting original plans with no connectivity, only to have to subsequently modify the plans due to this same requirement of the Land Development Code?

Thank you,
Tina Burnell

...



me Jul 6, 2022



to Clifford, Chris, Christi, Shannon, Dante, Charles, tammy.hawkins, Amanda, Hellraiser0509, Madonna.senn, Melinda, Sarah, brandi2164@gr ▼

We remain opposed to the proposed high- density apartment development.

Walmart across the street on Raggard recently closed because it was the worst in the city - theft was rampant and multiple police runs made daily. The nearby Riverport Apartments require grounds security and there are still multiple complaints made to the Council office and police dept. - not to mention the numerous online complaints regarding maintenance issues. We have zero expectation or reason to believe this proposed complex will be any different.

With that said...

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- 2 Please consider lowering the apartments (shown on plans as #3 & #4) that run directly behind homes on Huberta from 3-story to 2-story. Those will tower over the single story houses here...and 216 units outnumber the homes than we have in the entire neighborhood.
2. Are there any plans for a fence between the complex and surrounding homes?
- 3 Any plans to add fast growing tall buffer trees along the property line between homes and apartments?
4. With the newly proposed pedestrian access to Harvest - are there plans for sidewalks? Harvest, Lemmah, Joy, and a portion of Huberta that are all closer to the proposed complex do not have sidewalks. Nor are there sidewalks along Terry Rd in this area.
5. Is there a report or any new information on the traffic study that was suppose to be done?
6. What is the breakdown on the number of bedrooms for the proposed units?

project (see map below). Along with being one of the nation's largest developers of affordable housing, LDG has a long history and close relationship with Louisville Metro Government and developer advocate nonprofits such as the Metropolitan Housing Coalition. LDG also shares an office address with the [Louisville Affordable Housing Trust Fund](#) in a building [owned by LDG](#), even though LDG is the [largest recipient of LAHFT subsidies](#). As part of our [Slumlord Mapping Project](#), we found that LDG owns 94 properties in Jefferson County and over 40% of those have had code violations in the last 5 years. A quick search with the [Kentucky Secretary of State](#) shows that they are connected to a host of other development interests and property management companies that also have numerous property maintenance issues.

St Germain, Dante

From: Murray Heights <murrayheightsky@gmail.com>
Sent: Monday, February 13, 2023 9:25 AM
To: St Germain, Dante
Subject: Fwd: 22-ZONE-0050 - Variance Request - 5127 Terry Rd

CAUTION: This email came from outside of Louisville Metro. Do not click links, open attachments, or give away private information unless you recognize the sender's email address and know the content is safe.

Hi Dante,

I am forwarding the email without the attachments. I'm not sure how the email can be too big unless it is the attachments of which there were only 3. Was IT more specific on that?

I will send those separately.

----- Forwarded message -----

From: Murray Heights <murrayheightsky@gmail.com>
Date: Mon, Feb 6, 2023 at 1:56 PM
Subject: 22-ZONE-0050 - Variance Request - 5127 Terry Rd
To: St. Germain, Dante <dante.st.germain@louisvilleky.gov>, Ashburner, Clifford <Clifford.Ashburner@dinsmore.com>, Hawkins, Tammy <tammy.hawkins@louisvilleky.gov>, <lanesha.deshields@louisvilleky.gov>, Chris Dischinger <cdischinger@ldgdevelopment.com>, Christi Lanier-Robinson <crobinson@ldgdevelopment.com>

Opposed to Variance Request

I am adamantly opposed to LDG's variance request from section 5.3.1 of the LDC. The entire basis for this variance request is built on false information and I am asking you to DENY this request on those grounds.

First, the justification statement inaccurately states that going from 35' to 39' feet is a two feet increase. It is a 4' increase - **that by their own statement is not justified.**

Second, LDG falsely states that maintaining the 35' maximum height requirement would create *"an unnecessary hardship as the applicant is requesting only a two foot variance from the maximum building height. Strict application of the regulations would force the applicants to redesign it's buildings to lower the ceiling in each unit"*

Again, the stated 2' is incorrect. Additionally, and most importantly, LDG is fully aware that Planning and Development has no obligation or burden to accommodate their presumptuous developments plans, thereby it DOES NOT create a hardship for LDG to create or redesign plans that our within the code. *They created plans and assumed that you would accommodate them with no true justification for doing so. **They knew the code prior to design.** There are NO special circumstances as they falsely claim in their justification statement - just expected privilege. (I am attaching that for those who have not seen the statement).*

Third, *"additional volume for higher ceilings"* in no way justifies their attempts to circumvent the development code. This is an aesthetic feature, not a necessity - thus, the request is simply not justified for that purpose. My home has 8ft ceilings and we live just fine without higher ceilings. In fact, asking for higher ceilings, thereby creating increased heating and cooling cost for an apartment complex designed to be 'affordable' makes zero sense.

And lastly, LDG erroneously claims that this variance will not have any adverse impact on the sight lines of adjacent property owners. This is plain dishonest. It will most certainly do just that. I have attached pictures of the property from my back porch - and I can truthfully assure you 39ft buildings will negatively and adversely impact our sight lines.

There is no way to justify this as a hardship need. This is an unnecessary and presumptuous attempt to circumvent the regulations.

Please enforce the code as it stands and require LDG to operate within the boundaries of Land and Development Code. This is reasonable and right.

Respectfully,
Tina and Ross Burnell
3210 Huberta Drive
502-365-6949





VARIANCE JUSTIFICATION STATEMENT

LDG Multifamily, LLC

5127 Terry Road

The proposed variance from Section 5.3.1 of the Land Development Code, to allow the maximum building height to be 39 feet instead of the required 35 foot maximum height, will not adversely affect the public health, safety or welfare. The proposed variance will permit the applicant to exceed the maximum building height by ~~two~~ ⁴ feet. The applicant proposes to develop this vacant property into a multi-family residential community. The proposed variance is necessary to provide additional volume in each of the units for higher ceilings.

*- NOT
necessary*

The proposed variance will not alter the essential character of the general vicinity as it will permit the multi-family structures to exceed the maximum building height by only two feet. The proposed development is located adjacent to Terry Road and will observe all required setbacks between the proposed buildings and adjacent residential properties. The variance will not alter the proposed density.

The proposed variance will not cause a hazard or nuisance to the public. The proposed variance will permit the multi-family structures to exceed the maximum height by only two feet. The variance will not have any adverse impact on the sightlines of adjacent property owners.

- untrue

The proposed variance will not allow an unreasonable circumvention of the requirements of the zoning regulations. The applicant proposes to exceed the height requirement as minimally as necessary. The proposed development will allow the applicant to exceed the maximum building height by only two feet to provide additional high-quality multi-family units to the area.

The proposed variance arises from special circumstances that do not generally apply to land in the vicinity of the project. The proposed development calls for the erection of nine multi-family structures, which requires a variance of only two feet from the maximum building height.

The strict application of the regulations would create an unnecessary hardship as the applicant is requesting only a ~~two~~ ⁴ foot variance from the maximum building height. Strict application of the regulations would force the applicant to redesign its buildings to lower the ceilings in each unit.

The circumstances are not the result of the actions taken by the applicant subsequent to the adoption of the zoning ordinance as the applicant has not yet developed or taken any action with respect to the property.

3. Are the circumstances the result of the applicant's actions subsequent to the adoption of the zoning ordinance from which relief is sought?

*applicant knew
code prior to
developing plans!*

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22-VARIANCE-0111

St Germain, Dante

From: Louis Brennan <louieandjoan@att.net>
Sent: Thursday, February 2, 2023 7:18 PM
To: St Germain, Dante
Subject: Case #22-Zone-0050 5127 Terry Rd

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I am opposed to the variance request from LDG to exceed the maximum building height requirement. This would negatively and adversely impact the sight lines of adjacent property owners and we ask that you do not approve this request. The homes in our subdivision are mainly single level ranch style homes and these apartment buildings will tower over them.

St Germain, Dante

From: Murray Heights <murrayheightsky@gmail.com>
Sent: Thursday, February 2, 2023 12:27 PM
To: Ashburner, Clifford
Cc: Amanda Bell; Chris Dischinger; Christi Lanier-Robinson; Hawkins, Tammy; Johnson, Shannon; Madonna.senn@yahoo.com; Madonna.senn@yahoo.com; Melinda Hoskins; Sarah Harned; Smbogard@gmail.com; St Germain, Dante; Tanya Schantz; Weathers, Chuck; brandi2164@gmail.com; dalawolfe@att.net; deniselet@att.net; grdavis2004@yahoo.com; heap8506@yahoo.com; jcaulk31@outlook.com; jm.kayse3@gmail.com; theboobean@yahoo.com; tr5mill@aol.com
Subject: Re: 22-ZONE-0050 - 5127 Terry Rd

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Mr. Ashburner,

Thank you for your response - including both #2's.

It seems LDG cannot/will not compromise or make any adjustments regarding the requests. Disappointing, but not at all surprising. It is evident that our concerns are of no consequence to LDG.

When do you expect to have a final design of the area?

Tina Burnell

On Mon, Jan 30, 2023 at 5:49 PM Ashburner, Clifford <Clifford.Ashburner@dinsmore.com> wrote:

Ms. Burnell:

I have some of the answers you've requested and a thought on how to find information in the future on this case.

First, all records submitted are available by going to www.louisvilleky.gov/government/planning-design and clicking on the "Search Planning Cases" link on the homepage. From there, you should be able to search by address and find information we have filed related to the Terry Road site.

Second, as to your specific questions, I've addressed them in the order presented below:

1. We do not believe we can move the buildings as requested and maintain the open space, buffering and parking areas.
2. We cannot agree to lower the height of the buildings referenced. In addition, if the buildings were lowered from 3 stories to 2 in that area, the setback requirement would be reduced from 50' to 15'. Reducing the height of those buildings would potentially result in them moving closer to your property line than proposed.
3. (addressed the second "2" in your email and 3) The screening proposed will be according to the LDC, which will include evergreens, deciduous trees, and a 6' solid screen of some kind. The screen can either be a fence or solid plantings. A final design of this area hasn't been arrived at yet. If you have suggestions on the areas where your property and the subject property touch, please feel free to pass them on.
4. There are no plans for sidewalks within the neighborhood, just the connection to the stub at Harvest.
5. The traffic study is available at the Planning Commission's site above. At the conclusion of the recent LD&T meeting, it was suggested that the proposal connect Joy and Murray through the subject property. Our team is evaluating that right now. This proposed route, demanded by Louisville Metro Public Works, may affect the traffic study and turn lanes proposed in Terry Road.
6. The current breakdown of bedrooms is: 84 1-bedroom units; 96 2-bedroom units; and 36 3-bedroom units.

Our next meeting with the Land Development & Transportation Committee is February 9 at 1:00. I'm happy to provide additional feedback should you have follow up questions regarding the property or the proposed development. However, I believe the best way for you to find information regarding the case is through Metro's online system (linked above).

Cliff Ashburner

From: Murray Heights <murrayheightsky@gmail.com>

Sent: Friday, January 27, 2023 3:17 PM

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

Cc: Amanda Bell <bell.amandajo@gmail.com>; Ashburner, Clifford <Clifford.Ashburner@DINSMORE.COM>; Chris Dischinger <cdischinger@ldgdevelopment.com>; Christi Lanier-Robinson <crobinson@ldgdevelopment.com>; Hawkins, Tammy <Tammy.Hawkins@louisvilleky.gov>; Johnson, Shannon <Shannon.Johnson@DINSMORE.COM>; Madonna.senn@yahoo.com; Melinda Hoskins <melindahoskins69@gmail.com>; Sarah Harned <inswsn@gmail.com>; Tanya Schantz <hellraiser0509@gmail.com>; Weathers, Chuck <Charles.Weathers@louisvilleky.gov>; brandi2164@gmail.com; dalawolfe@att.net; deniselet@att.net; grdavis2004@yahoo.com; heap8506@yahoo.com; jcaulk31@outlook.com; jm.kayse3@gmail.com; theboobean@yahoo.com; tr5mill@aol.com

Subject: Re: 22-ZONE-0050 - 5127 Terry Rd

It has been a week. It would be great if the applicant would address the questions submitted.

Tina Burnell

On Wed, Jan 25, 2023 at 12:15 PM St Germain, Dante <Dante.St.Germain@louisvilleky.gov> wrote:

The applicant can address any questions you may have regarding the plan.

Dante St. Germain, AICP

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<https://public.govdelivery.com/accounts/KYLOUISVILLE/subscriber/new>

From: Tanya Schantz <hellraiser0509@gmail.com>

Sent: Wednesday, January 25, 2023 12:12 PM

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

Cc: Amanda Bell <bell.amandajo@gmail.com>; Ashburner, Clifford <Clifford.Ashburner@dinsmore.com>; Chris Dischinger <cdischinger@ldgdevelopment.com>; Christi Lanier-Robinson <crobinson@ldgdevelopment.com>; Hawkins, Tammy <Tammy.Hawkins@louisvilleky.gov>; Johnson, Shannon <Shannon.Johnson@dinsmore.com>; Madonna.senn@yahoo.com; Melinda Hoskins <melindahoskins69@gmail.com>; Murray Heights <murrayheightsky@gmail.com>; Sarah Harned <inswsn@gmail.com>; Weathers, Chuck <Charles.Weathers@louisvilleky.gov>; brandi2164@gmail.com; dalawolfe@att.net; deniselet@att.net; grdavis2004@yahoo.com; heap8506@yahoo.com; jcaulk31@outlook.com; jm.kayse3@gmail.com; theboobean@yahoo.com; tr5mill@aol.com

Subject: Re: 22-ZONE-0050 - 5127 Terry Rd

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Good afternoon all.

When can expect an update/answer to the questions submitted.

Thanks

Tanya Schantz.

On Mon, Jan 23, 2023 at 8:10 AM St Germain, Dante <Dante.St.Germain@louisvilleky.gov> wrote:

Thank you for your comments on this case. I will add them to the record.

Dante St. Germain, AICP

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<https://public.govdelivery.com/accounts/KYLOUISVILLE/subscriber/new>

From: Murray Heights <murrayheightsky@gmail.com>

Sent: Friday, January 20, 2023 6:34 PM

To: Ashburner, Clifford <Clifford.Ashburner@dinsmore.com>; Chris Dischinger <cdischinger@ldgdevelopment.com>; Christi Lanier-Robinson <crobinson@ldgdevelopment.com>; Johnson, Shannon <Shannon.Johnson@dinsmore.com>; St Germain, Dante <Dante.St.Germain@louisvilleky.gov>; Weathers, Chuck <Charles.Weathers@louisvilleky.gov>; Hawkins, Tammy <Tammy.Hawkins@louisvilleky.gov>

Cc: Amanda Bell <bell.amandajo@gmail.com>; Hellraiser0509@gmail.com; Madonna.senn@yahoo.com; Melinda Hoskins <melindahoskins69@gmail.com>; Sarah Harned <inswsn@gmail.com>; brandi2164@gmail.com; dalawolfe@att.net; deniselet@att.net; grdavis2004@yahoo.com; heap8506@yahoo.com; jcaulk31@outlook.com; jm.kayse3@gmail.com; theboobean@yahoo.com; tr5mill@aol.com

Subject: 22-ZONE-0050 - 5127 Terry Rd

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We remain opposed to the proposed high- density apartment development.

Walmart across the street on Raggard recently closed because it was the worst in the city - theft was rampant and multiple police runs made daily. The nearby Riverport Apartments require grounds security and there are still multiple complaints made to the Council office and police dept. - not to mention the numerous online complaints regarding maintenance issues. We have zero expectation or reason to believe this proposed complex will be any different.

With that said...

1. We ask that you consider putting more distance between the apartments and the property line beyond the proposed mere 50ft. Both complexes proposed for Prospect planned for more distance - we would appreciate the same.

2 Please consider lowering the apartments (shown on plans as #3 & #4) that run directly behind homes on Huberta from 3-story to 2-story. Those will tower over the single story houses here...and 216 units outnumber the homes than we have in the entire neighborhood.

2. Are there any plans for a fence between the complex and surrounding homes?

3 Any plans to add fast growing tall buffer trees along the property line between homes and apartments?

4. With the newly proposed pedestrian access to Harvest - are there plans for sidewalks? Harvest, Lemmah, Joy, and a portion of Huberta that are all closer to the proposed complex do not have sidewalks. Nor are there sidewalks along Terry Rd in this area.

5. Is there a report or any new information on the traffic study that was suppose to be done?

6. What is the breakdown on the number of bedrooms for the proposed units?

Tina Burnell

502-365-6949

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St Germain, Dante

From: smbogard <smbogard@gmail.com>
Sent: Wednesday, February 1, 2023 6:38 PM
To: St Germain, Dante; murrayheightsky@gmail.com; clifford.ashburner@dinsmore.com; dante.st.germain@louisvillky.gov
Subject: FW: Case #22-Zone-0050 5127 Terry Rd

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I mistyped an email, so sending to everyone again.

----- Original message -----

From: smbogard <smbogard@gmail.com>
Date: 2/1/23 6:37 PM (GMT-05:00)
To: dante.st.germain@louisvillky.gov, clifford.ashburner@dinsmore.com, murrayheightsky@gmail.com
Subject: Case #22-Zone-0050 5127 Terry Rd

I am opposed to the variance request from LDG to exceed the maximum building height requirement. This would negatively and adversely impact the sight lines of adjacent property owners and we ask that you do not approve this request. The homes in our subdivision are mainly single level ranch style homes and these apartment buildings will tower over them.

Would you want to look out your window and see an apartment building instead of the beautiful fields? Consider if this was where you lived. How would you feel? This isn't just a neighborhood. It's a community. And we are speaking up.

St Germain, Dante

From: Amanda Bell <bell.amandajo@gmail.com>
Sent: Wednesday, February 1, 2023 10:57 PM
To: St Germain, Dante; clifford.ashburner@dinsmore.com; murrayheightsky@gmail.com
Subject: Case #22-Zone-0050 5127 Terry Rd

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To whom it concerns,

I am opposed to the variance request from LDG to exceed the maximum building height requirement. This would negatively and adversely impact the sight lines of adjacent property owners and we ask that you do not approve this request. The homes in our subdivision are mainly single level ranch style homes and these apartment buildings will tower over them.

This apartment proposal continues to change and is causing great stress to our neighborhood. Please consider the feelings and health of the current residents.

Amanda Bell
Murray Heights Resident

St Germain, Dante

From: Dala Wolfe <dalawolfe@att.net>
Sent: Wednesday, February 1, 2023 4:09 PM
To: St Germain, Dante; clifford.ashburner@dinsmore.com
Cc: murrayheightsky@gmail.com
Subject: Case #22-Zone-0050 5127 Terry Rd

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St Germain, Dante

From: donna.rock5 <donna.rock5@att.net>
Sent: Wednesday, February 1, 2023 2:32 PM
To: St Germain, Dante; Clifford.Ashburner@dinsmore.com
Cc: Murray Heights
Subject: Case #22 Zone 0050. 5137 Terry Rd

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All,

"I am opposed to the variance request from LDG to exceed the maximum building height requirement. This would negatively and adversely impact the sight lines of adjacent property owners and we ask that you do not approve this request. The homes in our subdivision are mainly single level ranch style homes and these apartment buildings will tower over them.

Donna Rock

St Germain, Dante

From: Brown, Carley <Carley.Brown@uoflhealth.org>
Sent: Wednesday, February 1, 2023 2:39 PM
To: St Germain, Dante; clifford.ashburner@dinsmore.com
Cc: murrayheightsky@gmail.com
Subject: CASE #22-ZONE-00505127 TERRY RD

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I am opposed to the variance request from LDG to exceed the maximum building height requirement. His would negatively and adversely impact the sight lines of adjacent property owners and we ask that you do not approve this request. The homes are mainly single level ranch style homes and these apartments will tower over them .

Carley A Brown
Payment Posting Specialist

Accounting/Finance CBO

Nucleus Building
300 E. Market Street, Suite 400 C
Louisville, Kentucky 40202
502.588.0344 office
502.588.0309 fax
Email address: carley.brown@uoflhealth.org



UofLHealth.org

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St Germain, Dante

From: Susie Stinson <susierstinson@gmail.com>
Sent: Wednesday, February 1, 2023 2:22 PM
To: St Germain, Dante; clifford.ashburner@dinsmore.com
Subject: Case #22-Zone-0050 5127 Terry Rd

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Hello,

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Susan Lange

St Germain, Dante

From: Murray Heights <murrayheightsky@gmail.com>
Sent: Tuesday, January 31, 2023 12:46 PM
To: Christi Lanier-Robinson
Cc: Amanda Bell; Ashburner, Clifford; Chris Dischinger; Hawkins, Tammy; Johnson, Shannon; Madonna.senn@yahoo.com; Melinda Hoskins; Sarah Harned; Smbogard@gmail.com; St Germain, Dante; Tanya Schantz; Weathers, Chuck; brandi2164@gmail.com; dalawolfe@att.net; deniselet@att.net; grdavis2004@yahoo.com; heap8506@yahoo.com; jcaulk31@outlook.com; jm.kayse3@gmail.com; theboobean@yahoo.com; tr5mill@aol.com
Subject: Re: 22-ZONE-0050 - 5127 Terry Rd

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I invite you to share screenshots of anything I posted that you claim is untrue.

Best NIMBY,
Tina Burnell

On Tue, Jan 31, 2023 at 12:34 PM Christi Lanier-Robinson <crobinson@ldgdevelopment.com> wrote:

We also have screenshots of your comments as well and again, they had nothing to do with this development . Your comments referenced Front gate that at the time was being proposed and has since been built (which would not have occurred if what was being claimed was true). Again, you are free to post anything on YOUR social media accounts...but we are not required no we will allow to post that type of info on ours.

Best,

Christi

Sent from my iPhone

On Jan 31, 2023, at 11:42 AM, Murray Heights <murrayheightsky@gmail.com> wrote:

Christi,

Everything I posted was true. I have screenshots of my review and my comments...and I will include links to every article that supports those remarks in my email to Metro Council and the media.

Nice try.

I assure you that your petty act only drives me to continue to speak out about your shady history and indifference to those affected by your actions. It would be laughable, except for that fact that your

development will destroy a home and neighborhood that I have loved for 24 years and you all have made it crystal clear that you have zero regard for our thoughts on the matter.

And since, it looks like I will be forced into moving because of the monstrosity of a development you are putting in my backyard - you have my full commitment to speak out against LDG.

Have a great day!

Tina Burnell

On Tue, Jan 31, 2023 at 10:32 AM Christi Lanier-Robinson <crobinson@ldgdevelopment.com> wrote:

Ms. Burnell-

As it relates to your comments regarding blocking you on Facebook, you are correct we did block you. The comments you posted had nothing to do with this project and were comments that have proven to be untrue about another development. Just as you have a right as a private citizen to block other people from posting comments on your Facebook page, we as a private company have the same right.

Have a great day Ms. Burnell.

Best,

Christi

From: Ashburner, Clifford <Clifford.Ashburner@DINSMORE.COM>

Sent: Monday, January 30, 2023 5:50 PM

To: Murray Heights <murrayheightsky@gmail.com>; St Germain, Dante <Dante.St.Germain@louisvilleky.gov>

Cc: Amanda Bell <bell.amandajo@gmail.com>; Chris Dischinger <CDischinger@ldgdevelopment.com>; Christi Lanier-Robinson <crobinson@ldgdevelopment.com>; Hawkins, Tammy <Tammy.Hawkins@louisvilleky.gov>; Johnson, Shannon <Shannon.Johnson@DINSMORE.COM>; Madonna.senn@yahoo.com; Melinda Hoskins <melindahoskins69@gmail.com>; Sarah Harned <inswsn@gmail.com>; Tanya Schantz <hellraiser0509@gmail.com>; Weathers, Chuck <Charles.Weathers@louisvilleky.gov>; brandi2164@gmail.com; dalawolfe@att.net; deniselet@att.net; grdavis2004@yahoo.com; heap8506@yahoo.com; jcaulk31@outlook.com; jm.kayse3@gmail.com; theboobean@yahoo.com; tr5mill@aol.com

Subject: RE: 22-ZONE-0050 - 5127 Terry Rd

Ms. Burnell:

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1. We do not believe we can move the buildings as requested and maintain the open space, buffering and parking areas.
1. We cannot agree to lower the height of the buildings referenced. In addition, if the buildings were lowered from 3 stories to 2 in that area, the setback requirement would be reduced from 50' to 15'. Reducing the height of those buildings would potentially result in them moving closer to your property line than proposed.
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Cliff Ashburner

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Sent: Friday, January 27, 2023 3:17 PM

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

Cc: Amanda Bell <bell.amandajo@gmail.com>; Ashburner, Clifford <Clifford.Ashburner@DINSMORE.COM>; Chris Dischinger <cdischinger@ldgdevelopment.com>; Christi Lanier-Robinson <crobinson@ldgdevelopment.com>; Hawkins, Tammy <Tammy.Hawkins@louisvilleky.gov>; Johnson, Shannon <Shannon.Johnson@DINSMORE.COM>; Madonna.senn@yahoo.com; Melinda Hoskins <melindahoskins69@gmail.com>; Sarah Harned <inswsn@gmail.com>; Tanya Schantz <hellraiser0509@gmail.com>; Weathers, Chuck <Charles.Weathers@louisvilleky.gov>; brandi2164@gmail.com; dalawolfe@att.net; deniselet@att.net; grdavis2004@yahoo.com; heap8506@yahoo.com; jcaulk31@outlook.com; jm.kayse3@gmail.com; theboobean@yahoo.com; tr5mill@aol.com

Subject: Re: 22-ZONE-0050 - 5127 Terry Rd

It has been a week. It would be great if the applicant would address the questions submitted.

Tina Burnell

On Wed, Jan 25, 2023 at 12:15 PM St Germain, Dante <Dante.St.Germain@louisvilleky.gov> wrote:

The applicant can address any questions you may have regarding the plan.

Dante St. Germain, AICP

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Subject: Re: 22-ZONE-0050 - 5127 Terry Rd

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When can expect an update/answer to the questions submitted.

Thanks

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Dante St. Germain, AICP

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Sent: Friday, January 20, 2023 6:34 PM

To: Ashburner, Clifford <Clifford.Ashburner@dinsmore.com>; Chris Dischinger <cdischinger@ldgdevelopment.com>; Christi Lanier-Robinson <crobinson@ldgdevelopment.com>; Johnson, Shannon <Shannon.Johnson@dinsmore.com>; St Germain, Dante <Dante.St.Germain@louisvilleky.gov>; Weathers, Chuck <Charles.Weathers@louisvilleky.gov>; Hawkins, Tammy <Tammy.Hawkins@louisvilleky.gov>

Cc: Amanda Bell <bell.amandajo@gmail.com>; Hellraiser0509@gmail.com; Madonna.senn@yahoo.com; Melinda Hoskins <melindahoskins69@gmail.com>; Sarah Harned <inswsn@gmail.com>; brandi2164@gmail.com; dalawolfe@att.net; deniselet@att.net; grdavis2004@yahoo.com; heap8506@yahoo.com; jcaulk31@outlook.com; jm.kayse3@gmail.com; theboobean@yahoo.com; tr5mill@aol.com

Subject: 22-ZONE-0050 - 5127 Terry Rd

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We remain opposed to the proposed high- density apartment development.

Walmart across the street on Raggard recently closed because it was the worst in the city - theft was rampant and multiple police runs made daily. The nearby Riverport Apartments require grounds security and there are still multiple complaints made to the Council office and police dept. - not to mention the numerous online complaints regarding maintenance issues. We have zero expectation or reason to believe this proposed complex will be any different.

With that said...

1. We ask that you consider putting more distance between the apartments and the property line beyond the proposed mere 50ft. Both complexes proposed for Prospect planned for more distance - we would appreciate the same.

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2. Are there any plans for a fence between the complex and surrounding homes?

3 Any plans to add fast growing tall buffer trees along the property line between homes and apartments?

4. With the newly proposed pedestrian access to Harvest - are there plans for sidewalks? Harvest, Lemmah, Joy, and a portion of Huberta that are all closer to the proposed complex do not have sidewalks. Nor are there sidewalks along Terry Rd in this area.

5. Is there a report or any new information on the traffic study that was suppose to be done?

6. What is the breakdown on the number of bedrooms for the proposed units?

Tina Burnell

502-365-6949

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St Germain, Dante

From: Christi Lanier-Robinson <crobinson@ldgdevelopment.com>
Sent: Tuesday, January 31, 2023 12:34 PM
To: Murray Heights
Cc: Amanda Bell; Ashburner, Clifford; Chris Dischinger; Hawkins, Tammy; Johnson, Shannon; Madonna.senn@yahoo.com; Melinda Hoskins; Sarah Harned; Smbogard@gmail.com; St Germain, Dante; Tanya Schantz; Weathers, Chuck; brandi2164@gmail.com; dalawolfe@att.net; deniselet@att.net; grdavis2004@yahoo.com; heap8506@yahoo.com; jcaulk31@outlook.com; jm.kayse3@gmail.com; theboobean@yahoo.com; tr5mill@aol.com
Subject: Re: 22-ZONE-0050 - 5127 Terry Rd

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We also have screenshots of your comments as well and again, they had nothing to do with this development . Your comments referenced Front gate that at the time was being proposed and has since been built (which would not have occurred if what was being claimed was true). Again, you are free to post anything on YOUR social media accounts...but we are not required no we will allow to post that type of info on ours.

Best,

Christi

Sent from my iPhone

On Jan 31, 2023, at 11:42 AM, Murray Heights <murrayheightsky@gmail.com> wrote:

Christi,

Everything I posted was true. I have screenshots of my review and my comments...and I will include links to every article that supports those remarks in my email to Metro Council and the media.

Nice try.

I assure you that your petty act only drives me to continue to speak out about your shady history and indifference to those affected by your actions. It would be laughable, except for that fact that your development will destroy a home and neighborhood that I have loved for 24 years and you all have made it crystal clear that you have zero regard for our thoughts on the matter.

And since, it looks like I will be forced into moving because of the monstrosity of a development you are putting in my backyard - you have my full commitment to speak out against LDG.

Have a great day!

Tina Burnell

On Tue, Jan 31, 2023 at 10:32 AM Christi Lanier-Robinson <crobinson@ldgdevelopment.com> wrote:

Ms. Burnell-

As it relates to your comments regarding blocking you on Facebook, you are correct we did block you. The comments you posted had nothing to do with this project and were comments that have proven to be untrue about another development. Just as you have a right as a private citizen to block other people from posting comments on your Facebook page, we as a private company have the same right.

Have a great day Ms. Burnell.

Best,

Christi

From: Ashburner, Clifford <Clifford.Ashburner@DINSMORE.COM>
Sent: Monday, January 30, 2023 5:50 PM
To: Murray Heights <murrayheightsky@gmail.com>; St Germain, Dante <Dante.St.Germain@louisvilleky.gov>
Cc: Amanda Bell <bell.amandajo@gmail.com>; Chris Dischinger <CDischinger@ldgdevelopment.com>; Christi Lanier-Robinson <crobinson@ldgdevelopment.com>; Hawkins, Tammy <Tammy.Hawkins@louisvilleky.gov>; Johnson, Shannon <Shannon.Johnson@DINSMORE.COM>; Madonna.senn@yahoo.com; Melinda Hoskins <melindahoskins69@gmail.com>; Sarah Harned <inswsn@gmail.com>; Tanya Schantz <hellraiser0509@gmail.com>; Weathers, Chuck <Charles.Weathers@louisvilleky.gov>; brandi2164@gmail.com; dalawolfe@att.net; deniselet@att.net; grdavis2004@yahoo.com; heap8506@yahoo.com; jcaulk31@outlook.com; jm.kayse3@gmail.com; theboobean@yahoo.com; tr5mill@aol.com
Subject: RE: 22-ZONE-0050 - 5127 Terry Rd

Ms. Burnell:

I have some of the answers you've requested and a thought on how to find information in the future on this case.

First, all records submitted are available by going to www.louisvilleky.gov/government/planning-design and clicking on the "Search Planning Cases" link on the homepage. From there, you should be able to search by address and find information we have filed related to the Terry Road site.

Second, as to your specific questions, I've addressed them in the order presented below:

1. We do not believe we can move the buildings as requested and maintain the open space, buffering and parking areas.
1. We cannot agree to lower the height of the buildings referenced. In addition, if the buildings were lowered from 3 stories to 2 in that area, the setback requirement would be reduced from 50' to 15'. Reducing the height of those buildings would potentially result in them moving closer to your property line than proposed.
2. (addressed the second "2" in your email and 3) The screening proposed will be according to the LDC, which will include evergreens, deciduous trees, and a 6' solid screen of some kind. The screen can either be a fence or solid plantings. A final design of this area hasn't been arrived at yet. If you have suggestions on the areas where your property and the subject property touch, please feel free to pass them on.
3. There are no plans for sidewalks within the neighborhood, just the connection to the stub at Harvest.
4. The traffic study is available at the Planning Commission's site above. At the conclusion of the recent LD&T meeting, it was suggested that the proposal connect Joy and Murray through the subject property. Our team is evaluating that right now. This proposed route, demanded by Louisville Metro Public Works, may affect the traffic study and turn lanes proposed in Terry Road.
5. The current breakdown of bedrooms is: 84 1-bedroom units; 96 2-bedroom units; and 36 3-bedroom units.

Our next meeting with the Land Development & Transportation Committee is February 9 at 1:00. I'm happy to provide additional feedback should you have follow up questions regarding the property or the proposed development. However, I believe the best way for you to find information regarding the case is through Metro's online system (linked above).

Cliff Ashburner

From: Murray Heights <murrayheightsky@gmail.com>

Sent: Friday, January 27, 2023 3:17 PM

To: St Germain, Dante <Dante.St.Germain@louisvilleky.gov>
Cc: Amanda Bell <bell.amandajo@gmail.com>; Ashburner, Clifford
<Clifford.Ashburner@DINSMORE.COM>; Chris Dischinger <cdischinger@ldgdevelopment.com>; Christi
Lanier-Robinson <crobinson@ldgdevelopment.com>; Hawkins, Tammy
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theboobean@yahoo.com; tr5mill@aol.com
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It has been a week. It would be great if the applicant would address the questions submitted.

Tina Burnell

On Wed, Jan 25, 2023 at 12:15 PM St Germain, Dante <Dante.St.Germain@louisvilleky.gov> wrote:

The applicant can address any questions you may have regarding the plan.

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>

<image001.png>

<image002.png>

<image003.png>

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<https://public.govdelivery.com/accounts/KYLOUISVILLE/subscriber/new>

From: Tanya Schantz <hellraiser0509@gmail.com>

Sent: Wednesday, January 25, 2023 12:12 PM

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

Cc: Amanda Bell <bell.amandajo@gmail.com>; Ashburner, Clifford

<Clifford.Ashburner@dinsmore.com>; Chris Dischinger <cdischinger@ldgdevelopment.com>; Christi Lanier-Robinson <crobinson@ldgdevelopment.com>; Hawkins, Tammy

<Tammy.Hawkins@louisvilleky.gov>; Johnson, Shannon <Shannon.Johnson@dinsmore.com>;

Madonna.senn@yahoo.com; Melinda Hoskins <melindahoskins69@gmail.com>; Murray Heights

<murrayheightsky@gmail.com>; Sarah Harned <inswsn@gmail.com>; Weathers, Chuck

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Good afternoon all.

When can expect an update/answer to the questions submitted.

Thanks

Tanya Schantz.

On Mon, Jan 23, 2023 at 8:10 AM St Germain, Dante <Dante.St.Germain@louisvilleky.gov> wrote:

Thank you for your comments on this case. I will add them to the record.

Dante St. Germain, AICP

Planner II

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To: Ashburner, Clifford <Clifford.Ashburner@dinsmore.com>; Chris Dischinger <cdischinger@ldgdevelopment.com>; Christi Lanier-Robinson <crobinson@ldgdevelopment.com>; Johnson, Shannon <Shannon.Johnson@dinsmore.com>; St Germain, Dante <Dante.St.Germain@louisvilleky.gov>; Weathers, Chuck <Charles.Weathers@louisvilleky.gov>; Hawkins, Tammy <Tammy.Hawkins@louisvilleky.gov>

Cc: Amanda Bell <bell.amandajo@gmail.com>; Hellraiser0509@gmail.com; Madonna.senn@yahoo.com; Melinda Hoskins <melindahoskins69@gmail.com>; Sarah Harned <inswsn@gmail.com>; brandi2164@gmail.com; dalawolfe@att.net; deniselet@att.net; grdavis2004@yahoo.com; heap8506@yahoo.com; jcaulk31@outlook.com; jm.kayse3@gmail.com; theboobean@yahoo.com; tr5mill@aol.com

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