

June 1, 2020

**VIA CERTIFIED MAIL**

Louisville Metro Planning Commissioners  
Attn: Mr. Vince Jarboe, Chairman  
444 S. 5th Street  
Louisville, Kentucky 40202

Attn: Mr. Dante St. Germain  
Staff Case Manager  
444 S. 5th Street  
Louisville, Kentucky 40202

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**RE: Objection to Rezoning Case No. 19ZONE1017**

Dear Louisville Metro Planning Commissioners and Mr. Germain:

Our Firm represents Todd Colliver, the owner (together with his wife, Catherine Colliver) of the real property located at 2810 Weissinger Road in Louisville, having Parcel ID #W001-0110-0000 (the "2810 Property"). In June 2019, we wrote you the letter attached hereto as **Schedule 1** informing you, to the extent you were not aware, of a quiet title action we filed in Jefferson Circuit Court against Leigh Ann Properties, LLC ("Applicant") that pertains to the 2810 Property and to property that Applicant is pursuing to have be rezoned at the northwest corner of the Weissinger Road and Blossom Lane intersection, having Parcel ID #W001-0111-0000 (the "Proposed 6-Plex Property"). We understand that Applicant recently submitted a modified site layout for the Proposed 6-Plex Property dated September 19, 2019, which was received by the Planning Commission on May 18, 2020.

We write this letter to inform you that the quiet title action remains ongoing and unresolved in Jefferson Circuit Court. Our position continues to be that our client owns a portion of the Proposed 6-Plex Property pursuant to adverse possession under Kentucky law.

As the proposed rezoning process progresses, we want to make sure that agencies of Louisville/Jefferson County Metro Government and the Land Development and Transportation Committee of the Planning Commission continue to be aware of this matter.

If you have any questions or comments regarding this letter, please do not hesitate to contact me.



Sincerely,

Wyatt, Tarrant & Combs, LLP

R. Benjamin Straus

cc: Mr. Todd Colliver  
cc: Cornelius E. Coryell II, Esq.

Attachments:

Schedule 1 - Letter dated June 6, 2019 with exhibits

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**SCHEDULE 1**

Letter dated June 6, 2019 with exhibits

[attached hereto]

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June 6, 2019

**VIA HAND-DELIVERY**

Louisville Metro Planning Commissioners  
Attn: Mr. Vince Jarboe, Chairman  
444 S. 5th Street  
Louisville, Kentucky 40202

Attn: Mr. Dante St. Germain  
Staff Case Manager  
444 S. 5th Street  
Louisville, Kentucky 40202

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**RE: Objection to Rezoning Case No. 19ZONE1017**

Dear Louisville Metro Planning Commissioners and Mr. Germain:

Our Firm represents Todd Colliver, the owner (together with his wife, Catherine Colliver) of the real property located at 2810 Weissinger Road in Louisville, having Parcel ID #W001-0110-0000 (the "2810 Property"). We write this letter to inform you, to the extent you are not aware, of a quiet title action we filed in Jefferson Circuit Court, against Leigh Ann Properties, LLC ("Applicant") that pertains to the 2810 Property and to property that Applicant is pursuing to have be rezoned at the northwest corner of the Weissinger Road and Blossom Lane intersection, having Parcel ID #W001-0111-0000 (the "Proposed 6-Plex Property").

On February 25, 2019, Applicant submitted a pre-application to Louisville Metro Planning & Design Services seeking a zone change of the Proposed 6-Plex Property from R-4 to R-5A to allow a 2-story, 6-unit condominium complex.

On March 8, 2019, our firm sent Applicant's counsel the letter attached hereto as Exhibit A. In the letter, we described a portion of real property located within our client's fence that we believe our client owns pursuant to adverse possession under Kentucky law, and which is depicted in Applicant's site layout drawings as being owed by Applicant. In addition, we stated that if Applicant moves forward with the proposed rezoning process and proposed development affecting our client's fence and fenced-in land, our client will consider all available remedies at law and in equity, including a quiet title action.

On April 29, 2019, Applicant submitted its rezoning application, without having responded to our letter. On May 14, 2019, we filed the quiet title action. A copy of the Verified Complaint for Declaratory Relief is attached hereto as Exhibit B. As the



proposed rezoning process progresses, we want to make sure that agencies of Louisville/Jefferson County Metro Government and the Land Development and Transportation Committee of the Planning Commission are aware of this matter.

If you have any questions or comments regarding this letter, please do not hesitate to contact me.

Sincerely,

Wyatt, Tarrant & Combs, LLP

A handwritten signature in black ink that reads "R. Benjamin Straus". The signature is written in a cursive style.

R. Benjamin Straus

cc: Mr. Todd Colliver  
cc: Cornelius E. Coryell II, Esq.

Attachments:

Exhibit A - Letter dated March 8, 2019 to Applicant's counsel

Exhibit B - Verified Complaint for Declaratory Relief

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**EXHIBIT A**

Letter dated March 8, 2019 to Applicant's counsel

[attached hereto]

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500 West Jefferson Street, Suite 2800  
Louisville, Kentucky 40202-2898  
502.589.5235  
Fax: 502.589.0309

March 8, 2019

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**VIA CERTIFIED MAIL; RETURN RECEIPT REQUESTED**

Attn: Nicholas R. Pregliasco, Esq.  
Bardenwerper, Talbott & Roberts, PLLC  
1000 N. Hurstbourne Parkway, Second Floor  
Louisville, KY 40223

RE: Property lines of the real properties located at (i) 2810 Weissinger Road, having Parcel ID #W001-0110-0000 and (ii) the northwest corner of the Weissinger Road and Blossom Lane intersection, having Parcel ID #W001-0111-0000

Dear Mr. Pregliasco:

Our Firm represents Todd Colliver, the owner (together with his wife, Catherine Colliver) of the real property located at 2810 Weissinger Road in Louisville (the "2810 Property"). I write this letter to you in response to your letter dated February 25, 2019 to our client and his neighbors, regarding the proposed zoning change, on behalf of the applicant Leigh Ann Properties, LLC ("Applicant"), from R-4 to R-5A in order to allow a 2-story, 6-plex condominium development on the real property located at the northwest corner of the Weissinger Road and Blossom Lane intersection, having Parcel ID #W001-0111-0000 (the "Proposed 6-Plex Property").

Our client owns a fence that is located in part on Lot B shown on the minor subdivision plat attached to and made part of the Deed dated August 26, 1988, of record in Deed Book 6062, Page 359, in the Office of the Clerk of Jefferson County, Kentucky ("Lot B"). The Proposed 6-Plex Property, for the most part, is the same real property as Lot B, except we believe our client has obtained title of the portion of the real property on Lot B that is located within our client's fence pursuant to adverse possession under Kentucky law (the "Fenced-In Land"). Our client noticed that the Site Layout plans for the proposed 6-plex condominium development that were provided to our client with your letter dated February 25, 2019, depict a new 8' solid wood fence to run alongside the boundaries of Lot B and the 2810 Property, without accounting for our client's fence or the Fenced-In Land.

If Applicant moves forward with the rezoning process and proposed development affecting our client's fence and the Fenced-In Land, our client will consider all available remedies at law and in equity, including a quiet title action. We hope such remedies are not necessary. As an alternative, our client is interested in potentially purchasing the Proposed 6-Plex Property from Leigh Ann Properties, LLC.

19 ZONE 1017



If you have any questions or comments regarding this letter, please do not hesitate to contact me.

Sincerely,

Wyatt, Tarrant & Combs, LLP

A handwritten signature in black ink that reads "R. Benjamin Straus". The signature is written in a cursive style.

R. Benjamin Straus

cc: Mr. Todd Colliver

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**EXHIBIT B**

Verified Complaint for Declaratory Relief

[attached hereto]

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NO. \_\_\_\_\_

JEFFERSON CIRCUIT COURT  
DIVISION \_\_\_\_\_

JUDGE \_\_\_\_\_  
*Electronically Filed*

TODD COLLIVER and CATHERINE  
COLLIVER

2810 Weissinger Road  
Louisville, KY 40241

PLAINTIFFS

v.

LEIGH ANN PROPERTIES, LLC

7819 Pine Ridge Road  
Louisville, KY 40241

DEFENDANT

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Serve: Leigh Ann Likins  
7819 Pine Ridge Road  
Louisville, KY 40241

**VERIFIED COMPLAINT FOR DECLARATORY RELIEF**

Plaintiffs Todd Colliver and Catherine Colliver, by and through counsel, for their Verified Complaint for Declaratory Relief against the Defendant Leigh Ann Properties, LLC, hereby state as follows:

**PARTIES**

1. Plaintiffs Todd Colliver and Catherine Colliver (hereinafter the "Collivers") are citizens of the Commonwealth of Kentucky and residents of Louisville, Jefferson County, Kentucky.

2. Defendant Leigh Ann Properties, LLC (hereinafter "LAP") is a for profit limited liability company organized and existing under the laws of the Commonwealth of Kentucky with its principal office at 7819 Pine Ridge Road,

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Louisville, Kentucky 40241. The agent for service of process for LAP is Leigh Ann Likens, 7819 Pine Ridge Road, Louisville, Kentucky 40241.

**JURISDICTION AND VENUE**

3. This Court has subject matter jurisdiction over this action pursuant to KRS 23A.010, KRS 418.040, and KRS 411.120. The Collivers bring this action pursuant to the Kentucky Declaratory Judgment Act, KRS 418.010, et seq. seeking a declaratory judgment regarding their rights and the rights of the Defendant LAP with regard to certain real property and to quiet title to said real property.

4. The Court has personal jurisdiction over the Defendant LAP inasmuch as LAP's principal office is located in Jefferson County, Kentucky and this action concerns real property in which LAP claims an interest situated in Jefferson County, Kentucky.

5. Venue is proper in this Court because the parties are residents of Jefferson County, Kentucky and this action concerns real property situated in Jefferson County, Kentucky.

**FACTS**

6. The Collivers are the owners of real property located at 2810 Weissinger Road in Louisville, Jefferson County, Kentucky which was conveyed to them by Deed dated December 18, 2009 and recorded in the office of the Clerk of Jefferson County, Kentucky in Deed Book 09506, page 0602, a copy of which is attached hereto as Exhibit A.

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7. Prior to the conveyance of the above described property to the Collivers, a fence was erected delineating the property boundaries. Since the time that fence was erected, the Collivers and their predecessors have occupied, possessed, and claimed all of the property with the confines of the fence (hereinafter the "Colliver Property") as their own.

8. LAP is the record owner of property located at the northwest corner of Weissinger Road and Blossom Lane having Parcel ID #W001-01111-0000 (the "LAP Property"), which is directly adjacent and contiguous to the Colliver Property. The LAP Property and the Colliver Property are separated by the fence described in paragraph 7 above.

9. By letter dated February 25, 2019, a copy of which is attached as Exhibit B, LAP advised the Collivers of its intent to pursue a zoning change for the LAP Property from R-4 to R-5A in order to allow construction of a condominium development on the LAP Property. LAP further advised that it claimed ownership of a portion of the Colliver Property, namely, a strip of property on the Colliver Property side of the fence between the Colliver Property and the LAP Property. Finally, LAP advised that LAP's proposed development of the LAP Property would encroach upon a portion of the Colliver Property previously maintained, occupied, possessed, and claimed by the Collivers and their predecessors.

10. Upon information and belief, LAP claims that it owns a portion of the Colliver Property previously maintained occupied, possessed, and claimed by the Collivers and their predecessors.

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**COUNT I - DECLARATION OF RIGHTS**

11. The Collivers hereby allege and incorporate by reference each and every previous allegation of this Verified Complaint as though set forth here in full.

12. Because LAP has claimed rights in and to a portion of the Colliver Property previously maintained, occupied, possessed, and claimed by the Collivers and their predecessors, a real and justiciable controversy exists and this Court may, pursuant to KRS 418.040, declare and adjudge the rights of the parties to the subject property.

13. This Court should enter a judgment declaring that the Collivers are the rightful owners of the entirety of the Colliver Property and that LAP has no rights, title, or interest in any portion of the Colliver Property including, but not limited to, that strip of property on the Colliver Property side of the fence in which LAP purports to claim an interest.

**COUNT II - ACTION TO QUIET TITLE**

14. The Collivers hereby allege and incorporate by reference each and every previous allegation of this Verified Complaint as though set forth here in full.

15. KRS 411.120 provides that this Court may enter an order quieting title to real property upon the application of one claiming both legal and physical possession of the real property.

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16. The Collivers claim both legal title and physical possession of the entirety of the Colliver Property including, but not limited to, that strip of property on the Colliver Property side of the fence in which LAP purports to claim an interest.

17. The Collivers and/or their predecessors in title have occupied the entirety of the Colliver Property openly and notoriously and claimed the entirety of the Colliver Property as their own for more than fifteen (15) years.

18. This Court should enter an order quieting title to that portion of the Colliver Property in which LAP claims an interest, adjudging that the Collivers are the owners of said property through adverse possession of said property.

WHEREFORE, the Collivers respectfully request that this Court:

A. Enter a declaration of rights as set forth in Count I of this Verified Complaint;

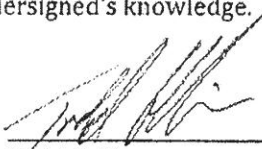
B. Enter an order quieting title to that portion of the Colliver Property in which LAP claims an interest as set forth in Count II of this Verified Complaint;

C. Award the Collivers their costs and attorney's fees herein expended; and

D. Grant the Collivers such further legal and equitable relief to which they may appear entitled.

**VERIFICATION**

The undersigned hereby swears and affirms that the statements made herein are true and correct to the best of the undersigned's knowledge.

  
\_\_\_\_\_  
Todd Colliver

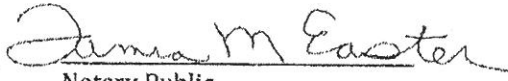


COMMONWEALTH OF KENTUCKY )  
  ) :SS  
COUNTY OF JEFFERSON            )

The foregoing instrument was acknowledged before me this 13 day of May, 2019, by Todd Colliver.

My commission expires: Feb. 15, 2021.

TAMRA M. EASTER  
Notary Public, State at Large, KY  
My commission expires Feb. 15, 2021  
Notary ID # 573624

  
\_\_\_\_\_  
Notary Public

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Respectfully submitted,

/s/ Cornelius E. Coryell II

Cornelius E. Coryell II

ccoryell@wyattfirm.com

WYATT, TARRANT & COMBS, LLP

500 West Jefferson Street

Suite 2800

Louisville, KY 40202-2898

502.562.7376

*Counsel for Todd and Catherine Colliver*

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# EXHIBIT A TO VERIFIED COMPLAINT FOR DECLARATORY RELIEF

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Please Return To:  
Heritage Title LLC  
1717 Alliant Ave. Ste 5,  
Louisville, KY 40209

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LV187001314

**Deed-Warranty  
(Joint Tenants With Rights of Survivorship)**

THIS DEED, made this **December 18, 2009**, by and between **John H. Colliver and Ellen Collier Colliver, husband and wife**, of PO Box 436745, Louisville, KY 40253, party of the first part; and **Todd Colliver and Catherine Colliver, husband and wife**, of 2810 Weissinger Road, Louisville, KY 40241, parties of the second part.

WITNESSETH: That, for a valuable consideration in the amount of **THREE HUNDRED THOUSAND AND 00/100 DOLLARS (\$300,000.00)**, the receipt of which is hereby acknowledged, the party of the first part hereby convey unto the parties of the second part, for their joint lives with remainder in fee simple to the survivor of them, with covenant of General Warranty, the following described property in Jefferson County, Kentucky, to wit:

**Property Address: 2810 Weissinger Road Louisville, KY 40241**

**Tax/Parcel ID: 21-W001-0110-0000**

Being Lot A on the minor subdivision plat attached to and made a part of deed recorded in Deed Book 6062, Page 359, in the Office of the County Clerk of Jefferson County, Kentucky.

Being the same property conveyed to John H. Colliver and Lois R. Colliver, husband and wife, from Dwight A. Paul, Jr. and Jennifer G. Paul, husband and wife, by General Warranty Deed, with Right of Survivorship, dated June 30, 1995, of record in Deed Book 6615, Page 859, in the records for Jefferson County, KY. Per Probate Number 08P002651, the said Lois R. Colliver, died April 9, 2008, vesting the subject property to her husband, John H. Colliver.

The party of the first part further covenants lawful seizin of the estate hereby conveyed, with full power to convey the same, and that said estate is free of encumbrances except restrictions and easements of record, the 2009 State, County, School taxes and all taxes thereafter, which second party hereby assume and agree to pay.

The parties hereto state the consideration reflected in this deed is the full consideration paid for the property. The grantees join this deed for the sole purpose of certifying the consideration pursuant to KRS 382.135.

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IN TESTIMONY WHEREOF, WITNESS the signature of the parties of the first part and second part.

John H. Colliver  
John H. Colliver

Todd Colliver  
Todd Colliver

Ellen Collier Colliver  
Ellen Collier Colliver

Catherine Colliver  
Catherine Colliver

STATE OF KENTUCKY )  
 )  
COUNTY OF Jefferson )

I hereby certify that the foregoing deed and consideration statement was acknowledged and sworn to before me this December 18, 2009, by John H. Colliver and Ellen Collier Colliver, husband and wife, party of the first part Todd Colliver and Catherine Colliver, husband and wife, parties of the second part.

[Signature]  
Notary Public Robert Cummins  
State at Large, Kentucky  
My Commission Expires: 12/16/2010

The in-care-of address to which the property tax bill may be sent to:  
Todd Colliver and Catherine Colliver  
2810 Weissenger Road, Louisville, KY 40241

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This instrument was prepared by:  
Jason A. Kron, Esq.  
Heritage Title Services  
1717 Alliant Ave, Ste 5  
Louisville, KY 40299

This instrument prepared by  
Jason A. Kron, Esq.  
Jason A. Kron ESQ  
HERITAGE TITLE SERVICES, LLC  
1717 ALLIANT AVE. SUITE 5 LOUISVILLE, KY 40299

END OF DOCUMENT

Document No.: DN2010001666  
Lodged By: HERITAGE TITLE SERVICES  
Recorded On: 01/06/2010 09:40:52  
Total Fees: 317.00  
Transfer Tax: 300.00  
County Clerk: BOBBIE HOLSCLOW-JEFF CO KY  
Deputy Clerk: EVENAY

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# EXHIBIT B TO VERIFIED COMPLAINT FOR DECLARATORY RELIEF

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## BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

1000 N. HURSTBOURNE PARKWAY • BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG. • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223  
(502) 426-6688 • (502) 425-0561 (FAX) • WWW.BARDLAW.NET

Nicholas R. Pregliasco  
Direct dial: 426-0388, ext. 139  
Email: NRP@BARDLAW.NET

February 25, 2019

Re: Proposed zone change from R-4 to R-5A to allow a 2-story, 6-plex condominium community on approximately 0.52 acres on property located at the northwest corner of the Weissinger Road and Blossom Lane intersection; and a zone change from R-4 to R-5B to allow two duplex condominium buildings on approximately 0.3 acres on property located at 2813 and 2816 Weissinger Road

Dear Neighbor,

We are writing to invite you to a meeting we have scheduled to present neighbors with two different rezoning plans as referenced above.

Accordingly, we have filed both plans for pre-application review with the Division of Planning and Design Services (DPDS) that have been assigned case numbers 19ZONE1016 and 19ZONE1017. We will have the name of the case managers assigned to each rezoning case at the neighbor meeting. These are the same properties previously proposed for duplexes at the beginning of 2017 in case number 16ZONE1088, excluding 2814 Weissinger Road which has been removed. However, the 2813 and 2816 Weissinger Road portion of the prior proposal has been changed to two duplexes from the previously proposed 10 condominium units, thereby reducing the potential impacts.

We would like to show and explain to neighbors these plans so that we might hear what thoughts, issues and concerns that you may have.

In that regard, a meeting to discuss both plans will be held on **March 11<sup>th</sup> at 7:00 p.m. at John Knox Presbyterian Church**, located at **9104 Westport Road**, in the **Fellowship Hall**.

If you cannot attend the meeting but have questions or concerns, please contact me at 426-6688.

We look forward to seeing you.

Sincerely,



Nicholas R. Pregliasco

c: Hon Marcus Winkler, Councilman, District 17  
Hon. Mike Frank, Mayor, City of Langdon Place  
Brian Davis, Planning Supervisor with the Division of Planning & Design Services  
Brent Likins, Applicant with Leigh Ann Properties, LLC

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# Change in Zoning / Form District Pre-Application

Louisville Metro Planning & Design Services

Case No.: 19Zone1017 Intake Staff: KP

Date: 2/25/19 Fee: \$ 130

Pre-applications are due on Mondays at 2:00 p.m. in order to be processed that week. Once complete, please bring the pre-application and supporting documentation to: Planning and Design Services, 444 South 5<sup>th</sup> Street, Suite 300. For more information, call (502) 574-6230 or visit <http://www.louisvilleky.gov/PlanningDesign>.

### Checklist:

- Completed pre-application form
- Land Development Report<sup>1</sup>
- One detailed letter of explanation outlining the proposal
- Fifteen copies of a Site Plan for the property drawn to scale (refer to the Site Plan Elements section on page 3 for additional information)
- \$130 pre-application fee (cash, charge or check made payable to Planning & Design Services)

### Project Information:

Change in Zoning / Form District from R-4 to R-5A

Project Name: \_\_\_\_\_

Primary Project Address: No address per PVA

Additional Address(es): \_\_\_\_\_

Primary Parcel ID: Block W001, Lot 111

Additional Parcel ID(s): \_\_\_\_\_

Proposed Use: Multi-Family Residential Existing Use: Vacant

Existing Zoning District: R-4 Existing Form District: Neighborhood

Deed Book(s) / Page Numbers<sup>2</sup>: Deed Book 10605, Page 931

The subject property contains 0.52 acres. The area to be rezoned contains 0.52 acres.

Has the property been the subject of a previous development proposal (e.g., rezoning, variance, appeal, conditional use permit, minor plat, etc.)? *This information can be found in the Land Development Report (Related Cases)*<sup>1</sup>  Yes  No

If yes, please list the docket/case numbers:

Docket/Case #: 16ZONE1088 Docket/Case #: \_\_\_\_\_

Docket/Case #: \_\_\_\_\_ Docket/Case #: \_\_\_\_\_

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**CONTACT INFORMATION:**

**Owner Information:**

Entity or Individual Name: Leigh Ann Properties, LLC

By: Brent Likins

Address 7819 Pine Ridge Road

City Louisville State KY Zip Code 40241

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

Signature *Brent Likins*

Name & Title 2-22-19

**SIGN HERE**

**Applicant Information:**

Entity or Individual Name: same as owner

By: \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

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FEB 25 2019  
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**Plan Prepared by:** Primary Contact \_\_\_\_\_

Print Name \_\_\_\_\_

Company Name: \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

**Attorney:** Primary Contact  \_\_\_\_\_

Print Name Nick Pregliasco

Company Name: Bardenwerper Talbott & Roberts, PLLC

Address 1000 N. Hurstbourne Parkway 2<sup>nd</sup> floor

City Louisville State KY Zip Code 40223

Phone: 502-426-6688

E-mail: wbb@bardlaw.net

**CERTIFICATION STATEMENT:** A Certification Statement must be submitted with any application in which the owner(s) of the subject property is (are) a limited liability company, corporation, partnership, association, trustee, etc., or if someone other than the owner(s) of record sign(s) the application.

I, \_\_\_\_\_ in my capacity as \_\_\_\_\_ Representative/authorized agent/other

hereby certify that Leigh Ann Properties, LLC is/are the owner(s) of the property which is the

name of LLC/corporation/partnership/association/etc.

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subject of this application, and that I am authorized to sign this application on behalf of the owner.

JUN 03 2020

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Signature: *Brent Likins*

**SIGN HERE**

Date: 2-22-19

I understand that knowingly providing false information on this Application may result in any action taken hereon being declared null and void. I further understand that pursuant to KRS 523.010 et seq., knowingly making a material false statement, or otherwise providing false information with the intent to mislead a public servant in the performance of his duty is punishable as a Class B misdemeanor.

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**BARDENWERPER, TALBOTT & ROBERTS, PLLC**

ATTORNEYS AT LAW

BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG • 1000 N. HURSTBOURNE PARKWAY • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223  
(502) 426-6688 • WWW.BARDLAW.NET

Nicholas R. Pregliasco  
Direct dial: 426-0388, ext. 139  
Email: NRP@BARDLAW.NET

February 25, 2019

Case Manager  
Louisville Metro Planning & Design Services  
Metro Development Center  
444 S. 5<sup>th</sup> Street, 3<sup>rd</sup> Floor  
Louisville, KY 40202

Re: Pre-App application for zone change from R-4 to R-5A on properties located on Blossom Lane, in the City of Langdon Place

Dear Case Manager:

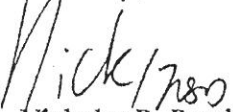
We are herewith filing a zone change pre-app application for the above referenced property. The applicant is proposing to build a 6-plex condominium community.

A pre-app application was originally filed on December 30, 2016 for a zone change from R-4 to R-5A and R-6, in Docket No. 16ZONE1088. Since that time, the applicant has revised the plan and reduced the number of units and the layout of the development.

The neighborhood meeting has been scheduled for March 11th at 7:00 p.m. at John Knox Presbyterian Church, located at 9104 Westport Road, in the Fellowship Hall. After which, we look forward to discussing this project with you in further detail at the Pre-App conference.

Many thanks.

Sincerely,



Nicholas R. Pregliasco

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FEB 25 2019

PLANNING & DESIGN SERVICES

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19ZONE1017

19ZONE1017





Land Development Report

February 25, 2019 11:18 AM

About LDC

Location

Parcel ID: W00101110000
Parcel LRSN: 15376
Address: NONE

Zoning

Zoning: R4
Form District: NEIGHBORHOOD
Plan Certain #: NONE
Proposed Subdivision Name: NONE
Proposed Subdivision Docket #: NONE
Current Subdivision Name: NONE
Plat Book - Page: NONE
Related Cases: NONE

Special Review Districts

Overlay District: NO
Historic Preservation District: NONE
National Register District: NONE
Urban Renewal: NO
Enterprise Zone: NO
System Development District: NO
Historic Site: NO

Environmental Constraints

Flood Prone Area
FEMA Floodplain Review Zone: YES
FEMA Floodway Review Zone: NO
Local Regulatory Floodplain Zone or Combined Sewer Floodprone Area: YES
Local Regulatory Conveyance Zone: NO
FEMA FIRM Panel: 21111C0018E

Protected Waterways

Potential Wetland (Hydric Soil): NO
Streams (Approximate): NO
Surface Water (Approximate): NO

Slopes & Soils

Potential Steep Slope: NO
Unstable Soil: NO

Geology

Karst Terrain: YES

Sewer & Drainage

MSD Property Service Connection: NO
Sewer Recapture Fee Area: YES
Drainage Credit Program: MS4 (outside of incentive area)

Services

Municipality: LANGDON PLACE
Council District: 17
Fire Protection District: ST MATTHEWS
Urban Service District: NO

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FEB 25 2019

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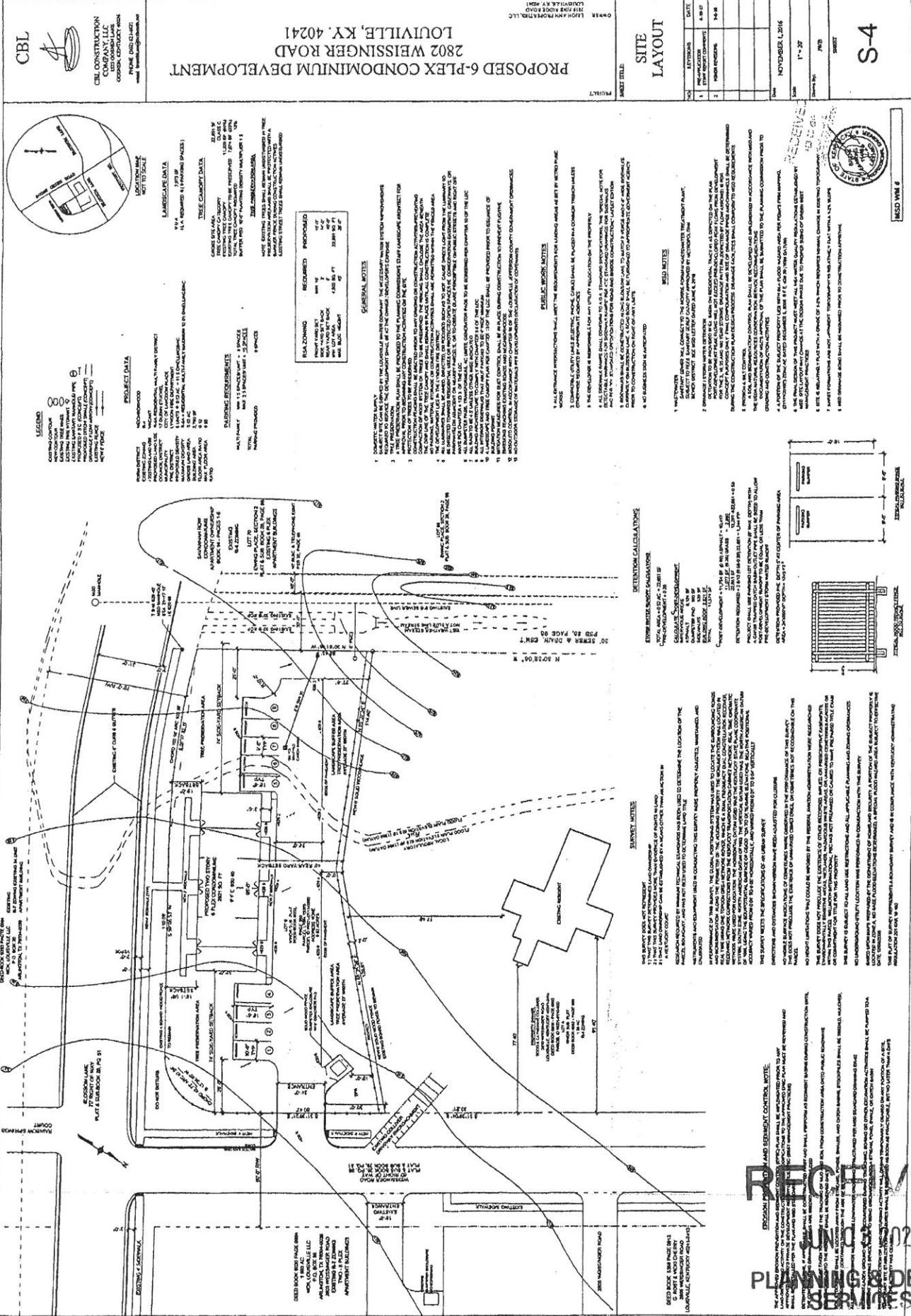
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JUN 03 2020

PLANNING & DESIGN SERVICES

19 Zone 1017

19 ZONE 1017



**PROPOSED 6-PLEX CONDOMINIUM DEVELOPMENT**  
**2802 WEISSINGER ROAD**  
**LOUISVILLE, KY. 40241**

<b>SITE LAYOUT</b>	
NO. EXTENSIONS	DATE
1	4.8.17
2	4.26.17
3	4.26.17
SHEET	
NOVEMBER 13, 2018	
1" = 20'	
SHEET	
<b>S-4</b>	



**LANDSCAPE DATA**  
 1. ALL PLANTINGS SHALL BE IN COMPLIANCE WITH THE CITY OF LOUISVILLE PLANTING SCHEDULE.  
 2. ALL PLANTINGS SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF LOUISVILLE PLANTING SCHEDULE.  
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**GENERAL NOTES**

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**CONSTRUCTION NOTES**

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**PERMITS AND REGULATIONS**

1. ALL PERMITS SHALL BE OBTAINED PRIOR TO THE START OF CONSTRUCTION.
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**REVISIONS**

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**PROJECT DATA**

**OWNER:** CBL CONSTRUCTION COMPANY, LLC  
**ADDRESS:** 2802 WEISSINGER ROAD, LOUISVILLE, KY 40241  
**DATE:** NOVEMBER 13, 2018  
**SCALE:** 1" = 20'  
**SHEET:** S-4

**LEGEND**

CONDOMINIUM UNIT  
 COMMON AREA  
 DRIVEWAY  
 SIDEWALK  
 PAVED DRIVEWAY  
 PAVED SIDEWALK  
 UNPAVED DRIVEWAY  
 UNPAVED SIDEWALK  
 UNPAVED DRIVEWAY AND SIDEWALK  
 UNPAVED DRIVEWAY AND SIDEWALK  
 UNPAVED DRIVEWAY AND SIDEWALK  
 UNPAVED DRIVEWAY AND SIDEWALK

**PAVING REQUIREMENTS**

**PAVING MATERIAL:** 1.5 INCHES THICK ASPHALT  
**PAVING METHOD:** 1.5 INCHES THICK ASPHALT  
**PAVING THICKNESS:** 1.5 INCHES THICK ASPHALT

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192ONE1017

AOC-E-105 Sum Code: CI  
Rev. 9-14

Commonwealth of Kentucky  
Court of Justice Courts.ky.gov

CR 4.02; Cr Official Form 1



### CIVIL SUMMONS

Case #: **19-CI-002955**

Court: **CIRCUIT**

County: **JEFFERSON Circuit**

*Plaintiff, COLLIVER, TODD, ET AL VS. LEIGH ANN PROPERTIES LLC, Defendant*

**TO: LEIGH ANN PROPERTIES LLC  
7819 PINE RIDGE ROAD  
LOUISVILLE, KY 40241**

Memo: Registered Agent of Service exists.

The Commonwealth of Kentucky to Defendant:

You are hereby notified that a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

The name(s) and address(es) of the party or parties demanding relief against you or his/her (their) attorney(s) are shown on the document delivered to you with this Summons.

Jefferson Circuit Clerk  
Date: 5/14/2019

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### Proof of Service

This Summons was:

Served by delivering a true copy and the Complaint (or other initiating document)

To: \_\_\_\_\_

Not Served because: \_\_\_\_\_

Date: \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Served By

\_\_\_\_\_  
Title

JUN 03 2020

PLANNING & DESIGN  
SERVICES

Summons ID: @00000909736  
CIRCUIT: 19-CI-002955 Certified Mail  
COLLIVER, TODD, ET AL VS. LEIGH ANN PROPERTIES LLC



**eFiled**

1920NE1017

AOC-E-105 Sum Code: CI  
Rev. 9-14

Commonwealth of Kentucky  
Court of Justice Courts.ky.gov

CR 4.02; Cr Official Form 1



Case #: 19-CI-002955

Court: CIRCUIT

County: JEFFERSON Circuit

### CIVIL SUMMONS

*Plaintiff, COLLIVER, TODD, ET AL VS. LEIGH ANN PROPERTIES LLC, Defendant*

**TO: LEIGH ANN LIKINS  
7819 PINE RIDGE ROAD  
LOUISVILLE, KY 40241**

Memo: Related party is LEIGH ANN PROPERTIES LLC

The Commonwealth of Kentucky to Defendant:  
**LEIGH ANN PROPERTIES LLC**

You are hereby notified that a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

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Jefferson Circuit Clerk  
Date: 5/14/2019

**RECEIVED**

### Proof of Service

JUN 03 2020

**PLANNING & DESIGN  
SERVICES**

This Summons was:

Served by delivering a true copy and the Complaint (or other initiating document)

To: \_\_\_\_\_

Not Served because: \_\_\_\_\_

Date: \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Served By

\_\_\_\_\_  
Title

Summons ID: @00000909737  
CIRCUIT: 19-CI-002955 Certified Mail  
COLLIVER, TODD, ET AL VS. LEIGH ANN PROPERTIES LLC



**eFiled**

1920NE1017



Commonwealth of Kentucky  
David L. Nicholson, Jefferson Circuit Clerk

Case #: 19-CI-002955	Envelope #: 1641271
Received From: CORNELIUS CORYELL	Account Of: CORNELIUS CORYELL
Case Title: COLLIVER, TODD, ET AL VS. LEIGH ANN	Confirmation Number: 91255117
<b>PROPERTIES LLC</b> Filed On 5/14/2019 9:53:33AM	

#	Item Description	Amount
1	Access To Justice Fee	\$20.00
2	Civil Filing Fee	\$150.00
3	Money Collected For Others(Court Tech. Fee)	\$20.00
4	Library Fee	\$3.00
5	Money Collected For Others(Attorney Tax Fee)	\$5.00
6	Money Collected For Others(Postage)	\$25.10
7	Charges For Services(Copy - Photocopy)	\$3.80
<b>TOTAL:</b>		<u>\$226.90</u>

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JUN 03 2020

PLANNING & DESIGN  
SERVICES

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