

## **St. Germain, Dante**

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**From:** suzanne zoeller <suzanne.zoeller@outlook.com>  
**Sent:** Wednesday, July 15, 2020 10:25 AM  
**To:** St. Germain, Dante  
**Subject:** 19- Zone-0095 (Old Henry Road Retail)

**Importance:** High

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This email is to express my **OPPOSITION TO THIS DEVELOPMENT**. This is a land grab within a residential neighborhood. I have several concerns starting with the safety of vehicles turning in or out of the site, smells from the restaurant (food and trash) from the residents next to this property and the widening of Old Henry Road.

### **No Commercial east of Bush Farm Rd.**

This property should stay Residential and should be consistent with the Old Henry Road Subarea Plan (approved by Louisville Metro), which states that re-zonings for Commercial development east of Bush Farm Rd should not be permitted.

### **Plenty of Commercial land west of Bush Farm Rd.**

There is ample vacant Commercial property and undeveloped Commercial property along Old Henry Road west of Bush Farm Rd, and along Terra Crossing Blvd. Adding strip retail or leapfrog spot retail east of Bush Farm Rd will hurt the Residential character of the entire area, and is inconsistent with approved planning efforts for Old Henry Rd.

### **Multiple Violations of the Cornerstone 2020 Comprehensive Plan**

The proposed commercial development/re-zoning violates the Guidelines of the Cornerstone 2020 Comprehensive Plan. Guideline 1 provides that any development proposal should ensure the proposed development will be compatible with the scale, rhythm, form, function and character of the existing development and "Form District" in which the proposed development is located. The property at 14015 Old Henry Trail is located in a Neighborhood Form District.

Terry & Suzanne Zoeller  
2206 Highland Springs Place  
Louisville, KY 40245  
502-244-9364 HOME  
502-643-6343 MOBILE  
[suzanne.zoeller@outlook.com](mailto:suzanne.zoeller@outlook.com)

**St. Germain, Dante**

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**From:** kim@lakeforestky.com  
**Sent:** Tuesday, July 14, 2020 12:34 PM  
**To:** St. Germain, Dante  
**Cc:** Piagentini, Anthony B.; Smith, Chanelle Emily; Duncan Murley, Board member  
**Subject:** Lake Forest Community Board of Directors letter regarding 14015 Old Henry Trail (19-ZONE-0095)  
**Attachments:** Board of Directors, LFCA, opposition letter to rezoning proposal, 14015 Old Henry Trail, sent 7-14-2020.pdf  
**Importance:** High  
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Dear Ms. St. Germain,

Please find attached a letter from the Lake Forest Community Association Board of Directors opposing the proposed change in zoning for the property located at 14015 Old Henry Trail.

Sincerely,

Kim Brice  
General Manager  
**Lake Forest® Community Association**  
*A Deed Restricted Community*  
511 Woodlake Drive  
Louisville, KY 40245  
(502) 245-5253 x1

*Lake Forest® Community Association*  
*A Deed Restricted Community*

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**July 14, 2020**

Dear Ms. Dante St. Germain, Case Manager  
[Dante.st.germain@louisvilleky.gov](mailto:Dante.st.germain@louisvilleky.gov); 502-574-4388

Subject: Lake Forest Board of Directors Opposition to Proposed Change in Zoning at 14015 Old Henry Trail (19-ZONE-0095)

Dear Ms. St. Germain:

This letter is to update and supplement our letter of June 10, 2020, expressing the strong opposition of the Board of Directors for the Lake Forest Community Association to the proposed change in zoning from R-4 Single Family Residential to C-1 Commercial for the property at 14015 Old Henry Trail.

The developer has proposed a mixed-use retail strip with second floor multi-family in the middle of purely low-density single-family residential areas along Old Henry Road that are east of Bush Farm Road. Those low-density residential areas include Hamilton Springs, Lake Forest Legacy, Lake Forest, The Falls at Old Henry and individual single-family homes.

The developer's asserted justifications in its filings do not and cannot overcome the fact that the proposed mixed-use retail strip and change in zoning to Commercial C-1 are fully incompatible with the surrounding residential areas and violate the directives of the Old Henry Road Subarea Plan as well as the Goals and Policies of the Plan 2040 Comprehensive Plan.

**Violations of Old Henry Road Subarea Plan**

- Recommendation No.2 of the Old Henry Road Subarea Plan states that "residential collar" of neighborhoods within the Old Henry Road Subarea should be preserved and directs that **"Do not permit re-zonings within the designated residential collar to a classification that would permit high-density residential or non-residential uses."** Planning and Design's Staff Report dated November 13, 2019 stated that the lot proposed to be re-zoned is part of one of the "residential collars" slated for low-density residential development. Therefore, a re-zoning of the lot at 14015 Old Henry Trail to Commercial C-1 for non-residential retail or other commercial use would clearly violate this provision of the Old Henry Subarea Plan.
- The developer's justifications for its proposed strip retail center and zoning change rely heavily on claimed neighborhood serving characteristics. However, the developer's proposed non-residential land use directly violates Recommendation No. 6 of the Old Henry Subarea Plan regarding "Neighborhood Serving Centers" that provides: **"Neighborhood serving non-residential land uses should be limited and restricted to all areas west of Bush Farm Road and its extension to Factory Lane."** The

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developer's proposed commercial, non-residential land use east of Bush Farm Road would clearly violate yet another provision of the Old Henry Road Subarea Plan.

**Multiple Violations the Plan 2040 Comprehensive Plan**

- **"Community Form."** The proposed retail strip and zoning change fail to comply with the "Community Form" Goals and Policies of Plan 2040.
- 1. **Neighborhood Form District.** Under Goal 1, the proposed development is in a "Neighborhood Form District" where non-residential expansion into existing residential areas is to be discouraged unless the applicant can demonstrate that any adverse impact on adjacent or nearby residences will be mitigated. These adverse impacts include traffic, signs, lighting, noise, smoke and odor (Policies 3.1.3, 4, 5, 6,17,18,19 and 20). Despite the developer's attempts to rationalize around these adverse impacts, the developer has not and will not be able to meet its mitigation burden since the commercial development would sit right in the middle of, and be in the immediate vicinity of, low-density single-family residences.

Even if the developer eventually does use the C-1 re-zoning for a coffee shop and an upscale restaurant, the lighting, noise and odor associated with a restaurant and coffee shop cannot be effectively mitigated since residences are so close. Nor would the proposed uses be assured since a C-1 designation would enable the lot to be used for just about any type of commercial enterprise. The Board of Directors for the Lake Forest Community Association objects to any commercial use in the "residential collar" along Old Henry Road east of Bush Farm Road.

- 2. **Mixed-Use Centers.** The proposed "mixed use" development is an obvious attempt to justify approval of the zoning change to C-1 under Goal 2 of Plan 2040 that encourages "Mixed-Use Centers" involving multi-family in appropriate locations. The proposed mixed-use center is not such a location and fails under the applicable Policies even if the proposed building eventually does include multi-family residences, although that is open to question.

Under Policies 2 and 11, the mixed uses, density and design of mixed-use activity centers are to be compatible with adjacent residences. As discussed above, that is clearly not true of the retail portions of the proposed mixed-use center.

Under Policy 3, an activity center should be needed to serve the day-to-day demands of nearby residents. Another commercial retail strip development in the Old Henry Subarea is not at all needed as there are many existing and planned strip retail and food locations along Old Henry Road between I-265 and Bush Farm Road. This includes the approved development in front of the Thorton's Headquarters just west of Bush Farm Road (18-Zone-1055). That development includes two restaurants, a coffee shop, a bank, a retail shop and a hotel. The Old Henry Road commercial development west of Bush Farm Road is in addition to the many retail strip and restaurant locations in the area along Shelbyville and LaGrange Roads and on Factory Lane just off LaGrange Road.

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Under Policy 4, non-residential development in a Neighborhood Form District should only be allowed at locations with appropriate access. In its Agency Comments regarding the proposed development, the Metro Department of Public Works stated, "**There should be no access to Old Henry Road.**" (Comment #2.) Yet, the developer continues to propose an entrance to the proposed development off of Old Henry Road.

Although the amount of additional traffic in this already heavy traffic area is unknown since no traffic study was required, there will no doubt be some additional traffic due to the proposed development. More importantly, safety concerns will necessarily increase due to vehicles entering and exiting the proposed development off Old Henry Road. This would be true even with the addition of a turning lane under the planned widening of Old Henry Road. The Board of Directors for the Lake Forest Community Association objects to the proposed development and re-zoning with or without a widened Old Henry Road.

- Plan 2040's Goal and Policies regarding "**Mobility,**" require that developments, including activity centers, include and be easily accessible to pedestrians and bicyclists. Although the proposed development includes a mixed-use path, anyone living in this area can attest that walking or bicycling anywhere along Old Henry Road is extremely dangerous and unwise.

**Conclusion**

The proposed retail strip development and change in zoning from R-4 Single Family Residential to C-1 Commercial:

- Violates the directives of the Old Henry Road Subarea Plan;
- Violates the Goals and Policies of the Plan 2040 Comprehensive Plan;
- Is fully surrounded by and incompatible with adjacent low-density single-family residences;
- Would create additional traffic safety concerns; and
- Is in no way needed to serve the day-to-day needs of nearby residents.

Therefore, the Board of Directors for the Lake Forest Community Association strongly objects to the proposed development and requests that the proposed zoning change be rejected.

Lake Forest Community Association Inc.

  
by Duncan Murley, President

CC: Anthony Piagentini, Louisville Metro Council District 19  
Chanelle Smith, Assistant to Council Member Anthony Piagentini

## St. Germain, Dante

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**From:** JerryT Miller <jerrytmiller95@gmail.com>  
**Sent:** Tuesday, July 14, 2020 4:38 PM  
**To:** Gary Stephan; St. Germain, Dante  
**Subject:** Re: 19-zone-0095. Hearing scheduled for 6-11-20

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I'd like this entered into the official record that I received in response to my inquiry on the status of the Old Henry/Ash Avenue Extension:

**Bullock, Matt A (KYTC-D05)** <Matt.Bullock@ky.gov>  
To: "Jerry Miller (jerrytmiller95@gmail.com)" <jerrytmiller95@gmail.com>

Tue, Jun 16, 2020 at 4:03 PM

Rep. Miller,

In 2019, during the preparation for the 2020 recommended plan, all districts were asked to look at high dollar state funded projects that could be eligible for federal funds. We decided that the Old Henry project was a good candidate for conversion as it had always been designated as state (SPP). With a \$12 million price tag, we knew that it was one that we had to try and get qualified for federal funds. If it were still sitting in the plan with state funds, we could not even begin to guess at a letting date.

Once we saw that it was officially designated with federal funds in the 2020 Enacted Plan, we submitted paperwork to FHWA for eligibility review. The majority of the environmental work done previously has to be re-evaluated. Noise analysis will also be a part of that review even though it was already looked at and did not warrant any mitigation. We are being told to expect 12-18 months to clear all environmental hurdles with the largest item being what is called phase III archaeology in coordination with the State Historic Preservation Office.

There are a few utilities that still have to move. LG&E gas is left to do and we cannot allow them to go ahead since the archeology investigation occurs on parcels that it goes through. Charter, ATT, and Verizon can go on the newly relocated LG&E poles. We expect 9-12 months to complete utility relocations. Some of this might be able to be completed before the environmental documents are buttoned up. Best case scenario is probably 18 months before we could let it since the archeological work is not yet started.

Sorry for the long email. All of this is so we can actually build it with reliable federal funds.

Thanks,

Matt Bullock, PE

Chief District Engineer

Department of Highways - District 5

8310 Westport Rd.

Louisville, KY 40242

(502) 210-5400

Thank you,

Jerry T Miller

State Representative

District 36

On Mon, Jul 13, 2020 at 6:08 PM Gary Stephan <[garywstephan@gmail.com](mailto:garywstephan@gmail.com)> wrote:

See attached memo from the case manager, Dante st. Germain for info to speak and join the meeting.

You can call her at 574-6230. It's tricky getting into the meeting and getting info on how....as well as deadlines to be able to speak at the meetings.

I can tell you the meeting is this Thursday at 1:00 PM. Event # 160 645 0865

Password is PC 071620

Video address is [1606450865@louisville.kywebex.com](https://1606450865@louisville.kywebex.com).

If you go to [louisvilleky.gov/government/upcoming-public-meetings](https://louisvilleky.gov/government/upcoming-public-meetings) you can find a link mo join the meeting.....but you have to sign up in advance with Dante to be allowed to speak . Easy !!!

Jerry, when the COVID-19 is over, I'm buying you a cold beer ! Thanks.

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

From: **St. Germain, Dante** <[Dante.St.Germain@louisvilleky.gov](mailto:Dante.St.Germain@louisvilleky.gov)>

Date: Mon, Jul 6, 2020 at 7:42 AM

Subject: RE: 19-zone-0095. Hearing scheduled for 6-11-20

To: Gary Stephan <[garywstephan@gmail.com](mailto:garywstephan@gmail.com)>

Mr. Stephan,

I will provide your comments to the Commissioners. Please sign up to speak at the public hearing at the following link:

<https://louisvillemetropds.wufoo.com/forms/z17ai2y40pc8ro4/>

**Dante St. Germain, AICP**

Planner II

Planning & Design Services

Department of Develop Louisville

*LOUISVILLE FORWARD*

444 South Fifth Street, Suite 300

Louisville, KY 40202

(502) 574-4388

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



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**From:** Gary Stephan <[garywstephan@gmail.com](mailto:garywstephan@gmail.com)>  
**Sent:** Thursday, July 2, 2020 4:57 PM  
**To:** St. Germain, Dante <[Dante.St.Germain@louisvilleky.gov](mailto:Dante.St.Germain@louisvilleky.gov)>  
**Subject:** Re: 19-zone-0095. Hearing scheduled for 6-11-20

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On Tue, Jun 16, 2020 at 7:38 AM St. Germain, Dante <[Dante.St.Germain@louisvilleky.gov](mailto:Dante.St.Germain@louisvilleky.gov)> wrote:

Dante, can you please send me an e-bite to speak at the upcoming event # 160 645 0865 on July 16th at 1:00 PM? I was not able to connect at the last meeting.

If I can not connect, I am asking you to please pass on my request to not allow occupancy permit until the Old Henry road widening project is completed.

Thank you,

Gary Stephan

HOA board president of the Falls at Old Henry.

( across from the proposed commercial zoning change requested.)

Mr. Stephen,

I will provide your comments to the Commissioners but you should be able to make them yourself at the Planning Commission hearing if you sign up as a speaker ahead of time.

**Dante St. Germain, AICP**

Planner II

Planning & Design Services

Department of Develop Louisville

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**From:** Gary Stephan <[garywstephan@gmail.com](mailto:garywstephan@gmail.com)>  
**Sent:** Monday, June 15, 2020 4:10 PM  
**To:** St. Germain, Dante <[Dante.St.Germain@louisvilleky.gov](mailto:Dante.St.Germain@louisvilleky.gov)>  
**Subject:** Re: 19-zone-0095. Hearing scheduled for 6-11-20

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Dante, I wasn't able to connect by Webex to the last meeting, but was able to listen by phone.

Two commissioners mentioned they may want to require that the Old Henry road widening/and turning lane project be completed prior to allowing occupancy to the new commercial building.

I am writing to request that this motion be approved in the upcoming meeting scheduled for July 16th.

Could you please either bring this up for me, or allow me to speak to this?

Thank you,

Gary stephan

On Mon, Jun 8, 2020 at 1:11 PM Gary Stephan <[garywstephan@gmail.com](mailto:garywstephan@gmail.com)> wrote:

As president of the Sycamore Falls HOA, I am writing to voice our community's opposition to the commercial zoning request of 14015 Old Henry Trail. Our development is almost directly across for this lot.

We feel that placing a commercial property deep into the center of all residential properties will hurt the character of the area. We feel it is inconsistent with the Louisville Metro approved plan for the Old Henry Road sub area plan.

Traffic on Old Henry Road is already extremely congested. Before Covid 19, traffic backed up for at least one mile in mornings and evenings, and stayed extremely heavy all day. With all the current new residential development in the area, it will only get worse.

There is plenty of commercial land west of Bush Farm Road available. We strongly feel there should be no commercial development east of Bush Farm Road.

If the application for commercial is approved against opposition, we have the following questions:

1. When will Old Henry Road be widened.....and the dangerous intersection at Old Henry and Factory lane be corrected?
2. Will there be a traffic light at Old Henry Road and Old Henry Trail?
3. Will there be adequate berms and landscaping in front of the commercial property?

Gary Stephan

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## St. Germain, Dante

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**From:** Michael Cahill <dmcahill1952@icloud.com>  
**Sent:** Tuesday, July 14, 2020 11:45 AM  
**To:** St. Germain, Dante  
**Cc:** donna cahill  
**Subject:** 19-zone-0095 for C-1rezoning at 14015 Old Henry Trail

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Ms. Dante St. Germain, Case Manager

This email expresses my opposition to the Commerical rezoning request at 14015 Old Henry Trail. The proposed rezoning is not compatible with the surrounding residential subdivision. The rezoning would be a burden on local infrastructure. The new Ball Homes subdivision under way and the Ivy apartments have not impacted Old Henry yet, due to being under construction.

There is already 2 retail strip malls on Old Henry and High Wickham Road.

Schulte Hospitality plans to put a 3rd retail strip mall on Old Henry and Hamilton Springs Drive. Even this retail that is planned has variances. Case No 16zone1042 The area does not need a 4th retail strip mall within a mile of all four.

Should you approve, I would hope variances would be put in place, especially if a drive through is approved, hours of operation, lighting, only one story etc.

C-N zoning is a better community neighbor rather than C-1 When people purchased their homes, they expected to live in and near other neighborhoods—not next to commercial property.

We do not need another retail in this area. It needs to be kept residential.

Please confirm your receipt of this email. Thanks for your consideration and assistance.

Sincerely,

Donna Cahill  
502 262-0381

Sent from my iPhone

## St. Germain, Dante

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**From:** John Blumenstock <bingkp72@gmail.com>  
**Sent:** Monday, July 13, 2020 2:23 PM  
**To:** St. Germain, Dante  
**Subject:** Case No. 19-ZONE-0095 Zoning Change, Opposition to

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Dear Ms. St. Germain:

As a homeowner in the Hamilton Springs development and whose property backs up to Old Henry Trail I wish to submit my strong opposition to the rezoning of 14015 Old Henry Trail.

I concur with the points raised in the letter of opposition from the Lake Forest Homeowners Association of June 10, 2020 so will not repeat my opposition based on those significant and valid points.

My opposition is based on four elements that are practical in nature: Character/Aesthetics, Safety, Environmental and Business/Commercial.

- 1) **Character/Aesthetics:** The site needs to remain residential not commercial. There had to be some reason that the area was originally zoned R-4. Having a commercial island in the middle of a residential area will detract from the character and aesthetics of the area. Especially as Old Henry Trail is designated as a "Parkway" running through a Tree Canopy area. As Staff have identified "The proposal would constitute a non-residential expansion into an existing residential area".
- 2) **Safety:** The intersection of Old Henry and Old Henry Trail is a blind intersection that does not need any additional traffic. Other respondents opposing the change have described adequately the impact on the flow of traffic on Old Henry Road. But I want to add that turning from Old Henry Road onto Old Henry Trail is a risky undertaking. Additionally based on the staff analysis #25 Mobility: Goal 2 it does not appear that staff has addressed the increased flow of traffic that will take place from the Claiborne Crossing apartments to the proposed Coffee Shop. The bike riders that frequent Old Henry Trail will certainly be challenged.
- 3) **Environmental:** Old Henry Trail is a "Parkway" with a Tree Canopy on both sides. It does not appear that the trees will be replaced nor is there a berm identified on the plans for the Old Henry Trail side. I support the Lake Forest HOA comments regarding the need for placement of adequate berms.

There are a number of deer and other wild life who cross Old Henry Trail to drink from the adjacent stream. With the proposed plan they will be cut off from this as well there will be an increased safety issue for both deer and drivers with the increased traffic on Old Henry Trail.

The lighting that normally comes with commercial C-1 designation would certainly impact the "Dark Sky" effect that currently exists. Sitting on my deck looking at the stars will probably be lost.

4) Business/Commercial: As other opponents have described, there is plenty of available commercial space nearby to do a similar project. In fact, the zoning change that was made for the Persimmon Daycare (Case Number 16ZONE1042) addressed this and made space available for commercial use. Louisville does not need another strip mall with vacant retail space.

If the Planning Commission is inclined to approve this proposal might I suggest that instead of a C-1 designation it might be best as a C-N designation. Additionally I believe that the Binding Elements be expanded to include:

- 1) Low Height with downward facing lights
- 2) Dumpster emptying must be between 7am and 9pm
- 3) Retail and restaurants must close by 10pm; no 24 hour operations
- 4) Same Binding Elements as specified in the Primrose Daycare Zoning Change

Respectfully Submitted,

John Blumenstock

2802 Hamilton Springs Drive

Louisville KY 40245

## St. Germain, Dante

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**From:** James Cahoe <j.cahoe@gmail.com>  
**Sent:** Monday, July 13, 2020 10:29 AM  
**To:** St. Germain, Dante  
**Cc:** LF Legacy Board of Administration; Bob Hughes; Miller, Jerry (State Rep.) (LRC); Piagentini, Anthony B.  
**Subject:** 19-ZONE-0095

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Below are my comments regarding this case. I would like to submit my name to speak also, but cannot find the link online.

I am a resident of Lake Forest Legacy, and until October of last year, lived in Lake Forest for over 20 years. I was an active member of Lake Forest's Board and served 2 years as President. Lake Forest and Legacy have encouraged "responsible" commercial development of Old Henry Rd. They have not opposed development, nor do I.

There have been several more detailed and eloquent comments made regarding the Old Henry Subarea Development Plan. What is surprising is your only casual acknowledgement of this plan, which restricts development of property for commercial use to West of Bush Farm Road.

In the Staff Findings, you state that the proposal general meets the guidelines of the Comprehensive Plan. The Comprehensive Plan should include the Old Henry Subarea plan, but you basically ignore it. In the 2nd paragraph, you do state that the Subarea Plan "discourages" commercial development. I believe you have taken liberties with the recommendations.

What is baffling is the desire to even locate a commercial structure at this location, considering the ample commercial space available West of Bush Farm. In fact, there is one 3.75 acre site, and another 4.4 acre site that are already zoned C-2 near the Thorton headquarters that have been on the market for over a year. That is only 2 of many in this area.

My only supposition is that this is an attempt to divide and conquer. If you can get a commercial zoning in the middle of a residentially zoned area, then the Planning Commission will look more favorably at zoning changes west of this site, including the 3.25 acre R5 land in front of the retirement home at Old Henry and Arnold Palmer. This was presented to the Planning Commission as a proposed memory care unit. However, after they met all of the Planning Commission conditions for approval, immediately sold it to a developer with plans to rezone as C1. Another case of developer bait and switch.

The case has totally ignored the proposed expansion of Old Henry Road, which has been around almost as long as the Bridge project. Land acquisition and utility relocation, has already begun, however. This could dramatically affect any plans for this acreage.



The Planning Commission should either follow the Subarea plan, or tear it up. Thus far, I have seen little interest in following it.

--  
Jim Cahoe

[j.cahoe@gmail.com](mailto:j.cahoe@gmail.com), or [s.cahoe@gmail.com](mailto:s.cahoe@gmail.com)

## St. Germain, Dante

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**From:** LF Legacy Board of Administration <board@lflegacy.com>  
**Sent:** Saturday, July 11, 2020 3:24 PM  
**To:** St. Germain, Dante  
**Cc:** Piagentini, Anthony B.; Smith, Chanelle Emily; jrf809@aol.com  
**Subject:** Opposition to the Proposed Change in Zoning at 14015 Old Henry Trail (19-ZONE-0095)  
**Attachments:** Legacy opp to prop change in zoning old henry.pdf  
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Dear Ms. St. Germain:

Lake Forest Legacy is a community of currently 88 homes that backs up against Old Henry Road and Arnold Palmer Boulevard. It is comprised of two HOA's: Lake Forest Legacy Villa's (section 4), 29 Homes, and Lake Forest Legacy (original section), 59 Homes. I am the president of the HOA for the original section of the community and Steve Cox and John Fenton are the president/board members of section 4 of the community. I know that John Fenton has share his concerns related to the above-mentioned project and mine are included in the attached letter.

If you would like to discuss the attached or our concerns please feel free to contact me.

Sincerely,

Eugene J Callahan, President

Lake Forest Legacy Condo Association

## St. Germain, Dante

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**From:** Mary Dries <mpwdries@gmail.com>  
**Sent:** Monday, July 13, 2020 7:34 PM  
**To:** St. Germain, Dante  
**Cc:** Smith, Chanelle Emily; Kim Brice; anthony.piagentini@louisville.gov; bill.diehl@lakeforestky.com; robert.a.hughes@twc.com  
**Subject:** Opposition comments. 19-ZONE-0095, 14015 Old Henry Trail

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I wish to add to my opposition comments from 11-17-2019 related to the 19-ZONE-0095 rezoning request at 14015 Old Henry Trail. My November 2019 opposition comments were:

- **No** commercial east of Bush Farm Rd (consistent with the Old Henry Road Sub Area Plan).
- Plenty of Commercial land **already exists** along Old Henry Road east of I-265 and west of Bush Farm Rd.
- **All** development along Old Henry Road should include berms of similar height and landscape character as existing berms along Old Henry Road between I-265 and this site.

My additional new opposition comments follow:

- **Plan 2040 and Mixed Use Activity Centers.** Mention is made that Plan 2040 encourages Mixed Use development, which makes sense. However, my reading of Plan 2040 indicates that Mixed Use combining Residential and Commercial generally relates to **Activity Centers**:
  - The Plan 2040 Glossary defines an Activity Center as: "An area of concentrated, mixed-use activity that often has a residential component."
  - In my mind, Old Henry Road's **existing** Activity Center in this area is the 5-lane section of Old Henry Road between I-265 and Bush Farm Rd (with an existing traffic signal) including a portion of Terra Crossing Blvd (with a proposed future traffic signal at Old Henry Road). Adding a new small Activity Center on Old Henry Road for a 2.8-acre site at the 20-foot wide Old Henry Trail intersection seems **contrary** to the Old Henry Road Sub Area Plan and **contrary** to common sense land planning. The **existing** Activity Center along Old Henry Road east of I-265 and west of Bush Farm Rd (as planned for in the Old Henry Road Subarea Plan) is **very large**

- (**approximately 270 acres**) and continues to have a multitude of undeveloped Commercial and Mixed Use **development opportunities**.
- Further, Community Form Goal 2 from Plan 2040 states: "Encourage sustainable growth and density around centers and corridors." **The logical Activity Center for this area is Old Henry Road between I-265 and Bush Farm Rd . . . which is consistent with the 5-lane Old Henry roadway, the existing traffic signal at Bush Farm Rd, the future traffic signal at Terra Crossing Blvd, and the Old Henry Road Sub Area Plan.** Adding C-1 east of Bush Farm Rd will set an **unnecessary precedent** for strip retail or spot retail in a planned Residential area with a significant Mixed-Use Activity Center located within a stone's throw.
  - **Old Henry Road Sub Area Plan.** The Applicant's Justification statement may correctly state that "the subject property is not located within a "residential collar" as described . . ." by the Old Henry Road Sub Area Plan. While this statement may be technically accurate, it appears to be a **misleading** representation of the Old Henry Road Sub Area Plan where:
    - **Commercial** development is encouraged **west** of Bush Farm Rd.
    - **Residential** development is encouraged **east** of Bush Farm Rd, and **commercial development is discouraged**.
    - A "residential collar" is defined on the western edge of the Residential development area, between the proposed Commercial area west of Bush Farm Rd, and the proposed Residential area east of Bush Farm Rd. A Guiding Principle on page 21 of the Old Henry Road Sub Area Plan is: "Preserve a 'residential collar' of neighborhoods within the Old Henry Road Subarea. Permit **medium density residential only** in designated locations with adequate buffers."
    - An implementation strategy on page 21 of the Old Henry Road Sub Area Plan is: "**Do not permit rezonings** within the designated residential collar to a classification that would permit high-density residential or **non-residential developments**."
    - In other words, if the Old Henry Road Subarea Plan specifically does not allow Commercial in the Residential Collar area transitioning between the Commercial area west of Bush Farm Rd, and the Residential area east of Bush Farm Rd, by logical inference Commercial **should not be allowed** east of the Residential Collar along Old Henry Road at Old Henry Trail.
  - **Inadequacy of Old Henry Trail as an Activity Center cross street.** If somehow this small 2.8-acre development is mistakenly considered a Mixed Use Activity Center, then Old Henry Trail is a **terrible** location for an Activity Center. **Old Henry Trail is only 20 feet wide** north of Old Henry Road, and Old Henry Trail does not cross Old Henry Road. The Land Development Code shows the minimum standard width for a Local Road without curbs is **24 feet**, and the minimum standard width for a Collector Road is **38 feet** (compared to the existing

20-foot width of Old Henry Trail). A mixed-use Activity Center should not be located at a sub-standard cross street like Old Henry Trail, especially when a major Activity Center already exists nearby west of Bush Farm Rd.

Thanks for your consideration.

Mary Pat Dries  
15510 Champion Lakes Pl, 40245  
502.819.9993

## St. Germain, Dante

---

**From:** Gary Stephan <garywstephan@gmail.com>  
**Sent:** Thursday, July 2, 2020 4:57 PM  
**To:** St. Germain, Dante  
**Subject:** Re: 19-zone-0095. Hearing scheduled for 6-11-20

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On Tue, Jun 16, 2020 at 7:38 AM St. Germain, Dante <[Dante.St.Germain@louisvilleky.gov](mailto:Dante.St.Germain@louisvilleky.gov)> wrote:

Dante, can you please send me an e-bite to speak at the upcoming event # 160 645 0865 on July 16th at 1:00 PM? I was not able to connect at the last meeting.

If I can not connect, I am asking you to please pass on my request to not allow occupancy permit until the Old Henry road widening project is completed.

Thank you,

Gary Stephan  
HOA board president of the Falls at Old Henry.

( across from the proposed commercial zoning change requested.)

Mr. Stephen,

I will provide your comments to the Commissioners but you should be able to make them yourself at the Planning Commission hearing if you sign up as a speaker ahead of time.

**Dante St. Germain, AICP**

Planner II

Planning & Design Services

Department of Develop Louisville

*LOUISVILLE FORWARD*

444 South Fifth Street, Suite 300

Louisville, KY 40202

(502) 574-4388

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



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**From:** Gary Stephan <[garywstephan@gmail.com](mailto:garywstephan@gmail.com)>

**Sent:** Monday, June 15, 2020 4:10 PM

**To:** St. Germain, Dante <[Dante.St.Germain@louisvilleky.gov](mailto:Dante.St.Germain@louisvilleky.gov)>

**Subject:** Re: 19-zone-0095. Hearing scheduled for 6-11-20

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Dante, I wasn't able to connect by Webex to the last meeting, but was able to listen by phone.

Two commissioners mentioned they may want to require that the Old Henry road widening/and turning lane project be completed prior to allowing occupancy to the new commercial building.

I am writing to request that this motion be approved in the upcoming meeting scheduled for July 16th.

Could you please either bring this up for me, or allow me to speak to this?

Thank you,

Gary stephan

On Mon, Jun 8, 2020 at 1:11 PM Gary Stephan <[garywstephan@gmail.com](mailto:garywstephan@gmail.com)> wrote:

As president of the Sycamore Falls HOA, I am writing to voice our community's opposition to the commercial zoning request of 14015 Old Henry Trail. Our development is almost directly across for this lot.

We feel that placing a commercial property deep into the center of all residential properties will hurt the character of the area. We feel it is inconsistent with the Louisville Metro approved plan for the Old Henry Road sub area plan.

Traffic on Old Henry Road is already extremely congested. Before Covid 19, traffic backed up for at least one mile in mornings and evenings, and stayed extremely heavy all day. With all the current new residential development in the area, it will only get worse.

There is plenty of commercial land west of Bush Farm Road available. We strongly feel there should be no commercial development east of Bush Farm Road.

If the application for commercial is approved against opposition, we have the following questions:



1. When will Old Henry Road be widened.....and the dangerous intersection at Old Henry and Factory lane be corrected?
2. Will there be a traffic light at Old Henry Road and Old Henry Trail?
3. Will there be adequate berms and landscaping in front of the commercial property?

Gary Stephan

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## St. Germain, Dante

---

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**Sent:** Monday, June 15, 2020 4:10 PM  
**To:** St. Germain, Dante  
**Subject:** Re: 19-zone-0095. Hearing scheduled for 6-11-20

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---

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3. Will there be adequate berms and landscaping in front of the commercial property?

Gary Stephan

*Lake Forest® Community Association*  
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June 10, 2020

Ms. Dante St. Germain, Case Manager  
[dante.st.germain@louisvilleky.gov](mailto:dante.st.germain@louisvilleky.gov); 502.574.4388

Subject: Lake Forest HOA opposition to 19-ZONE-0095 for C-1 rezoning at  
14015 Old Henry Trail

Dear Ms. St. Germain:

This email expresses the Lake Forest Homeowners Association's opposition to the Commercial rezoning request at 14015 Old Henry Trail.

The Lake Forest Community Association represents over 1,750 Lake Forest homes (5,280+ residents) living in close proximity to this project. We believe:

**No Commercial east of Bush Farm Rd.** This property should stay Residential and should be consistent with the Old Henry Road Subarea Plan (approved by Louisville Metro), which states that re-zonings for Commercial development east of Bush Farm Rd should not be permitted.

**Multiple Violations of the Cornerstone 2020 Comprehensive Plan** The proposed commercial development/re-zoning violates the Guidelines of the *Cornerstone 2020 Comprehensive Plan*. Guideline 1 provides that any development proposal should ensure the proposed development will be compatible with the scale, rhythm, form, function and character of the existing development and "Form District" in which the proposed development is located. The property at 14015 Old Henry Trail is located in a Neighborhood Form District.

Guideline 1.B.3 regarding Neighborhood Form Districts, states that "High Density uses will be limited in scope to minor or major arterials and to areas that have limited impact on the low to moderate density residential areas. The proposed development would have a very substantial negative impact on the nearby low to moderate density residential areas, thereby violating Guideline 1 and other Guidelines of Cornerstone 2020 (Guideline 3 regarding Compatibility and Guideline 7 regarding Mobility and Transportation).

Further, since the proposed development would be east of Bush Farm Road, it would amount to an expansion of a commercial/office Suburban Marketplace Corridor. Guideline 1B.8, regarding Suburban Marketplace Corridors states "Proposals to expand defined corridors represent significant policy decisions. When considering proposals that result in an extension of suburban marketplace corridors, particular emphasis should be placed on ... the potential for disruption of established residential neighborhoods." The proposed development would have a very substantial disruption on the nearby, established residential neighborhoods.

511 Woodlake Drive • Louisville, Kentucky 40245  
(502) 245-5253 • Fax (502) 245-8943 • [Lodge@Lakeforestky.com](mailto:Lodge@Lakeforestky.com)

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The identity of the tenants of the strip retail is unknown and, with a change to C-1, a 24-hour fast food restaurant or even a gun shop would be permitted. Nor is there any guarantee that there will be any residential uses at the so-called "mixed use center" as currently proposed. Guideline 3 of Cornerstone 2020 contains provisions relating traffic, noise, lighting, visual impacts, etc., to ensure that new developments are located and designed to be compatible with and to preserve the character of sensitive, existing neighborhoods. Guideline 3.A.4 states that non-residential expansion into existing residential areas should be discouraged and any adverse impact on residential uses should be mitigated. In this case, the extensive adverse impacts on nearby residential areas cannot be mitigated and, thus, the proposed re-zoning and commercial development should not just be discouraged – it should be denied.

**Plenty of Commercial land west of Bush Farm Rd.** There is ample vacant Commercial property and undeveloped Commercial property along Old Henry Road west of Bush Farm Rd, and along Terra Crossing Blvd. Adding strip retail or leapfrog spot retail east of Bush Farm Rd will hurt the Residential character of the entire area, and is inconsistent with approved planning efforts for Old Henry Rd.

Should the Commission decide to approve the zoning change despite strong objections of Lake Forest HOA and other nearby residences:

- **Minimize traffic effects on Old Henry Rd.** Any entrance for this property should be on Old Henry Trail, with no entrance to Old Henry Rd.
- **Berms.** Any project along Old Henry Rd should include berms and landscaping along Old Henry Rd to match the berm height and attractive character of the existing landscaped berms along most of Old Henry Rd east of the Snyder Freeway.

In summary, we oppose any non-residential use in this area of Old Henry Rd located east of Bush Farm Rd.

Please confirm your receipt of this email. Thanks for your consideration and assistance.

Sincerely,

Lake Forest HOA Board  
[lodge@lakeforestky.com](mailto:lodge@lakeforestky.com); 502-245-5253

511 Woodlake Drive • Louisville, Kentucky 40245  
(502) 245-5253 • Fax (502) 245-8943 • [Lodge@Lakeforestky.com](mailto:Lodge@Lakeforestky.com)

## **St. Germain, Dante**

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**From:** Gary Stephan <garywstephan@gmail.com>  
**Sent:** Monday, June 8, 2020 1:12 PM  
**To:** St. Germain, Dante  
**Subject:** 19-zone-0095. Hearing scheduled for 6-11-20

**Follow Up Flag:** Flag for follow up  
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As president of the Sycamore Falls HOA, I am writing to voice our community's opposition to the commercial zoning request of 14015 Old Henry Trail. Our development is almost directly across for this lot.

We feel that placing a commercial property deep into the center of all residential properties will hurt the character of the area. We feel it is inconsistent with the Louisville Metro approved plan for the Old Henry Road sub area plan.

Traffic on Old Henry Road is already extremely congested. Before Covid 19, traffic backed up for at least one mile in mornings and evenings, and stayed extremely heavy all day. With all the current new residential development in the area, it will only get worse.

There is plenty of commercial land west of Bush Farm Road available. We strongly feel there should be no commercial development east of Bush Farm Road.

If the application for commercial is approved against opposition, we have the following questions:

1. When will Old Henry Road be widened.....and the dangerous intersection at Old Henry and Factory lane be corrected?
2. Will there be a traffic light at Old Henry Road and Old Henry Trail?
3. Will there be adequate berms and landscaping in front of the commercial property?

Gary Stephan

**St. Germain, Dante**

---

**From:** Smith, Chanelle Emily  
**Sent:** Wednesday, December 18, 2019 2:24 PM  
**To:** jrf809@aol.com; Piagentini, Anthony B.  
**Cc:** St. Germain, Dante  
**Subject:** RE: Contact Councilman Anthony Piagentini [#1008]

Good Afternoon,

Thank you for reaching out to Councilman Piagentini and sharing with him your comments below regarding the possible zoning case for 14015 Old Henry Trail. Right now this case is in the pre-application stage, so it means it hasn't been placed on any agenda at this time. However, I have went ahead and copied the case manager on this email so that she can make your email below apart of the official record. I will also keep it in our records as well.

Thank you for reaching out to our office. Please sign up for our E-Newsletter via the link below as we put all public notices about cases in our E-News.

Have a wonderful day.



**Chanelle Smith** | Legislative Assistant  
Office of Councilman Anthony Piagentini  
601 W. Jefferson Street | Louisville, KY 40202  
p: (502) 574-3464 p: (502) 574-1119 f: (502) 574-4501

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**From:** Councilman Anthony Piagentini <no-reply@wufoo.com>  
**Sent:** Sunday, December 8, 2019 9:52 AM  
**To:** Piagentini, Anthony B. <Anthony.Piagentini@louisvilleky.gov>; Smith, Chanelle Emily <Chanelle.Smith@louisvilleky.gov>  
**Subject:** Contact Councilman Anthony Piagentini [#1008]

**Name** John Fenton

**Address**   
15013 Tradition Drive  
Louisville, KY 40245  
United States

**Phone Number** (502) 693-4186

**Email** [jrf809@aol.com](mailto:jrf809@aol.com)

**Comments**

Councilman Piagentini; I am involved with our HOA in Section 4 of the Lake Forest Legacy Condominiums. Our Section is new and not yet complete. Our Section has a entrance on Old Henry Road, less than 100 yards from the proposed zone change from Residential (R-4) to Commercial (C-1) at 14015 Old Henry Trail. This is a residential area and should remain a residential area. The traffic is terrible on Old Henry Road without the addition of a disruptive commercial area that will certainly negatively affect the safe traffic flow in this heavily congested section of District 19. I would like to invite you out to our neighborhood and show you the issues that would be associated with this proposed zone change. Thank you for your attention to this issue. Sincerely, John Fenton

## St. Germain, Dante

---

**From:** Susannah Stevenson <sbstevenson7@icloud.com>  
**Sent:** Wednesday, November 20, 2019 8:03 AM  
**To:** St. Germain, Dante  
**Subject:** Re: Factory Land zoning change

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I apologize for not including that. Thank you for asking!

19-ZONEPA-0074

Susannah Buecker Stevenson, Realtor  
WR Realtors  
6511 Glenridge Park Place #10  
Louisville KY 40222  
[www.WRrealtors.com](http://www.WRrealtors.com)  
Cell 502-655-0300  
Fax 502-471-5025

On Nov 20, 2019, at 7:56 AM, St. Germain, Dante <Dante.St.Germain@louisvilleky.gov> wrote:

Ms. Stevenson,

Which case is this regarding? Do you have the zoning case number, or the property address?

**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  
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<image001.jpg>

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<image003.png>

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**From:** Susannah Stevenson [mailto:sbstevenson7@icloud.com]  
**Sent:** Tuesday, November 19, 2019 5:56 PM  
**To:** St. Germain, Dante <Dante.St.Germain@louisvilleky.gov>  
**Subject:** Factory Land zoning change

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Please tell me there is an infrastructure improvement plan PRIOR to award of building permits for anything else in the areas of Aiken, Old Henry, Old Henry Trail and Factory Lane. When and where is the new elementary school going to be constructed? The people are coming, and we can't support the traffic in the current state of our roads.

I live in Lake Forest, toward the Shelbyville Rd entrance. The traffic out here is ungodly and I'm all over the city in my business. If I could be at tonight's meeting, I would speak against this zoning change.

Susannah Buecker Stevenson, Realtor  
WR Realtors  
6511 Glenridge Park Place #10  
Louisville KY 40222  
[www.WRrealtors.com](http://www.WRrealtors.com)  
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## St. Germain, Dante

---

**From:** Mary Dries <mpwdries@gmail.com>  
**Sent:** Sunday, November 17, 2019 4:22 AM  
**To:** St. Germain, Dante  
**Subject:** Case 19-ZONEPA-0074

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### **Proposed Commercial Rezoning (R-4 to C-1)**

**14015 Old Henry Trail**  
**Case 19-ZONEPA-0074**

Ms. St. Germain,

I am writing in advance of the Neighborhood Meeting for the C-1 rezoning request at 14015 Old Henry Trail.

As a nearby Lake Forest resident, I do not object the multi-family residential aspect of this request. However, I strongly object to a C-1 rezoning request in this area as follows:

- **No Commercial east of Bush Farm Road.** This property should stay Residential. That is, this project should be consistent with the Old Henry Road Subarea Plan (approved by Louisville Metro), which identifies the property east of Bush Farm Road as a residential area.
- **Plenty of Commercial land west of Bush Farm Road.** There is ample vacant Commercial property and undeveloped Commercial property west of Bush Farm Road. Adding strip retail or leapfrog spot retail east of Bush Farm Road will hurt the residential character of the entire area, and is inconsistent with approved planning efforts for Old Henry Road.
- **Berms.** Any project should include berming and landscaping along Old Henry Road to match the berm height and landscape character of the existing attractive landscaped berms along most of Old Henry Road east of the Snyder Freeway.

Thanks for your consideration,

Mary P Dries  
15510 Champion Lakes Place, 40245  
502.819.9993