

Barbara Kelly  
6009 Mint Springs Branch Road  
Prospect, KY 40058

April 29, 2021

Dear Planning Commissioners:

I am opposed to the proposed zoning change and office complex development plan, 20-ZONE-0078, at 5220 Chamberlain Lane. It is inappropriate, and completely at odds with the Wolf Pen Branch Neighborhood Plan, which was adopted into Comprehensive Plan 2040. Per Metro's website, even completed neighborhood plans not meeting the neighborhood planning ordinance, are still recognized as important planning efforts, even though not officially adopted into the Comprehensive Plan. This would lead one to conclude that plans such as Wolf Pen's that meet the ordinance requirements and are adopted into the Comprehensive Plan, are meant to be taken very seriously in guiding future development in their respective plan area.

Just as the comprehensive plan and the Land Development Code provide county-wide land use policies and standards, the Wolf Pen Plan identifies the special characteristics that make up the unique neighborhood. These elements were used to develop land use policies and standards consistent with its scenic, historic, cultural and environmental heritage. The existing conditions of the Wolf Pen Corridor were developed into appropriate context-specific design guidelines to manage future growth, and are found in the Executive Summary.

The Executive Summary includes the plan's Vision Statement, which reads in part, "The Wolf Pen Branch Neighborhood.....will remain a unique rural setting in Metro Louisville with winding tree covered roads and historic single family homesteads. Our vision is to steward this neighborhood so that it will continue to provide the public a scenic, historic, environmental and cultural resource." The Wolf Pen plan area begins at Chamberlain Lane and the I-71 overpass. Tree canopy covers the roadway's hillsides, and sets the tone for the area. Specifically listed in the Executive Summary is protection of the tree canopy. This defining element would be lost if the tree canopy-supporting hillside were removed for the development entrance, as planned.

Just east of the plan area boundary on Chamberlain Lane, opposite the site of the proposed development, is an R-4 zoned parcel with an assisted living facility. Its developer assured the neighborhood with beautiful renderings of how the hillside tree canopy would be restored once replanted. The actual replanting is an abysmal failure. "Fool me once," the saying goes. The tree canopy equates to the neighborhood's authenticity. It aides both good health, by cleaning the air we breathe, and the environment, by absorbing storm water.

The task force for the initial Neighborhood Plan was comprised of area residents, developers and their land use attorney. It met regularly for one year with planning staff and consultants, costing taxpayers \$50,000. This was a serious undertaking, and neighbors wanted to craft a plan that would protect the area for the very long term for many future generations. Unfortunately, the property owner/developer of this development plan never participated in either the initial or revision public processes, which were open to all stakeholders.

The revised plan included these major revisions:

- clarified that office development is excluded from the plan area
- corrected the Wolf Pen Corridor map to indicate the corridor begins at Chamberlain Lane and the I-71 overpass

- added language describing Chamberlain Lane as a transition area in order to justify additional landscaping in the vicinity of the Wolf Trace area
- included all roads in the corridor, in addition to what is referred to as the Wolf Pen Corridor of Chamberlain Lane, Wolf Pen and Mint Springs Branch roads

The plan area is well served by office and commercial development in Norton Commons, nearby Brownsboro Road and the area around Wolf Pen Branch Road and River Road. It is in the Neighborhood Form District, a predominately residential district, characterized by its integration of neighborhood scale development, such as retail and services. South of I-71 on Brownsboro Road is a regional center with a hospital, restaurants, and large office and retail spaces. Insuring that future development is compatible with the surrounding neighborhood is the primary goal of the Comprehensive Plan and Form Districts. The mass, 72-foot height (more than twice what is allowed) and 280,000 square foot scale of this office complex are not compatible with the neighborhood. Those features are appropriate in a regional center.

Over a period of years, neighbors have met with this developer or his representatives numerous times to view the latest development idea for the site. Each time the development was inappropriate, and we would again explain what type of development was suitable per the neighborhood plan. We suggested cluster homes. We suggested a conservation subdivision, but because it was not absolutely Randall Arendt-perfect, the idea was rejected. (Arendt is credited with creating the conservation subdivision concept). They told area residents that since an interstate runs along the southern side of the property, it is not appropriate for homes. In the Wolf Pen plan area there are no less than four residential developments against an interstate: Wolf Pen Estates, Wolf Pen Lane development, development off Spring Farm Road and Wolf Pen Woods. The proposed office complex plan does not even offer a multimodal trail that could run from near the emergency entrance into and around the development. This developer is the same person who developed Old Brownsboro Crossing directly to the south, which offers a walkway around the majority of the development.

Aside from being in accord with the neighborhood plan, the most important point is for development on this site to be low impact. The newer LED parking lot lighting is extremely bright, and light trespass is very noticeable and objectionable. Since the site is elevated, this could pose a very annoying intrusion for surrounding homes. Any development on this site needs to follow the pattern of Old Brownsboro Crossing, by not placing illuminated signs on buildings facing I-71 or toward the neighborhood. The Grand assisted living facility across from the development site agreed to use external lighting on its monument sign, as did Norton Commons, and the as-yet-approved U of L rehab facility further south on Chamberlain Lane has agreed to do so as well.

Overall, the proposal appears to do little to employ the CHASE principles of Plan 2040.

- It does not demonstrate that it is **connected** in a way that enhances the natural environment and geographic location to improve the life of citizens
- It does not demonstrate that it supports the natural environment in a **healthy** way, particularly when it would destroy tree canopy that cleans the air and absorbs storm water runoff
- It does not demonstrate that it is **authentic**, because it fails to recognize the unique culture of the area's natural environment, tree canopy and waterways
- It does not demonstrate that it is **sustainable**, because it fails to provide even a minimum walkable multi-modal path to harmonize with the natural environment as indicated in the Executive Summary, and it fails to recognize that bright parking lot lighting is detrimental to area wildlife
- It does not demonstrate a willingness to engage with citizens to devise an **equitable** development plan whereby the built and natural environment are in harmony

Approval of this office complex and rezoning would be a complete disregard and dismissal of the Wolf Pen Branch Neighborhood Plan. The location of the 72-foot building is already approximately 15-feet above Chamberlain Lane (15-feet is the clearance of the I-71 overpass at Chamberlain Lane). It would dominate the area. Combined with the other two buildings, it would equal a whopping 280,000-square feet, far out of scale with the neighborhood plan area.

Finally, approving this development would result in:

- **WASTE** of a minimum **\$50,000** tax dollars, and one year spent developing the original plan
- **FRAUD** - stakeholders were led to believe the document was a serious, long range planning tool that would protect the area
- **ABUSE** of public trust and public money

This would be a serious blow to the Wolf Pen Branch Neighborhood and would have a detrimental impact on the future of the plan area. The bigger picture is that other neighborhood plans would be that much easier to disregard, resulting in an outraged public. I urge you to reject this plan.

Yours truly,

Barbara Kelly

**From:** [Daniel Keppie](#)  
**To:** [Dock, Joel](#)  
**Subject:** # 20-ZONE-0078  
**Date:** Tuesday, April 27, 2021 4:58:14 PM

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This note concerns a possible rezoning and new building at the edge of the Wolf Pen Branch Road.

I oppose rezoning and such a new building. This would be far different than some simple, low-incursion change. In natural ecological communities, land at or near the edges of extant communities tend to be the richest in plant and animal species. The present Wolf Pen forest is probably too unique to support added pressure from the outside.

Daniel Keppie  
5103 Cherry Valley Road  
Prospect, KY 40059

**From:** [Alice Wells](#)  
**To:** [Dock, Joel](#)  
**Subject:** #20-ZONE-0078  
**Date:** Monday, April 26, 2021 2:19:37 PM

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Hi Joel,

I am writing to request you to oppose rezoning for this huge office complex. Case #20-ZONE-0078. Please Please this building is not appropriate for this neighborhood.

Thank you for your consideration.

Alice S. Wells  
5215 Spring Farm Road  
Prospect, KY 40059

PLEASE SUPPORT THE NEIGHBORHOOD PLAN.

**From:** [Naomi Scheirich](#)  
**To:** [Dock, Joel](#)  
**Subject:** Case #20-Zone-0078  
**Date:** Tuesday, April 20, 2021 1:54:53 PM

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As a 52 year resident of Wolf Pen Branch Rd., I am greatly OPPOSED to the zoning change/waivers/variance requested in Case #20-ZONE-0078.

A neighborhood plan was developed several years ago to protect and enhance our neighborhood character. The first step in the rezoning process was an online meeting with the LD&T committee members evaluating things such as height and scale of buildings, signage, parking access, traffic, stormwater detention and drainage.

Aside from the inappropriateness of the development, all of those issues as stated above are of great concern.

Please put this email in the file for the LD&T meeting in May.

Naomi Scheirich  
7823 Wolf Pen Branch Rd.

**From:** [marshall.genev@gmail.com](mailto:marshall.genev@gmail.com)  
**To:** [Dock, Joel](#)  
**Cc:** "[Robert Towler](#)"; "[Gur Mukh](#)"; [kathygbrand@gmail.com](mailto:kathygbrand@gmail.com)  
**Subject:** 20-zone-0078  
**Date:** Wednesday, March 24, 2021 1:23:09 PM

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Dear Mr. Dock,

Thank you for the opportunity to comment on the 5220 Chamberlain Road rezoning project. We live at 5401 Merribrook Lane and look off our rear deck to see deer, turkey, squirrel, many different birds, and a few skunks. It is a wooded view of the Wolf Penn Springs Open Space. If we look to our right off our deck in the winter, we see the house that is shown to remain in the development. Behind that house, we will see the parking lot lighting and the upper floors of the proposed 4 story building. Our request is simple. We would like some kind of light management so that the development is not overwhelmingly noticeable at night and some additional tall bushes and or trees in front of the house. It is unlikely that we can avoid seeing the 4 story building, but given our angle of view up towards the house, a little landscaping in front of it, would hide a good bit. There are times that traffic is backed up at the traffic circle both into and out of Norton Commons, but good traffic management at the entrance to the development could help avoid adding to that problem.

As an FYI, the Gandhi's at 5400 Merribrook Lane sold their house to Preet Shah. I let him know about the development.

All of my neighbors are concerned about what they will have to look at from their rear decks. Light management and adequate bush/tree buffers will go a long way in preserving the wooded environment we were once in.

Thank you for what you are doing to keep adjacent property owners aware of the project.

Best regards,

Gene and Becky Marshall  
5401 Merribrook Lane  
Prospect, Ky 40059  
502-419-6205

**From:** [Arnold/Carol Zegart](#)  
**To:** [Dock, Joel](#)  
**Subject:** Case # 20-Zone-0078 i  
**Date:** Wednesday, March 24, 2021 3:14:17 PM

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I am writing to express my opposition to the zoning change, case # 20-Zone-0078 to be discussed on Thursday, March 25th, 2021.

I am a long time resident of Wolf Pen Branch Rd since October, 1966. Others have expressed all the right reasons for the opposition, such as increased traffic, potential storm damage run-offs, ruining the scenic & historic view shed, etc etc which you'all have heard many times before and usually ignore. Usually the well financed developer & his excellent well financed zoning attorney prevail as the L D & T Committee always fall in line believing that any major commercial development is always better economically for the overall community. The long term residential opponents of such developments are always discounted. Of course this has been a great boom for Oldham County as many former Louisville/Jefferson County residents flock there to escape commercial encroachment.

We spent many hours working with City Government developing, implementing and updating the Neighborhood Plan. If you approve the zoning change along with the proposed office building complex plan, which quite honestly I expect you to do, you have confirmed my belief that PUBLIC PARTICIPATION IS A SHAM & just a continuing PR stunt to "give the public a voice". When the chips are down & push comes to shove, LD&T always sides with the development community. I dare you to prove me wrong.

Sincerely,



Arnold J. Zegart  
7800 Wolf Pen Branch Rd.  
Prospect, Ky 40059

**From:** [Marsha Weinstein](#)  
**To:** [Dock, Joel](#)  
**Subject:** Case # 20-ZONE-0078  
**Date:** Tuesday, March 23, 2021 1:43:30 PM

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Mr Dock,

Please record my comments into the record.

The Wolf Pen Branch Road Corridor has always been an historic rural area in Jefferson County with very low density of residential property, therefore making it totally inappropriate to build office buildings in this neighborhood. Four story buildings do not belong! The utilities for these buildings will result in removal of the natural landscape of trees and bushes which further erodes the character of this Jefferson County treasure!!!

I am proud of the Neighborhood Plan we wrote in 2006 with the input and support of the residents. Everyone who lives here are well aware of the water problems that occur when it rains as water last many days. Increased traffic on Wolf Pen Branch Road has made it extremely dangerous for residents to simply walk to their neighbors homes and children are always at risk when they are playing outside.

Please stop the madness of destroying this historic neighborhood!

Marsha Weinstein  
5608 Wolf Pen Trace  
Prospect, KY 40059

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Marsha Weinstein  
5608 Wolf Pen Trace  
Prospect, KY 40059  
502-819-2537

**From:** [Wolf Pen Estates Community Association](#)  
**To:** [Dock, Joel](#)  
**Cc:** [Ashburner Clifford](#); [Abdul Jabbar](#); [Patricia Ahmed](#)  
**Subject:** Case Number 20-ZONE-0078  
**Date:** Wednesday, March 24, 2021 10:59:06 AM

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Mr. Dock: I am the President of the Wolf Pen Estates Community Association, Inc. We are the legal Homeowners Association for the Wolf Pen Estates Subdivision on Wolf Pen Branch Road in Prospect. A few of our lots have a contiguous property line with the property affected by the Case Number listed above and for which rezoning from R-4 to OR-3 has been requested. I write to advise the Planning Commission that, after several months of negotiations, the WPECA has reached a written agreement with the Developers of the property in question that satisfies our concerns. We support the rezoning provided that the detailed plans, waivers and variances as listed are implemented. The Agreement was approved by a unanimous vote of the members of the HOA at a meeting this week. Should you have further questions, do not hesitate to contact me. Thank you.

Lisa Fleming  
President  
Wolf Pen Estates Community Association, Inc.  
502-439-4081

**From:** [Seth J. Singleton](#)  
**To:** [Dock, Joel](#)  
**Subject:** Comments re: Case No. 20-ZONE-0078  
**Date:** Wednesday, March 24, 2021 10:38:39 AM

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Mr. Dock:

I am writing to submit my comments regarding Case No. 20-ZONE-0078, which is set to be discussed at the upcoming Land Development & Transportation Committee meeting on Thursday, March 25, 2021 at 1:00 PM. I ask that my comments be entered into the record.

I am a resident of Wolf Pen Branch Road and I oppose this development as currently proposed. There are several reasons for my opposition but the one that stands out is the potential the development has to increase thru-traffic on Wolf Pen Branch Road. This corridor is a scenic and historic route cherished by not only nearby residents, but all Jefferson residents. Approving this development will only increase thru-traffic, ultimately disrupting the scenic and tranquil character of the Wolf Pen Branch corridor.

The secondary proposed entrance on Wolf Pen Branch Road will ensure this increased traffic. Although this secondary entrance is proposed as an "emergency" entrance only, there is no guarantee that this will remain in perpetuity. Many developments have installed gates on emergency entrances only to have those gates remain open for general use. This will only create dangerous conditions near the blind curve on Wolf Pen Branch Road where the secondary entrance is proposed. And widening Wolf Pen Branch Road to accommodate the secondary entrance would further the disruption caused to the corridor.

In addition to the increased thru-traffic on Wolf Pen Branch Road, this proposed development will undoubtedly create problems for water management to the Wolf Pen Branch watershed. Wolf Pen Branch Road experiences significant flooding during any given year, namely due to other nearby development, and the proposed detention basins will not adequately offset the increased stormwater run-off created by this proposed development.

This development will also add to the surrounding light pollution, which will negatively impact the overall ambiance of the area. And, in the same vein, it will add to the surrounding noise pollution. Not only by the initial construction, but also by the increased traffic and activity created by tenants, clients, and visitors to this proposed development.

Next, the development's proposed utilities will require the removal of natural landscape. As a result, it will greatly disrupt the scenic feel to Wolf Pen Branch Road. This will also deplete the much-needed landscape for native wildlife, forcing them into the line of traffic and creating a dangerous environment for drivers and bikers.

It must also be considered that there is a 2-story rehabilitation facility proposed on property adjacent to this development. This further adds to the potential disruptions to the scenic Wolf Pen Branch corridor, including traffic, light pollution, water management, and natural

landscaping. This development does not consider this adjacent development.

And lastly, this development does not fit into the Wolf Pen Branch Road neighbor plan that has been in effect since 2006 and updated in 2012. The neighborhood plan limits development to low- and very low-density residential. The proposed office buildings do not conform with the neighbor plan. They are completely out of character for the scenic and historic Wolf Pen Branch corridor. It will be argued by proponents of the development that they are not required to abide by the neighborhood plan. The Wolf Pen Branch Road neighbor plan was approved by the Louisville Metro Government. Accordingly, our public servants have indicated a desire for the Wolf Pen Branch area to retain its scenic and historic atmosphere.

Thank you, Mr. Dock.

Best,

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**Seth J. Singleton, Esq.**

[sethjsingleton@gmail.com](mailto:sethjsingleton@gmail.com)

Joel,

In the zoom meeting with the lawyer and engineer I spoke of the flooding that occurs across Wolf Pen at 8617. This water comes from the proposed development area. We don't need more. This is not a trivial amount of water. The development would cause wolf pen to be a cut through from 42. Wolf pen also has a very narrow bridge farther down of which I'm waiting for the day I smack/shatter side mirrors with someone.











Mark Worley

Apparently sending you pictures of water over Wolf Pen Branch prompted MSD to react. They did a few days of work to the stream and roadside for the water that would be coming from the proposed new development. The problem of water over wolf pen was not resolved as Thursday nights storm with water running over the road washed away the road edge material they had just placed.

There also appears to be a culvert exit nearer to the corner bend that they did not touch that water has to run up hill to get to the creek.

Can you please add this to the record and forward to whomever it was forwarded to before that prompted the first repairs.



















Mark Worley



March 24, 2021

Louisville Metro Planning  
Commission Members  
LDT Committee  
444 South 5th Street, Suite 300  
Louisville, Kentucky 40202

Joel Dock, AICP, Planner II  
Louisville Metro Planning & Design Services  
444 South 5th Street, Suite 300  
Louisville, Kentucky 40202

Re: Opposition to Change in Zoning-Form District, 20-ZONE-0078  
Property Owner: McMahan Holdings, LLC and Roy F. McMahan III  
Applicant: McMahan Holdings, LLC  
5220 Chamberlain Road

Dear Louisville Metro Planning Commission, LDT Committee Members, and Planning Staff:

Thank you for the opportunity to comment. This firm represents Wolf Pen Mill Farm, LLC (“Wolf Pen Mill”), a historic 412-acre farm protected by conservation easement property in Jefferson County, Kentucky, adjacent to the property proposed for a change in zoning-form district. McMahan Holdings, LLC submitted an application for a zone change for property owned by McMahan Holdings, LLC and Roy F. McMahan III (collectively “McMahan” or “Applicant”) located at 5220 Chamberlain Road near Norton Commons. McMahan requests a zone change from the current zoning designation of Single-Family Residential (“R-4”) to Office-Residential (“OR-3”).

Wolf Pen Mill is opposed to the application because the proposed change violates the Comprehensive Plan 2040 (“Comp. Plan”) the Louisville Land Development Code (“LDC”), as well as the Wolf Pen Branch Neighborhood Plan. The requested zone change would exacerbate already problematic stormwater flows and further threaten this historic property and mill which the Comp. Plan, LDC, and Neighborhood Plan seek to prevent. For the following reasons, Wolf Pen Mill opposes the application.

#### BACKGROUND

A Change in Zoning-Form District Pre-Application, 20-ZONEPA-0054, was filed on June 22, 2020 by McMahan for property located at 5220 Chamberlain Road with a total area to be rezoned listed as 33.79 acres. The requested zoning of Office Residential or OR-3 is to be used for constructing the Chamberlain Woods Office Park – 270,000 square feet of office space, which according to plans, would include three different buildings, one that is four stories high and two buildings both two stories high each, as well as approximately 853 parking spaces. On August 17, 2020, the Change in Zoning-Form District Application was filed as case number 20-ZONE-0078, which contained largely the same information as the pre-application.

The Wolf Pen Branch Neighborhood is a predominately rural area of north east Jefferson County, rich in historic, cultural, and environmental character. The area stretches down a 6.4-mile corridor that includes all of Wolf Pen Branch Road and Mint Spring Branch Road, as well as portions of Chamberlain Lane. The preservation of the scenic Wolf Pen Branch Neighborhood has become increasingly important within the last few decades as developments continue to degrade the watershed and viewshed. There are only a few parcels of commercial land in the area, close to the River Road intersection, although there is substantial commercial growth on Brownsboro Road at I-265. The Neighborhood Plan was enacted to ensure that future development would be compatible with the existing plan, which mainly consists of “low,” “very low,” to “extremely low” density single-family residential developments. This zone change is inconsistent with the Neighborhood’s goals and the properly adopted Wolf Pen Branch Neighborhood Plan.

Wolf Pen Mill Farm is a crown jewel of the Wolf Pen Branch Neighborhood. The Wolf Pen Mill is a stone corn mill constructed in the early 1800s and is one of the oldest functioning mills in the Commonwealth. Its picturesque water wheel and stone foundation are the lynchpin of the 412-acre tract that was permanently protected in 1999 by conservation easements donated to River Fields and the Kentucky Heritage Council. The farm is also home to a rare collection of the region’s native wildflowers as well as the federally endangered plant, the running buffalo clover. The farm is also known as the home to the “largest and most significant plant community” in the region.

The Wolf Pen Branch watershed is approximately 1,440 acres and the name-sake stream is a protected perennial blue-line stream. The area is already inundated with stormwater runoff from sprawling development upstream. Just recently, after the days of heavy rain at the end of February, increased stormwater flows from upstream properties inundated the stream, threatening the stability of the mill. The flooding significantly damaged three bridges on the Wolf Pen Mill Farm. All three bridges were covered with heavy debris and water eroded abutments and undercut the driveway on the downstream side due to the tremendous velocity of water in the stream. The abutments and foundations were heavily damaged and after an engineer’s inspection, it is clear that one bridge requires replacement which is now underway. Cost of these repairs will be significant.

Inadequate stormwater drainage from this massive development will be significant and without proper mitigation measures in place, key features of Wolf Pen Mill Farm could be completely destroyed.

According to the application, the office complex would span across 800 feet of frontage on Wolf Pen Branch Road, and 800 feet of frontage on Chamberlain Lane. The complex is located within the Neighborhood Form District. The Wolf Pen Mill believes the area should remain residential, as intended by the Neighborhood Plan and because of its location within a Neighborhood Form District.

Because the proposed zone change would allow large commercial complexes which will undoubtedly increase stormwater flows which already pose a substantial threat to the historic integrity of the property Wolf Pen Mill must oppose this action. Further, the

Applicant fails to comply with the Comp. Plan, LDC, and Neighborhood Plan, as outlined below. Therefore, the zone change application should be DENIED.

SUMMARY OF OPPOSITION

- 1) The application is incompatible with Louisville’s 2040 Cornerstone Plan, specifically violating Sections 4.1, 4.4, and 4.5. The proposed development is incompatible with the Neighborhood Form District and has the potential to exacerbate the already intense flooding suffered by the downstream Wolf Pen Mill and therefore should be denied.
- 2) The proposed zone change is inconsistent with the Land Development Code and is better suited as R-4 versus OR-3.
- 3) The proposed use is inconsistent with the Wolf Pen Branch Neighborhood Plan as it violates the Plan’s intended designation of the area as Extremely Low to Very Low Density Residential.
- 4) The proposed zone district change violates KRS 100.213(1) and therefore must be denied.

COMMENTS IN OPPOSITION

- 1) THE PROPOSED USE DOES NOT COMPLY WITH THE 2040 COMPREHENSIVE PLAN
  - A. The application is incompatible with the Comp. Plan and its designated Neighborhood Form District.

Louisville Metro has implemented a layered approach to planning and development review which assigns parcels a traditional zoning designation as well as a Form District. A development must be reviewed for whether it complies with the traditional zoning designation which regulate land use and density, as well as the form-based designs such as height and setbacks.

McMahan’s plan seeks to transform and further erode a rural residential area with a 270,000 sq. ft. office complex located at the headwaters of Wolf Pen Branch.

The Neighborhood Form Area is defined as, “A pattern of development characterized by mostly residential areas that are served by neighborhood-scale shops and services at locations that have public spaces such as parks and playgrounds.” Comp. Plan at 111, see also Section 4.1, Policy 3.1.3. The proposed development does not comply with the definition for a Neighborhood Form District as any commercial use cannot be described as “neighborhood-scale shops and services.” Policy 3.1.3 lays out other similar mixtures of the appropriate civic uses including “offices, shops, restaurants and services” but mandates that these “neighborhood centers should be at a scale that is appropriate for nearby neighborhoods.” Comp. Plan at 41. The Comp. Plan does not contemplate locating 270,000 sq. ft. of office complex within its Neighborhood Form District.

The Neighborhood Form is reserved for “predominantly residential uses ... that blend compatibly into the existing landscape and neighborhood areas.” Id. (emphasis added). These large-scale office complexes proposed by McMahan that range from 2-4 stories tall with a total of 853 parking spaces will not blend compatibly into the scenic and historic landscape of Wolf Pen Branch Road. Nor will these complexes blend compatibly into the other single family residential neighborhoods on the property’s north side.

According to the Comp. Plan, “high-density uses,” like the one proposed here, “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.” Id. This development would be better suited on a major arterial like Brownsboro Road versus on Wolf Pen Branch Road and Chamberlain Lane, on top of a Wolf Pen Branch headstream. While 800 or so feet of the complex has frontage on Wolf Pen Branch Road, approximately 2,000 or so of that remaining side will face residential neighbors of Wolf Pen Estates as well as residents near Deepa Drive. The neighboring assisted living facility, with its mainly permanent residents and limited staff, is not compatible in use with the bustling traffic of hundreds of cars every day at peak rush hour times going to and from work at the office facility.

The Comp. Plan’s Form Districts exist to [e]nsure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District.” Comp. Plan Section 4.1, Policy 4, p. 45. This development does not satisfy this objective. The Comp. Plan also seeks to “[d]iscourage non-residential expansion into existing residential neighborhoods unless applicant can demonstrate that any adverse impact on residential uses will be mitigated.” Id. at Section 6. Vegetative buffers, open spaces, landscaping, site design, building heights, building design, materials, and orientation all assist in transitioning different density categories. The applicant argues that there will be adequate barriers between the proposed office buildings and the adjacent residential properties as well as Wolf Pen Branch Road, claiming this will offset any light, noise, and traffic in and out of the complex. The applicant has not demonstrated that adequate mitigation of adverse impacts will be used to properly form boundaries and/ or transition between these 2-4 story office buildings, and the scenic corridor of Wolf Pen Branch Road and its surrounding residential areas. Neighboring residents are concerned about noise and light pollution from the office buildings as well as from the parking lots, while Wolf Pen Mill is concerned with increased traffic during peak rush hour and the lack of stormwater management plan in the current design from this proposed high-density complex.

- B. The application is incompatible with the Comp. Plan’s policies regarding livability, conservation, and economic development.

This application also fails to meet several other goals and policies set forth in the Comp. Plan. Section 4.5 of the Comp. Plan address livability concerns. One of the guiding principles of the Comp. Plan is to provide for appropriate growth and development while also supporting the natural environment as well as air, water and soil quality. See Comp. Plan’s CHASE Principles, p. 32.

Goal 1 within the Livability Section is to “Protect and enhance the natural

environment and integrate it with the built environment as development occurs.” Within the same section, Policy 10 states, “Mitigate negative development impacts to the watershed and its capacity to transport stormwater by discouraging changes to stream channels and drainage features.” Comp. Plan at Section 4.5, Goal 1, Policy 10. This zone change would allow negative impacts to the Wolf Pen Branch watershed, including overwhelming its already strained capacity to transport stormwater as 270,000 square feet of office space and 853 parking spaces will only eliminate access to stream channels and natural drainage features, exacerbating flooding of downstream properties like Wolf Pen Mill.

Section 4.5, Goal 1, Policy 12 seeks to “[m]inimize impervious surface area and take advantage of soil saturation capacities.” Id. at 89. Policy 17 prioritizes adequate site selection in order to mitigate disturbance to “groundwater resources, flow patterns, and existing and proposed surface drainage.” Id. Policy 26 states, “Ensure that drainage systems are designed to be capable of accommodating the runoff from development upstream, assuming a fully-developed watershed and an increased frequency of intense storm events.” Id. at 90. Policy 28 would mandate onsite management and treatment of stormwater, because this development will increase runoff. This plan violates all of these policies. As previously mentioned, Wolf Pen Mill is already being threatened by intense storm events like the flooding in late February that continue to cause erosion issues. The increased frequency, volume, and velocity of flows is also threatening the historic mill’s operation and underlying structure. There have been no assurances from the Applicant regarding mitigation of increased runoff from a large, upstream development. This in violation of multiple policies within Section 4.5, Goal 1.

The McMahan application is also inconsistent with Section 4.4 of the Comp. Plan regarding economic development. Goal 1, Policy 3 states to “[l]ocate commercial uses generating high volumes of traffic on a major arterial street, at the intersection of two minor arterials, or at a location with adequate access to a major arterial and at locations where nuisances and activities of the proposed use will not adversely affect adjacent areas.” Comp. Plan at 83. As noted above, noise and light pollution from the office buildings and parking lots will create nuisances for nearby residential properties. The development will generate high volumes of traffic on minor arterials, which are inadequately designed for peak rush hour traffic to and from the office complex.

The application is inconsistent with Louisville Metro’s Comp. Plan. It is better suited being zoned R-4 and is inconsistent with the Neighborhood Form District, as well as Comp. Plan Sections 4.1, 4.4, and 4.5. The zone change should be DENIED.

2) THE PROPOSED USE IS INCONSISTENT WITH THE LAND DEVELOPMENT CODE

The property is better suited for R-4 Zoning versus OR-3.

McMahan’s proposal would alter the current zoning designation of Single-Family Residential (“R-4”) to Office-Residential (“OR-3”). The permitted land uses within R-4 are the same as the permitted uses in the R-1 Residential Single Family District. See LDC 2.2.6(A). Uses include accessory buildings, agricultural uses, community residences, country clubs, single-family dwellings, family care home, home occupations, as well as residential care facilities. Commercial and office complexes are not permitted in R-4.

It is worth noting that the assisted living facility, on the other side of Chamberlain Lane, adjacent to the proposed development, is on a property that is also zoned R-4. To the extent McMahan argues that this use is consistent with that of its neighbors, Wolf Pen Mill argues that the assisted living facility is a permitted use in R-4 and is an appropriate transition for locating near single-family residences, while a large-scale office complex is not.

On the other hand, Office/ Residential District zoning, OR-3, is designated for dwellings with multiple families such as apartment hotels, assisted living residences, community residences, boarding and lodging houses, office buildings, barbers and hairdressers, medical laboratories, physical fitness instruction, fraternities and sororities and other clubs and lodges, as well as portrait studios. See LDC 2.3.4. The proposed development is not suited for a primarily R-4 designated area despite the Staff Report's finding that an office district is appropriate at this location because it is adjacent to the interstate, mixed-use development, and assisted living community. The Staff Report's finding ignores the fact that all of the development cited is on the east side of Chamberlain Lane. The entire west side of Chamberlain Lane is exclusively residential so this development would encroach in these residential areas and is wholly inconsistent with the current pattern of development. The only area near the proposed site that is designated as OR-3 is the Lowe's and Costco area – which is not at all consistent with the scenic neighborhood feel of Wolf Pen Branch – and is located on the other side of I-71 where development is more appropriate.

If the Commission were to ultimately allow this zone change, it would result in the unnecessary expansion of OR-3 permitted uses in an exclusive R-4 area. This encroachment only further erodes and threatens the historic Wolf Pen Branch area. OR-3 uses should remain on the other side of I-71 between the Brownsboro Road exit from the Gene Snyder, where other OR-3 development already exists and should not permeate that I-71 barrier, nor the west side of Chamberlain Lane. The proposed site is better suited for all residents and travelers along Wolf Pen Branch Road and Chamberlain Lane remaining R-4.

### 3. THE PROPOSED USE DOES NOT COMPLY WITH THE NEIGHBORHOOD PLAN

The property is currently zoned R-4. This zoning is consistent with the Wolf Pen Branch Neighborhood Plan's intended designation of the area as Extremely Low to Very Low Density Residential. McMahan is requesting a zone change to Office-Residential (OR-3) – a designation which would be wholly inconsistent with the Neighborhood Plan. The Neighborhood Plan specifically emphasizes – “New development within the neighborhood should conform to the existing scenic roadway alignments, be compatible with the existing rural residential development pattern and safeguard the scenic, environmental, historic and cultural resources of the Wolf Pen Branch Neighborhood.” See Neighborhood Plan at 20. This proposed zone change violates the stated objective.

Likewise, the Staff Report notes several goals that are emphasized in the Neighborhood Plan including an emphasis on restricting future development to single family residential, promoting the voluntary use of conservation easements as open space

buffers to protect existing homesteads, implementing site-specific landscape buffers and building setbacks to maintain historic setbacks, require tree canopy preservation, reduce light pollution, as well as limiting roadway improvements which could endanger joggers, bicyclists, and horse back riders.

The applicant is not in compliance with numerous provisions of the Wolf Pen Branch Neighborhood Plan. The development would ignore the neighborhood's plan to restrict future development to single family residential use and also would threaten existing tree canopy and historic setbacks. The applicant continuously notes that its plan would "preserve the vast majority of the tree canopy on the subject property," but admittedly the development would require removal of some of the existing canopy. The development would also ignore the neighborhood's goal of reducing light pollution as street lighting would need to be installed for the 853 parking spaces, and light pollution from the three building complexes would permeate the surrounding neighborhood at all hours of the day and likely throughout the night. Neighborhood Plan at 12.

Recommendation 6 from the Wolf Pen Branch Neighborhood Plan reiterates the neighborhood's desire to "preserve existing open space, minimize impacts to adjoining neighbors, enhance scenic corridor view sheds and protect historic, cultural, archaeological and natural resources, including scenic view sheds, farmlands, water bodies, wetlands and wildlife habitat." Id. This zone change would violate each of these provisions. The proposal would eliminate existing open space, would create additional noise and light nuisances for neighbors, would degrade the scenic corridors, and threaten existing historic and cultural resources – namely the Wolf Pen Farm Mill.

Regarding mobility in the Wolf Pen Branch Neighborhood, the plan notes that "through traffic is the exception and not the norm." This development would increase through traffic on the narrow, two-lane Wolf Pen Branch Road, jeopardizing the safety of residents and general aesthetic of the scenic route. Many of Wolf Pen Branch's residents travel on Wolf Pen and Chamberlain Lane toward Mint Spring Branch Road, both of which will now be inundated with rush hour traffic entering and exiting the 270,000 square foot office complex. Again, this higher volume of traffic from the proposed development will threaten the safety of walkers, runners, bikers, and horse riders who often enjoy Wolf Pen Branch Road, which violates the Neighborhood Plan's policy to encourage the multi-modal use of all roadways within the neighborhood. The Plan continuously emphasizes its desire to ensure that Wolf Pen Branch Road is maintained as a scenic roadway and does not become a connector route. This zone change would undermine this objective.

As directed in the Pre-application Staff Report, the "applicant/ developer [must] strive to ensure compliance with the Wolf Pen Branch Neighborhood Plan and demonstrate such compliance clearly on the development plan and/ or renderings to address landscape buffers and tree canopy, architectural design elements, historic context, and roadway improvements." So far, the applicant has been noncompliant with the goals and objectives outlined in the Neighborhood Plan.

#### 4. THE PROPOSED ZONE DISTRICT CHANGE VIOLATES KRS 100.213(1)

The proposed zone change violates KRS 100.213(1) which states in pertinent part:

Before any map amendment is granted, the planning commission or the legislative body or fiscal court must find that the map amendment is in agreement with the adopted comprehensive plan, or, in the absence of such a finding, that one (1) or more of the following apply and such finding shall be recorded in the minutes and records of the planning commission or the legislative body or fiscal court:

- (a) That the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate;
- (b) That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area.

The proposal does not meet the requirements of KRS 100.213 for a zone change is not in agreement with the Comp. Plan. The Applicant also has not proven that either exception applies and that the existing zoning classification is inappropriate or that there have been major economic, physical, or social changes in the area which were not anticipated when the Comp. Plan was adopted. As such, the proposed zone change is contrary to statute and cannot be granted under any circumstance.

5. WOLF PEN MILL FARM IS SEEKING ADDITIONAL PROTECTIONS TO WOLF PEN BRANCH.

The Comp. Plan requires the Commission to take into consideration water quality. Wolf Pen Mill Farm is currently in discussions with the Kentucky Division of Water to add further protections to Wolf Pen Branch, especially as Wolf Pen Mill is dependent on a healthy, unaltered stream. As stated above, Wolf Pen Mill Farm is protected from development with a conservation easement and has been so protected since 1999. The integrity of Wolf Pen Branch is critical to the preservation and operation of Wolf Pen Mill, one of the oldest operating mills in the country. The Planning Commission should refrain from approving any new development until the Outstanding State Resource Water process is completed, and the developer can assure that any changes in the water quality do not negatively affect the mill, which is part of a multimillion dollar effort to preserve Wolf Pen Mill Farm and the mill itself.

CONCLUSION

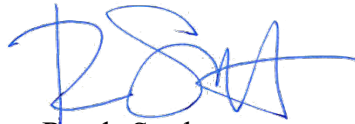
The proposed land use is wholly incompatible with the Comprehensive Plan, LDC, and Neighborhood Plan as it violates numerous provisions in each. The proposed complex will be a nuisance to the surrounding neighbors and to the scenic corridor of Wolf Pen Branch, will substantially increase traffic on minor arterials, and will result in irreparable damage to downstream properties, such as Wolf Pen Mill, from increased stormwater flows which threaten the mill's existence. Granting this zone map amendment would fundamentally and permanently alter the residential nature of the area to the detriment of



Wolf Pen Mill and its surrounding neighbors.

Wolf Pen Mill respectfully requests the LDT Committee and Planning Commission refrain from scheduling a full Planning Commission hearing on the application until the developer can show compliance with the Comp. Plan, Neighborhood Plan, and the LDC, and assure that changes to water quality will not threaten Wolf Pen Mill.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Randy Strobo', with a long horizontal stroke extending to the right.

Randy Strobo  
Clay Barkley  
Strobo Barkley PLLC

**From:** [Barbara Kelly](#)  
**To:** [Dock, Joel](#)  
**Subject:** Proposed Development 20-ZONE-0075  
**Date:** Wednesday, March 24, 2021 4:44:33 PM

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Members of the LD&T Committee,

Please address how this proposed development and rezoning to OR-3 comports with the Wolf Pen Branch Neighborhood Plan. Area residents and development community representatives collaborated with PDS staff and Sabak, Wilson and Lingo consultants for one year to carefully craft a plan appropriate for the area, insuring that its appeal would endure for the long term.

This development plan is wholly incongruous with the neighborhood and the neighborhood plan area, due to its rezoning for office use, and the mass, height and scale of the buildings. The height of the building closest to Chamberlain Lane, coupled with the elevated grade of the site, would dominate the area. That alone is hardly low impact.

The Grande Senior Center is located directly across Chamberlain Lane from this site. Had area residents realized how massive The Grande would be, when they revised their plan to enlarge it, we would have objected.

Residents have invested in this scenic residential area with expectations that those scenic, low impact attributes will not be upended by an office complex. The neighborhood plan was revised in 2012, to specifically exclude office development, using language suggested by PDS staff.

I urge you to reject this development plan.

Barbara Kelly  
6009 Mint Spring Branch Road  
Prospect, KY 40059

**From:** [Neerja Sahni](#)  
**To:** [Dock, Joel](#)  
**Subject:** 5220 Chamberlain Lane  
**Date:** Wednesday, March 24, 2021 11:59:18 PM

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Hi,

I'm writing to express my disapproval of the developer's petition for current Residential zoning specified in our Wolf Pen Branch Neighborhood Plan to be changed to Office/Residential so that these buildings can be built.

Traffic in the Wolf Pen Branch neighborhood is already bad now; adding in commercial zoning will make it worse. The environmental impact on this beautiful and historic area will significantly affect all the residents. Louisville's tree canopy is already being decimated. We cannot continue to develop without regard to the preservation and future of our environment.

Please vote no on this proposed change in zoning.

Best,  
Neerja Sahni

**From:** [Joseph Adams](#)  
**To:** [Dock, Joel](#)  
**Subject:** Case #20-ZONE-0078  
**Date:** Saturday, April 24, 2021 4:01:08 PM

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Hello Joel, I can't tell you how disappointed I was to read about the recent attempts to change our neighborhood zoning to allow for a huge new office complex! I got physically sick thinking about some developer coming to our beautiful area and totally ignoring the city sanctioned plan and building a monstrosity like this. The typical Louisville family would not want this in their neighborhood. We will fight this as aggressively as we can. These people will have no respect at all for what we've preserved here.

Thank you for your time and please help us and not the developers! There are plenty of zoned areas to put those type of projects. They don't need to destroy a neighborhood.

Sincerely,  
Joe Adams

7901 Wolf Pen Branch Road  
Louisville, KY 40059

**From:** [Betsy Bennett](#)  
**To:** [Dock, Joel](#)  
**Cc:** [Reed, Scott](#)  
**Subject:** Case No. 20-ZONE-0078  
**Date:** Tuesday, April 27, 2021 10:23:01 PM

---

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Dear Sir:

I am opposed to the rezoning at Wolf Pen Branch Road and Chamberlain Lane for an office complex. The proposal is totally inconsistent with our neighborhood plan which was adopted by Metro Council in 2012. This zone change would have a huge negative impact on both Wolf Pen Branch and Chamberlain, and it would add to the water runoff problems we already face. Please protect our neighborhood's character.

Betsy Rudd Bennett

1 Wolf Pen Lane

Sent from my iPhone

**From:** [markworleyee@gmail.com](mailto:markworleyee@gmail.com)  
**To:** [Dock, Joel](#)  
**Subject:** Chamberlain/71/Wolf Pen proposed development (water road issues)  
**Date:** Sunday, January 3, 2021 12:20:24 PM  
**Attachments:** [image0.jpeg](#)  
[image1.jpeg](#)  
[image2.jpeg](#)  
[image3.jpeg](#)  
[image4.jpeg](#)  
[image5.jpeg](#)

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Joel,

Apparently sending you pictures of water over Wolf Pen Branch prompted MSD to react. They did a few days of work to the stream and roadside for the water that would be coming from the proposed new development. The problem of water over wolf pen was not resolved as Thursday nights storm with water running over the road washed away the road edge material they had just placed.

There also appears to be a culvert exit nearer to the corner bend that they did not touch that water has to run up hill to get to the creek.

Can you please add this to the record and forward to whomever it was forwarded to before that prompted the first repairs.



Mark Worley

Begin forwarded message:

**From:** markworleyee@gmail.com  
**Date:** September 4, 2020 at 10:13:44 AM EDT  
**To:** "Dock, Joel" <Joel.Dock@louisvilleky.gov>  
**Subject: Re: Chamberlain/71/Wolf Pen proposed development**

Thank you...this is not a trivial amount of water...at least 6 inches.

Mark Worley

On Sep 4, 2020, at 9:07 AM, Dock, Joel  
<Joel.Dock@louisvilleky.gov> wrote:

Thanks for sending these. I'll include in the record.

**Joel P. Dock, AICP**

Planner II

Planning & Design Services

502-574-5860

---

**From:** markworleyee@gmail.com <markworleyee@gmail.com>

**Sent:** Thursday, September 3, 2020 10:07 PM

**To:** Dock, Joel <Joel.Dock@louisvilleky.gov>

**Subject:** Chamberlain/71/Wolf Pen proposed development

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Joel,

In the zoom meeting with the lawyer and engineer I spoke of the flooding that occurs across Wolf Pen at 8617. This water comes from the proposed development area. We don't need more. This is not a trivial amount of water. The development would cause wolf pen to be a cut through from 42. Wolf pen also has a very narrow bridge farther down of which I'm waiting for the day I smack/shatter side mirrors with someone.

<image001.jpg>

<image002.jpg>

<image003.jpg>

Mark Worley

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.

**From:** [Arnold/Carol Zegart](#)  
**To:** [Reed, Scott](#); [Dock, Joel](#)  
**Subject:** Fwd: Case # 20-Zone-0078 i  
**Date:** Friday, April 23, 2021 5:02:42 PM

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-----Original Message-----

From: Arnold/Carol Zegart <aczegart@aol.com>  
To: joel.dock@louisvilleky.gov <joel.dock@louisvilleky.gov>  
Sent: Wed, Mar 24, 2021 3:14 pm  
Subject: Case # 20-Zone-0078 i

I am writing to express my opposition to the zoning change, case # 20-Zone-0078 to be discussed on Thursday, May 6, 2021 at the public hearing before the Planning Commission.

I am a long time resident of Wolf Pen Branch Rd since October, 1966. Others have expressed all the right reasons for the opposition, such as increased traffic, potential storm damage run-offs, ruining the scenic & historic view shed, etc etc which you'all have heard many times before and usually ignore. Usually the well financed developer & his excellent well financed zoning attorney prevail as the L D & T Committee always fall in line believing that any major commercial development is always better economically for the overall community. The long term residential opponents of such developments are always discounted. Of course this has been a great boom for Oldham County as many former Louisville/Jefferson County residents flock there to escape commercial encroachment.

We spent many hours working with City Government developing, implementing and updating the Neighborhood Plan. If you approve the zoning change along with the proposed office building complex plan, which quite honestly I



expect you to do, you have confirmed my belief that PUBLIC PARTICIPATION IS A SHAM & just a continuing PR stunt to "give the public a voice". When the chips are down & push comes to shove, LD&T and the Planning Commission always side with the development community. I challenge you to prove me wrong.

Sincerely,

Arnold J. Zegart  
7800 Wolf Pen Branch Rd.  
Prospect, Ky 40059

**From:** [Marty Spence](#)  
**To:** [Dock, Joel](#)  
**Subject:** Neighborhood Plan  
**Date:** Sunday, April 25, 2021 12:31:40 PM

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Sent from [Mail](#) for Windows 10  
I oppose Rezoning For Office Complex.  
Marty Spence  
7829 Wolf Pen Br. RD.

**From:** [Dock, Joel](#)  
**To:** [joel.dock@louisvilleky.gov](#)  
**Subject:** RE: Chamberlain/Wolf Pen proposed development  
**Date:** Friday, September 4, 2020 8:57:00 AM  
**Attachments:** [image001.jpg](#)  
[image002.jpg](#)  
[image003.jpg](#)

---

Thanks for sending these. I'll include in the record.

**Joel P. Dock, AICP**  
Planner II  
Planning & Design Services  
502-574-5860

---

**From:** markworleyee@gmail.com <markworleyee@gmail.com>  
**Sent:** Thursday, September 3, 2020 10:07 PM  
**To:** Dock, Joel <joel.Dock@louisvilleky.gov>  
**Subject:** Chamberlain/Wolf Pen proposed development

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Joel,

In the zoom meeting with the lawyer and engineer I spoke of the flooding that occurs across Wolf Pen at 8617. This water comes from the proposed development area. We don't need more. This is not a trivial amount of water. The development would cause wolf pen to be a cut through from 42. Wolf pen also has a very narrow bridge farther down of which I'm waiting for the day I smack/shatter side mirrors with someone.







**From:** ingrid osswald [ing7.os@gmail.com](mailto:ing7.os@gmail.com)  
**Subject:** rezoning for office complex case #20-ZONE-0078  
**Date:** April 27, 2021 at 2:21 PM  
**To:** [joel.dock@louisvilleky.gov](mailto:joel.dock@louisvilleky.gov)  
**Cc:** [scott.reed@louisvilleky.gov](mailto:scott.reed@louisvilleky.gov)

---



Dear Case Manager Joel Dock,

It has come to my attention that there is an impending zoning change for my neighborhood. After reviewing the details...Wow! What an immense intrusion! Do you know that this piece of land is part of the Wolf Pen Neighborhood Plan that was just revised and approved by Metro Council in 2012? That's less than 10 years. How is re-zoning possible, let alone with a 280,000 sq ft two to four story multiple building complex?

I urge you to consider that this property already has higher elevation than many of the homes on Wolf Pen Road. With plans to partially remove the hill with its many mature trees that absorb an average of 14,000 gallons of rain water each year, what are the residents down stream supposed to do? And that's without adding our climate change where storms are even more likely and severe. We can't even estimate how much more run off there will be.

There are already three very large multistory office buildings on Springdale road. I am sure many suites stand empty. Maybe we should count these! I can tell you the parking lots around these buildings are sparsely used and the lots absorb No rain water.

Please ask the developers to respect our Neighborhood Plan as approved for single family residential development. The character of our neighborhood will only be irreversibly diminished by this office complex. You will find we are very interested in what happens with this case and Wolf Pen neighbors vote at every opportunity!

I am concerned.

Ingrid Osswald  
5050 Spring Farm Road  
Prospect, Ky 40059  
[ing7.os@gmail.com](mailto:ing7.os@gmail.com)

**From:** [John J. Hafner](#)  
**To:** [Dock, Joel](#)  
**Cc:** [Reed, Scott](#)  
**Subject:** Wolf Pen Branch Road  
**Date:** Thursday, April 22, 2021 10:37:37 PM

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Mr. Dock:

I moved to 7815 Wolf Pen Branch Road with my parents in 1972 when I was 11. I love the remote area and used to horseback ride and bike and bike ride all over this and other rural roads. When I left home, I missed the area but had not a dream of being able to afford a house here. In 2019 I was lucky enough to find a house that we could swing just two doors down from my parents house at 7843 Wolf Pen Branch Road. We really love the area, but find because of Norton's Commons traffic through to prospect the road is dangerous to ride a bike or walk on. Traffic is fairly heavy and fast on this thin country road that even has a one lane bridge. We believe development sound this area has really started to ruin the rural nature of our area and the proposed medical buildings at chamberlain lane and Wolf Pen will make traffic much worse, it will also add water run off to outlet fully stretched water system with a historic mill. Light pollution is another problem that we would face if this is approved. These buildings do not fit within the neighborhood plan in any way and will hurt the value and beautiful rural feel of the area that we paid so much to live in. I urge you to please consider rejecting this development that does not fit in our wonderful area! We truly appreciate your consideration in this matter!

Sincerely

John J. Hafner, Sherri H. Hafner(7843 Wolf Pen Branch Road)

Joan J. Hafner(7815 Wolf Pen Branch Road)

Sent from my wireless device

**From:** [Kelly Krupp](#)  
**To:** [Dock, Joel](#); [Reed, Scott](#)  
**Subject:** # 20-ZONE-0078  
**Date:** Thursday, April 29, 2021 10:54:56 AM

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I support the neighborhood plan. Please oppose rezoning for the office complex bordering wolf pen branch road, chamberlain lane, and I-71.

Thank you,

Kelly Krupp  
5412 Merribrook Lane  
Prospect, KY 40059

[Sent from Yahoo Mail for iPhone](#)



**From:** [Skaggs, Steven](#)  
**To:** [Dock, Joel](#)  
**Subject:** # 20-ZONE-0078  
**Date:** Tuesday, May 4, 2021 7:48:04 AM

---

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Dear Joel,

I want to voice my opposition to the proposed zoning change. What are Neighborhood Plans good for if they are upended so drastically by such zoning changes? The scale of this proposal is way out of line with our setting.

Thanks—

Steven Skaggs  
8116 Wolf Pen Branch Road

**From:** [brenda@emstv.com](mailto:brenda@emstv.com)  
**To:** [Dock, Joel](#)  
**Subject:** Case # 20-ZONE-0078  
**Date:** Monday, May 3, 2021 3:27:52 PM

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Dear Mr. Dock,

I am writing to protest the zoning change of the above property. The area is already severely congested. I live in Norton Commons and my Mom lives in Cobblestone patio homes. It is very difficult to pull out of Cobblestone or turn left into Cobblestone. When I am waiting to turn left – I feel very vulnerable with everyone flying up Chamberlain from 22 to Norton Commons entrance. All it would take is someone glancing at their phone to have a head on collision. I have already seen a number of accidents.

An office complex is not an appropriate setting for a beautiful tree canopied area such as Wolf Pen Branch Road. A more appropriate use of the land would be for housing. The proposal is for office space and the only tenants I see would be medical. These offices would not only create traffic from employees – but also visiting patients. Any other business sector is now reducing office space.

The traffic circle at Norton Commons is a mess. It is too small for the speed of traffic coming from 22 and no one signals. This project would only worsen that condition. The area around 22 and the Gene Snyder was widened a number of years ago and it has already outgrown that revision.

Also why are they pre-leasing for office space that has not even been approved.

[https://images1.cityfeet.com/d2/27lnEr12uCv-X87BEmMPEXhA4pIVHR\\_Ypa1zcHyFwpM/document.pdf](https://images1.cityfeet.com/d2/27lnEr12uCv-X87BEmMPEXhA4pIVHR_Ypa1zcHyFwpM/document.pdf)

I look forward to your comments.

Brenda McMahon  
9118 Dayflower Street  
Prospect, KY 40059

<mailto:brenda@emstv.com>

US Phone 502-394-0878



This email has been checked for viruses by Avast antivirus software.

[www.avast.com](http://www.avast.com)

**From:** [Martha Hyatt](#)  
**To:** [Reed, Scott](#); [Dock, Joel](#)  
**Subject:** Case # 20-ZONE-0078  
**Date:** Tuesday, May 4, 2021 4:51:34 PM

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Dear Mr. Reed and Mr. Dock,

I am sending this email in reference to case #20-ZONE-0078, a proposed zoning change for the Chamberlain Lane - Wolf Pen Branch Road area. I *strongly* oppose rezoning this area for an office complex. My family moved to the area in 1963, when I was a baby. I grew up on Mint Springs Branch Road and subsequently purchased the home that I grew up in. The Wolf Pen area is uniquely beautiful, a hidden jewel of Louisville, and *needs* to be protected.

The proposed office complex is out of character for the area and a building of 72 feet, which is more than double what is allowed, would be not only an eyesore, but would potentially increase storm runoff, leading to more flooding, and negatively impacting the historic mill on Wolf Pen. Such a development would also increase traffic and congestion on the already strained Chamberlain Lane. Partial removal of the hillside to build the entrance to the proposed office complex would be harmful to the environment, putting at risk the health of the tree canopy along Chamberlain Lane.

I beg you, please honor the Wolf Pen Branch Neighborhood Plan, which was created to protect and enhance the neighborhood character, and oppose this zoning change. I believe that it is vital that Louisvillians preserve those elements that create the very fabric of this beautiful neighborhood, for the long term. We now have the opportunity to stop this development and maintain the unique charm that is the Chamberlain Lane - Wolf Pen Branch Road area. I want my children and grandchildren to be able to visit this gorgeous area that I grew up in and experience its unique beauty first hand, rather than hearing stories of how pretty it 'used to be'.

Please include my comments in the public hearing before the Planning Commission on May 6, 2021. Thank you in advance for your consideration,

Martha Hyatt  
6313 Mint Spring Branch Road  
Prospect, KY 40059

**From:** [agunnison@aol.com](mailto:agunnison@aol.com)  
**To:** [Dock, Joel](#)  
**Subject:** case 20-ZONE-0078  
**Date:** Monday, May 3, 2021 7:32:47 PM

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Joel--as you can see below, I emailed comments to you (with cc to Scott Reed) on April 26, 2021. I have to wonder why my name wasn't listed as having been received by April 30th. And could there be others that got misplaced?

-----Original Message-----

From: agunnison@aol.com  
To: joel.dock@louisvilleky.gov <joel.dock@louisvilleky.gov>; scott.reed@louisvilleky.gov <scott.reed@louisvilleky.gov>  
Sent: Mon, Apr 26, 2021 10:34 am  
Subject: case 20-ZONE-0078

To all Planning Commissioners:

As you know, the Wolf Pen/Chamberlain/Mint Springs corridor is scenic, historic and one of several unique areas in Jefferson County. Indeed, the current Wolf Pen and Chamberlain roadway paths appear on the 1858 Bergmann map. Also remaining are many historic structures and history scattered throughout.

The beauty and character here are irrespective of dollar signs. For over 100 years most properties in the area have been small to medium sized single family residences scattered in among working farms. Then developers swooped in, buying up farms and creating the more affluent subdivisions you see now. But the modest homes and historic structures still remain and cry out for protection.

There are numerous citations in our **twice approved** Wolf Pen Branch Neighborhood Plan which support preservation and discourage incompatible development. Putting a 72 ft high office building (and two smaller ones) in our neighborhood is like building a Walmart ...in the middle of Waterfront Park.

Likewise, there are many citations in Cornerstone 2040 which state that neighborhoods are "supported and empowered to participate in land use planning and making policies" and we do not want to be ignored. We are certainly amenable to working with the developer to put in some housing choices which could be more "inclusive" and still blend in with the neighborhood. This would be a much better use for the property and the developer should be strongly encouraged to participate in this way. If hundreds of neighbors are expected to be more forward-thinking, so should this developer.

Oppose this totally inappropriate development.

Alice Gunnison  
7849 Wolf Pen Branch Rd  
Prospect, KY 40059

**From:** [Austin Pryor Personal](#)  
**To:** [Dock, Joel](#); [Reed, Scott](#)  
**Subject:** Case # 20-ZONE-0078  
**Date:** Wednesday, May 5, 2021 4:19:08 PM

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Mr. Dock / Councilman Reed,

I'm writing to express our strong opposition to this rezoning.

I'm sure you'll hear from my neighbors about their concerns regrading increased traffic along Chamberlain Lane (as well as along Wolf Pen Branch Road by people coming from U.S. 42), preserving the tree canopy, storm water runoff and potential adverse consequences for the Wolf Pen Mill. We share those concerns.

We have an additional concern. It's extremely frustrating to spend the time working with the local officials to help formulate an appropriate development plan for our area only to have developers continually return to overturn it. It's been less than 10 years since the Metro Council affirmed the Wolf Pen Branch Neighborhood Plan (which specifically excluded office zoning) and added it to the Comprehensive Plan.

Now you're again being asked to ignore that and change the zoning to allow a commercial development. Why must we continually fight to preserve the character of our neighborhood? This is so infuriating!

There's no shortage of land in Jefferson County for new office buildings. The developers knew the zoning when they purchased the property. Honor the current plan and tell them to look elsewhere.

Sincerely,

Austin and Susan Pryor  
7835 Wolf Pen Branch Road

**From:** [Bob McKeel](#)  
**To:** [Dock, Joel](#)  
**Subject:** Case Number: 20-ZONE-0078  
**Date:** Tuesday, March 16, 2021 9:49:57 AM

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We have a concern with the amount of traffic that will be travelling on Chamberlain Lane from this development and the planned development (case #21-CUPPA-0011) on the southside of I-71 and Chamberlain Lane that will affect pedestrians crossing Chamberlain Lane from the Cobblestone Estate neighborhood.

Since these new developments will increase traffic, are there plans to accommodate pedestrians and vehicles (exiting Cobblestone Estates) with installation of a traffic signal with pedestrian crossing lights?

Robert and Grace McKeel  
5110 Telford Lane  
Louisville, KY 40241

**From:** [Ann Campbell](#)  
**To:** [scott.reed@louisville.gov](mailto:scott.reed@louisville.gov); [Dock, Joel](#)  
**Subject:** Reference case # 20-ZONE-0078  
**Date:** Monday, May 3, 2021 1:31:20 PM

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I highly oppose Reference case # 20-ZONE-0078

Best,  
Ann Campbell  
9226 Featherbell blvd  
Prospect, KY 40059

Ann Campbell



**From:** [Eric Cornett](#)  
**To:** [scott.reed@louisville.gov](mailto:scott.reed@louisville.gov); [Dock, Joel](#)  
**Subject:** Wolf Pen & Chamberlain Lane - Case # 20-ZONE-0078  
**Date:** Monday, May 3, 2021 12:49:32 PM

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I live at 8415 Wolf Pen Branch Road and I am reaching out to voice my opposition to the proposed rezoning of the property at the intersection of Wolf Pen Branch Road and Chamberlain Lane (Case #20-ZONE-0078).

I think this property is correctly zoned as R-4, which is consistent with the existing Wolf Pen Branch corridor and the Wolf Pen Neighborhood Area Plan. Rezoning the property to a higher intense zoning would not be compatible with the surrounding area and would increase traffic on a narrow two lane, winding road that cannot safely absorb more traffic. The Wolf Pen Branch corridor is a scenic and historic area that needs to be protected and maintained as a single family residential corridor.

Thanks for your time and consideration of my concerns.

**R. Eric Cornett**  
(502) 797-1779 (cell)

**From:** [Marquardt, Janet](#)  
**To:** [Dock, Joel](#)  
**Cc:** [Reed, Scott](#); [agunnison@aol.com](mailto:agunnison@aol.com); [Marquardt, Janet](#)  
**Subject:** Letter of Opposition to Zoning Change Case 20-Zone-0078  
**Date:** Monday, May 24, 2021 11:12:28 AM  
**Attachments:** [Chamberlain Ln 72ft bldg.pdf](#)  
**Importance:** High

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Dear Mr. Joel Dock,

I'm writing this letter to you as President of the Board of Directors for Wolf Trace Home Owners Association. I also am a homeowner of 9102 Hensley Ct Prospect, Ky. 40059. Both my home and Wolf Trace, a residential development of 215 homes, are located off of Chamberlain Lane across from Norton Commons. This letter is to document **strong opposition** by the Home Owners Association Board of Directors to the zoning change which would allow an office complex to be built on an already heavily congested road making entry and egress difficult for those already living here.

Representing the Home Owners Association Board of Directors; we are **extremely opposed** to this change in zoning for the following reasons:

1. Increased water run-off will impact an already over saturated nature preserve and continue damaging the back yards of multiple home owners. Multiple families have had extreme erosion of their respective back yards and experienced thousands of dollars of expenses related to mitigating the damage due to increased water runoff. This has been the result of the building of The Grand on Chamberlain Lane and increased apartment complexes in Norton Commons. The small creeks frequently are over run with water shed due to the surface parking in these adjacent developments. Allowing this zoning change will further cause destruction to the nature preserve and homeowners property throughout Wolf Pen Springs development.
2. Increased traffic congestion on Chamberlain Lane and the round about will lead to dangerous traffic conditions. Frequently, water pools across one lane on Chamberlain Lane beneath I71 causing traffic to shift lanes without mitigation. Multiple complaints have been logged to MSD without permanent resolution. Additional traffic will be a formula for disaster to an already congested and dangerous area.
3. Wildlife preservation in the Nature Preserve at the corner of Chamberlain Lane and Wolf Pen Brand Road will be negatively impacted by this zoning change. Many wildlife creatures inhabit this Nature Preserve and building an office complex will create multiple hardships on the residents of this Nature Preserve. One of the reasons home owners have purchased property contiguous with the Nature Preserve is to enjoy the wildlife and the natural surroundings this area presents. Light from the proposed office complex will negatively impact the ambiance of the Nature Preserve and be harmful to the wildlife that reside in this area.
4. Lastly, the Wolf Pen Branch Preservation Plan specifically calls for the preservation of this

corridor to be for single family dwellings. Allowing this zoning change would forever change this corridor and the be contrary to the preservation plan already in place.

In closing; the Board of Directors of Wolf Trace Homeowners Association **strongly opposes** the proposed zoning change and desire for the continued support of current zoning status.

Regards,

Janet Marquardt  
President of HOA Wolf Trace  
9102 Hensley Court  
Prospect Ky 40059

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**From:** [James Jones](#)  
**To:** [Dock, Joel](#)  
**Cc:** [agunnison@aol.com](mailto:agunnison@aol.com); [stpinlou@aol.com](mailto:stpinlou@aol.com)  
**Subject:** Case number 20-zone-0078  
**Date:** Saturday, May 22, 2021 7:52:11 PM

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Joel,

The nearly 40 Neighborhood Plans that Metro Council approved should be enforced. The Wolf Pen Neighborhood Plan specifies single family residences only and the property asking for zoning change is currently perfect for its existing R-4 housing option. All neighborhood plans should be honored--regardless of what part of town they are.

Thanks,  
James Jones

**From:** [Tammy Switow](#)  
**To:** [Dock, Joel](#)  
**Cc:** [Reed, Scott](#)  
**Subject:** Zoning Case #20-ZONE-0078  
**Date:** Monday, May 10, 2021 11:02:54 AM

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Dear Mr. Dock,

My name is Tammy Switow and I live at 7220 Wolf Pen Branch Road. I wish to make it known that I opposed the rezoning of the land in this case from R-4 to OR-3. This development is completely out of character with this neighborhood and blatantly ignores the existing Neighborhood Plan that is currently in effect.

Respectfully,

Tammy Switow