

## Williams, Julia

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**From:** cindy beal <cindo@bellsouth.net>  
**Sent:** Friday, September 29, 2017 9:49 AM  
**To:** Williams, Julia  
**Subject:** Fairground Rd

Please please stop the development on Fairground Rd. That road is already heavy traveled and very dangerous. I have liked there for over 30 years, we do not need more traffic caused by this development.

Thank You,  
Cindy Beal

Williams, Julia

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**From:** Michael Hall <mike\_r1150r@att.net>  
**Sent:** Friday, September 29, 2017 9:35 AM  
**To:** Williams, Julia  
**Subject:** 9213 Fairground Road.development in Fern Creek

Heather Romanowski, Goodmorning,

About this development on Fairgrounds Rd. I live in the Riley Wood subdivision off Sprigwood Lane.

Twice, crossing Fairgrounds at the intersection of Hudson Lane I've near been t-boned at that 4 way stop. And I've complained about it to someone at the county level.

The intersection at Fairgrounds & Billtown Rd plus Marydell at Billtown Road is wreck heaven. Numerous complaints pleading with the county for a traffic light I was told "We studied it. There is no problem." The is the road that enters and exits Charlie Vettner Park. One morning after I complained was a pile of car grill, bumper and assorted car parts at Marydell and Billtown Rd. Getting out to go to work from Fairgrounds to Bardstown Road is a mess what with all the new townhouses that were built near that intersection on Fairgrounds.

And now the county wants to add to the problem with more traffic at a dangerous curve on Fairgrounds? No thanks. The only reason I can see the county being in favor of this is tax money you will reap from the construction of it and the people that will be paying property tax's.

How about just preserving that land the way it is or making it a small park for the enjoyment of the people that live in the area.

Is it too much to ask feel safe while driving on Fairgrounds Rd?

## Williams, Julia

---

**From:** Curneal, Leslie E.  
**Sent:** Wednesday, September 27, 2017 2:48 PM  
**To:** Williams, Julia  
**Subject:** RE: planning and design

Thank you.

Sincerely,



### Leslie Curneal, CKMC

Legislative Assistant to  
Councilman Robin J. Engel  
District 22  
Louisville Metro Council  
City Hall – 2<sup>nd</sup> Floor  
601 W. Jefferson St.  
Louisville, KY 40202  
Phone: (502) 574-3467

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**From:** Williams, Julia  
**Sent:** Wednesday, September 27, 2017 2:43 PM  
**To:** Curneal, Leslie E.  
**Subject:** RE: planning and design

No permits have been issued that I can see. I am forwarding the email to enforcement as well as the developers engineer.

---

**From:** Curneal, Leslie E.  
**Sent:** Wednesday, September 27, 2017 1:12 PM  
**To:** Williams, Julia  
**Subject:** FW: planning and design

Julia,

Please see Mr. Fink's email below regarding the removal of trees at 9213 Fairground Rd. Do they have the proper permits to do the work he is describing?

Sincerely,



**Leslie Curneal, CKMC**

Legislative Assistant to  
Councilman Robin J. Engel  
District 22  
Louisville Metro Council  
City Hall – 2<sup>nd</sup> Floor  
601 W. Jefferson St.  
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Phone: (502) 574-3467

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**From:** David Fink [<mailto:dfink@tvsonline.net>]  
**Sent:** Wednesday, September 27, 2017 11:45 AM  
**To:** Curneal, Leslie E.  
**Subject:** Re: planning and design

I am sorry to once again bother you but the applicant at 9213 Fairground has been cutting trees they are not allowed until a tree canopy assessment is completed. I am told by neighbor they are also working on the inside of the house. They can demo all they want as long as they have a permit and check for and contain any asbestos. My notifications of tree clearing have gone unanswered.

Sent from my iPhone

On Sep 27, 2017, at 11:06 AM, Curneal, Leslie E. <[Leslie.Curneal@louisvilleky.gov](mailto:Leslie.Curneal@louisvilleky.gov)> wrote:

Thank you for letting me know. I will make sure Councilman Engel is aware.

Sincerely,

<image001.png>

**Leslie Curneal, CKMC**

Legislative Assistant to  
Councilman Robin J. Engel  
District 22  
Louisville Metro Council  
City Hall – 2<sup>nd</sup> Floor  
601 W. Jefferson St.  
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Phone: (502) 574-3467

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**From:** David Fink [<mailto:dfink@tvsonline.net>]  
**Sent:** Tuesday, September 26, 2017 10:34 AM  
**To:** Curneal, Leslie E.  
**Subject:** RE: planning and design

Called Barbara Schmidt she indicated she had no interest in helping and that Jean did not either. They were both getting off the board. The reason she gave was there was no point that once planning made up their mind you could not effectively change it no matter what you do.

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**From:** Curneal, Leslie E. [<mailto:Leslie.Curneal@louisvilleky.gov>]  
**Sent:** Tuesday, September 26, 2017 9:32 AM  
**To:** David Fink  
**Cc:** Engel, Robin  
**Subject:** FW: planning and design

Dear Mr. Fink,

The correspondence below will be included in the official record. Do you have any other questions about processing the petition requirements for moving the meeting out to the district? I am very happy to help assist you with that.

Sincerely,

<image001.png>

**Leslie Curneal, CKMC**

Legislative Assistant to  
Councilman Robin J. Engel  
District 22  
Louisville Metro Council  
City Hall – 2<sup>nd</sup> Floor  
601 W. Jefferson St.  
Louisville, KY 40202  
Phone: (502) 574-3467

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**From:** Curneal, Leslie E.  
**Sent:** Thursday, September 21, 2017 8:23 AM  
**To:** Williams, Julia  
**Subject:** FW: planning and design

Julia,

Please see Mr. Fink's response below and include this information as part of the official record. Do you have any additional thoughts to share with him or Councilman Engel?

Thanks so much for your assistance.

Sincerely,

<image001.png>

## Leslie Curneal, CKMC

Legislative Assistant to  
Councilman Robin J. Engel  
District 22  
Louisville Metro Council  
City Hall – 2<sup>nd</sup> Floor  
601 W. Jefferson St.  
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**From:** David Fink [<mailto:dfink@tvsonline.net>]  
**Sent:** Wednesday, September 20, 2017 5:36 PM  
**To:** Curneal, Leslie E.  
**Cc:** Engel, Robin  
**Subject:** RE: planning and design

Those answers however are incorrect. In his justification statement he states that the area has a variety of housing. He does not mention that he will be providing a variety of housing types. The code does not request that there already be various housing types. If that were the case and the various housing types existed then he would not be providing any additional housing types and there would be no need for him to build.

The codes specifies that he is providing various housing types and he is not he is providing one. As I said I concede he is providing one housing type not immediately available but he does not meet two of the requirements.

Planning's interpretation of allowing an open field to throw a Frisbee is nothing but pure nonsense. The code is very specific that a facility is contained within the basin. If its mere existence was good enough then there would be no need for the code to state otherwise as anything would count. The sides of the detention basin in order to make the required quantity per the calculation are completely vertical. This means there is a 3 foot drop at the southern half that will require a retaining wall and a 1 foot drop in the remainder of the detention basin again it requires a retaining wall to maintain the required cu ft of storage. The code specifies that in order to be used for open space the sides of the detention basin can not be that steep. Per 5-11-C.3.b pedestrian facilities shall not exceed 12.5 percent. Also per 5-11-C.3.b the facility should be designed so that it does not contain standing water on a regular basis. To contain the quantity of water required in cu. ft. the basin can have no slope. It therefore will not drain and will have continual water issues. You can not have it both ways. You can not claim there is a slope for open space and drainage which will then take away the calculated cu ft of water or you can not have an accessible area for recreation. I believe that the MSD requirement for pedestrian access is 3:1 slope or 15 degree. Again if this slope is incorporated the cu. ft. of the detention basin is decreased. I am not disputing the calculation I am disputing that anything other than vertical sides to the detention basin reduce its capacity to meet the calculation and if you leave it as indicated on the plan it does not meet the requirement for open space. There is also no slope indicated on the plan at best it would meet the minimum 0.5 degree slope required by MSD.

There is also not room to provide for recreation and to provide the required screening again you can't have it both ways. It either does not contain the calculated cu ft or it does not meet the open space requirements. According to my calculation when they actually do a true detention basin calculation that will be required they are going to come up short on space anyhow.

This is not speculation on my part it application of the code. The job of the planning and design department should be to protect the interests of the public not push through developments at any cost to the public. These types of development have already been found by the courts to be nothing more than

an attempt to get around codes. When the power to make zoning changes was transferred to the planning commission and the metro council it came with the obligation to keep stay with in the codes provided. The interpretation you are making are grossly outside the scope of the code. I have provided countless examples where the code itself prohibits this type of development in this neighborhood. The applicant made a mere mention that he thinks he can sell them and that appears to over ride the multiple code examples given.

I now know why I was restrained from providing the Id&t committee members with my chart showing the driveway lengths. Yes it was included in the packet. They did not read the packet or even look at it or they would have seen the chart. The committee member would not have been trying to scale the drives with a tiny piece of paper and a plan. You didn't want them to see how far off those drives were. As the one member stated there is no way they can build it. Funny how the subject got changed.

I have played by the rules and sited code for my statement. I have not played the we just don't like game even though there is not a single, NOT ONE, adjoining property owner or even a property owner anywhere near fairground road that wants that many more houses with that many more cars built. At some point the opinion of the adjoining property owners need to be considered. The code provides for that by requiring a new development to fit the existing pattern of development. This does not meet that requirement and any attempt to justify it is done so with a total lack of respect for the code and the adjoining property owners.

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**From:** Curneal, Leslie E. [<mailto:Leslie.Curneal@louisvilleky.gov>]

**Sent:** Wednesday, September 20, 2017 4:20 PM

**To:** David Fink

**Cc:** Engel, Robin

**Subject:** FW: planning and design

Dear Mr. Fink,

Ms. Williams has provided the below responses to our questions. Additionally I asked if the development would be governed by an official HOA? Ms. Williams provided the following response to that questions:

Unless the developer indicates otherwise we typically have them establish a homeowners association for subdivisions. In this case, they would need an HOA to maintain the open space created on the site since it is common open space.

Please feel free to contact me or Councilman Engel if you have additional questions or concerns.

Sincerely,

<image001.png>

**Leslie Curneal, CKMC**

Legislative Assistant to  
Councilman Robin J. Engel

District 22

Louisville Metro Council

City Hall – 2<sup>nd</sup> Floor

601 W. Jefferson St.

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Phone: (502) 574-3467

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**From:** Williams, Julia  
**Sent:** Wednesday, September 20, 2017 3:13 PM  
**To:** Curneal, Leslie E.  
**Cc:** Lajara, Teresa; Engel, Robin  
**Subject:** RE: planning and design

1. The applicant submitted a zoning justification letter which mentions their change in zoning form R-4 to R-5A when they are and have been requesting a change in zoning to PRD (Planned Residential Development). When requesting a PRD the applicant is required to justify the proposal by meeting 2 of 5 criteria. This is the criteria:
  1. The site has certain topographic and landform limitations or environmental constraints and the proposed plan preserves these features from development and disturbance; or
  2. The site meets infill objectives consistent with recommendations of an officially adopted neighborhood plan, corridor plan or urban renewal plan; or
  3. The proposal creates a variety of housing styles serving the needs of people of differing ages or incomes; or
  4. The proposal expands the diversity of housing types available within a neighborhood; or
  5. The proposal creates permanently protected open space that meets outdoor recreation needs, preserves wildlife habitat, or extends a community-wide greenway system.

The applicants justification statement mentions criteria 3 and 4 as indicated below:

<image002.png>

<image003.png>

2. Notifications
  - The applicant had a neighborhood meeting on September 15, 2016 (apparently they did not notify all 1<sup>st</sup> and 2<sup>nd</sup> tier adjacent properties)
  - The applicant had a second neighborhood meeting on November 22, 2016 (all 1<sup>st</sup> and 2<sup>nd</sup> tier adjacent properties were notified)
  - Notices were sent out on 8/31/17 for the 9/14/17 LD&T meeting. (14 days prior to hearing date)
  - LD&T scheduled the Planning Commission hearing for October 19, 2017 (Notices will be required to be sent out on or before October 5<sup>th</sup>. A sign will also be posted on the property on October 4<sup>th</sup>)
  - The applicant will also have to post a legal ad in the Courier Journal on October 4<sup>th</sup> or October 11<sup>th</sup>.
3. Per 5.11.4.C.3

“Detention and retention basins may be counted towards an open space requirement or incentive as follows.

  - a. Retention basins designed to hold water at least five feet in depth on a continuous basis throughout the year may be



used to meet an open space requirement or incentive if its banks are vegetated and landscaping is provided around the basin's perimeter in an effort to make it a visual amenity for the development and the basin is accessible by the provision of walking paths or other pedestrian facilities.

- b. Detention basins may be used to meet an open space requirement or incentive if some form of outdoor recreation is incorporated into its design (e.g., walking paths, tennis courts, basketball courts and similar facilities within the basin). The frequency and duration of standing water in these basins shall not be such that proposed outdoor recreation use is practically restricted on a regular basis. The applicant shall address provision of maintenance necessary to allow the use of these areas. Landscaping should be provided around the basin's perimeter in an effort to make it a visual amenity for the development and its banks should be vegetated. The basins should also be accessible by the provision of walking paths or other pedestrian facilities. When access is provided within a basin the maximum grade of the pedestrian facilities shall be 12.5%.

The interior of the basin is a 1.25% slope and is being used for open field recreation (Frisbee, ball throwing, etc.) there is a walking path around it and pathways leading to it. The applicant showed a rendering at the LD&T to show how the area around the basin will be vegetated.

4. Electronic signatures are acceptable. The petition would need to be submitted no later than October 4<sup>th</sup>. The petition is attached.

Please let me know if you have any further questions or concerns.

Thanks

Julia

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**From:** Curneal, Leslie E.  
**Sent:** Wednesday, September 20, 2017 1:27 PM  
**To:** Williams, Julia  
**Cc:** Lajara, Teresa; Engel, Robin  
**Subject:** FW: planning and design

Dear Julia,

Councilman Engel has been contacted by Mr. David Fink regarding the Fairground Run project (16Zone1037) and has asked that I reach out to you to see if you can provide clarification on some of the concerns in his email? Since Mr. Fink mentions issues regarding communication with the mayor's office, I am also copying Teresa Lajara who is Mayor Fischer's council liaison.

1. Can you clarify his concern regarding the developer turning in a justification letter for a completely different type of zoning? We are not familiar with this process at all, and would like to have a better grasp of what he is referencing.
2. Can you confirm that all appropriate property owners were notified and all advertisements were in compliance with state statute?
3. Can you elaborate on and provide the section of code that allows for a detention basin to be included as appropriate outdoor recreational space?

4. Can you provide the steps that the neighbors will need to take in order to move the meeting to a night meeting in the district? Is there a deadline to submit the list of signatures? Are electronic signatures acceptable?

Please feel free to contact me if you have any questions or concerns. We appreciate your time and attention to this matter.

Sincerely,

<image001.png>

**Leslie Curneal, CKMC**

Legislative Assistant to  
Councilman Robin J. Engel

District 22

Louisville Metro Council

City Hall – 2<sup>nd</sup> Floor

601 W. Jefferson St.

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**From:** David Fink [<mailto:dfink@tvsonline.net>]  
**Sent:** Tuesday, September 19, 2017 11:33 AM  
**To:** Engel, Robin  
**Cc:** Curneal, Leslie E.  
**Subject:** Re: planning and design

I already have the case managers information. I know how to send information. It is there skirting the regulations and the committees not reading the input given is the point.

Sent from my iPhone

On Sep 19, 2017, at 9:53 AM, Engel, Robin <[Robin.Engel@louisvilleky.gov](mailto:Robin.Engel@louisvilleky.gov)> wrote:

Leslie,

Please reach out to Mr. Fink with the contact information of the case manager and department director and provide him with instructions for entering his concerns into the official record.

Thank you,  
Robin

---

**From:** David Fink [<mailto:dfink@tvsonline.net>]  
**Sent:** Monday, September 18, 2017 10:44 PM

**To:** Engel, Robin  
**Subject:** planning and design

Robin may read this or not but the complaint is general and though prompted by the pending development is not specifically about it. The planning and design department is a joke and stain on the city of Louisville. (Reference for Questions #2) From the policies of required notification that are never followed to a blatant disregard for the regulations. (Reference for Questions #1)- I have very specifically defined by code the various reasons that the proposed development does meet the regulations. They actually turned in a justification letter for a completely different type of zone and have not been condemned for having no clue what they are doing but all their mistakes and shortcomings have simply been overlooked. This has now occurred to the point of being ridiculous and makes me wonder if the people at planning and design are actually receiving some additional funding from applicants to push these development through.

(Reference for Question #3) Having no reasonable response to my questions I was told a detention basin meets outdoor recreational requirement because it is an open field. There is no justification for this in the code. They might as well say it works for a sled hill in the winter time. (Reference for Question #1) Making a mention in a justification letter that this is providing a variety of housing when in fact it is one single design repeated 33 times, is not a justification. It like a couple of kids saying "yes it is" and "no it isn't" they have provided no valid justification for this project especially given the fact the justification letter was for a totally different zone. Shouldn't a developer applying for a zoning change at least know what zone they are applying for. At some point the competency of the applicant has to a consideration. Who knows what will actually occur once this is approved if he can't follow the application I seriously doubt he cares about any of the building codes.

The project manager on this has crossed the line from providing helpful information to an outright effort to simply move the project along regardless of the consequences or the legality of it.

(Reference for Question #4) The petition to relocate the planning commission meeting to a convenient location after 6:00 has wording that would void every signature collected if used as posted online.

I find it ridiculous that mode of operation is to pass the zoning change and then deal with any shortcoming after the zoning change has been made.

I am not sure who to report this to. The mayors department appears to not care about other departments.

I also do not believe there is some strict ban on council members. At the technical review committee meeting the council woman for the area around Shelbyville road and old Henry road where there are planned an estimated 800 houses also being pushed through planning. Pleaded for the committee to not approve the development as there are no road or schools to support such an expansion. Even her request fell on deaf ears. The system is broken and eventually someone will be paying the price but I guess that is someone else's problem isn't it.

Say what you want that sounds politically correct about what a wonderful job all these departments are doing but when it comes right down to it I have found nothing but incompetence.

There was not a single member of the technical review committee that read any of my comments. If they would have they would have a nice chart showing the drive deficiency and would not have been trying to use a little piece of paper to scale the driveways on the plans.

Oh but burn some wood and the fire dept shows up immediately along with pollution control. Call 911 for police to respond to a confrontation with 15 youth who should have been charged with assault and no one even shows up for an hour.

I now see how Louisville and Jefferson County earned the title of one the top most corrupt cities in the US and now perhaps they should earn one for most incompetent.

## Williams, Julia

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**From:** David Fink <dfink@tvsonline.net>  
**Sent:** Monday, September 18, 2017 10:02 PM  
**To:** Williams, Julia  
**Subject:** RE: 16zone1037

There is no provision in the code for an open field to be considered recreational space. If this were the case the code would not bother with specifically stating that something more needed to be provided. Every detention basin would qualify. The slopes provided around the southern half of the detention basin are too steep having per the plan verticle sides. At best the sides would be 1:1 or a 45 degree angle. The code specifies a slope of no more than 3:1 You are correct that the calculation is done correctly but that calculation is not realistically reflected on the drawing. Once slopes are taken into consideration there is a reduction of nearly 10% of the space.

It would appear that the applicant could have just as easily written I think it fits and your review would have found it adequate. A mere mention that he is providing a variety of housing does not make it so. Please explain how identical townhomes constitutes a variety of housing. As I said before I will concede that he offers one type of housing that is different. However that housing type does fit the existing pattern of development for the neighborhood.

It would appear that planning and design has no concern what so ever about the existing residents and it appears the agency has no respect what so ever for the regulations. The planning and design department once tried to do inovative building which the PRD is just an example of. It was found to be illegal then and was only approved if strict guidelines were adhered to. Up to this point it appears that you were at least willing to listen to reasonable arguement but the answers you just gave are nothing more than made up verbage to push the project on.

The planning and design department should be renamed the Louisville Metro Developers Advocacy Group. There is absolutely no reason to have a building code and no reason to have a planning department if applicatons are simply rubber stamped like this one.

---

**From:** Williams, Julia [mailto:Julia.Williams@louisvilleky.gov]  
**Sent:** Monday, September 18, 2017 5:06 PM  
**To:** David Fink  
**Subject:** RE: 16zone1037

The site plan is meeting the open space requirement. The detention basin can be used for passive recreation such as in an open field. The justification has statements in it regarding the variety of housing and providing a different housing type which meets two of the required criteria. The correct calculation was used for the open space.

---

**From:** David Fink [mailto:dfink@tvsonline.net]  
**Sent:** Friday, September 15, 2017 12:51 PM  
**To:** Williams, Julia  
**Subject:** RE: 16zone1037

LD&T Technical Review. I appreciate that I was able to speak at the technical review yesterday. However I guess I am a bit confused on the process and or their purpose.

I presented two very important technical issues that are going to be nearly impossible for the applicant to overcome without a major revision to the plans. It is not as though there should be a surprize about this. I informed them at the first neighborhood meeting that the drives were not long enough.

Second I guess I would like your opinion on the open space. I sited in my notes at least 4 reasons by code that the majority of space provided does not meet the requirement of an entire chapter pertaining to open space along with specific open space standards for the form and zone. Is my interpretation incorrect or are the standards simply going to be ignored to allow the applicant to build more units than should be built on that property.It is also very strange that in 2014 the satelite images show nearly every large tree alive. Certainly one will die now and again but suddenly in the 2016 satelite images several of the large trees that would be the way of building and possibly require preservation are suddenly deader than dead. Perhaps they just got old and died but it certainly was convenient.

Third I do not see how you can simply change the word R5A to PRD and call it good on the justification letter. I do not see where they have met 2 of the 5 criteria listed or even listed those criteria as they were submitting justification for a change to R5A. The affected area appears to be a 500' radius of the development site. Those are the only people who are being

notified, that is the immediate neighborhood. Referring to streets such as Bardstown and Hurstborne are not applicable to determining if this development fits the existing pattern of development.

When all is said and done there is just not enough room on that lot to fit the number of units requested and come even close to keeping the codes. I guess I don't understand why it is advanced when there are still issues. It did not appear to me that anyone had read any of the material that I had presented to them. The table with drive measurements was clearly in there yet none of the members seemed to know of it and the one member was trying to use the scale on the drawing. The one younger member even tried to state that it could not be built but somehow the subject got changed. I would however like to know your opinion of the open space. The applicant has not even used the correct calculation of 1/2 the difference between the lot size and 6000 sq.ft. The applicant instead refers to the R-5A standard of 25% again a reason the justification letter needs more than a slight tweak.

---

**From:** Williams, Julia [<mailto:Julia.Williams@louisvilleky.gov>]  
**Sent:** Thursday, September 07, 2017 12:23 PM  
**To:** David Fink  
**Subject:** RE: 16zone1037

The petition .jpg will not open. Please rescan and resend.

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**From:** David Fink [<mailto:dfink@tvsonline.net>]  
**Sent:** Thursday, September 07, 2017 11:01 AM  
**To:** Williams, Julia  
**Subject:** 16zone1037

Attached are the opposition petitions. I found no one in favor of allowing this project. I have also included my comments on the last set of plans that were scanned.

If for some reason the petitions are not usable please let me know and I will rescan.

David Fink  
9311 Fairground Road

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## Williams, Julia

---

**From:** David Fink <dfink@tvsonline.net>  
**Sent:** Friday, September 15, 2017 12:51 PM  
**To:** Williams, Julia  
**Subject:** RE: 16zone1037

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

LD&T Technical Review. I appreciate that I was able to speak at the technical review yesterday. However I guess I am a bit confused on the process and or their purpose.

I presented two very important technical issues that are going to be nearly impossible for the applicant to overcome without a major revision to the plans. It is not as though there should be a surprize about this. I informed them at the first neighborhood meeting that the drives were not long enough.

Second I guess I would like your opinion on the open space. I sited in my notes at least 4 reasons by code that the majority of space provided does not meet the requirement of an entire chapter pertaining to open space along with specific open space standards for the form and zone. Is my interpretation incorrect or are the standards simply going to be ignored to allow the applicant to build more units than should be built on that property. It is also very strange that in 2014 the satellite images show nearly every large tree alive. Certainly one will die now and again but suddenly in the 2016 satellite images several of the large trees that would be the way of building and possibly require preservation are suddenly deader than dead. Perhaps they just got old and died but it certainly was convenient.

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When all is said and done there is just not enough room on that lot to fit the number of units requested and come even close to keeping the codes. I guess I don't understand why it is advanced when there are still issues. It did not appear to me that anyone had read any of the material that I had presented to them. The table with drive measurments was clearly in there yet none of the members seemed to know of it and the one member was trying to use the scale on the drawing. The one younger member even tried to state that it could not be built but somehow the subject got changed.

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**From:** Williams, Julia [<mailto:Julia.Williams@louisvilleky.gov>]  
**Sent:** Thursday, September 07, 2017 12:23 PM  
**To:** David Fink  
**Subject:** RE: 16zone1037

The petition .jpg will not open. Please rescan and resend.

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**From:** David Fink [<mailto:dfink@tvsonline.net>]  
**Sent:** Thursday, September 07, 2017 11:01 AM  
**To:** Williams, Julia  
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If for some reason the petitions are not usable please let me know and I will rescan.

David Fink  
9311 Fairground Road

## Williams, Julia

---

**From:** David Fink <dfink@tvsonline.net>  
**Sent:** Friday, September 08, 2017 9:42 AM  
**To:** Williams, Julia  
**Subject:** 16zone1037

They appear to have started clearing. Large piles of brush stacked. One more disregard for any rules.

Sent from my iPhone

## Williams, Julia

---

**From:** Williams, Julia  
**Sent:** Thursday, September 21, 2017 10:21 AM  
**To:** Curneal, Leslie E.  
**Subject:** RE: planning and design

The proposal meets the requirements of the Land Development Code.  
This email will be put in the record for the review of the Planning Commission for their hearing on October 19<sup>th</sup>.  
Thanks  
Julia

---

**From:** Curneal, Leslie E.  
**Sent:** Thursday, September 21, 2017 8:23 AM  
**To:** Williams, Julia  
**Subject:** FW: planning and design

Julia,

Please see Mr. Fink's response below and include this information as part of the official record. Do you have any additional thoughts to share with him or Councilman Engel?

Thanks so much for your assistance.

Sincerely,



**Leslie Curneal, CKMC**

Legislative Assistant to  
Councilman Robin J. Engel  
District 22  
Louisville Metro Council  
City Hall – 2<sup>nd</sup> Floor  
601 W. Jefferson St.  
Louisville, KY 40202  
Phone: (502) 574-3467

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**From:** David Fink [<mailto:dfink@tvsonline.net>]  
**Sent:** Wednesday, September 20, 2017 5:36 PM  
**To:** Curneal, Leslie E.  
**Cc:** Engel, Robin  
**Subject:** RE: planning and design



Those answers however are incorrect. In his justification statement he states that the area has a variety of housing. He does not mention that he will be providing a variety of housing types. The code does not request that there already be various housing types. If that were the case and the various housing types existed then he would not be providing any additional housing types and there would be no need for him to build.

The codes specifies that he is providing various housing types and he is not he is providing one. As I said I concede he is providing one housing type not immediately available but he does not meet two of the requirements.

Planning's interpretation of allowing an open field to throw a Frisbee is nothing but pure nonsense. The code is very specific that a facility is contained within the basin. If its mere existence was good enough then there would be no need for the code to state otherwise as anything would count. The sides of the detention basin in order to make the required quantity per the calculation are completely vertical. This means there is a 3 foot drop at the southern half that will require a retaining wall and a 1 foot drop in the remainder of the detention basin again it requires a retaining wall to maintain the required cu ft of storage. The code specifies that in order to be used for open space the sides of the detention basin can not be that steep. Per 5-11-C.3.b pedestrian facilities shall not exceed 12.5 percent. Also per 5-11-C.3.b the facility should be designed so that it does not contain standing water on a regular basis. To contain the quantity of water required in cu. ft. the basin can have no slope. It therefore will not drain and will have continual water issues. You can not have it both ways. You can not claim there is a slope for open space and drainage which will then take away the calculated cu ft of water or you can not have an accessible area for recreation. I believe that the MSD requirement for pedestrian access is 3:1 slope or 15 degree. Again if this slope is incorporated the cu. ft. of the detention basin is decreased. I am not disputing the calculation I am disputing that anything other than vertical sides to the detention basin reduce its capacity to meet the calculation and if you leave it as indicated on the plan it does not meet the requirement for open space. There is also no slope indicated on the plan at best it would meet the minimum 0.5 degree slope required by MSD.

There is also not room to provide for recreation and to provide the required screening again you can't have it both ways. It either does not contain the calculated cu ft or it does not meet the open space requirements. According to my calculation when they actually do a true detention basin calculation that will be required they are going to come up short on space anyhow.

This is not speculation on my part it application of the code. The job of the planning and design department should be to protect the interests of the public not push through developments at any cost to the public. These types of development have already been found by the courts to be nothing more than an attempt to get around codes. When the power to make zoning changes what transferred to the planning commission and the metro council it came with the obligation to keep stay with in the codes provided. The interpretation you are making are grossly outside the scope of the code. I have provided countless examples where the code itself prohibits this type of development in this neighborhood. The applicant made a mere mention that he thinks he can sell them and that appears to over ride the multiple code examples given.

I now know why I was restrained from providing the Id&t committee members with my chart showing the driveway lengths. Yes it was included in the packet. They did not read the packet or even look at it or they would have seen the chart. The committee member would not have been trying to scale the drives with a tiny piece of paper and a plan. You didn't want them to see how far off those drives were. As the one member stated there is no way they can build it. Funny how the subject got changed.

I have played by the rules and sited code for my statement. I have not played the we just don't like game even though there is not a single, NOT ONE, adjoining property owner or even a property owner anywhere near fairground road that wants that many more houses with that many more cars built. At some point the opinion of the adjoining property owners need to be considered. The code provides for that by requiring a new development to fit the existing pattern of development. This does not meet that requirement and any attempt to justify it is done so with a total lack of respect for the code and the adjoining property owners.

---

**From:** Curneal, Leslie E. [<mailto:Leslie.Curneal@louisvilleky.gov>]

**Sent:** Wednesday, September 20, 2017 4:20 PM

**To:** David Fink

**Cc:** Engel, Robin

**Subject:** FW: planning and design

Dear Mr. Fink,

Ms. Williams has provided the below responses to our questions. Additionally I asked if the development would be governed by an official HOA? Ms. Williams provided the following response to that questions:

Unless the developer indicates otherwise we typically have them establish a homeowners association for subdivisions. In this case, they would need an HOA to maintain the open space created on the site since it is common open space.

Please feel free to contact me or Councilman Engel if you have additional questions or concerns.

Sincerely,



**Leslie Curneal, CKMC**

Legislative Assistant to  
Councilman Robin J. Engel  
District 22  
Louisville Metro Council  
City Hall – 2<sup>nd</sup> Floor  
601 W. Jefferson St.  
Louisville, KY 40202  
Phone: (502) 574-3467

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**From:** Williams, Julia

**Sent:** Wednesday, September 20, 2017 3:13 PM

**To:** Curneal, Leslie E.

**Cc:** Lajara, Teresa; Engel, Robin

**Subject:** RE: planning and design

1. The applicant submitted a zoning justification letter which mentions their change in zoning from R-4 to R-5A when they are and have been requesting a change in zoning to PRD (Planned Residential Development). When requesting a PRD the applicant is required to justify the proposal by meeting 2 of 5 criteria. This is the criteria:
  1. The site has certain topographic and landform limitations or environmental constraints and the proposed plan preserves these features from development and disturbance; or
  2. The site meets infill objectives consistent with recommendations of an officially adopted neighborhood plan, corridor plan or urban renewal plan; or
  3. The proposal creates a variety of housing styles serving the needs of people of differing ages or incomes; or
  4. The proposal expands the diversity of housing types available within a neighborhood; or

5. The proposal creates permanently protected open space that meets outdoor recreation needs, preserves wildlife habitat, or extends a community-wide greenway system.

The applicants justification statement mentions criteria 3 and 4 as indicated below:

The proposal appears in compliance with the Neighborhood form area for the following reasons, among others identified elsewhere in this proposal and herein below. The site is located within the Neighborhood Form District where there is already a variety of housing opportunities and within close proximity to the commercial and non-residential uses along the Bardstown Road Corridor. This portion of Bardstown Road is made up of a mixture of commercial centers as it approaches S. Hurstbourne Parkway. The proposed development will provide recreational open space for its residents as well a attached garages. The development plan provides for adequate internal circulation and site access for the proposed residences.

In regards to policy 10, this development will provide an alternative to typical single family detached housing that is prominent in this area. The development will provide home ownership to people wanting variety while giving them the fee simple option of owning an attached single family home. This type of product opens the purchaser to a wide variety of financing and loan options over typical multi-family housing types, including condominium.

## 2. Notifications

- The applicant had a neighborhood meeting on September 15, 2016 (apparently they did not notify all 1<sup>st</sup> and 2<sup>nd</sup> tier adjacent properties)
- The applicant had a second neighborhood meeting on November 22, 2016 (all 1<sup>st</sup> and 2<sup>nd</sup> tier adjacent properties were notified)
- Notices were sent out on 8/31/17 for the 9/14/17 LD&T meeting. (14 days prior to hearing date)
- LD&T scheduled the Planning Commission hearing for October 19, 2017 (Notices will be required to be sent out on or before October 5<sup>th</sup>. A sign will also be posted on the property on October 4<sup>th</sup>)
- The applicant will also have to post a legal ad in the Courier Journal on October 4<sup>th</sup> or October 11<sup>th</sup>.

## 3. Per 5.11.4.C.3

“Detention and retention basins may be counted towards an open space requirement or incentive as follows.

- a. Retention basins designed to hold water at least five feet in depth on a continuous basis throughout the year may be used to meet an open space requirement or incentive if its banks are vegetated and landscaping is provided around the basin’s perimeter in an effort to make it a visual amenity for the development and the basin is accessible by the provision of walking paths or other pedestrian facilities.
- b. Detention basins may be used to meet an open space requirement or incentive if some form of outdoor recreation is incorporated into its design (e.g., walking paths, tennis courts, basketball courts and similar facilities within the basin). The frequency and duration of standing water in these basins shall not be such that proposed outdoor recreation use is practically restricted on a regular basis. The applicant shall address provision of maintenance necessary to allow the use of these areas. Landscaping should be provided around the basin’s perimeter in an effort to make it a visual amenity for the development and its banks should be vegetated. The basins should also be accessible by the provision of walking paths or other pedestrian facilities. When access is provided within a basin the maximum grade of the pedestrian facilities shall be 12.5%.

The interior of the basin is a 1.25% slope and is being used for open field recreation (Frisbee, ball throwing, etc.) there is a walking path around it and pathways leading to it. The applicant showed a rendering at the LD&T to show how the area around the basin will be vegetated.

4. Electronic signatures are acceptable. The petition would need to be submitted no later than October 4<sup>th</sup>. The petition is attached.

Please let me know if you have any further questions or concerns.

Thanks

Julia

---

**From:** Curneal, Leslie E.

**Sent:** Wednesday, September 20, 2017 1:27 PM

**To:** Williams, Julia

**Cc:** Lajara, Teresa; Engel, Robin

**Subject:** FW: planning and design

Dear Julia,

Councilman Engel has been contacted by Mr. David Fink regarding the Fairground Run project (16Zone1037) and has asked that I reach out to you to see if you can provide clarification on some of the concerns in his email? Since Mr. Fink mentions issues regarding communication with the mayor's office, I am also copying Teresa Lajara who is Mayor Fischer's council liaison.

1. Can you clarify his concern regarding the developer turning in a justification letter for a completely different type of zoning? We are not familiar with this process at all, and would like to have a better grasp of what he is referencing.
2. Can you confirm that all appropriate property owners were notified and all advertisements were in compliance with state statute?
3. Can you elaborate on and provide the section of code that allows for a detention basin to be included as appropriate outdoor recreational space?
4. Can you provide the steps that the neighbors will need to take in order to move the meeting to a night meeting in the district? Is there a deadline to submit the list of signatures? Are electronic signatures acceptable?

Please feel free to contact me if you have any questions or concerns. We appreciate your time and attention to this matter.

Sincerely,



**Leslie Curneal, CKMC**

Legislative Assistant to  
Councilman Robin J. Engel

District 22

Louisville Metro Council

City Hall – 2<sup>nd</sup> Floor

601 W. Jefferson St.

Louisville, KY 40202

Phone: (502) 574-3467

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**From:** David Fink [mailto:dfink@tvsonline.net]  
**Sent:** Tuesday, September 19, 2017 11:33 AM  
**To:** Engel, Robin  
**Cc:** Curneal, Leslie E.  
**Subject:** Re: planning and design

I already have the case managers information. I know how to send information. It is there skirting the regulations and the committees not reading the input given is the point.

Sent from my iPhone

On Sep 19, 2017, at 9:53 AM, Engel, Robin <[Robin.Engel@louisvilleky.gov](mailto:Robin.Engel@louisvilleky.gov)> wrote:

Leslie,

Please reach out to Mr. Fink with the contact information of the case manager and department director and provide him with instructions for entering his concerns into the official record.

Thank you,  
Robin

---

**From:** David Fink [mailto:dfink@tvsonline.net]  
**Sent:** Monday, September 18, 2017 10:44 PM  
**To:** Engel, Robin  
**Subject:** planning and design

Robin may read this or not but the complaint is general and though prompted by the pending development is not specifically about it. The planning and design department is a joke and stain on the city of Louisville. (Reference for Questions #2) From the policies of required notification that are never followed to a blatant disregard for the regulations. (Reference for Questions #1)- I have very specifically defined by code the various reasons that the proposed development does meet the regulations. They actually turned in a justification letter for a completely different type of zone and have not been condemned for having no clue what they are doing but all their mistakes and shortcomings have simply been overlooked. This has now occurred to the point of being ridiculous and makes me wonder if the people at planning and design are actually receiving some additional funding from applicants to push these development through.

(Reference for Question #3) Having no reasonable response to my questions I was told a detention basin meets outdoor recreational requirement because it is an open field. There is no justification for this in the code. They might as well say it works for a sled hill in the winter time. (Reference for Question #1) Making a mention in a justification letter that this is providing a variety of housing when in fact it is one single design repeated 33 times, is not a justification. It like a couple of kids saying "yes it is" and "no it isn't" they have provided no valid justification for this project especially given the fact the justification letter was for a totally different zone. Shouldn't a developer applying for a zoning change at least know what zone they are applying for. At some point the competency of the applicant has to a consideration. Who knows what will actually occur once this is approved if he can't follow the application I seriously doubt he cares about any of the building codes.

The project manager on this has crossed the line from providing helpful information to an out right effort to simply move the project along regardless of the consequences or the legality of it.

(Reference for Question #4) The petition to relocate the planning commission meeting to a convenient location after 6:00 has wording that would void every signature collected if used as posted online.

I find it ridiculous that mode of operation is to pass the zoning change and then deal with any shortcoming after the zoning change has been made.

I am not sure who to report this to. The mayors department appears to not care about other departments. I also do not believe there is some strict ban on council members. At the technical review committee meeting the council woman for the area around Shelbyville road and old Henry road where there are planned an estimated 800 houses also being pushed through planning. Pleaded for the committee to not approve the development as there are no road or schools to support such an expansion. Even her request fell on deaf ears.

The system is broken and eventually someone will be paying the price but I guess that is someone else's problem isn't it.

Say what you want that sounds politically correct about what a wonderful job all these departments are doing but when it comes right down to it I have found nothing but incompetence.

There was not a single member of the technical review committee that read any of my comments. If they would have they would have a nice chart showing the drive deficiency and would not have been trying to use a little piece of paper to scale the driveways on the plans.

Oh but burn some wood and the fire dept shows up immediately along with pollution control. Call 911 for police to respond to a confrontation with 15 youth who should have been charged with assault and no one even shows up for an hour.

I now see how Louisville and Jefferson County earned the title of one the top most corrupt cities in the US and now perhaps they should earn one for most incompetent.

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## Williams, Julia

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**From:** David Fink <dfink@tvsonline.net>  
**Sent:** Thursday, September 07, 2017 11:01 AM  
**To:** Williams, Julia  
**Subject:** 16zone1037  
**Attachments:** Reponse to resubmittal of plans for 16ZONE1037 plan submittal 8.doc; IMG\_1672.jpg; IMG\_1671.jpg; IMG\_1670.jpg

Attached are the opposition petitions. I found no one in favor of allowing this project. I have also included my comments on the last set of plans that were scanned.

If for some reason the petitions are not usable please let me know and I will rescan.

David Fink  
9311 Fairground Road

Response to resubmitted of plans for 16ZONE1037 plan submittal 8-21-2017

Plans were submitted 8-21-2017. No notes or mention was given to the public about the resubmitted of plans until after the plans had been reviewed, approved and a date set for the hearing by LD&T. Due to Labor Day Weekend no one was available until Tuesday Sept 5. When questioned about why it was approved without new plans I was informed new plans were submitted but had not been scanned.

They were promptly scanned but I was informed that I had only 2 days at that point to make submittals to be included with the package to LD&T committee members. I do not feel that this is adequate notice.

In any case the majority of the comments that I have previously submitted still stand. Although planning appears to have accepted the Justification letter it is for a totally different type of development that has very different requirement. I do not feel they addressed at any point how they meet the criteria to justify a change in zone because the letter they provided was for zone R5-A.

<p>5.11.4-A.1 Any area covered by or contained within any of the following shall not be considered as open space unless specifically permitted: buildings, streets, public or private rights-of-way, parking areas, utility rights-of-way (except where all utilities are required to be underground</p>	<p>The vast majority of claimed open space is located in areas indicated rights-of-way.</p>
<p>5.11.4-A.4 All open space areas other than those provided for developments in the Downtown Form District shall have a minimum dimension of 30 feet and contain at least 6,000 square feet of contiguous area</p>	<p>Nearly all the open space fails to meet the 30 foot requirement.</p>
<p>5.11.4-C.3.b Detention basins may be used to meet an open space requirement or incentive if some form of outdoor recreation is incorporated into its design (e.g., walking paths, tennis courts, basketball courts and similar facilities within the basin). The frequency and duration of standing water in these basins shall not be such that proposed outdoor recreation use is practically restricted on a regular basis. The applicant shall address provision of maintenance necessary to allow the use of these areas. Landscaping should be provided around the basin's perimeter in an effort to make it a visual amenity for the development and its banks should be vegetated. The basins should also be accessible by the provision of walking paths or other pedestrian facilities. When</p>	<p>The plan indicates a walk path of undesignated surface. The path is not contained in the detention basin. The code stipulates that facilities must be located within the basin. There is little to no slope indicated so every time it rains the basin is going to be water logged. There is no room provided for screening between the private areas and the basin. And in an effort to get the required cu. ft. the side slopes of the southern half of the basin are nearly at least 45 degree banks. For these reasons the detention basin should not be allowed to be included in the open space calculations.</p>



access is provided within a basin the maximum grade of the pedestrian facilities shall be 12.5%.	
<p>5.11.4-D.4 Landscape Buffer Areas (LBA's) required by this Land Development Code that exceed 40 feet in depth and that are permanently protected as open space may be used in their entirety to meet an open space requirement or qualify for an open space incentive.</p> <p>NOTE: If a 30' buffer area is required it must be supplemented by 10 additional feet in order to receive credit as open space.</p>	<p>This section of code indicates that Landscape Buffer Areas are not to be used as open space unless they are at least 40 deep. The NOTE section supports this indicating that if the buffer is not 40' in depth extra space must be added for it to qualify.</p> <p>This project only provides 15' of Landscape buffer area. That is fine for the landscape buffer area. However because that buffer is not 40' in depth it can not be included in the open space calculations.</p>

The vast majority of open space fails meet the requirements of at least 4 separate sections of the open space requirement as indicated.

As previously indicated the driveways do not meet the requirement as listed in the plan notes.

I again reiterate that design standards are already reduced for a PRD. The existing requirements should be enforced. If the applicant can not meet those requirements then they need to reduce the number of housing units until they can. The requirement are there for the protection of the vested interests of the surrounding property owners and the safety of the community at large.

I also not believe that a proper boundary survey has been submitted. A few notes on the plans is not a boundary survey. I believe this a requirement for a major subdivision.

David Fink  
9311 Fairground Road

Petition of Opposition to Proposed Project 16/ONE1037 9213 Fairground Road Louisville KY 40291

My signature below indicates that I am opposed to the approval of the proposed change in zoning number 16/ONE1037 for the property known as 9213 Fairground Road and the proposed development. I believe the property should remain as currently zoned R-4 for the vested financial and emotional interests of the adjoining and surrounding property owners and inhabitants.

Date 9-3-2017

Name Printed	Signature	Address
David Fink	<i>[Signature]</i>	9311 Fairground Road Louisville Ky 40291
Travis Feuser	<i>[Signature]</i>	9309 Fairground Rd Louisville Ky 40291
Suzanne Hustler	<i>[Signature]</i>	9309 FAIRGROUND RD, LOUISVILLE, KY 40291
Peggy Stewart	<i>[Signature]</i>	5518 Fairwood Oaks Pl, Lou, KY 40291
STEPHANIE WOOLY	<i>[Signature]</i>	5516 FAIRWOOD OAKS PL, LOU, KY 40291
Phillip Wallace	<i>[Signature]</i>	5512 Fairwood Oaks Pl Louisville, Ky 40291
Marleen Mackenzie	<i>[Signature]</i>	5515 FAIRWOOD OAKS PL " " #2291
Anna Meade	<i>[Signature]</i>	5508 Fairwood Oaks Pl LOU KY 40291
Jeff Meade	<i>[Signature]</i>	5508 Fairwood Oaks Pl LOU KY 40291
Jim Bares	<i>[Signature]</i>	5509 Fairwood Oaks Place Louisville KY 40291
John Lockwood	<i>[Signature]</i>	5505 FAIRWOOD OAKS PL LOUISVILLE KY 40291
Brian Carthy	<i>[Signature]</i>	5517 FAIRWOOD OAKS PLACE LOUISVILLE KY 40291
JENNIFER CRIMLEY	<i>[Signature]</i>	5517 FAIRWOOD OAKS PL LOUISVILLE, KY 40291
John Muench	<i>[Signature]</i>	5519 Pavilion Way Louisville, KY 40291
Jane Luckert	<i>[Signature]</i>	9307 Fairground Rd Lou, KY 40291
Michelle Luckert	<i>[Signature]</i>	9307 Fairground Rd Lou, KY 40291
Tonda Dow	<i>[Signature]</i>	5519 FAIRWOOD OAKS PLACE LOUISVILLE 40291
Don Stool	<i>[Signature]</i>	5501 FAIRWOOD OAKS PL LOU KY 40291
SHARLEY TOMASEWICZ	<i>[Signature]</i>	5515 PAVILION WAY LOU KY 40291
Arnette Strubert	<i>[Signature]</i>	5517 PAVILION WAY LOUISVILLE KY 40291
Bobbi Strubert	<i>[Signature]</i>	5517 PAVILION WAY LOUISVILLE KY 40291
Michael A. Alvey	<i>[Signature]</i>	5503 Pavilion Way, Louisville, KY
ROBERTA BRYAN	<i>[Signature]</i>	5507 Pavilion Way, Lou, KY 40291
MARK R. BISHOP	<i>[Signature]</i>	5507 Pavilion Way, Lou, KY 40291
Annemarie BISHOP	<i>[Signature]</i>	5511 Pavilion Way, Lou, KY 40291

Date 9-3-2017

David Fink *[Signature]*





## Williams, Julia

---

**From:** David Fink <dfink@tvsonline.net>  
**Sent:** Thursday, September 07, 2017 10:38 AM  
**To:** Dutrow, Mark B  
**Cc:** Williams, Julia  
**Subject:** 16zone1037

My name is David Fink and I live at 9311 Fairground Road. My property abuts the entire northern line of the proposed development at 9213 Fairground Road.

I am sure you are aware that a meeting has been scheduled for Sept 14th. I have reviewed the latest plans and the applicant has still not addressed the issue of the depth of the driveways. In the side notes it is indicated that there be a minimum distance between the garage door and the back of the sidewalk of 25'. It is my understanding that this requirement is so that a car in the driveway does not block the sidewalk.

Currently there are only 33 housing units planned. Only 3 of those units meet the driveway requirement. There is no street parking provided so any visitor is going to need to park in the driveway.

I believe this is going to be a safety hazard and is yet one more example of the applicant ignoring the requirements. A planned residential district by it's very nature has already eliminated the majority of regulation that are usually required in a neighborhood that is primarily zoned as R4. The restrictions that remain should be not be waived just because he can't make it fit. If the property is not big enough to fit houses and driveways then the number of houses should be reduced not the length of the driveways.

Since your comments to the project dealt with streets and sidewalks it my assumption that the protection of the sidewalks would also fall under your review.

1-16'7"	2-22'4"	3-16'4"	4-22'4"	5-16'10"	6-23'
7-17'	8-22'8"	9-17'	10-22'10"	11-18'5"	12-18'5"
13-18'10"	14-19'	15-19'	16-20'6"	17-17'	18-22'4"
19-16'11"	20-22'	21-16'	22-21'9"	23-21'6"	24-22'
24-22'2"	25-27' OK	26-22'4"	27-21'	28-20'10"	29=20'7"
30-21'	31-27' OK	32-21'3"	33- 26'10"OK		

The table shown lists the individual lots and the depth of the drive from the garage door to the back side of the sidewalk. If you need to talk to me my number is 402-720-1374

I appreciate any time you take to review this deficit in the project design.

David Fink  
9311 Fairground Road

**Williams, Julia**

---

**From:** Mike Alvey <malvey.1@twc.com>  
**Sent:** Tuesday, September 05, 2017 5:22 PM  
**To:** Williams, Julia  
**Subject:** Response Requested RE Case Number 16ZONE1037

Good afternoon Ms. Williams:

I'm writing to voice my opposition to the CHANGE IN ZONING from R-4 to PRD for the property located at 9213 Fairground Road.

There is no predominant reason for the change other than a greedy developer who wants to pack as many units as possible in a small space. There is another similar condominium development less than 100 yards away that hasn't been completed so there isn't a great need for this type of development in this area. The proposed development plans will severely overload an already busy, narrow two-lane Fairground Road.

Many of the residents knew before they purchased their homes that this property may eventually be developed for large estate lots, but never in our wildest imagination could we have envisioned someone jamming 35 residential units on a 6 acre plot. This isn't fair to the residents who purchased their homes knowing that this land was zoned R-4 Residential.

Unless the majority of residents with adjoining properties approve this change, the requested zoning change should NOT be approved.

Please reply to this email to let me know you have received it.

Thank you for your attention to this matter.

Sincerely,

Michael A. Alvey  
5603 Pavilion Way  
Louisville, KY 40291

## Williams, Julia

---

**From:** David Fink <dfink@tvsonline.net>  
**Sent:** Monday, August 07, 2017 5:33 PM  
**To:** Williams, Julia  
**Subject:** The following comments pertain to the redesigned plans 7-18-2017.doc  
**Attachments:** The following comments pertain to the redesigned plans 7-18-2017.doc; Fink 9311 Fairground Road-24X36 07192017 revised.pdf

Attached are comments on the revised plans submitted 7-18-2017. These comments are in addition to the comments on the general unsuitability of the development. If you could please pass on the comments to the other agencies as applicable.

Though the boundary dispute will likely ultimately be decided in court you may make note that it has been confirmed that my southern boundary is the original dividing line between tracts 6 and 7 of the original common owner completed in 1897. That line has not moved and is mentioned in my deed. The attached survey indicates the location of that line. The line found by Cardinal Surveying is very lightly included in the development application drawing. Contrary to statements by Mr. Seely, Cardinal surveying was not hired to located "My Line". They were hired to located "The line" that was established in the original sub-division of Graves Division from 1897 and is therefore the boundary between 9213 Fairground and 9311 Fairground. They located this line with no less than 8 monuments. Mr. Seely who performed the survey for the developer did not located any of these monuments, did not try to located them and ignored any opportunity to view the monuments. The attached survey is included for information only and does constitute or represent an official filing of any sort of claim or action what so ever.

Thank you  
David Fink

The following comments pertain to the redesigned plans submitted 7-28-2017 by Brian Wacker for 16ZONE1037 a planned development at 9213 Fairground Road.

- 1.) Open space appears to include the detention basin. This should not be included in open space as it does not meet the requirements for inclusion listed in section 5.11.4-C.3.b More specifically it does not contain or provide any form of recreational function and will be inaccessible anytime it has rained. It not easily accessible and is not connected to rest of the development by walk paths. The detention basin does not provide adequate screening.
  - a. The topography of the basin indicates a three levels 723,722 and a level floor of 720 ft. There appears to be no slope provided for drainage of the basin. I was unable to locate a specific minimum slope in the MSD design manual for a detention basin. The minimum slope however for a swale is .5%. With a length of 231' this would require a minimum of 1.16' of slope.
    - i. Because of the low slope the bottom of the basin should be cement or the slope should be increased to a minimum of 2%.
    - ii. Without the utilization of a cement basin drain or an increase in slope this is destined to become a mosquito breeding ground.
    - iii. If the minimum of 2% is utilized the slope of the basin would be required to be 4.6'. I do not believe there is adequate room for such a slope.
  - b. The basin does not appear to be large enough to contain any sort of meaningful recreational facilities. It therefore should not be included in any open space calculations.
- 2.) Open space has been included around the perimeter of the development which does not meet the open space requirements for several reasons included in section 5.11.4-A.1 and 5.11.4-A.4 and 5.11.4-D.4 More specifically the area included is a right of way and the area included does not meet the minimum width requirement of 30'. The landscape buffer area (LBA) does not meet the minimum width requirement of 40' to be included in open space. These areas should not be included in the open space calculations.
- 3.) The developer is encroaching upon the property at 9311 Fairground Road. This is obvious as the developer's surveyor has changed the known right of way for Fairground road to include a taper of 3 additional feet. This is to compensate for his error in location of his northern boundary. This survey has been confirmed to be incorrect by Richard Matheny of Cardinal Surveying and reconfirmed by Peter Graves. This is currently being handled by legal council provided by Dennis Carrithers. I realize you have nothing to do with the property dispute but I am including a copy of the survey that I had completed by Cardinal Surveying and confirmed by Professional Surveyor Peter Graves.
- 4.) Detention basin calculations are not correct. I believe MSD requested that the detention basin be calculated on the basis of R5A as it does not have a designation for a PRD. It appears the engineer has used run off coefficients for R4. Per the MSD design manual page 10-42 R5A has a run off coefficient of .70 for soil type "C". Therefore the calculation should have been  $.70 - .30 = .4$  for runoff difference.  $(.40)(5.94)(2.8)/12 = .554$  ac ft of basin area or 24,132 cu ft. The plan has only designated 13,939. This leaves a potential deficiency in the detention basin of 10,193 cu ft of storage. This is potentially hazardous to all adjoining properties as well as Fairground Road. Per MSD personnel these calculations are design estimates for application approval only.



Therefore I believe it should be best to err on the side of safety rather coming up short in the final design. Utilizing the current drawing I do not believe there enough space to increase the detention basin to an adequate size.

- 5.) The majority of residences do not meet the minimum driveway requirement listed in the “NOTES” section, of 25’ between the garage and the back of the sidewalk. There is no street parking provided. The lack of driveway parking will lead to hazardous situations where cars are parked over the sidewalks or worse sticking out into the street.

1-16’7”	2-22’4”	3-16’4”	4-22’4”	5-16’10”	6-23’
7-17’	8-22’8”	9-17’	10-22’10”	11-18’5”	12-18’5”
13-18’10”	14-19’	15-19’	16-20’6”	17-17’	18-22’4”
19-16’11”	20-22’	21-16’	22-21’9”	23-21’6”	24-22’
24-22’2”	25-27’ OK	26-22’4”	27-21’	28-20’10”	29=20’7”
30-21’	31-27’ OK	32-21’3”	33-26’10”OK		

NOTE: Lots 10 and 17 have driveways that are abutting a side yard. As this area does not meet the open space requirements there would be no need for pedestrians to pass. If the space is somehow allowed as open space the drives do not meet the requirements as cars would block pedestrian access to the open space.

- 6.) A planned residential development is by its very nature is designed to bypass the vast majority of setback and open space design standards. Therefore I believe strict application of the remaining design criteria that is designated to be applied to the PRD should be enforced as it is already at a minimum.

Though do not meet the “expert” requirements of the State of Kentucky and or Jefferson County, I am not without experience. In a former position I was construction and contract manager for a 150 bed Hospital facility. In the State of Nebraska I have worked with planning and design, state agencies, architects and contractors. I have served the community as a board member on a Business Improvement District, I have designed, drawn, specified and completed my own projects and have had them approved by architects, state agencies and third party inspectors more precisely the JCAHO or the “The Joint Commission”.

It is true this work was completed in Nebraska, but the requirement to read and interpret building codes and regulations is the same. I believe the information I provide is as accurate and meaningful as can be expected by any person who does not have full access to the project.

I have obtained first grade engineers licenses from the National Association of Power Engineers and The City of Omaha Nebraska. The first grade license is the highest certification available for the operation of steam generation, chiller and power facilities.

David Fink  
 9311 Fairground Road  
 Louisville KY 40291  
 402-720-1374



**Williams, Julia**

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**From:** David Fink <dfink@tvsonline.net>  
**Sent:** Friday, May 12, 2017 12:19 AM  
**To:** Williams, Julia  
**Subject:** 16zone1037 Fern Creek Small Area Plan  
**Attachments:** Fern Creek Small Area Plan Comments.doc

Attached is a very brief comment on how the proposed plan is in direct conflict with the Fern Creek Small Area Plan.

Additional Comments to 16ZONE1037 as it relates to the Fern Creek Small Area Plan.

***The following comments specifically relate to the Fern Creek Small Area Plan. The applicant is seeking to install a short non-connected sidewalk and claim it as recreational open space. To qualify the area must meet the requirements of KIPDA. The KIPDA regional plan then references such uses to the Fern Creek Small Area Plan.***

The area being proposed for development is located in Quadrant II, the Northeast Quadrant of the area.

***This area is specifically listed as low density housing only. It states that development should be utilized that retain as much wooded area as possible. This is even called out in a separate text box to emphasize the importance of critical evaluation of any development that proposes a change in density.***

#### 3.3.2.2 Residential

- Where residential land uses are appropriate, encourage subdivision designs for low-density housing that preserve open space and enhance the existing rural, small-town character.

- Medium-density residential land uses are appropriate only for select locations where adequate traffic access exists and the surrounding land uses are compatible

***As the PRD is listed as a medium density development it should not be allowed in this area specifically due to traffic issues associated with Fairground Road. It also will destroy, not preserve a large wooded area and will significantly alter the existing character of the immediate neighborhood.***

David Fink  
9311 Fairground Road  
Louisville KY 40291

## Williams, Julia

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**From:** David Fink <dfink@tvsonline.net>  
**Sent:** Wednesday, May 10, 2017 11:39 AM  
**To:** Williams, Julia  
**Subject:** comments  
**Attachments:** Comments to Justification Statement Project 16ZONE1037.doc

Not sure when or who my comments on the project are supposed to go so I am attaching a copy for your review.

David Fink  
9311 Fairground Road  
Louisville KY 40291

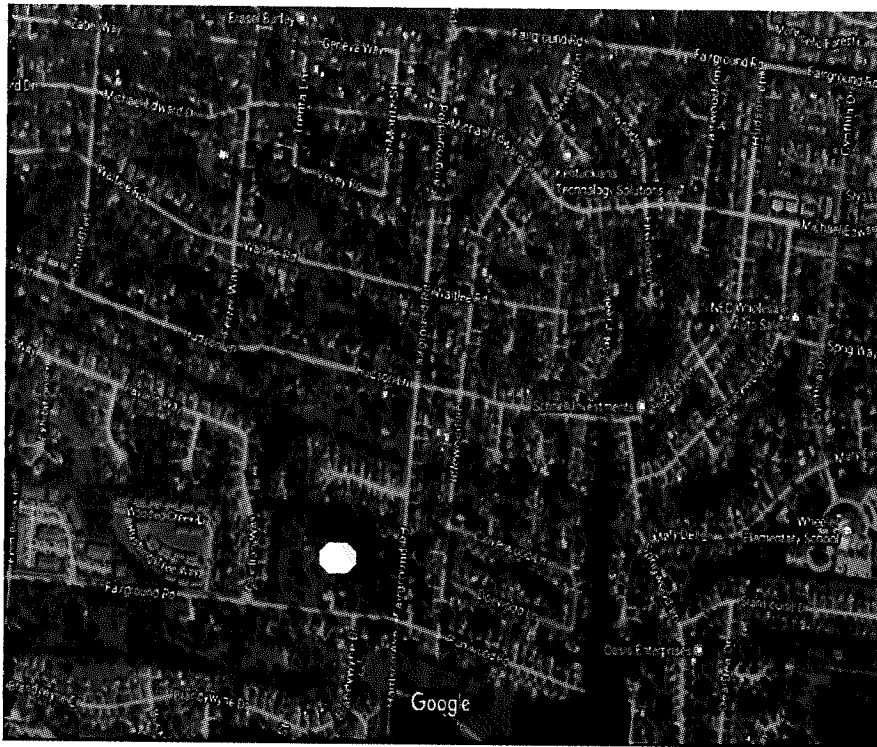
## Comments to Justification Statement Project 16ZONE1037

First it should be noted that there is currently a property line dispute involving the northern boundary line of the proposed development and the southern boundary line of the adjoining property at 9311 Fairground Road. The boundary line was established from common owner when the property was divided to complete a will in 1897. The boundary was established at that time. This dispute will likely go to litigation as the applicant who is encroaching onto my property refuses to accept the opinion of two surveyors. The applicant has rotated the property so that it no longer is parallel with fairground road in an attempt to acquire property to which he has no legal title and has had no possession. The property in question belongs to the owners of 9311 Fairground Road both by title, possession and dedication of a roadway dating to 1897. The surveyors [Richard Matheny (also County Surveyor, and Jason Graves (President of Kentucky Association of Professional Surveyors and owner of the original property surveys)] have located the appropriate boundary line. To my knowledge no complete and accurate survey has been submitted and the subdivision plat would alter the right of way for Fairground effecting adjoining properties. As the applicant has not been able to submit an accurate application I have little faith in their ability to submit an accurate survey.

### Guideline 1

Intent: Intent: · To ensure that new development will be designed to be compatible with the scale, rhythm, form · and function of existing development as well as with the pattern of uses. · To ensure land use decisions that preserve and improve identified existing and emerging patterns · of development. · To use the patterns of development set forth below, identified as “community forms” as guides for · land use decisions, and as the basis for community form districts, containing regulations to guide future developments.

As stated above the Intent of this guideline is to ensure that new developments are consistent with pattern of the existing area. This area is primarily single family housing on relatively large lots. The proposed development is in fact surrounded on 3-1/2 sides by existing residences as described above. Though multi-family housing was unfortunately allowed along Fairground Road, it is closer to the edge of the neighborhood and has a natural separation of a creek between it and the start of the more common single lot single house trend. You can see from the picture below that the majority of the area consists of individual lots and houses.



Imagery ©2017 DigitalGlobe, IndianaMap Framework Data, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2017 Google 500 ft

<https://www.google.com/maps/@38.1688411,-85.5844952,1221m/data=!3m1!1e3>

1/1

The formal application is requesting a change in zoning from R4 to a (PRD) Planned Residential Development. The justification letter that was submitted is attempting to justify a multi-family zone of R5A with a Planned Development District and zoning change. This is a different zone than a PRD with different requirements. The applicant specifically is stating that he intends to build single family attached units. Due to these inconsistencies it may be impossible to appropriately address the issues but I will make an attempt.

***Chapter 5 of the current Land Development Code Defines the current form districts.***

***The Planned Residential Development is a zoning district and is defined in section 2.7.3***

### 2.7.3 Planned Residential Development (PRD) District

For purposes of this section 2.7.3, single family detached and single family structures with one or more common walls (such as townhouses), constitute distinct housing types.

#### A. Intent.

The purpose of this section is to provide flexibility in design of residential developments in a manner that promotes implementation of Cornerstone 2020. The section allows zero lot line,

townhouse, cluster housing, reduced lot sizes and building setbacks, and other innovative designs which meet the intent of the Comprehensive Plan. The PRD District implements the following provisions of Cornerstone 2020:

Goals	Objectives	Plan Elements
Community Form Goals C2, K1  Livability Goals E2, F1	Community Form C2.7,  C3.1, K1.2, K2.1;  Livability E2.2, F1.2	Guidelines 3, 4

**B. Required Features.**

Planned residential developments shall meet at least two of the following criteria. Applicants shall include a justification statement as part of the application. The justification statement shall explain how the proposed development fulfills the five criteria listed below. Cornerstone 2020 strongly supports provision of affordable and appropriate housing throughout the community. If applicants for developments creating 50 or more dwelling units do not reserve 10% of proposed dwellings for this purpose (at least 5% of dwellings are Diversity Level Units 1 or 2, remainder of the 10% are Diversity Level Units 3 or 4, as defined in Chapter 4 Part 5), the justification statement shall address how the proposal complies with the housing elements in relationship to other guidelines and policies of the Comprehensive

Plan NOTE: Refer to Chapter 4 Part 5 for applicable definitions and housing price information

1. The site has certain topographic and landform limitations or environmental constraints and the proposed plan preserves these features from development and disturbance; or
2. The site meets infill objectives consistent with recommendations of an officially adopted neighborhood plan, corridor plan or urban renewal plan; or
3. The proposal creates a variety of housing styles serving the needs of people of differing ages or incomes; or
4. The proposal expands the diversity of housing types available within a neighborhood; or
5. The proposal creates permanently protected open space that meets outdoor recreation needs, preserves wildlife habitat, or extends a community-wide greenway system.

***The proposed plan does not meet at least two of the requirements. Section 3 and 4 are the***



*most applicable. In section 3 the plan provides only one type housing it does not create a variety. Section 4 may be met because the plan does provide one additional type of housing that is not immediately available. However similar housing is available relatively closely in a more appropriate area at the corner of Fairground Road and Billtown Road. The applicant in his own justification letter states that varied housing types are already available in the area. Sections 1,2, and 5 are applicable sections 1 and 2 simply do not apply and I see no area on the plan that meets the requirements of section 5. Keeping in mind that there are specific requirements that must be met to claim open space as any of the uses listed.*

5.3.1 Neighborhood Form District

A. Relationship to the Comprehensive Plan

The Neighborhood Form District (NFD) is intended to implement the following Cornerstone 2020 Comprehensive Plan Goals, Objectives and Plan Elements

Community Form Goals	Community Form Objectives	Plan Element Guidelines
C1, C2, C3, C4	C1.1, C1.2, C2.1, C2.2, C2.3, C2.4, C2.5, C2.6, C2.7, C3.1, C3.4, C3.5, C3.6, C3.7, C4.1, C4.2, C4.3, C4.4, C4.5, C4.6, C4.7	1, 2, 3, 4, 7 and 9

Cornerstone 2020

Goal C1

Support the redevelopment, enhancement and preservation of existing neighborhoods and villages to provide safe and healthy places to live where residents share a sense of place. Encourage new neighborhoods and villages that are culturally and economically diverse and are interwoven with environmental resources and accessible parks and open spaces.

Objectives

C1.1 Recognize and encourage the unique and diverse characteristics of Louisville and Jefferson County’s neighborhoods, traditional neighborhoods and villages.

C1.2 In a process of public participation, consider the content of neighborhood plans in developing policies and regulations to support the enhancement and preservation of existing neighborhoods.

***The proposed plan does not meet this goal as it does not preserve the character of the neighborhood. Specifically it does not blend with existing neighborhood layout of properties. Property owners who purchased their properties in the area based on the character of the existing properties will be disenfranchised of their purchase as this development will severely alter the character of the neighborhood.***

***The project not extend or interweave with any existing parks or green space and in fact will destroy multiple 80 to 90 year old trees. One maple tree alone appears to be in the 250 to 300 year old range based on the diameter of the trunk. Planting a few tiny trees will not replace the existing canopy.***

#### Goal C2 Community Design

Encourage diversity in the types of neighborhoods and villages available to residents while ensuring that all neighborhoods and villages contain the elements needed for a neighborhood that works as a healthy, vibrant, livable place.

***While the plan does provide on additional type of housing it does so at the expense of the existing properties. The PRD is not a slight change but totally different from the properties that are directly abutting it on 3 and ½ sides.***

***The plan does not meet the objectives listed specifically C2.4, C2.5, C2.6 and C2.7. as commented.***

#### Objectives

C2.1 Utilize performance standards for community design elements of neighborhoods and villages to ensure that development and redevelopment is compatible with the organization and pattern of the district.

C2.2 Center: Allow each neighborhood and village to be organized around a multi-purpose center that may contain neighborhood-serving shops and services such as schools, libraries, and churches, and public spaces such as a square, green or important street intersection. Locate the center where it is easily accessible by bicycle, car, transit, or on foot.

C2.3 Edge: Develop guidelines or standards that would address issues of development compatibility with adjacent form and special districts. Establish the edges of neighborhood, traditional neighborhood, and village form districts and recognize the importance of these districts in transition zoning adjacent to these districts.

C2.4 Access and circulation: Encourage the development of a connected network of streets, walks, and trails within each neighborhood or village, in a pattern consistent with those prescribed for each form district. Ensure that redevelopment maintains or improves the existing street pattern established in the neighborhood or village.

***The plan would extend the sidewalk along Fairground Road which at this time has few advantages and could pose multiple risks. Encouraging pedestrian traffic to make an attempt at reaching Bardstown Road would be irresponsible. The sidewalk would still end blocks away at a very dangerous turn. Fairground Road is already overloaded at peak times of the day. It would also attribute approximately 400 additional trips on Fairground Road through the course of the day. This will surely lead to more congestion and accidents)***

Fairground road is currently listed as one of the top 10 most dangerous roads in Louisville.

C2.5 Streetscape: To strengthen the identity of neighborhoods, traditional neighborhoods and villages and to create a pleasant and safe environment, streetscape elements should include, street trees, landscaping, signage or features consistent with the existing pattern of community design which may or may not include street furniture, sidewalks, and lighting.

***Streetscape is an opinion and in my opinion this does not enhance the neighborhood. I believe that the majority of the neighbors agree with me that the proposed plan simply does not look right compared to the existing properties. More specifically to the size of lot dimensions and density of housing.***

C2.6 Open Space: Encourage a variety of open spaces (e.g., playgrounds, parks, squares, or greenways) for public gathering places or recreation that are consistent with the pattern of the form district and meeting the needs of residents and have appropriate maintenance plans.

***The plan does not provide a variety of open space. It in fact utilizes mostly inaccessible areas and a drainage basin.***

C2.7 Appropriate housing: Promote the integration of appropriate housing units in all neighborhood, traditional neighborhood, and village form districts so that no form district can be employed as a means to exclude appropriate housing from residential neighborhoods. Permit and encourage appropriate housing in existing neighborhoods and as part of new subdivision development..

***This is not an integrated development. The proposed plan is different from the properties around it that it can not be made to fit in. The language in C2.7 is intended to not exclude a building type. I do not propose to exclude the type from the entire area. The edge zones of the neighborhood would be appropriate. Placing such a development in the center of an established pattern of development however will only weaken the existing property values and will deprive the many existing owners the existing level of enjoyment in their properties.***

#### Objective C3.1

The land use objectives governing Neighborhood districts shall include:

- a. Existing developed neighborhood form districts generally should be maintained in their current forms.

***(The proposed plan does not maintain the existing neighborhood form which is characterized by single family houses on reasonably large lots.)***

- b. Non-residential redevelopment in the neighborhood form district should be allowed only at appropriate locations such as neighborhood centers.

- c. A change in use from single family to multi-family or office generally should be permitted only at the interface between a commercial node and residential uses and when the orientation, design, scale and location of the proposed development are compatible with surrounding uses or when policies governing appropriate housing are met. Among the factors to be considered in the determination of compatibility

are the appropriateness of the proposed design to the area in which it is to be located, spacing and buffering from adjacent uses, especially uses of lower density and intensity, proximity to collector streets or mass transit and provisions for parking. Appropriate locations for larger scale multi-family developments include land adjacent to parks and open space and land near the downtown or major regional marketplace centers.

***(Though there is a designation of attached single family these units are in fact no different than multi-family developments. The objective of this section is to prevent a major change in density in existing neighborhoods. This plan proposes to place a major change in density in a location bordered on 3 and 1/2 sides by single family large lot residences.)***

#### Goal C4

C4.1 Utilize performance standards for site design elements of neighborhoods and villages to ensure that development and redevelopment is compatible with the organization and pattern of the neighborhood, traditional neighborhood, or village form district.

***(The proposal is not compatible with the existing organization and pattern of the neighborhood.)***

C4.2 Intensity: Design non-residential development in neighborhood and village centers at a scale and intensity that is compatible with the character of the district.

C4.3 Building Height: Establish a range of recommended building heights and sizes in neighborhoods, traditional neighborhoods and villages to ensure compatibility with surrounding buildings. Encourage new infill development to be of similar scale and height as existing development.

C4.4 Setbacks and Lot Dimensions: Establish a range of setbacks and lot dimensions to ensure compatibility with surrounding buildings while allowing for flexibility and creativity. Encourage new infill development to be of similar setback and orientation as the existing pattern of development.

***(The proposed setbacks are not consistent with the existing neighborhood. Though creativity is encouraged this proposal uses no creative design. It is simply an effort to put as many lots on a piece of land as can possibly be squeezed on with no regard for the impact to the existing properties. The reason the adjacent property owners purchased such property was due to the large setbacks and open space between lots.)***

C4.5 Building Design: Ensure that new buildings and structures are compatible with the streetscape and character of the neighborhood, traditional neighborhood or village.

***(The building design is not compatible with the existing character of the neighborhood which is single family houses with reasonable large lots and setbacks)***

C4.7 Parking and Transit Access: Ensure that parking and transit access for uses such as shops, services, libraries, schools and churches is adequate and convenient, does not negatively impact

the pedestrian environment, and is located and designed to ensure compatibility with the neighborhood or village.

***(Though public works has indicated that the addition of sidewalks along Fairground Road will be a benefit to pedestrian traffic this is not in fact a reality. The sidewalk will not provide any additional access to public transit and in fact if used would place pedestrians at great risk. The sharp corner at the end the end of the block has likely one of the worst records for automobile wrecks in the city. The sidewalk does not extend the required additional blocks it would take to make pedestrian traffic even reasonable safe. According to transportation guidelines the number of units indicated would add approximately 30 additional cars at the peak traffic times. Where Fairground Road is already overloaded at peak times of the day. It would also attribute approximately 350 additional trips on Fairground Road through the course of the day. This will surely lead to more congestion and accidents. This is essentially the same as objective C2.4)***

***There is no parking area in this development. Most of the driveways are not deep enough to park a car without either blocking the sidewalk or even extending into the street. I do not believe there is a single on street parking space provided. There is no parking provided for visitors.***

#### E. Land

##### Goal E2

Minimize the impact of changing land use on natural features and ecosystems.

##### Objectives

E2.1 Utilize Site Plan Review guidelines and standards to identify the locations of and potential impacts on environmental resources, e.g., geological features, sensitive soils, steep slopes, and stream corridors.

E2.2 Promote development that is sensitive to existing topography and minimizes land disturbance and major reshaping of geologic features.

E2.3 Encourage the protection of and restoration of degraded channels.

E2.4 Identify development techniques and solutions that would result in no or minimal disturbance to such features.

***This project is being built in an area designated as Karst prone. My property specifically located adjacent to the project has underground streams that flow many time for days after a rain fall. The existing area also is home to multiple very large trees in the 80 to 90 year old range. One Maple tree on the corner of the development is likely 250 to 300 years old based on the trunk diameter. Because of the protection area requirements none of these trees will be preserved and another major area of tree canopy will be lost. Replacing such large trees with a few small ones is not exactly what one would describe as being sensitive to existing features.***

***The required karst study appears to have been completed by the design engineer. I do not see anything on the plan that indicates that he has been trained in or certified to do an adequate Karst Study given the fact that known springs are active in an abutting property.***

##### Habitat and Biodiversity

## Goal F1

Protect, to the extent possible, wildlife sanctuaries, wetlands, major-forested areas, nature preserves, publicly owned parks, unique natural areas and other areas with significant landscape features.

### Objectives

F1.1 Develop and implement strategies to inventory, preserve, enhance, and acquire the best examples of the diverse natural habitats and ecosystems of Jefferson County for future generations and research purposes.

F1.2 Encourage, as part of a voluntary habitat protection strategy, preservation and restoration of significant habitat areas in new developments through sensitive site design techniques.

Privately owned open space, unique natural areas and other landscape features determined to be of community-wide significance may be preserved through voluntary measures, such as outright public acquisition, conservation easements and scenic easements.

***This proposed development would destroy several acres of land that is currently dense forest. It is a known habitat of various species of woodpecker including the Pileated woodpecker. (The largest of the woodpecker family). It is home to bats, opossums, raccoons, squirrels, ground squirrels and many species of birds including owls. This is the largest remaining, reasonably open space of the previous Jefferson County Fairgrounds it does have some significant historic value even if it has not been officially listed as such. As the property where the original race track was located I have heard many people say you can still see where the track was. That is likely not so but once it is developed as proposed the stories will no longer be told. As there have been multiple developments in the area and none have seen the need to provide any large open spaces it would in fact make more sense for the area to made into a park as provided for in section F1.2***

### Guideline 3. Compatibility

Ensure that land uses and transportation facilities are located, designed and constructed to be compatible with nearby land uses and to minimize impacts to residential areas, schools and other sensitive areas in the community.

#### Intent:

- To allow a mixture of land uses and densities near each other as long as they are designed to be compatible with each other.
- To prohibit the location of sensitive land uses in areas where accepted standards for noise, lighting, odors, or similar nuisances are violated or visual quality is significantly diminished (unless adequate abatement measures are provided).
- To preserve the character of existing neighborhoods.

***(This project totally alters the character of the existing neighborhood. It would look out of place, and have an adverse effect on the existing properties. I certainly would not have purchased my property had I known this development was a possibility.)***

### A. Policies

1. Compatibility. Ensure compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. The type of building materials may be considered as a mitigation measure and may also be considered in circumstances specified in the Land Development Code.

2. Consideration of Building Materials. When assessing compatibility, it is appropriate to

consider the choice of building materials in the following circumstances:

- (1) projects involving residential infill
- (2) projects involving non-residential uses; and
- (3) when specified in the Land Development Code.

3. Residential Compatibility. Encourage residential character that is compatible with adjacent residential areas. Allow a mixture of densities as long as their designs are compatible.

***(It can not be said enough times that this project is not compatible with adjacent residential areas for specific reasons already given multiple times. It is clear that the code intends that project reflect the existing pattern of development or it would not be mentioned so many times)***

Parking is a major concern for this project

2.7.3-G-2.c

Roadway widths which do not accommodate on-street parking shall be accompanied by public or guest parking islands or other provisions for sufficient off-street parking in close proximity to dwelling units.

***There is no provision what so ever made for public or visitor parking in this development.***

5. Open Space.

a. For developments with gross densities below 4.84 dwelling units per acre, land area equal to 50% of the difference in each lot area and 9,000 square feet shall be placed in common open space and shall be owned in common and maintained by the owners of lots in the development. For developments with gross densities between 4.84 and 7.26 dwelling units per acre, land area equal to 50% of the difference in each lot area and 6,000 square feet shall be placed in common open space and shall be owned in common and maintained by the owners of lots in the development. Common open space may include complementary structures and improvements.

b. Open space as required by paragraph 5a. shall meet the general standards and standards for "open space for outdoor recreation" or "open space for natural resource protection/public health and safety" as established in Section 5.11.4 of the LDC.

c. Open space shall be adequately landscaped and buffered to provide a visually attractive setting and to protect private areas within the development. The amount or type of landscaping and/or buffering will be approved by the Planning Commission based upon the location, the intended use, and the necessity to protect private areas within the development.

d. Isolated or awkward parcels should not be used as open space, but should be incorporated into adjacent lots in a manner that encourages its maintenance by the lot owner.

***None of the common open space indicated on the plan is buffered from the private areas. Nearly all of the common space indicated utilized isolated or awkward parcels. Only a very small section of open space contains a sidewalk which essentially leads to no place.***

5.11.4-C-3.b

b. Detention basins may be used to meet an open space requirement or incentive if some form of outdoor recreation is incorporated into its design (e.g., walking paths, tennis courts, basketball courts and similar facilities within the basin). The frequency and duration of standing water in these basins shall not be such that proposed outdoor recreation use is practically restricted on a regular basis. The applicant shall address provision of maintenance necessary to allow the use of these areas. Landscaping should be provided around the basin's perimeter in an effort to make it a visual amenity for the development and its banks should be vegetated. The basins should also be accessible by the provision of walking paths or other pedestrian facilities. When access is provided within a basin the maximum grade of the pedestrian facilities shall be 12.5%.

*The plan indicates that it is using the detention basin as open space. There is no environmental preservation and there is no recreational use. The design of the detention basin is nearly flat and as such will be very slow to drain especially given the soil types. It will at best detain some water and at worst will present an environmental health threat with and increase in mosquitoes.*

*There is no visual buffering of the drainage basin area. For these reasons it should not be counted towards meeting the requirements of open space and removed from the calculation.*

5.11.4-D-4

4. Landscape Buffer Areas (LBA's) required by this Land Development Code that exceed 40 feet in depth and that are permanently protected as open space may be used in their entirety to meet an open space requirement or qualify for an open space incentive. NOTE: If a 30' buffer area is required it must be supplemented by 10 additional feet in order to receive credit as open space.

*This section indicates that to be used as open space a landscape buffer area must be 40' in depth. As nearly all of the landscape buffer areas indicated on the plan are indicated as 15' wide they should be removed from the open space requirement. After removing areas that do not meet the requirement of open space I do not believe that the open space requirements will be met. By design a planned residential development is nothing more than an attempt by a developer to get around the zoning laws that are in place. Rules on items like buffers and open space requirement are designed to mitigate the impact on existing residences. If there is not room on a tract of land to provide adequate counter measures then the development should not be allowed to proceed. Disregarding the requirements and allowing every little scrap of left over land to be counted as open space defeats the purpose of even having rules.*

*The word "compatible" is used 64 times through out the land development code. The word "pattern" is used 135 times. The word "existing" appears 564 times. It is intended that new development be compatible with existing neighborhood patterns of*



*design. This requested development does not fit the existing neighborhood design and is simply an attempt to maximize profit at the expense of surrounding property owners.*

*I am not sure that anything presented can be relied upon to be accurate. The plans continue to list the form as a planned residential development. That is a form that does not exist. The developer did not properly notify the required parties of the neighborhood meeting and had to schedule a second meeting. The deed submitted with the formal application is the not applicants deed but rather a deed twice removed and attributed to Laura Speckman. The justification letter submitted is for a totally different zone than what the application is indicating. The application being to rezone from R4 to Planned Residential Development with single family attached housing. The justification letter presented being for a multi-family zone R5A with a Planned Development district and a subdivision. The requirements for each of these zones while having some overlap are different. Lot size requirements, setbacks, densities and even the requirement for a public charrette are different than a planned residential development. To complicate the matter further the development has created a boundary issue, that is still to be settled. I did not even know which sections of the code to cite that were not being met but decided the application was for a Planned Residential Development not for R5A so that is what I concentrated on.*

*Most of the adjoining neighbors I believe are confused on what is actually going to be built. They believe they will have some choice or control over what type of screening is used. Having been told it will be up to the property owner. However they were not told that the property owner being discussed was the development and not them.*

*Fairground Road is currently listed as one of the 10 most dangerous roads in Louisville. It is listed as a collector road and expected to carry traffic as such but is built as a local two lane local road, with short radius 90 degree turns. There is no sidewalk that reaches the listed commercial areas along Bardstown Road and to expect that people should walk or ride a bicycle along this dangerous route is not only irresponsible but could be very deadly. There are no shoulders along the road only drainage ditches. The congestion at both Bardstown and Billtown roads is already reached the extreme. The addition of this many houses on the narrowest most dangerous section just does not make sense.*

*Finally though not officially listed as a historic site this property was the location of the original Jefferson County Fairground. This tract was where the race track was located, it is the reason Fairground Road is called Fairground Road. It is also a fairly large area of forest with an abundance of varied wild life that can not be replaced by adding a few 2" diameter trees. It is home to wood peckers including the largest variety, there are bats, eagles, box turtles, raccoons, opossums, squirrels, rabbits, ground hogs, ground squirrels and a large variety of birds that call this home. There is one maple tree in particular that judged from the size of the trunk is 250 to 300 years old. It would appear that even the Fairground could not see fit to cut such a magnificent tree. But protecting it would be next to impossible and still develop such a dense site so to make a quick buck just cut it down.*

*It is my suggestion that the planning commission deny this request.*

## Williams, Julia

---

**From:** David Fink <dfink@tvsonline.net>  
**Sent:** Wednesday, May 03, 2017 12:40 PM  
**To:** Williams, Julia  
**Subject:** 16zone1037

Julia

First wanted to let you know that I think I finally have located council to address the boundary issue between 9311 Fairground and 9213 Fairground. My new council is Dennis Carithers should he happen to contact you on my behalf. We are still going to pursue protecting my property.

I can not tell what they are actually applying for. The plan still lists the form district as Planned Residential Development which we both know does not exist. Having been told 10 times I would think it would soak in after a while. Now there is the justification statements. It specifically states that they are requesting a change from R4 to R5a with a detailed district development plan and subdivision plan. R5a is not a Planned Residential Development District. I don't know how to respond as the codes are different for R5a which multi family. He is specifically listing the units as single family attached. The place I found in the code where a single family attached is treated as multi family is by the life safety codes for fire separation of the dwellings. I don't really see any section of land development code that allows for mix and match of zone types. The requested designation effects much of the design requirements including set backs, open space and minimum yard sizes.

I would hold these comments and just present to the LD&T that the application does not make any sense, but I fear someone will say Oh that was just a typo this is what we want and then I won't have comments prepared. My assumption is that they are applying for a change in zone from R4 to Planned Residential Development District with no change in form district which will remain Neighborhood.

This entire development process appears to be very unprofessional starting with the initial plan submittals, the incorrect neighborhood meetings, the inability to get the correct information on what is being requested. The geologic survey was completed by the project engineer but does list his qualification to perform such a survey. The list goes on and on If you could please clarify for me exactly what they are applying for I would appreciate it so that I may present meaningful and relevant comments to the committees.

Thanks  
David Fink

## Williams, Julia

---

**From:** David Fink <dfink@tvsonline.net>  
**Sent:** Monday, March 20, 2017 7:11 PM  
**To:** Williams, Julia  
**Subject:** 16ZONE1037

Please note that Jon Salomon is no longer representing me in the boundary dispute between myself and Mr Wacker. I am currently interviewing to find representation. I however have no intention of dropping the issue. Also I noticed upon reviewing the application that the address Mr Wacker has listed is spelled incorrectly and his phone number is also not correct. You may or may not have noticed that the deed that was provided is not Mr Wacker's deed but a previous deed for Laura Speckman (deceased). Once new representation is decided I will let you know.

## Williams, Julia

---

**From:** David Fink <dfink@tvsonline.net>  
**Sent:** Monday, January 23, 2017 10:53 AM  
**To:** Williams, Julia  
**Subject:** Re: 16ZONE1037 survey

Mr Seely the surveyor refuses to discuss. We have researched this to 1897 and Mr Matheny has found at least 5 documented monuments supporting his interpretation of the boundary line. Which is the south side of a private road in existence since the original division of the property into 7 tracts of land. Mr Seely is simply wrong and if you make assumptions based on his survey you will perform a lot of work that will be incorrect.

Sent from my iPhone

On Jan 23, 2017, at 10:39 AM, Williams, Julia <[Julia.Williams@louisvilleky.gov](mailto:Julia.Williams@louisvilleky.gov)> wrote:

I forwarded your email to the applicant.

---

**From:** David Fink [<mailto:dfink@tvsonline.net>]  
**Sent:** Friday, January 20, 2017 9:34 AM  
**To:** Williams, Julia  
**Subject:** 16ZONE1037 survey

I see that the developer of 9213 Fairground Road has filed the formal application. My Lawyer has tried to contact Mr Wacker but we have received no response.

Before spending a lot of time reviewing the development plans please see the attached survey. I informed the surveyor for the developer that he had found and used an incorrect monument for his survey yet he refused to listen and told me to hire my own surveyor. Attached is that survey which shows the proposed line surveyed by Mr Seeley and the correct line just completed by Richard Matheny of Cardinal Surveying. Extensive research was done to verify the survey completed by Cardinal locating I believe 5 monuments. The survey shows an encroachment of the development onto my property of 3.71' at the North East corner tapering to a common pin at the North West corner of the development.

We have many great concerns about this project and it's design but the property boundary is a major issue.

David Fink  
9311 Fairground Road  
Louisville KY 40291

402-720-1374



## Williams, Julia

---

**From:** David Fink <dfink@tvsonline.net>  
**Sent:** Tuesday, September 13, 2016 8:05 AM  
**To:** Williams, Julia  
**Subject:** 16ZONE1037

We recently received notice of the Neighborhood Meeting for the development planned at 9213 Fairground Road. However if I am looking at the correct code section listed below the applicant is required to send notice to all 1st and 2nd tier property owners. As best I can tell 2nd tier property owners did not receive any notification until today Monday Sept 12 for the meeting that is to be held Thursday Sept 15.

I am pretty certain after some discussion that the notices given to those property owners were handed out by concerned property owners and not the mailed by the applicant as required. Due to this I am not confident that all parties required were informed.

As my property is rather large with 25 abutting properties and I am an adjoining property to the project everyone adjoining me is a second tier property owner and should have received notification.

### 11.4.3 Neighborhood Meeting Requirement

A. Prior to formally filing a change in zoning request a letter shall be sent from the developer/owner stating that a pre-application has been filed with PDS and announcing a public meeting held by developer/owner to discuss the proposed project. The neighborhood meeting shall not occur before 6:00 PM. The letter shall be mailed no less than 14 calendar days prior to the neighborhood meeting. The letter shall be sent to:

1. First Tier Property Owners – The owner(s) of every parcel of property adjoining at any point, and every parcel directly across the street, from the property that is the subject of the application;
2. Second Tier Property Owners- The owner(s) of every parcel of property that adjoins the adjoining property or the property directly across the street from said adjoining property within 500 feet of the property that is the subject of the application;
3. Any person listed in the applicable Planning and Design Services Electronic Notification for Development Proposals List for the appropriate Council District will be sent an email notification;
4. The mayor and city clerk of any second through sixth class city if the development is located within such a municipality;
5. Metro Council district representative; and
6. PDS staff.

B. The neighborhood meeting shall be held no more than 90 calendar days prior to the filing of formal application. At time of filing a change in zoning request, the applicant shall provide a summary of a public meeting between the applicant and the parties listed above. The summary shall include a list of those invited, those in attendance and a summary of the issues discussed

## Williams, Julia

---

**From:** Sarah Hoffmann <shoffmann60@icloud.com>  
**Sent:** Friday, July 29, 2016 3:42 PM  
**To:** Williams, Julia  
**Subject:** Fairground Rd.

I am a local resident. I have read that rezoning property on Fairground Rd. Is under consideration. Please don't allow more apartments to be added to that small stretch of road. The area (and Fairground Rd. specifically) are heavily populated with apartments already. Any more large influx of residents would crowd the surrounding streets during peak hours, and would also decrease the value of our homes.

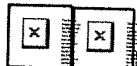
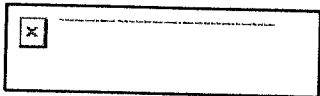
Sent from my iPhone

**Williams, Julia**

---

**From:** Davis, Brian  
**Sent:** Saturday, July 23, 2016 4:08 PM  
**To:** Williams, Julia  
**Subject:** Fwd: zoning procedure 16ZONE1037

**Brian Davis, AICP**  
**Planning & Design Manager**  
**Louisville Metro Planning & Design Services**  
**444. South Fifth Street, Suite 300**  
**Louisville, KY 40202**  
**(502) 574-5160**  
[brian.davis@louisvilleky.gov](mailto:brian.davis@louisvilleky.gov)  
<http://www.louisvilleky.gov/PlanningDesign/>



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Begin forwarded message:

**From:** David Fink <[dfink@tvsonline.net](mailto:dfink@tvsonline.net)>  
**Date:** July 23, 2016 at 3:14:23 PM EDT  
**To:** "Davis, Brian" <[Brian.Davis@louisvilleky.gov](mailto:Brian.Davis@louisvilleky.gov)>  
**Subject:** **Re: zoning procedure 16ZONE1037**

A lot of activity at that address for someone with no permits. People there working all week. Tool trailer, utility trailer multiple workers morning to night. Dishwasher outside this morning probably stripping the house getting ready for demolition. Can't complain to council member because of bogus pre-application.

Sent from my iPhone

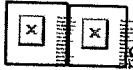
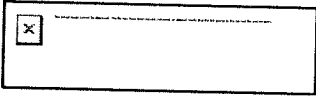
On Jul 21, 2016, at 2:26 PM, Davis, Brian <[Brian.Davis@louisvilleky.gov](mailto:Brian.Davis@louisvilleky.gov)> wrote:

I'll have to check with the case manager to see if they've had a neighborhood meeting or not. If they have sent a neighborhood meeting notice then they would meet the early notification requirement.

**Brian Davis, AICP**  
**Planning & Design Manager**  
**Louisville Metro Planning & Design Services**



444. South Fifth Street, Suite 300  
Louisville, KY 40202  
(502) 574-5160  
brian.davis@louisvilleky.gov  
http://www.louisvilleky.gov/PlanningDesign/



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On Jul 17, 2016, at 5:26 PM, David Fink <[dfink@tvsonline.net](mailto:dfink@tvsonline.net)> wrote:

Thank you for that response. Another question if I may. Did this application not meet the Planning Commission Policy on Early Notification that went into effect Aug 1 2015 and is defined in 3.0.4 of the Planning Commission Bylaws and Policies. it appears that if a pre-application is required that notice of that application should have been sent within 17 days and if it wan't all work on the application should have ceased at that time.

As I understand the current status of the application we will not be notified of any plans untill the developer decides to submit a formal application at which time he will be required to hold a neighborhood meeting.

The plans that were submitted give no realistic indication of what is planned for the site. The proposed change to a non-existing "form", the proposed elevation drawings of the buildings not maching the plan, the side notes not matching the plan, driveways many of which are only a few feet deep. The use of inaccessible areas as open space such as the proposed drainage basin, Inaccurate indication of parcels the list goes on and on. All in conflict with the land developement code and cornerstone 2020 goals and objectives.

I believe this plan should be submitted to the Director of Planning and Design for determination of it's ethical submission as a plan that could never be approved just to get an ID number assigned and avoid providing legitimate information. The engineering code of ethics should have prevented the engineer from presenting an application that he knew could be accepted.

---

**From:** Davis, Brian [<mailto:Brian.Davis@louisvilleky.gov>]

**Sent:** Friday, July 15, 2016 2:39 PM

**To:** David Fink

**Subject:** Re: zoning procedure 16ZONE1037

I usually recommend no contact as soon as we receive a pre-application, which isn't technically the formal application, but it is assigned a case number at that time so I always say better safe than sorry.

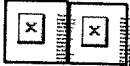
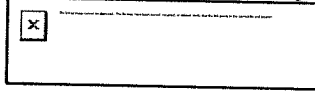
Thanks,  
Brian Davis

**Brian Davis, AICP**  
**Planning & Design Manager**  
**Louisville Metro Planning & Design Services**  
**444. South Fifth Street, Suite 300**  
**Louisville, KY 40202**

**(502) 574-5160**

[brian.davis@louisvilleky.gov](mailto:brian.davis@louisvilleky.gov)

<http://www.louisvilleky.gov/PlanningDesign/>



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On Jul 15, 2016, at 11:33 AM, David Fink <[dfink@tvsonline.net](mailto:dfink@tvsonline.net)> wrote:

At what point are the council members and planning commission no longer allowed to discuss the project. It appears from the online citizen guide it once a formal application has been made. But it is somewhat confusing at what point that is

## Williams, Julia

---

**From:** Janet LUCKETT <jmluckett@insightbb.com>  
**Sent:** Monday, July 18, 2016 6:30 PM  
**To:** Williams, Julia  
**Subject:** Property scheduled for development on 9213 fairground rd

Julia Williams,

On June 30th a certified letter was sent to property owners Brian And Heather Wacker at 9213 Fairground Road. The notice concerned trees on this lot that have fallen on our property at 9307 fairground road. As a result, damage to a chain link fence and considerably costly removal and clean up from fallen tree that we have incurred. This has happened 3 times in the past 10 years we have lived at this house. Our homeowners insurance ( State Farm ) does not cover this because the dead trees were not on our property. We have learned that the land in reference is scheduled for development as we have seen plans for condo's. We are curious as to when these plans might actually proceed. In the mean time there are more trees that could fall between now and that time. Again, the Wackers have been notified by State Farm and myself with no response. We have already paid a significant out of pocket for all the work and clean up that these fallen trees, on their property have caused. And more could come. We would appreciate any assistance your office could provide on advice.

Respectfully, James M Lockett  
9307 Fairground Rd  
Louisville, Ky, 40291  
502-231-9522

## Williams, Julia

---

**From:** David Fink <dfink@tvsonline.net>  
**Sent:** Thursday, July 14, 2016 7:43 AM  
**To:** Williams, Julia  
**Subject:** Re: 16zone1037 Fairground Run

Thank you for the update but I believe there are still missing comments. The report indicates it was generated 7/5/2016 which was before your last meeting.

Sent from my iPhone

On Jul 13, 2016, at 5:18 PM, Williams, Julia <[Julia.Williams@louisvilleky.gov](mailto:Julia.Williams@louisvilleky.gov)> wrote:

Attached are the agency comments given to the applicant.

---

**From:** David Fink [<mailto:dfink@tvsonline.net>]  
**Sent:** Tuesday, July 12, 2016 2:36 PM  
**To:** Williams, Julia  
**Subject:** 16zone1037 Fairground Run

I appologize if I am asking alot of questions. It appears that this application is listed as a "Planned Development District" which is a change in form and a zone change to "Planned Development District" the only provision for that I find in the code is section 2.8.1 of the land developement code. This indicates that a complete detailed development plan be provided such as would be required doing a large area. Other than the basic common restrictions provided in the general LDC the PDD must specify all the land uses and restrictions. This really doesn't seem appropriate for what is a single 6 acre lot.

I am hoping that after your meeting with the developer you have a better understanding of what is going on. Does he truly intend to change the form or was that just a mistake. It appears that a "Planned Residential District" though still unacceptable would have been a more accurate application.

I am just trying to determine what part of the code I need to know and since a true "Planned Development District" as defined in 2.8.1 has no specific determined guidlines untill it is approved that is somewhat difficult.

I am hopeful you can provide some clarification on what his intention for the application is so I may know what part of the code is applicable and which is not.

I again appologize but the system seems to be a bit out of sync. Though public and neighborhood meetings are required they provide little if any time to respond so the only thing I can do preemptively learn all I can about the applicable codes. It does no help that not all versions of the code that are posted on the official web sites contain the latest versions of the land developement code. I am currently using the one shows it was updated as recent as July 2016 so I assume it the newest. I would be helpful if the web developement team would all link to the same file.

Thank you for your help so far

David Fink  
9311 Fairground Road  
Louisville KY 40291

<16ZONE1037\_Agency Comments\_070616.pdf>

## Williams, Julia

---

**From:** David Fink <dfink@tvsonline.net>  
**Sent:** Tuesday, July 11, 2017 2:19 PM  
**To:** Williams, Julia  
**Subject:** 16zone1037

A very large dumpster was just delivered to 9213 Fairground Road. Since a formal application has been submitted are they allowed to do either demolition or tree removal without having an approved plan. The dumpster is very large, bigger than what would be needed just to clean the house.

## Williams, Julia

---

**From:** David Fink <dfink@tvsonline.net>  
**Sent:** Thursday, July 07, 2016 9:58 AM  
**To:** Williams, Julia  
**Subject:** RE: 16ZONE1037

Yes it was working again late last night. Thank you for the reply.

---

**From:** Williams, Julia [mailto:Julia.Williams@louisvilleky.gov]  
**Sent:** Thursday, July 07, 2016 9:42 AM  
**To:** David Fink  
**Cc:** Engel, Robin  
**Subject:** RE: 16ZONE1037

I was able to get on the website this morning with no errors. You may want to try again.  
<http://portal.louisvilleky.gov/codesandregs/mainsearch>

---

**From:** David Fink [mailto:dfink@tvsonline.net]  
**Sent:** Wednesday, July 06, 2016 8:45 PM  
**To:** Williams, Julia  
**Cc:** Engel, Robin  
**Subject:** RE: 16ZONE1037

It is unfortunate that the planning department has chosen to password protect the related documents section of the plan submittal process that was previously available on the internet.

---

**From:** Williams, Julia [mailto:Julia.Williams@louisvilleky.gov]  
**Sent:** Tuesday, July 05, 2016 11:28 AM  
**To:** David Fink  
**Subject:** RE: 16ZONE1037

There is no official petition form for a zoning change. Opposition usually comes up with their own format.

There is a petition form requesting to hold a night hearing for a change in zoning either downtown or in another government center. That petition requires 300 signatures. The form can be found on the Planning and Design website(see below). The petition for a night hearing is not seen as a petition against a change in zoning and does not get considered as such.

Thanks,  
Julia

Julia Williams AICP, RLA  
Planning Supervisor  
Planning and Design Services  
444 South 5th Street Suite 300  
Louisville, KY 40202  
502.574.6942

[Julia.williams@louisvilleky.gov](mailto:Julia.williams@louisvilleky.gov)

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Planning and Design's Website: <http://louisvilleky.gov/government/planning-design>

Review staff reports and supporting documents for a case: <https://louisville.legistar.com/Calendar.aspx>

Look up case specific information by case number: <http://portal.louisvilleky.gov/codesandregs/mainsearch>



Please consider the environment before printing this email

---

**From:** David Fink [<mailto:dfink@tvsonline.net>]

**Sent:** Tuesday, July 05, 2016 11:19 AM

**To:** Williams, Julia

**Subject:** Re: 16ZONE1037

Can you tell me if there is an official petition form and or process to gather and file a petition to oppose the zoning change.

Sent from my iPhone

On Jul 5, 2016, at 9:42 AM, Williams, Julia <[Julia.Williams@louisvilleky.gov](mailto:Julia.Williams@louisvilleky.gov)> wrote:

A pre-application for a change in zoning was filed on June 6, 2016. The applicant has just begun the change in zoning process. The agency comments for the pre-application have been given. No public meetings have occurred for the proposal yet. The application still has to hold a neighborhood meeting and formally file the change in zoning request before proceeding to any public hearings. Should the applicant proceed with the change in zoning, I would encourage you to attend the required neighborhood meeting that the applicant holds to let him know of your concerns.

Thanks,

Julia

---

**From:** David Fink [<mailto:dfink@tvsonline.net>]

**Sent:** Monday, July 04, 2016 11:15 PM

**To:** Williams, Julia

**Subject:** 16ZONE1037

Just found this application had been submitted and the comment period appears to have expired. As owner of the largest abutting property at 9311 Fairground Road I do not know how I am supposed to comment on something that I have not been informed is taking place. I am certainly not in favor of the rezoning and none of the other neighbors in the area I have talked to are in favor. My property already has been effected by major water damage issues from Fairwood Oaks which MSD chooses to ignore and this development will likely only enhance those problems. It will likely significantly effect the value of my property and that of others that abut the property.

There are security concerns, drainage concerns, traffic concerns none of which I, or anyone else that I have spoken to have been informed of. There has been no notification given that this was even moving forward let alone that it appears to have been approved.

I once again strongly oppose this plan and will be letting others in the area know what is going on.

## Williams, Julia

---

**From:** David Fink <dfink@tvsonline.net>  
**Sent:** Tuesday, July 05, 2016 8:37 PM  
**To:** Williams, Julia  
**Subject:** Re: 16ZONE1037

Please note that the floor plan / elevation submitted does not match the outline of the units submitted with the site plan. The elevation depicting a mirrored duplex design will not work in the space shown but looks nice when shown as a separate drawing. There are many other errors on the site plan.

Sent from my iPhone

On Jul 5, 2016, at 12:22 PM, Williams, Julia <[Julia.Williams@louisvilleky.gov](mailto:Julia.Williams@louisvilleky.gov)> wrote:

Whatever is available online is what we have. Google earth is likely to have the most recent aerials. This site likely didn't change too much since 2012. You can turn on the contour layer and use the distance tool for any elevation measurements that you may want to do.

---

**From:** David Fink [<mailto:dfink@tvsonline.net>]  
**Sent:** Tuesday, July 05, 2016 12:02 PM  
**To:** Williams, Julia  
**Subject:** Re: 16ZONE1037

Thank you for the response. I had read about the night meeting in the regs but I doubt there are that many with an interest. It is unfortunate that it is not a percentage of effected parties as many will not be able to take off work. Hence the reason for a petition.

I did work with Dodge County Nebraska to develop their online GIS system. It appears aerials have traditionally been taken every three years however only 2012 is online. Is there access to newer aerials downtown and do you know if the measurement tools are available to determine elevations from the ortho photos.

Sent from my iPhone

On Jul 5, 2016, at 10:27 AM, Williams, Julia <[Julia.Williams@louisvilleky.gov](mailto:Julia.Williams@louisvilleky.gov)> wrote:

There is no official petition form for a zoning change. Opposition usually comes up with their own format.

There is a petition form requesting to hold a night hearing for a change in zoning either downtown or in another government center. That petition requires 300 signatures. The form can be found on the Planning and Design website(see below). The petition for a night hearing is not seen as a petition against a change in zoning and does not get considered as such.

Thanks,  
Julia

Julia Williams AICP, RLA



Planning Supervisor  
Planning and Design Services  
444 South 5th Street Suite 300  
Louisville, KY 40202  
502.574.6942

[Julia.williams@louisvilleky.gov](mailto:Julia.williams@louisvilleky.gov)

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<https://louisville.legistar.com/Calendar.aspx>

Look up case specific information by case number:

<http://portal.louisvilleky.gov/codesandregs/mainsearch>



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**From:** David Fink [<mailto:dfink@tvsonline.net>]

**Sent:** Tuesday, July 05, 2016 11:19 AM

**To:** Williams, Julia

**Subject:** Re: 16ZONE1037

Can you tell me if there is an official petition form and or process to gather and file a petition to oppose the zoning change.

Sent from my iPhone

On Jul 5, 2016, at 9:42 AM, Williams, Julia <[Julia.Williams@louisvilleky.gov](mailto:Julia.Williams@louisvilleky.gov)> wrote:

A pre-application for a change in zoning was filed on June 6, 2016. The applicant has just begun the change in zoning process. The agency comments for the pre-application have been given. No public meetings have occurred for the proposal yet. The application still has to hold a neighborhood meeting and formally file the change in zoning request before proceeding to any public hearings. Should the applicant proceed with the change in zoning, I would encourage you to attend the required neighborhood meeting that the applicant holds to let him know of your concerns.

Thanks,  
Julia

---

**From:** David Fink [<mailto:dfink@tvsonline.net>]

**Sent:** Monday, July 04, 2016 11:15 PM

**To:** Williams, Julia

**Subject:** 16ZONE1037

Just found this application had been submitted and the comment period appears to have expired. As owner of the largest abutting property at

9311 Fairground Road I do not know how I am supposed to comment on something that I have not been informed is taking place. I am certainly not in favor of the rezoning and none of the other neighbors in the area I have talked to are in favor. My property already has been effected by major water damage issues from Fairwood Oaks which MSD chooses to ignore and this development will likely only enhance those problems. It will likely significantly effect the value of my property and that of others that abut the property.

There are security concerns, drainage concerns, traffic concerns none of which I, or anyone else that I have spoken to have been informed of.

There has been no notification given that this was even moving forward let alone that it appears to have been approved.

I once again strongly oppose this plan and will be letting others in the area know what is going on.

From: Dutrow, Mark B  
Sent: Monday, October 9, 2017 11:28 AM  
To: Williams, Julia; kim.ab@dayspringcommunityliving.org  
Subject: RE: Fairground Rd

Ms. Allin-Bartley

Thank you for your inquiry.

Louisville Metro Government uses strict guidelines in determining if a traffic study is required. This can be found in the Appendix of Chapter Six in the Land Development Code. See the guideline/excerpt from the code below:

A. Significantly Sized Project: The proposed development is of sufficient size to have a substantial impact on a particular local area. The proposed development is considered to meet this criteria if it generates two hundred (200) or more peak hour trips according to the current editions of Trip Generation, published by the Institute of Transportation Engineers, locally generated data or other acceptable source.

As you can see, Louisville Metro uses the guideline of 200 or more peak hour trips. Peak hour trips for a single family subdivision is about one per household or 33 trips. This site is to have 33 lots, hence 33 peak hour trips. That is approximately one sixth of the necessary trips to warrant a traffic study.

The State uses a much more stringent criteria, 100, peak hour trips. But even by the State's more stringent criteria we are still nearly seventy trips shy of the threshold.

Thank you for your comments and have a great day,

Mark B. Dutrow  
Engineer  
Planning & Design Services  
Department of Develop Louisville  
LOUISVILLE FORWARD  
444 South Fifth Street, Suite 205  
Louisville, KY 40202  
502.574.5542  
<https://louisvilleky.gov/government/planning-design>

From: Kim Ab [mailto:kim.ab@dayspringcommunityliving.org]  
Sent: Monday, October 02, 2017 11:22 AM  
To: Williams, Julia  
Subject: Fairground Rd

Ms. Williams,

Why is there not going to be a traffic study done for the new proposed development on Fairground Rd? This seems negligent at best. The traffic in that area is already bad. Why are you adding more problems?

Kimberly Allin-Bartley | Day Spring Community Living | Operations & Compliance

3430 Day Spring Court | Louisville, KY 40213  
Office (502) 410-5499 | Fax (502) 636-5980  
[www.dayspringcommunityliving.org](http://www.dayspringcommunityliving.org)

Day Spring Community Living enhances, empowers, and fulfills the lives of people with intellectual and developmental disabilities by encouraging self-determination; providing high quality, person-centered supports and services; and valuing the gifts of each person.

From: Brown, Jeffrey E  
Sent: Monday, October 9, 2017 8:47 AM  
To: Dutrow, Mark B; Burns, Vanessa  
Cc: Williams, Julia  
Subject: RE: 16zone1037

Mr. Fink's property isn't vacant and it has frontage on Fairground Rd.

LDC 5.9.2.A.1.a.ii would require a stub if the abutting parcel is vacant. I don't think they would need Directors' approval to not create a stub in this situation because the abutting lot is developed with single family residential.

Jeffrey Brown, PE

From: Dutrow, Mark B  
Sent: Monday, October 09, 2017 7:47 AM  
To: Brown, Jeffrey E; Burns, Vanessa  
Cc: Williams, Julia  
Subject: FW: 16zone1037

Director Burns and Assistant Director Brown,  
See the assessment and suggestion below from a concerned citizen regarding the development on Fairground Road.

From: David Fink [mailto:dfink@tvsonline.net]  
Sent: Sunday, October 08, 2017 10:58 PM  
To: Dutrow, Mark B  
Cc: Williams, Julia  
Subject: 16zone1037

Upon further review of the application I have determined that there is yet an additional more detrimental side effect of the applicant, being allowed to construct private streets, and that is protection of my ability to sell or develop my property in the future. As the current stub road leads only to my property and my property has no other viable avenue for a public road this would leave my property un-sellable for development purposes.

This only becomes an issue if the project is approved because as I sit there would be no available access, but if the project is approved then my property becomes viable for development as long as there is access via a public road which could be extended. If private roads are allowed you would in fact be granting one person the ability to develop and rejecting another's ability to develop. This is unequitable in the code and in the law and would deny me reasonable use of my property and limit my ability to maximize the value of the property.

As the current plan requires the Director of Works to grant waivers over two regulations as previously submitted it should not be allowed.

From: Becky Glasser <glasserbecky@gmail.com>  
Sent: Tuesday, October 10, 2017 6:31 PM  
To: Williams, Julia  
Subject: Fairground Road

Ms. Williams, We would like to protest the development of another 35 town homes on Fairground Road. This is a really busy street and another property development would make things worse. In addition, we need ASAP a traffic light at the corner of Fairground Road and Billtown Road. It is so busy and so dangerous, it's like taking a great risk to even go in this direction especially during the rush hours. Please we really need this traffic light due to the amount of traffic and the speed. More than one person has been struck down and killed in this area. Thank you,  
Becky and Danny Glasser at 9441 Fairground Road

From: David Fink <dfink@tvsonline.net>  
Sent: Thursday, October 19, 2017 12:26 AM  
To: Williams, Julia  
Cc: Davis, Brian; Curneal, Leslie E.  
Subject: 9213 Utility easement  
Attachments: 9213 utility easement.pdf; 9213 sewer easement.pdf

I have attached a copy of an existing utility easement that is not shown on the plans for the development 16zone1037. The easement is defined by the existing overhead wires and is 25' wide centered on the existing wires. The easement states that no building or structure is to be erected in the right of way and that the company has the right to extend the right of way across the property.

The current electrical lines which define this easement are 98 feet east of the western boundary of the property. This places the easement down the middle of every proposed house along the western boundary of the property. The easement covers electrical service as well as communications systems and all equipment and facilities related thereto.

There is also an easement along the southern boundary for the use of Fairground Woods to install a sewer system. I have also attached a copy of that easement.



## CONVEYANCE OF RIGHT OF WAY

The undersigned, Carol Bardin & Jacqueline Bardin

of Jefferson County Kentucky, for valuable consideration, receipt of which is hereby acknowledged (Said consideration for this instrument is not measurable in money), do hereby grant and convey unto LOUISVILLE GAS AND ELECTRIC COMPANY, a Kentucky corporation, 820 W. Broadway, P. O. Box 32020, Louisville, KY 40232, its successors and assigns (herein called the Company), the right and easement to construct, reconstruct, operate, and maintain an electric line or lines, communications systems, and all equipment and facilities related thereto, including, but not limited to, transformers, poles, conduits, cables and wires, over and/or under our property located at 9213 Fairgrounds Road in Jefferson County Kentucky.

Overhanging wires and equipment as constructed to determine the centerline of twenty-five foot (25') easement.

Title to the property was acquired by the undersigned by Deed dated the 4<sup>th</sup> day of NOV, 1988, and recorded in Deed Book 5818, Page 909, in the County Clerk's Office of Jefferson County, Kentucky. There shall be no buildings or structures erected within the limits of this easement.

The Company is further granted the right of ingress and egress over the lands of the undersigned to and from said line in the exercise of this easement and is further granted the right to do all trimming and removal of trees, shrubs, and branches for the proper clearance of said lines or equipment.

Furthermore, in consideration of the Company's bringing its service to the property of the undersigned, the undersigned granted to the Company such right of way across their property as may be necessary to enable the Company to make further extensions of its lines.

The Company has the right to assign its rights hereunder.

It is further agreed that the Company, at its option, will either repair, restore, or pay to the undersigned for damages that may be caused by them in the exercise of this easement.

IN TESTIMONY WHEREOF, witness the signatures of the undersigned this 23 day of July, 1997.

Carol Bardin  
Signature

Jacqueline Bardin  
Signature

9213 FAIRGROUNDS ROAD  
Mailing Address

LOUISVILLE, KY 40291

WITNESS: Mary Stevens

JOB# E97-2108

MAP# 473-848



BOOK 06922 0419

Form SD 308-A

STATE OF KENTUCKY )  
 ) SS  
COUNTY OF STATE AT LARGE )

I, MARY STEVENS, a Notary Public in and for the State and County aforesaid, do hereby certify that the foregoing instrument of writing was this day produced before me in said County and State by Carlos Bardin and Geraldine Bardin his/her spouse and acknowledged by them to be their act and deed.

My Commission expires: 4-22-2000

WITNESS MY HAND this 23 day of July,  
1997

Mary Steven  
Notary Public

THIS INSTRUMENT PREPARED BY

Mark M. Meier  
LOUISVILLE GAS & ELECTRIC CO.  
CORPORATE LAW DEPARTMENT  
220 W. MAIN ST.  
LOUISVILLE, KY 40202

Document No: 1997110258  
Lodged By: LOUISVILLE GAS & ELECTRIC  
Recorded On: Aug 12, 1997 08:03:52 A.M.  
Total Fees: \$12.00  
Transfer Tax: \$.00  
County Clerk: Rebecca Jackson  
Deputy Clerk: STACIE

END OF DOCUMENT

EASEMENT  
Feb. 23, 1991

This agreement made and entered into this 23th day of Feb. 1991, between J. M. D. Company Inc., hereinafter called Developer, and Carlos Bardin and wife, Geraldine Bardin, hereinafter called Owners, is for the purpose of creation of an easement across the Owners property located at 9213 Fairgrounds Road (Deed recorded in Deed Book 5818 page 909) to allow the Developer to install and maintain a pressure sewer line and/or force main sewer in conjunction with the residential subdivision being developed by the Developer and know as Old Fairgrounds Woods. The particulars pertaining to same are as follows:

1. The easement width shall be fifteen (15) feet and the south line of said easement shall be common to the existing right of way of Fairgrounds Road. In addition to the fifteen (15) foot easement, the Developer shall have the right for temporary construction the area necessary to facilitate construction of the work. The said easement shall run along Fairgrounds Road for the entire frontage of the Owners property as shown on the attached EXHIBIT A and the Developer and/or his successors or assigns shall have these easement rights until the need for the proposed sewer operation ceases at which time the easement shall become Null and Void.

2. (a) The Developer at its expense shall install the piping, trenching, ditching, and driveway replacement and shall restore any disturbed grass areas in a good and workmanlike manner. (b) The Developer shall remove one locust tree and relocate one dogwood tree and two other small trees to a location suitable to the Owners. The Developer shall also relocate the existing Fairgrounds Road ditch and existing driveway culvert to a new location approximately ten (10) feet off the edge of the existing Fairgrounds Road pavement and grade the affected area to create a roadway shoulder for ease of maintenance of the area. (c) There shall be no fees paid by either party to the other for said easement as the Developer has already provided the Owners with the availability of sanitary sewer service to his property at another location as the consideration for the creation of said easement; However Owners are to be responsible for sewer tap-on fee of \$1500.00 to be paid directly to Idlewood Enterprises Inc. (d) This easement area shall remain the property of the Owners and the Developer is only granted the right to use as aforementioned.

Robert J. Morris  
Witness  
Robert J. Morris  
Witness

Geraldine Bardin  
Carlos Bardin  
Owner  
Robert J. Morris  
J. M. D. Company Inc.

STATE OF KENTUCKY COUNTY OF JEFFERSON

The foregoing instrument was acknowledged before me this 23rd day of February, 1991 by Geraldine Bardin (Geraldine Bardin, Carlos Bardin) of my commission W. H. C. S. 8/11-91

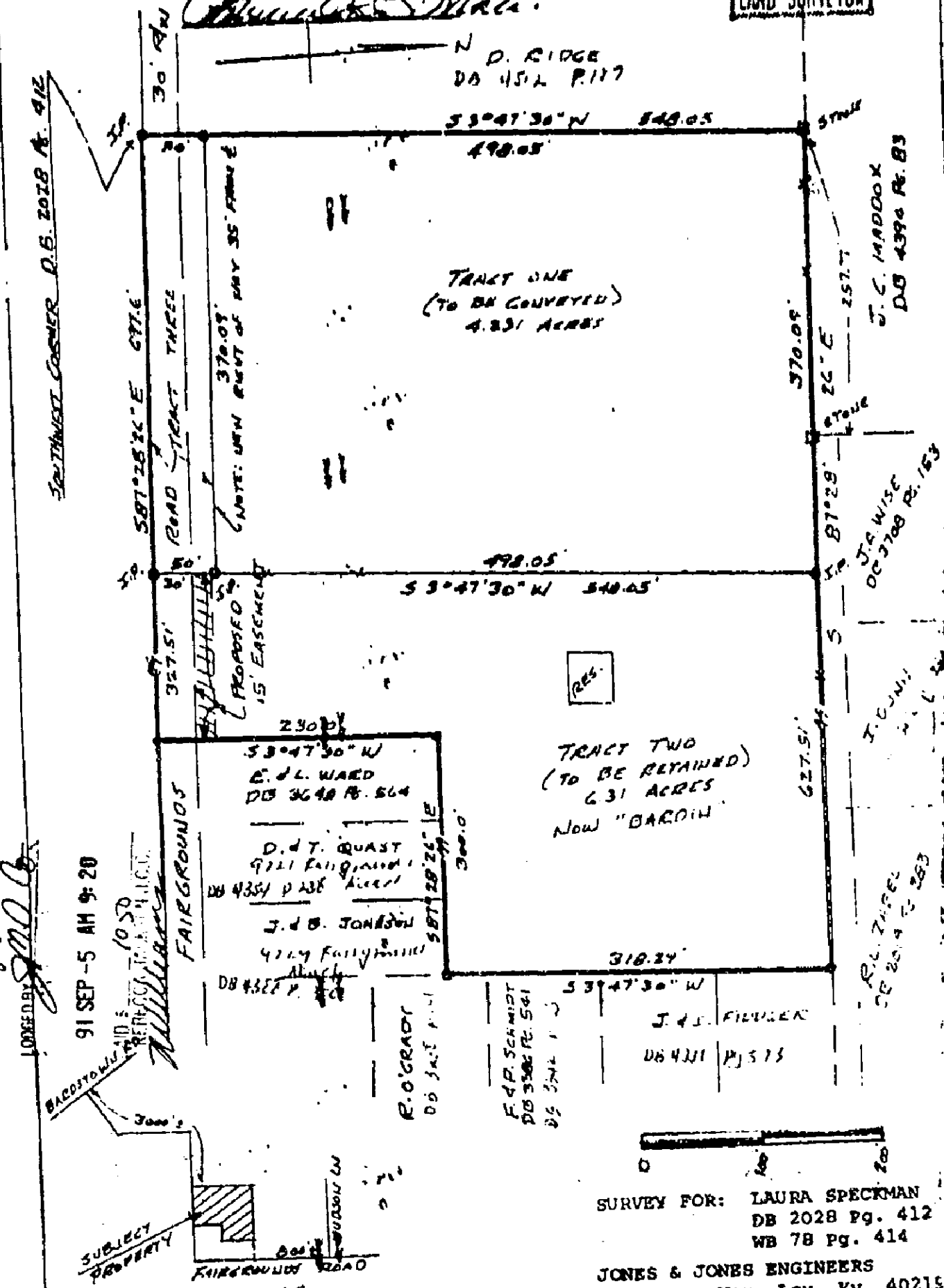
THIS INSTRUMENT PREPARED BY: 1

Robert J. Morris J. M. D. Company Inc.  
President 4306 Outer Loop  
Louisville KY 40219

I hereby certify that this plat and survey were made under my supervision and that the angular and linear measurements as witnessed by monuments shown hereon, are true and correct to the best of my knowledge and belief. This survey and plat meets or exceeds the minimum standards of governing authorities.

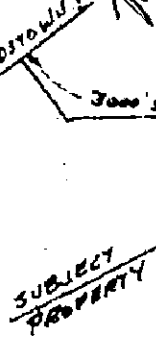
Approved this 21 day of Sept 1987  
 LOUISVILLE & JEFFERSON COUNTY  
 PLANNING COMMISSION

*C. W. Jones*  
 Registered Land Surveyor  
 STATE OF KENTUCKY  
 319  
 REGISTERED  
 LAND SURVEYOR



88038  
 LOANED BY *[Signature]*

91 SEP -5 AM 9:20



BOOK 6098 PAGE 378

END OF DOCUMENT

2167-87  
 SHEET 1 OF 2

SURVEY FOR: LAURA SPECKMAN  
 DB 2028 Pg. 412  
 WB 78 Pg. 414  
 JONES & JONES ENGINEERS  
 8111 Acme Way Lou. Ky. 40215  
 Date 9-15-87 scale 1" = 100'

EXHIBIT A

From: david doepke <safetydave2127@gmail.com>  
Sent: Tuesday, October 17, 2017 1:33 PM  
To: Williams, Julia  
Subject: RE: Fairground Rd project

My address is 9408 Fairground RD Louisville Kentucky 40291  
Get Outlook for Android

On Tue, Oct 17, 2017 at 1:01 PM -0400, "Williams, Julia" <Julia.Williams@louisvilleky.gov>  
wrote:

Thank you for letting me know your concerns regarding the change in zoning. Your letter will be made part of the record for the case. Your letter will either be summarized or included in its entirety in the staff reports prepared for the case.

Please let me know if you have any further concerns or questions regarding this case.  
Thanks  
Julia

From: david doepke [mailto:safetydave2127@gmail.com]  
Sent: Tuesday, October 17, 2017 8:55 AM  
To: Williams, Julia  
Subject: Fairground Rd project

I do not think it is good idea. We do not want to see any large building project. On our street.

Get Outlook for Android

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: Sarah Hoffmann <shoffmann60@icloud.com>  
Sent: Tuesday, October 17, 2017 9:33 PM  
To: Williams, Julia  
Subject: Fairground Road

I care very deeply about that beautiful, RARE piece of land on Fairground Road, which someone is trying to turn into a multi-home monstrosity. It is a beautiful home with a gorgeous yard. The single family homes & neighborhoods around Fairground Road will be devalued by another bulk-housing facility being built so nearby - a cluster of homes & parking lot that erase the rural feel that attracted us to this area, in the first place. Our homes will be devalued by this loss, and by the new difficulty in maneuvering through the increased traffic. Of course, more important to me, is the added danger to drivers, pedestrians, & bicyclers.

I am a resident of this area. If I were no longer a local, I would still care very deeply about this home, my favorite home in the area. I see it as so rare and historical, so much a part of the local landscape, that I don't believe one has to live in this vicinity to care about its future. I would like to see it rescued. More importantly, I DO NOT want a multi-home facility and the cars that come with it.

SARAH HOFFMANN  
8913 Michael Edward Drive  
Lou, KY. 40291

Sent from my iPhone

From: Mark Vogedes <mfredv@aol.com>  
Sent: Wednesday, October 11, 2017 6:50 PM  
To: Dutrow, Mark B  
Cc: Williams, Julia  
Subject: Fwd: 9213 Fairground Road development

Mark/Julia: thanks so much for responding to my email regarding the proposed new development on 9213 Fairground Road. I reviewed the strict guidelines regarding need to have a traffic study. As outlined in your email, the new development only has 33 lots. But I must call attention to two recently developed properties that are located within 1200 feet of the 9213 Fairground Rd property. The first property is Creekwood Terrace Homes which has 76 units. Also is Overbrook Apartment Homes which has 110 units. In total, this is an addition of 219 units on a very narrow and dangerous road. Again, both of these developments are within 1200 feet of 9213 Fairground Rd. This road flows directly onto Bardstown Rd, which has clearly been identified as a traffic nightmare for our community.

There is currently no public transportation available to anyone on Fairground Rd. Individuals must walk on the Fairground Rd to Bardstown Rd due to lack of sidewalks. Also street lights are not available causing an extreme safety hazard.

I feel the supplied information will be beneficial in increasing your knowledge in making a decision regarding the proposed development and I wanted to put on record my concerns.

Thank you,  
Mark Vogedes

Sent from my iPhone

Begin forwarded message:  
From: "Williams, Julia" <Julia.Williams@louisvilleky.gov>  
Date: October 9, 2017 at 3:19:53 PM EDT  
To: Mark Vogedes <mfredv@aol.com>  
Subject: RE: 9213 Fairground Road development

We received a similar question from another property owner regarding a traffic study. Below is their response and contact information.

Louisville Metro Government uses strict guidelines in determining if a traffic study is required. This can be found in the Appendix of Chapter Six in the Land Development Code. See the guideline/excerpt from the code below:

A. Significantly Sized Project: The proposed development is of sufficient size to have a substantial impact on a particular local area. The proposed development is considered to meet this criteria if it generates two hundred (200) or more peak hour trips according to the current editions of Trip Generation, published by the Institute of Transportation Engineers, locally generated data or other acceptable source.

As you can see, Louisville Metro uses the guideline of 200 or more peak hour trips.  
Peak hour trips for a single family subdivision is about one per household or 33 trips.

This site is to have 33 lots, hence 33 peak hour trips.  
That is approximately one sixth of the necessary trips to warrant a traffic study.

The State uses a much more stringent criteria, 100, peak hour trips.  
But even by the State's more stringent criteria we are still nearly seventy trips shy  
of the threshold.

Thank you for your comments and have a great day,

Mark B. Dutrow  
Engineer  
Planning & Design Services  
Department of Develop Louisville  
LOUISVILLE FORWARD  
444 South Fifth Street, Suite 205  
Louisville, KY 40202  
502.574.5542

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

From: Mark Vogedes [mailto:mfredv@aol.com]  
Sent: Monday, October 02, 2017 2:38 PM  
To: Williams, Julia  
Subject: 9213 Fairground Road development

I am writing to express my concern for the proposed development on Fairground Road. My home, 5511 Pavilion Way, backs up to the proposed development site. My yard has an open creek that takes water away from a neighborhood that was developed 10 years ago. During rain periods, this creek comes out of its banks. My neighbor, 5513 Pavilion Way, has had MSD work on this drainage problem numerous times over the past 15 years. Please research this drainage issue before making your zoning change decision.

Secondly, Fairground Road has never had major traffic improvements made in the last 55 years that I have traveled this road. There are no sidewalks along Fairground Road from the proposed development to Bardstown Road. The only way to reach bus service is to walk on the narrow road. There are constantly bikers on the road. There is no space to walk beside the road. This causes an extreme danger to the public. The development of sidewalks on Fairground Road MUST be installed from the development out to public transportation located on Bardstown Road.

I am only assuming that your department has done due diligence by conducting a recent traffic study of Fairground Road.

Thank you for reviewing my concerns to this rezoning issue. Please let me know if there is someone else I should be communicating with regarding my concerns. I am willing to voice my concerns with the Mayors office or with the Metro Council if that would be appropriate.

Again, thank you for your time.

Mark Vogedes  
5511 Pavilion Way  
Louisville, KY. 40291

502-239-4011

Sent from my iPhone

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: Christopher Bush <Christopher.Bush@rickettslawoffices.com>  
Sent: Wednesday, October 11, 2017 4:02 PM  
To: Williams, Julia  
Cc: Jonathan Ricketts  
Subject: Fairground Run Project- 16ZONE1037  
Attachments: Objection.pdf

Ms. Williams,

This is in reference to the Fairground Run Project, 16ZONE1037. Attached is an Objection on behalf of our clients, David and Susan Fink. A copy is also being mailed to the Department of Planning and Design Services. We ask that Louisville Metro please take this Objection into consideration, and have it made part of the record of 16ZONE1037.

Very Best,  
Christopher D. Bush

Ricketts Law Offices, PLLC  
4055 Shelbyville Road  
Louisville, KY 40207  
(502) 896-2303 Tel.  
(502) 896-2362 Fax  
<http://www.rickettslawoffices.com>

Louisville-Jefferson County Metro Government  
Department of Codes and Regulations  
Department of Planning and Design Services

PROJECT NUMBER- 16ZONE1037  
'FAIRGROUND RUN' PROJECT  
9213 FAIRGROUND RD  
LOUISVILLE, KY 40291

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OBJECTION TO ZONING APPLICATION

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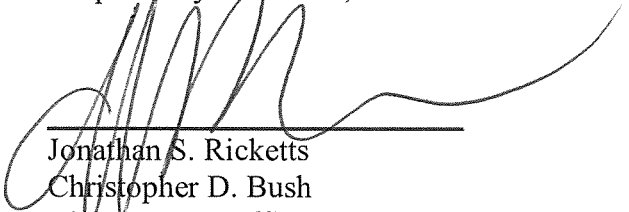
Comes David Fink, by and through counsel, and hereby files this OBJECTION to the above referenced application and, in support, states as follows:

1. The above referenced application, as amended, relies upon an inaccurate boundary line, as further described herein, which, if recognized, affirmed, and put to record, would result in an encroachment onto, and taking of, the property of David Fink and Susan Fink, at 9311 Fairground Road, Louisville, KY 40291.
2. The Finks object to the approval of the applicants' proposed subdivision plat on this basis.
3. Attached hereto and incorporated herein by reference, is a survey obtained by Richard Matheny of Cardinal Surveying, which shows that the applicants' proposal would result in an encroachment of 3.71' at the northeast corner of the applicant's property onto the Fink's property, tapering to a common pin at the northwest corner of the applicant's property. **Exhibit 1.** The applicants' survey makes reference to this line, but nothing more.
4. The conclusion of Mr. Matheny and Cardinal Surveying has been confirmed by Jason Graves, President of the Kentucky Association of Professional Surveyors.

5. The Finks have attempted to resolve this dispute informally with the Wakers and Superior Builders Inc., outside of the administrative process, to no avail.

WHEREFORE, Mr. Fink respectfully requests that Louisville-Jefferson County Metro Government Department of Codes and Regulations Department of Planning and Design Services DENY the applicant's proposed subdivision plat.

Respectfully submitted,



Jonathan S. Ricketts  
Christopher D. Bush  
Ricketts Law Offices, PLLC  
4055 Shelbyville Road  
Louisville, KY 40207  
(502) 896-2303 Tel.  
(502) 896-2362 Fax  
jricketts@rickettslawoffices.com  
christopher.bush@rickettslawoffices.com  
*Counsel for David Fink*

**CERTIFICATE OF SERVICE**

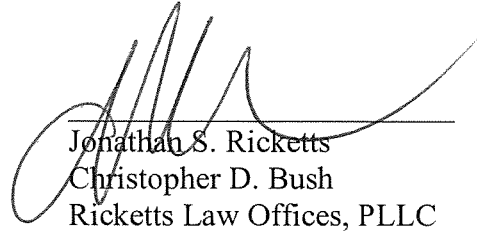
IT IS HEREBY CERTIFIED that a copy of the foregoing Objection was mailed on this 11 day of October 2017, to:

Brian & Heather Wacker  
PO Box 91483  
Louisville, KY 40291

Christopher T. Crumpton  
3703 Taylorsville Rd  
Louisville, KY 40220

Superior Builders Inc.  
PO Box 91483  
Louisville, KY 40291

Julia Williams  
Department of Planning and Design Services  
444 S. 5th Street  
Louisville, KY 40202  
Julia.Williams@louisvilleky.gov



Jonathan S. Ricketts  
Christopher D. Bush  
Ricketts Law Offices, PLLC

