

Williams, Julia

From: Duvall, Donna E <donna.duvall@jefferson.kyschools.us>
Sent: Wednesday, October 05, 2016 3:21 PM
To: Williams, Julia
Subject: 4208 Taylorsville Road

A letter for the Land Development and Transportation Committee
October 5, 2016

Dear Sirs and Madams:

I have owned and lived in Houston Acres for almost thirty years. My parents also lived in Houston Acres for seventeen years (mother now deceased and father living in Middletown in a home off Ward Avenue). It surprised me when I found out what the developers wanted to do on Taylorsville Road and the development seems very out of place. Here we have a historic home to be replaced with a large number of rental properties in a small space. This is only so a developer can make a large amount of money and then leave the area. This is not his home, his neighborhood, his city, but is his desire to build, sell and leave. This is about making money. Yes, that might be okay for someone to do this, but I am terribly worried about many problems this development is presenting. One is the drainage issue. Being next to a neighborhood of 240 homes that have been here for sixty years, this development may be a tragic mistake. This neighborhood is an older area, but has achieved a status of safe, well-maintained, homes which is beneficial to the area. With the building plans for and on this lot, existing homeowners may find flooding, sewage back-ups, parking and additional traffic issues, loss of mature trees which mean so much to our environment, as some of the result of over development. Also, these developers do not appear to know what they are doing and have broken rules several times. They have had to replace and remove dirt that they were attempting to use in the an area MSD had not inspected. They will be having to place a pipe under Taylorsville Road for utilities for their property if yet approved. This does not seem well-planned or thought out by the developer.

I am encouraging the zoning commission to take a close look at all the problems that are existing and could occur. I ask is it really worth the chance to allow this to be built in this space? This is one of the last remaining spots on Taylorsville Road in Hikes point that adds some beautiful landscaping and environmental well-being through mature trees and open space. Please stop this over development that may harm many hundreds of voters well-being. There are places in Hikes Point sitting empty needing a developer such as the old K-Mart property. Let's not make Taylorsville Road an eyesore for our beautiful city. Let's plant more trees and keep historical property as it should be, treasured and beautiful. Thank you for your oversight, inspection, correction to a problem before it becomes larger.

Donna Duvall
3124 Houston Blvd.
Louisville, KY 40220

Williams, Julia

From: Bob Head <robertfhead@gmail.com>
Sent: Wednesday, September 21, 2016 11:49 AM
To: Williams, Julia
Subject: Rezoning Case # 16ZONE1026

Regarding Rezoning Case # 16ZONE1026 I request that all waivers and variances be denied by the city. I also request the city maintain the single family R4 zoning status for this project.

Bob Head
4205 Dolphin Road

Williams, Julia

From: Sharon Able <smantnn@yahoo.com>
Sent: Thursday, September 15, 2016 10:29 AM
To: Williams, Julia
Subject: 16ZONE1026.docx
Attachments: 16ZONE1026.docx; ATT00001.txt

Julia Williams
444 S. 5th Street, Suite 300
Louisville, KY 40202

September 14, 2016

Ms. Williams and Councilman Kramer,

Thank you for the opportunity to express my concerns regarding case #16ZONE1026.

Concerns:

- When the builder was questioned during the 1st local citizen's meeting, he misled the attendees about his experience with building multi-unit developments. Upon further questioning we discovered that the developer has no experience with multi-unit developments and minimal experience in the construction of single family dwellings. They have constructed only one single family residential home in Jefferson County. In addition, the developer stated that they had no business office for Telulu Homes which is why I feel they put so much emphasis on trying to zone the existing remodeled home as office space.
- When questioned about the current occupancy rates in the surrounding areas, the developer stated that occupancy rates were 100% and implied that community desperately needed to increase condominium development within the area. I took it upon myself to contact multiple condominiums in the immediate area and concluded that occupancy rates are more in the 75% range. Thus the need for additional housing in this area is not as crucial as Telulu stated.
- I also have concerns about Telulu being an LLC vs an Incorporated Company. This enables the developer to have limited liability regarding the new owners of the proposed condominiums. Telulu is protected from some if not all liability for its acts, debt, construction, and property maintenance because they fall within the safety net of an LLC. In an LLC, it can be difficult to determine who actually has the authority when entering into a contract with condo owners. I believe this could result in many issues regarding further construction and future maintenance of the development site.

I currently reside in a townhome and have firsthand knowledge about the challenges these condominium contract restrictions have on property owners as well as the extended time an LLC has to maintain homes and landscaping within the contract guidelines. This site will be no different and will be a continuous burden to the neighboring residents. I often feel quite embarrassed when my neighbors attempt to sell their homes while our LLC struggles to maintain landscaping, while I wait five years to get a rotten garage door frame replaced, while I suffered months of water damage due to an aging roof. These are just a couple of examples of what will come with this development if it is approved.

Honestly, I could write many pages on the issues I am concerned about. I understand that many others have expressed their opinions, particularly those located inside the city limits of Houston Acres. I end this document hoping that you will choose to maintain the current zoning status of this property and deny all requests for variances and waivers.

Sharon Nichols

Williams, Julia

From: Harrington, Scott
Sent: Monday, September 12, 2016 1:47 PM
To: Bryan Paris
Cc: Williams, Julia
Subject: RE: Regarding 16ZONE2016
Attachments: Zoning exparte.pdf

Mr. Paris – as of today, the Public Hearings have not been scheduled.

Julia – do you know when public hearings will be scheduled and which committee this will be assigned prior to it going before the full Planning Commission?

Mr. Paris – I believe a night hearing has been petitioned for the Planning Commission to consider the rezoning. At the public hearings, residents can testify in support or opposition of the proposed plans. Once the hearing is concluded, no more new information can be presented so the Planning Commissioners will pass along a Recommendation to the Metro Council. The item will then be reviewed in Metro Council's planning committee and then it will go before the full Metro Council for final action. Once the office record gets submitted to the council, no additional information can be added. Planning Staff (along with Metro attorneys) will present the record to Metro Council committee members. Since Metro Council members are like judges in re-zoning cases, they cannot participate in off record or side conversations. To do so would violate the ex parte communication rule which could jeopardize a council member's opportunity to vote and/or could be challenged in a court of law by the applicant.

Your council representative will hear you concerns if they are submitted to the case manager in writing/email or if you testify at one of the hearings.

I've attached some information about ex parte communications that may explain it better than me.

Please let me know if you have any questions.

Scott



Scott W. Harrington | Legislative Aide
Office of Councilman Kevin J. Kramer
Louisville Metro Council | District 11

phone: 502.574.3456
fax: 502.574.4501
email: scott.harrington@louisvilleky.gov

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City Hall
601 West Jefferson Street
Louisville, Kentucky 40202

Thank you for the opportunity to serve!

From: Bryan Paris [<mailto:bryanc.paris@gmail.com>]
Sent: Monday, September 12, 2016 12:58 PM
To: Harrington, Scott
Cc: Williams, Julia
Subject: Re: Regarding 16ZONE2016

Scott and Julia,

Thanks so much for the replies. Do you have any information about when the metro council members will make decisions regarding this case? Will there be any public meetings or other opportunities to discuss these issues with metro council members?

Sent from my iPhone

On Sep 8, 2016, at 10:41 AM, Harrington, Scott <Scott.Harrington@louisvilleky.gov> wrote:

Mr. Paris,

Since Metro Council Members take final action on re-zoning cases, council members can't participate in off record conversations or respond to emails. The case manager will include your comments and attachment in the official record so council members can read them.

I just wanted to briefly explain the ex parte communication rule we must follow.

If you have any questions about the zoning process, please feel free to call me at 574-1111.

Thank you!

Scott

<image001.gif>

Scott W. Harrington | Legislative Aide
Office of Councilman Kevin J. Kramer
Louisville Metro Council | District 11

phone: 502.574.3456

fax: 502.574.4501

email: scott.harrington@louisvilleky.gov

<image002.png> [Sign up for District 11's E-Newsletter](#)

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601 West Jefferson Street
Louisville, Kentucky 40202

Thank you for the opportunity to serve!

From: Bryan Paris [<mailto:bryanc.paris@gmail.com>]
Sent: Tuesday, September 06, 2016 10:07 PM
To: Harrington, Scott; Williams, Julia
Subject: Regarding 16ZONE2016

Ms. Williams and Mr. Harrington,

Please see attached letter and associated attachments regarding a proposed development near our community. I am concerned about the proposed development and ask that you consider the information in the letter. I would like to request that all waivers and variances be denied. If you have any questions regarding my letter, please do not hesitate to contact me.

Regards,

Bryan C. Paris
City of Houston Acres Resident
4218 Dolphin Rd, 40220

Guidelines for Responding to Constituent Contacts Planning and Zoning Cases

DO Send all correspondence received BEFORE the Planning Commission's hearing to the Planning and Design staff case manager for inclusion in the record.

DO Send all correspondence received AFTER the Planning Commission's hearing back to the sender with a letter explaining that you cannot review their comments because your decision must be based only on the Planning Commission's record. See the County Attorney's Office for a sample letter.

DO Direct all phone calls received BEFORE the Planning Commission's hearing to the Planning and Design staff case manager to have comments and concerns made a part of the record.

DO Encourage individuals who contact you to appear in person or through a letter before the Planning Commission to express concerns, give comments, or propose binding elements. Even if the Planning Commission does not choose to add binding elements that are proposed, the Metro Council will be able to review the record and see that they were discussed, and therefore act on them if appropriate.

DO Avoid engaging in conversations or meeting with any interested party (applicant or otherwise) about cases that will be heard by the Metro Council.

DO Explain to individuals who want to talk to you that under Kentucky law you can only consider the evidence in the record made by the Planning Commission in making your decision about a particular case. If you engage in ex parte communication, you risk losing your ability to vote or, worse, being deposed as part of a lawsuit. The best way to get information to the Council is through the Planning Commission record.

DO Refer callers who have questions about your ability to speak with them to the County Attorney's Office.

DO Contact the County Attorney's Office if you have questions or concerns about a particular case or how to handle individuals who contact you.

Date:

Name:

Address:

Louisville, KY 402

Re: Docket:

Dear:

Thank you for your recent letter expressing your concern regarding the zoning change for property located at the Northeast Quadrant of I65 and Outer Loop. As you may be aware, Kentucky law requires the Planning Commission to hold a public hearing(s) to consider zoning change requests after notifying adjoining property owners. **This hearing has been scheduled for _____ at _____ at _____ p.m. Please confirm this date and time with the Planning Commission staff at 574-6230.** This hearing is the citizens' principal opportunity to express their concerns.

This hearing is your opportunity to either voice support or opposition of the plan and/or you may submit written documentation. If you are unable to attend the hearing, written comments will be accepted until the day of the hearing by writing to: Jefferson County Planning Commission, 531 Court Place, 9th floor Louisville, KY 40202. After the Planning Commission hearing, its commendation(s) are forwarded to Metro Council members.

In making the final decision, Metro Council members may consider only the record made before the Planning Commission. Therefore, I will forward your letter to their attention to be made part of the official record.

We encourage everyone with an interest to participate in the zoning public hearings, if at all possible. I am forward your letter to Connie Ewing, of the Planning Division. Thank you for your interest in participating in the zoning process.

Respectfully,

Pat Zimmerman
Legislative Aide
District 24

Westlaw.

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Page 1

H

Court of Appeals of Kentucky.

Roger F. HOUGHAM and Virginia M. Hougham,
 Appellants,

v.

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT; Lexington-Fayette Urban County Council Teresa Ann Isaac, Member of Lexington-Fayette Urban County Council Charles E. Ellinger, D.D.S., Member of Lexington-Fayette Urban County Council; David B. Stevens, M.D., Member of Lexington-Fayette Urban County Council; George A. Brown, Jr., Member of Lexington-Fayette Urban County Council; Robert R. Jefferson, Member of Lexington-Fayette Urban County Council; Dick Decamp, Member of Lexington-Fayette Urban County Council; Isabel Yates, Member of Lexington-Fayette Urban County Council; Bill Farmer, Member of Lexington-Fayette Urban County Council; Albert S. Mitchell, Member of Lexington-Fayette Urban County Council; Willy Fogle, Member of Lexington-Fayette Urban County Council; Fred V. Brown, Member of Lexington-Fayette Urban County Council; Jennifer Mossotti, Member of Lexington-Fayette Urban County Council; Sandy Shafer, Member of Lexington-Fayette Urban County Council; Richard P. Moloney, Member of Lexington-Fayette Urban County Council; Gloria Martin, Member of Lexington-Fayette Urban County Council; Pam Miller, Mayor of Lexington-Fayette Urban County Government; Walter W. May, Chairman, Lexington-Fayette Urban County Planning Commission; Eugene Ballentine, Member of Lexington-Fayette Urban County Planning Commission; Dr. Thomas M. Cooper, Member of Lexington-Fayette Urban County Planning Commission; Sarah Gregg, Member of Lexington-Fayette Urban County Planning Commission; Dallam B. Harper, Jr., Member of Lexington-Fayette Urban County Planning Commission; Robert D. Kelly, Member of Lexington-Fayette Urban County Planning Com-

mission; George L. Logan, Member of Lexington-Fayette Urban County Planning Commission; Rose M. Lucas, Member of Lexington-Fayette Urban County Planning Commission; Dwight Price, Member of Lexington-Fayette Urban County Planning Commission; Don Robinson, Member of Lexington-Fayette Urban County Planning Commission; Leslie Patterson Vose, Member of Lexington-Fayette Urban County Planning Commission; and Lexington-Fayette Urban County Planning Commission, Appellees.

No. 1998-CA-002213-MR.

Dec. 23, 1999.

As Modified Jan. 14, 2000.

Case Ordered Published by Supreme Court Oct. 19, 2000.

Discretionary Review Denied by Supreme Court Oct. 19, 2000.


Landowners sought judicial review of decision of county council denying their requested zone change. The Fayette Circuit Court, Rebecca Overstreet, J., upheld the council's decision. Landowners appealed. The Court of Appeals, Guidugli, J., held that: (1) county council was not required to approve landowners' requested zone change solely because it comported with comprehensive zoning plan; and (2) city council members' contact with constituents did not constitute improper ex parte contact that would prevent them from participating in the matter.

Affirmed.

Emberton, J., concurred.

Combs, J., concurred by separate opinion.

West Headnotes

[1] Administrative Law and Procedure 15A 
 744.1

15A Administrative Law and Procedure

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15AV Judicial Review of Administrative Decisions

15AV(D) Scope of Review in General

15Ak744 Trial De Novo

15Ak744.1 k. In general. Most Cited

Cases

On appeal from an administrative action, the decision is not subject to de novo review.

[2] Administrative Law and Procedure 15A ↪ 763

15A Administrative Law and Procedure

15AV Judicial Review of Administrative Decisions

15AV(D) Scope of Review in General

15Ak763 k. Arbitrary, unreasonable or capricious action; illegality. Most Cited Cases

Judicial review of an administrative action is concerned with the question of arbitrariness.

[3] Administrative Law and Procedure 15A ↪ 763

15A Administrative Law and Procedure

15AV Judicial Review of Administrative Decisions

15AV(D) Scope of Review in General

15Ak763 k. Arbitrary, unreasonable or capricious action; illegality. Most Cited Cases

In determining arbitrariness, for purposes of judicial review of an administrative action, a reviewing court will consider: (1) whether the administrative agency acted within its statutory powers; (2) whether due process was afforded; and (3) whether the decision reached was supported by substantial evidence.

[4] Zoning and Planning 414 ↪ 1140

414 Zoning and Planning

414III Modification or Amendment; Rezoning

414III(A) In General

414k1140 k. Power to modify or amend in general. Most Cited Cases
(Formerly 414k151)

Zoning and Planning 414 ↪ 1180

414 Zoning and Planning

414III Modification or Amendment; Rezoning

414III(B) Proceedings to Modify or Amend

414k1179 Notice and Hearing

414k1180 k. In general. Most Cited

Cases

(Formerly 414k194.1)

Decision of county council denying landowners' requested zone change was not arbitrary, so as to render it invalid, given that county council was appropriate statutory agency to make this decision, county council did not exceed its statutory powers in rendering the decision, the landowners were afforded due process including notice and an opportunity to present their case, and the council's decision was based upon substantial evidence.

[5] Zoning and Planning 414 ↪ 1151

414 Zoning and Planning

414III Modification or Amendment; Rezoning

414III(A) In General

414k1149 Comprehensive or General Plan

414k1151 k. Conformity of change to

plan. Most Cited Cases

(Formerly 414k159)

County council was not required to approve landowners' requested zone change solely because it comported with the comprehensive zoning plan. KRS 100.213.

[6] Zoning and Planning 414 ↪ 1187

414 Zoning and Planning

414III Modification or Amendment; Rezoning

414III(B) Proceedings to Modify or Amend

414k1185 Enactment and Voting

414k1187 k. Bias and disqualification.

Most Cited Cases

(Formerly 414k197)

County council members did not engage in improper ex parte conduct, so as to prevent them from participating in hearing and voting process relating to requested zone change, merely because they at-

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tended neighborhood meetings at which the proposed zone change was discussed, requested information from city staff concerning site in question, and received letters from opponents of the zone change.

*371 Foster Ockerman, Lexington, KY, for Appellants.

Christine N. Westover, Lexington, KY, for Appellees.

Before COMBS, EMBERTON and GUIDUGLI, Judges.

OPINION

GUIDUGLI, Judge.

Appellants, Roger F. Hougham and Virginia M. Hougham (the Houghams), appeal an opinion and order entered by the Fayette Circuit Court which sustained the decision of the Lexington-Fayette Urban County Council (LFUCC) to deny the appellants' requested zone change. LFUCC denied the request despite the fact that the requested zone change was in compliance with the comprehensive plan and recommended for approval by the Urban County Planning Commission (the Planning Commission). Appellants contend that the Council's action was both arbitrary and a denial of due process. Having thoroughly reviewed the facts, the record, the applicable statutory and case law, and the arguments of the parties, we affirm.

Appellants filed a zone change application in hopes of rezoning their approximately forty (40) acre farm located in Fayette County from the existing agricultural urban (AU) zone to a light industrial (I-1) zone. The property is located on Viley Road across from Calumet Farm and across New Circle Road from established and developing single family residential subdivisions. The farm also adjoins the Enterprise Individual Park which had been rezoned to I-1 in 1985, and the "Little" property which was rezoned as I-1 in 1991. The Enterprise Industrial Park is still being developed but the

"Little" property remains undeveloped and is still being used for agricultural purposes.

*372 The first hearing on the zone change application occurred on October 24, 1996, before the Planning Commission. This hearing was continued until December 12, 1996, when the Commission voted 7-3 to recommend approval of the zone change request to LFUCC. The Planning Commission found the I-1 use requested to be in agreement with the land use element of the comprehensive plan. The Planning Commission also recommended several conditional zoning restrictions to address concerns relating to the impact the zoning change might have on surrounding properties. Specifically, the Planning Commission was concerned with traffic flow and run-off water problems.

At the LFUCC hearing on March 6, 1997, appellants called no witnesses nor did they cross-examine any of the opponents who testified. Instead, they relied upon the fact that the Planning Commission had recommended the zone change, that the zone change conformed to the comprehensive plan, that other land adjacent to the property had been rezoned I-1, that there is a need for more manufacturing jobs in Fayette County, and that economic growth would be beneficial to the County. Opponents to the zone change then presented their evidence and testimony. They argued that the land was still valuable for agricultural use, that there was already an excess of I-1 property, traffic concerns, water run-off problems, and that adjacent horse farms would be adversely affected. After testimony and arguments were presented by parties for and against the zone change, the Council voted 9-5 to override the Planning Commission's recommendation and deny the zone change request. The LFUCC denial was based upon findings of fact which the Council adopted.

Appellants appealed LFUCC's denial to the Fayette Circuit Court. There appellants argued the decision to deny the zone change was arbitrary in that it lacked substantive competent evidence and that it violated due process requirements based on

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alleged ex-parte communications by at least two (2) of the council members who voted against the change. The trial court upheld the Council's decision, and this appeal followed.

Kentucky Revised Statutes (KRS) Chapter 100 addresses issues of planning and zoning. Specifically, KRS 100.213(1) establishes what findings are necessary before a proposed map amendment may be reconsidered:

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

(a) That the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate;

(b) That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area.

In the case before us, all parties agree that the requested zone change is in agreement with the adopted comprehensive plan. This was one of the main factors relied on by the Planning Commission in recommending the change.

However, just because the zone change request complies with the comprehensive plan or meets the criteria set forth in KRS 100.213(1)(a) or (b), does not mean the zone request *must* be granted. The fiscal court still has discretion in reviewing and determining each zone change application. The governing body is given authority to decide each application on its own merits and its impact on the community. There *373 is no specific, magic for-

mula which is applied to the determination of each zone change request. The administrative body must comply with all statutory requirements set forth in KRS Chapter 100 as to notice, hearing, findings of fact, etc. If it has followed all the statutory requirements, it can make its decision to grant or deny the zone change request. Making these decisions is the function of appointed and/or elected officials. Their responsibilities include looking at the "big picture" and making the "tough decisions."

[1][2][3][4] On appeal, the decision is not subject to *de novo* review. Rather, judicial review of an administrative action is concerned with the question of arbitrariness. *American Beauty Homes Corp. v. Louisville, etc., Ky.*, 379 S.W.2d 450 (1964), sets forth three (3) areas to consider in determining arbitrariness: (1) did the administrative agency act within its statutory powers; (2) was due process afforded; and (3) was the decision reached supported by substantial evidence. A close review of the record in this case clearly shows that the decision of the LFUCC was not arbitrary and that all three of the above-mentioned considerations were fully complied with. First, LFUCC is the statutory agency to make this decision, and no one contends it exceeded its statutory powers. Second, due process was afforded appellants at every level. Appellants do not argue that they were denied notice, a hearing, sufficient opportunity to present their case, cross-examine the opponents, and opportunity to rebut the opponents' arguments and findings of fact. Third, the decision was based upon substantial evidence.

[5] Appellants' main contention is that LFUCC must approve the zone change since it comports to the comprehensive plan. However, this Court in *21st Century Development Co., LLC v. Watts*, Ky.App., 958 S.W.2d 25 (1997), specifically dealt with this issue when it stated:

KRS 100.213 provides that before a zone change request is granted (map amendment), the planning commission or respective legislative body must find either that the proposal is in

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contacts with LFUCG council members, creates in my mind a perception of impropriety sufficient to question whether the due process requirement of *American Beauty, supra*, was met. Since Kentucky law is silent on what *ex parte* contacts are permissible as to a legislative body acting in a quasi-judicial capacity, we have no standard by which to evaluate the conduct alleged to have been improper in this case. Substantial evidence appears to have supported the final vote of the council. However, a question is forever raised and misgivings inevitably linger as to the propriety of the process in this case.

Ky.App.,1999.
Hougham v. Lexington-Fayette Urban County Government
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(Cite as: 29 S.W.3d 370)

agreement with the comprehensive plan or that the existing classification is inappropriate and that the proposed zoning classification is appropriate; or that there have been major changes of an economic, physical, or social nature in the area which were not anticipated in their current comprehensive plan and which substantially alter the character of the area. KRS 100.197 requires continuing review and updates of the comprehensive plan. In the scheme of planning and zoning, our society is constantly changing, which requires the continuing review and updates to our comprehensive plans. *We agree with the circuit court that a planning commission does not have to rezone solely because a request is in accordance with a comprehensive plan or its recommended land use element.*

Id. at 27 (emphasis added). In addition, the findings of fact rendered by LFUCC set forth seven (7) specific reasons for denying the zone change. A review of these findings clearly shows that the Council's decision was based upon substantial evidence.

[6] Appellants also contend that two (2) council members engaged in *ex parte* conduct and therefore, they should not have participated in the hearing and/or voting process. Appellants claim these contacts "tainted" the entire proceedings and mandate that the two council members disqualify themselves. Basically, the conduct alleged involved council members attending neighborhood meetings at which the proposed zone change was discussed, requesting information from city staff concerning the site in question, and receiving letters from opponents of the zone change. The trial court found that there were no Kentucky cases dealing specifically with the issue of *ex parte* contacts by a legislative body acting in an adjudicatory capacity. Nor have appellants cited the Court to any such Kentucky case. The case argued *374 by appellants talks in terms of "improper" *ex parte* contact where the decision reached is "so tainted as to make it unfair either to the innocent party or to the public interest..."

terest..." Louisville Gas & Electric v. Commonwealth, Ky.App., 862 S.W.2d 897, 901 (1993). In addressing this issue, the trial court stated:

[t]he members of the Council are elected officials and cannot isolate themselves from the people they represent. There is no evidence in the record that any Council members made improper statements or promises in their dealings with constituents. There is no indication that the contacts at issue tainted the decision making process so as to make it unfair to the parties or contrary to the public interest. The facts of this case clearly do not reach the level of *ex parte* contacts which would require the Council's decision be voided."

The court further found despite the alleged improper conduct, the appellants had been afforded all due process protections. We agree with the trial court that members of council do not live in a vacuum nor are they required to. They are elected officials who represent the community and will be subjected from time to time to contact from constituents concerning issues, upon which they must ultimately decide. The mere fact that they are exposed to various information from competing groups does not make it impossible for them to serve and vote. Mere contact with neighborhood groups, letters from constituents, information gathered from staff, etc. does not, by itself, constitute "improper *ex parte* contact." If this were the case, seldom could an elected official make an informed decision without being accused of improper *ex parte* conduct.

For the foregoing reasons, we affirm the opinion and order of the Fayette Circuit Court which sustained LFUCC's decision to deny the requested zone change.

EMBERTON, J., concurs.
COMBS, J., concurs by Separate Opinion.
COMBS, Judge, concurring:

The fact that the LFUCG wholly disregarded the recommendation of the Planning Commission, coupled with the allegations of improper *ex parte*

Williams, Julia

From: Harrington, Scott
Sent: Friday, September 09, 2016 3:01 PM
To: Williams, Julia
Subject: 16ZONE1026 Opposition Letter
Attachments: Atkinson Letter 16ZONE1026.pdf

Julia – would you please enter the attached letter to the official record for 16ZONE1026 so CM Kramer could read it?

Thank you!

Scott



Scott W. Harrington | Legislative Aide
Office of Councilman Kevin J. Kramer
Louisville Metro Council | District 11

phone: 502.574.3456

fax: 502.574.4501

email: scott.harrington@louisvilleky.gov



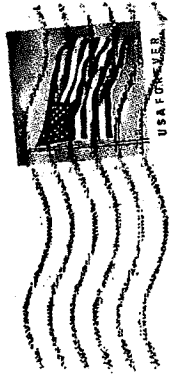
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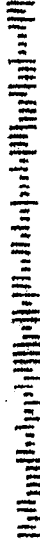
Atkinson
4214 Hewitt Ave
Louisville, Ky 40220



LOUISVILLE KY 402
07 SEP 2005 PM 11

Councilman Kevin Kramer
601 N Jefferson St.
Louisville, Ky 40202

40202-272838



Councilman Kevin Kramer
601 W Jefferson St
Louisville, KY 40202

Rec'd Sept 9, 2016
SW Hanjton
Swd to Julia Williams

September 1, 2016

Councilman Kevin Kramer,

My name is Kimberly Atkinson. My family and I live in Houston Acres, near the proposed development at 4208 Taylorsville Rd (16ZONE1026). I respectfully request that the City of Louisville deny all requests for waivers and variances and maintain the current single family zoning status of this property.

Spot Zoning is defined as carving out a small parcel of land for:

- (1) A use classification different from that of the surrounding area
- (2) For the benefit of the owner of such property and to the detriment of other property owners.

I have attended 2 meetings where the developer has presented justification of the proposed plan. In each meeting, they stated that the ambiance and character of the surrounding community would be preserved. In addition to the construction of office space and multiple two story medium density structures, the waivers and variances requested by the developer are designed to reduce green space between structures, decrease setbacks to adjacent homes, and allow for shared drive access between differing zones. These particular items allow the developer to increase population density beyond what is normal in our district and will be a detriment to the aesthetic of the surrounding communities.

I am also proposing that the re-zoning of this address is of specific benefit to the developer. The developer may be eligible for a tax-credit if the existing structure on the property is rehabilitated, placed on the National Register of Historic Homes, and is held for the production of income. All justification listed in the developer's zoning application along with the current rehabilitation status and style of the proposed condos suggest this benefit as an underlying result of the developer's long term strategy.

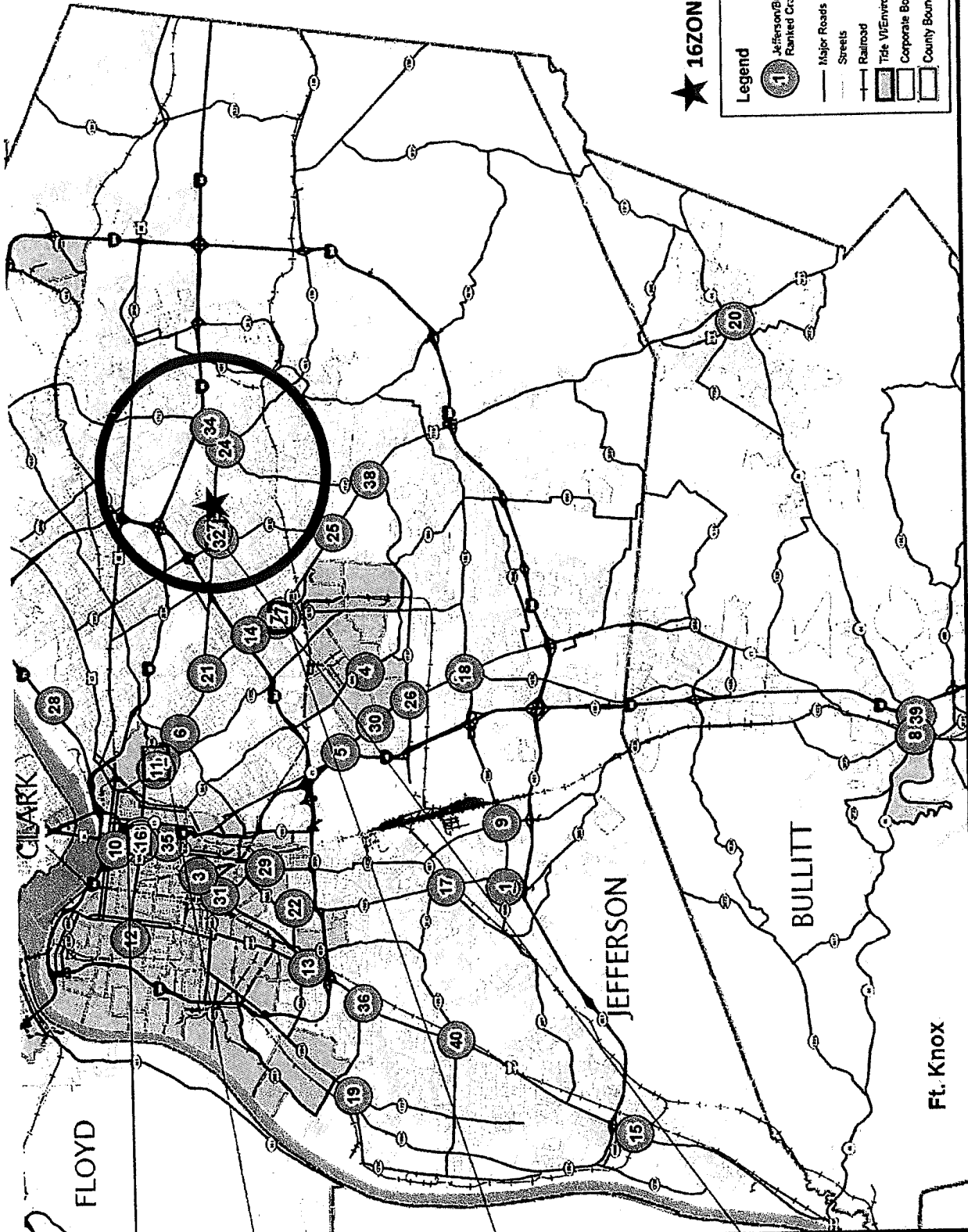
4208 Taylorsville Rd sits approximately 100 yards from the intersection of Houston and Taylorsville Road and less than 1 mile from the 37th most dangerous intersection in the region (Hikes Ln/Taylorsville Rd) according to Connecting Kentuckiana. I have outlined the aesthetic detriment to the surrounding area, but I would also like to propose that the increased population density will also be a safety detriment due to the increase in traffic immediately surrounding the address.

In summary, this proposed re-zoning is by definition spot-zoning as a small area of land is being parceled out for a use classification different from the surrounding area, will be of benefit to the owner of that property in the form of a tax-credit and will be a detriment to other, nearby property owners in change in aesthetic, population density, and safety.

Thank you for your time,



Kimberly N Atkinson
4214 Hewitt Ave
Louisville, KY 40220
281-460-4158 (mobile)



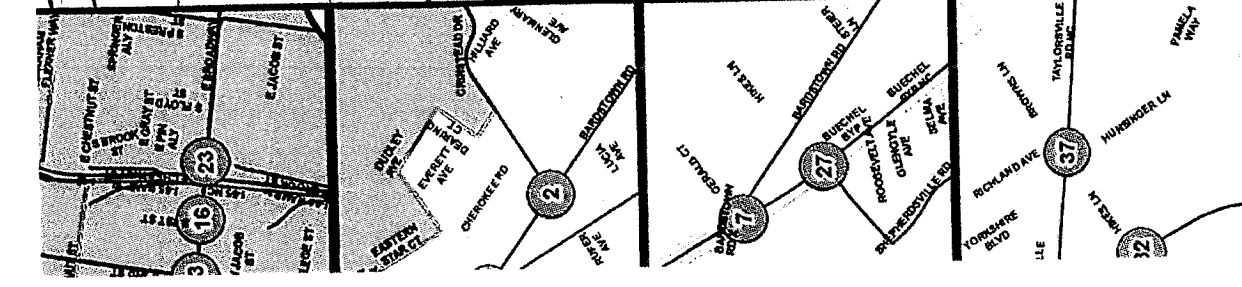
★ 16ZONE1026

Legend

- 1 Jefferson/Bullitt County Top Ranked Crash Intersections
- Major Roads
- Streets
- Railroad
- Tide V/E Environmental Justice
- Corporate Boundaries
- County Boundaries



TOP RANKED CRASH INTERSECTIONS-KENTUCKY CONNECTING KENTUCKIANA



There are four of the Top 40 High Crash Intersections Near the Proposed Development

REGION'S TOP 40 KENTUCKY (Bullitt Co., Jefferson Co., Oldham Co.) HIGH CRASH INTERSECTIONS (2009-2011)

Intersection	County	2009-2011 Total Crashes within 250' of Intersection	Crash Severity			Severity Index	Crash Rate	ADT Entering Intersection	Frequency	Severity
			With Fatality(ies)	With Reported Injuries	With No Reported Injuries or Fatalities					
... Road) @ KY 1747 (South Hursibourne Parkway)	Jefferson	185	0	2	183	1.022	2,172	77,800	1	63
... rechet Bypass) @ Hikes Lane	Jefferson	95	0	4	91	1.084	1,926	45,050	37	18
... dge Lane) @ Hikes Lane	Jefferson	89	1	1	87	1.146	1,824	44,550	41	8
... rsibourne Parkway) @ Bluegrass Parkway]-64 EB Off-Ramp	Jefferson	125	0	4	121	1.064	1,667	68,500	17	25

Williams, Julia

From: Jennifer McCoy <jmccoy@mhky.com>
Sent: Thursday, September 08, 2016 9:51 AM
To: Williams, Julia
Cc: Harrington, Scott
Subject: Rezoning Case #16ZONE1026
Attachments: Rezoning Letter.docx

To Whom It May Concern,

Please see attached letter regarding the opposition of rezoning in case #16ZONE1026.

Thank you,

Jenny McCoy

Jennifer McCoy

Sam Swope Care Center • The Pillars Assisted Care Center
Masonic Home of Louisville • masonichomesky.com
3503 Moyers Circle, Masonic Home KY 40041
502.897.4907

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September 8, 2016

Julia Williams

444 South 5th Street, Suite 300

Louisville, KY 40202

Re: Rezoning Case #16ZONE1026

Ms. Williams,

I am writing to express my concern regarding the rezoning of case #16ZONE1026. I am a resident of Houston Acres, which connects to the property being discussed. I am requesting that the city deny all waivers and variances, and maintain the current single family residential zoning status for this project.

I have lived in Houston Acres since I was five years old. Since then, my husband and son moved back because we love the neighborhood so much. My parents still live in the neighborhood also, two doors down! We chose Houston Acres because it was so conveniently located to everything, yet is calm and quiet, with little traffic. Several years back, a patio home development was placed adjacent to Houston Acres. The amount of traffic greatly increased with this development, even though the two don't have direct access to one another. I am concerned that adding another adjacent development will once again increase the traffic in our neighborhood.

The amount of traffic on an already congested Taylorsville Road would increase as well. It can be difficult to enter and exit Houston Acres from Taylorsville Road, especially during rush hours. The addition of extra cars attempting to get in and out of the new development would increase the already congested road.

I am also concerned about the potential for increase in crime. The Enclave apartment complex near Houston Acres has experienced two shooting in the last several months. This is very rare for our area of town! The Enclave underwent a renovation project, charges \$900/month, and is still experiencing crime. This shows that no matter how expensive a development is, when there are multi-family dwellings involved, crime can increase. My husband is a police officer, and is also concerned about the potential for increase in crime with the added population. Apartments and condos statistically have a higher crime rate. As a city, we already pay for private policing, along with neighboring neighborhoods. This shouldn't be necessary, but this is how important our neighborhood is to all of us.

All properties adjacent to this property are single family homes, or neighborhoods. Approving of this rezoning has the potential to start a wave a rezonings on Taylorsville Road. This would be highly disturbing to the surrounding neighborhoods, and to the congested Taylorsville Road. If one is approved, I have concern that others would follow.

I would be very disappointed to see all that attracted us to purchase a home in Houston Acres disappear due to one developer infringing on a residential area. This is why I am requesting that all waivers and variances be denied by the city, and that the city maintain the single family zoning status for this project.

Thank you for your time and consideration.

Jenny McCoy

September 1, 2016

Julia Williams
444 S. 5th Street, Suite 300
Louisville, KY 40202

RECEIVED
SEP 08 2016
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Re: Rezoning Case #16ZONE1026

Julia,

My name is Corey Able. I am a near resident to the zone case above. I am taking this opportunity to ask that the City of Louisville deny all waivers and variances and I am requesting that the city maintain the current single family zoning status of this property. The developer is using the waivers and variances to increase density beyond what normal zoning would allow on this project. This type of zoning does not appear to be a common practice in our district. There are several documented cases between federal and state authorities indicating that this type of Spot-Zoning undermines the vision and purpose of the "Cornerstone 2020 Comprehensive Plan."

The developer's "Justification for Change in Zoning" submitted to the city, makes the following claims:

- Community Form: The developer is proposing an increase in density over what is currently permitted in the R-4 zone. The developer believes this is a minimal increase (4-5 units).
 - *I do not believe this density increase is minimal. All of the surrounding homes are zoned as single family residential. If approved, this will result in an almost 100% increase in current density levels.*
- Economic Growth and Sustainability: The developer believes that this project furthers the goal of preserving the existing neighborhood form and states that it is a reinvestment opportunity in this area. They state that no nuisance will be created and adjacent properties will not be negatively affected.
 - *I do not believe this project preserves the existing neighborhood form. This project is quite different from all adjacent properties as well as properties along this section of the Taylorsville Rd corridor. In fact, this project changes a single family residential area into office space and condominiums with no indication that binding elements being used to preserve the character of the neighborhood that is most affected. In addition, the developer has already proven to be a nuisance to the adjacent properties. At least two stop work orders have been placed on the developer by MSD. Each has resulted from the developer ignoring major concerns of the neighboring citizens (landscaping and drainage). The developer cited these concerns in the "Meeting Minutes," provided to the city.*

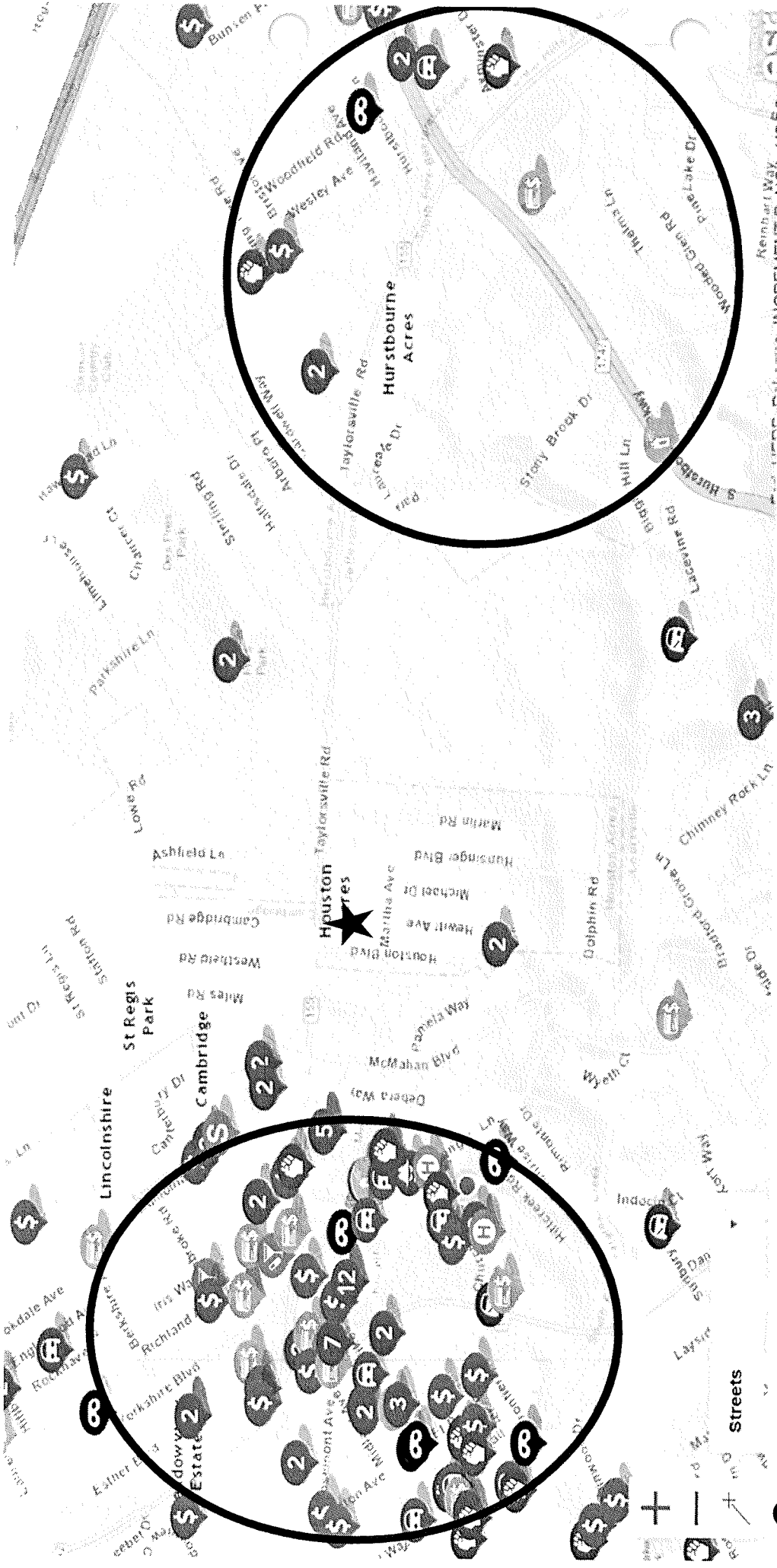
Cornerstone 2020 and the Board of Zoning

- The Cornerstone 2020 Comprehensive Plan: "Is designed to produce more livable, attractive, mobile, efficient and environmentally sensitive communities."
- The Board of Zoning Bylaws: "The purpose of the Board shall be to direct the economic growth and physical development of Louisville Metro and the communities therein, and to guide development in such as manner as to assure the prosperity, health, safety, morals, and general welfare of the county and its communities."
 - *I feel that this project fails to achieve these items. I also believe that these statements represent the foundation of economic growth and development within the City of Louisville.*

Please consider these and other concerns in your decision making,



Corey Able
502-794-3214



Louisville Metro Crime Map
6/1/2016 to 8/19/2016

PUBLIC SAFETY

 Medium Residential & Commercial
 Proposed Development

Developer's Meeting Minutes, June 6, 2016

Easement/ Buffer. Many had concerns over the condominiums being set to far back on the property and they voiced concerns over their proximity to the adjacent property owners at the rear of the property. Mr. Henney explained that the setbacks and buffers were per the code.

Some voiced concerns about the proposed condo units being 2 story and that people could look down on the residents in their back yard. The land planners stated that a buffer/setbacks would provide some screening and that there would be landscaping in this buffer area.

MSD (Storm Water)-Some number of people voiced concerns over drainage. Residents repeatedly claimed that the property has flooding issues. Mr. Omidy explained that there would be a storm water management plan for the project.

At least two stop work orders have been placed on the developer by MSD. Each has resulted from the developer ignoring major concerns of the neighboring citizens (landscaping and drainage).

September 3, 2016

Julia Williams
444 S. 5th Street, Suite 300
Louisville, KY 40202

Re: **Rezoning Case #16ZONE1026**

RECEIVED
SEP 08 2016
PLANNING &
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Julia,

My name is Kristina Able. I am a resident of the City of Houston Acres. I have listed some concerns regarding the proposed development site noted above. I have attended two public meetings with the developer and representatives for the developer regarding citizen concerns. In both meetings, local citizens made it clear to the developer that we were not in support of commercial zoning nor any type of business or office development. Each meeting, I found it unusual how pointed the developer's representatives seemed to be in promoting the idea of the existing structure being zoned in a manner that would allow for retail, office, trade or business ventures.

Louisville.gov problem link [41978](#) under the UDSTAFF review states that, "The site is potentially eligible for the national register which could make it eligible for both Federal and State historic rehabilitation tax credits depending upon use of the project." It also references the addition of condos, stating that these additional structures will maintain the context of the house.

In addition to registry approval, the IRS requirements for the rehabilitation tax credit state that, "The building must be depreciable. That is, it must be used in a trade or business or held for the production of income. It may be used for office, for commercial, industrial or agricultural enterprises, or for rental housing."

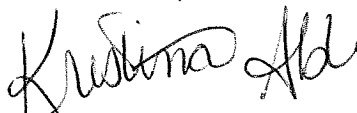
It is my personal opinion that the developer originally purchased this property knowing that a change in zoning would be difficult to achieve. The developer's attorney openly admitted that the normal practice is to rezone during the initial purchase, not after the fact.

I believe that the developer is looking to obtain a tax incentive opportunity and is seeking to rezone the property in a manner that would allow them to pursue a listing with the National Register and then apply for the tax credit. This comes at an unjustified benefit to the property owner and undermines the rights and uses of adjacent property owners. I consider this a potential spot zoning situation.

The developer repeatedly makes statements in their Justification for Zoning Statement about the existing structure, "Preserving form, compatibility with surrounding uses, location around commercial zones, etc." I believe that the developer has been quite misleading in their justification. This location is not within a medium density, commercial or business zone. It is completely surrounded by single family residential homes.

I am requesting that the city deny all waivers and variances and maintain the current single family residential zoning status of proposed development.

Sincerely,



Kristina Able
502-594-4123

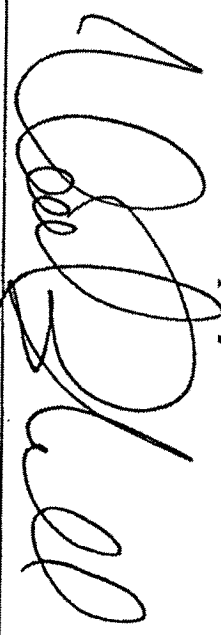
Spot Zoning – Tax Advantages to Property Owner Under National Registry

- The narrowness and unjustified nature of the benefit to the property owner, to the detriment of a general land use plan or public goals.
- This rezoning will provide unjustified special treatment that benefits the property owner and undermines the existing rights and uses of adjacent property owners.
- This vision is not consistent with Cornerstone 2020 as it is completely surrounded by single family residential developments.

Date of Purchase by Developer (March 2016) as R4
Single Family Residential – Rehabilitation Begins

BEFORE ME, the undersigned, a Notary Public, in and for the above-named County and State, this 16th day of March, 2016, personally appeared John W. Waits, Jr., as Member of Teulu Homes, LLC, a Kentucky limited liability company, and acknowledged the execution of the foregoing Certification of Consideration on behalf of said company to be his free and voluntary act and deed.

WITNESS my hand and notarial seal.



My Commission Expires:
March 21, 2023

Keith D. Mull, Notary Public
Resident of Floyd County, Indiana

TAX BILL "IN-CARE-OF" ADDRESS:

4208 Taylorsville Rd
Covington, KY 40220

Zone Application
by Developer
(April 2016)

*Concerned citizens
make clear that
zoning for
commercial or
business related
properties will not
be supported.*

Armin Omidy, PLA
Gresham Smith and Partners
101 S. 5th Street #1400
Louisville, KY 40202
Armin_omidy@gspnet.com

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APR 04 2016
PLANNING &
DESIGN SERVICES

Letter of Explanation

The project located at 4208 Taylorsville Road, Louisville, Kentucky 40220 has two primary use components. The site is 1.90 acres, is zoned R4 and is in the Neighborhood Form District, and is currently vacant with three structures on site. A 2,400SF residential structure and two garage structures are currently on site and the proposed plan would maintain the residential structure for office/retail use, but would remove the existing garages to allow for site circulation.

An existing 2,400SF house on the property will be converted into office/retail and will need to be rezoned to C-1 as such. The existing drive is being expanded to serve the development and has therefore shown as being widened. The drive was split into incoming and outgoing traffic for a portion around three existing trees that the owner intends to preserve. A waiver from 10.2.3 and 10.2.4.B from the LDC for the landscape buffer area between the proposed C-1 and R5A areas to allow parking.

The remainder of the site will be multi-family residential with 16 dwelling units and require R5A zoning. The units are two stories and have a garage for each unit (as shown on plan). The open space requirement is being met through the wooded portion of the site that will be preserved north of the residential units and west of the proposed office/retail. A variance will be required for the front yard requirement as it abuts the proposed C-1.

Formal Filing by Developer (August 2016)

Concerned citizens make clear for a 2nd time that zoning for commercial or business type properties will not be supported. It becomes apparent that the developer needs commercial or business related zoning.

JUSTIFICATION STATEMENT FOR CHANGE IN ZONING

TAYLOR COVE

R-4/SNFD RESIDENTIAL TO R-5A and OR-1/SNFD ZONE
4208 Taylorsville Road, Louisville, Kentucky

July 29, 20016

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AUG 01 2016
PLANNING &
DESIGN SERVICES

Permit Detail



Louisville-Jefferson County Metro Government

Department of Codes and Regulations

Department of Planning and Design Services
444 S. 5th Street
Louisville, KY 40202
502.574.6230
<http://www.louisvilleky.gov/PlanningDesign/>

Zoning - Land Use Application

Problem Link	Review Type	Assign To	Comments Due Date	Start Date	Complete Date	Status
418978	UDSTAFF		04/27/2016	04/27/2016	04/27/2016	COMPLETED

Project Number	Comment	Status	Resolved Date	Resolved By
16ZONE1026	The site is potentially eligible for the National Register. The National Register properties are eligible for both Federal and State historic rehabilitation tax credit depending upon use and proposed project. Proposed new construction is on the rear of the lot behind the 1907 residence and maintains the context of the house on the front portion of the lot.	Resolved		



National Park Service U.S. Department of the Interior

Technical Preservation Services

9

IRS Requirements

To be eligible for the 20% rehabilitation tax credit, a project must also meet basic IRS requirements:

- » The building must be *depreciable*. That is, it must be used in a trade or business or held for the production of income. It may be used for offices, for commercial, industrial or agricultural enterprises, or for rental housing. It may not serve exclusively as the owner's private residence.

16

10% Rehabilitation Tax Credit

The 10% rehabilitation tax credit is available for the rehabilitation of *non-historic buildings* placed in service before 1936.

As with the 20% rehabilitation tax credit, the 10% credit applies only to buildings—not to ships, bridges or other structures. The rehabilitation must be substantial, exceeding either \$5,000 or the adjusted basis of the property, whichever is greater. And the property must be *depreciable*.

The 10% credit applies only to buildings rehabilitated for non-residential uses. Rental housing would thus

Williams, Julia

From: Bryan Paris <bryanc.paris@gmail.com>
Sent: Tuesday, September 06, 2016 10:07 PM
To: Harrington, Scott; Williams, Julia
Subject: Regarding 16ZONE2016
Attachments: Re_16ZONE2016_Paris.docx; Re_16ZONE2016_Cornerstone2020.pptx

Ms. Williams and Mr. Harrington,

Please see attached letter and associated attachments regarding a proposed development near our community. I am concerned about the proposed development and ask that you consider the information in the letter. I would like to request that all waivers and variances be denied. If you have any questions regarding my letter, please do not hesitate to contact me.

Regards,

Bryan C. Paris
City of Houston Acres Resident
4218 Dolphin Rd, 40220

September 2, 2016

Julia Williams, City Planner
Planning and Design Services, Louisville Metro
444 South 5th Street, Suite 300
Louisville, KY 40202

Re: Rezoning Case #16ZONE2016

Dear Ms. Williams,

My name is Bryan Paris and I am a resident of the City of Houston Acres. I am writing you in regards to a proposed development site that is located in proximity to our neighborhood. I've been made aware of this project through our city's monthly meetings and have engaged in conversation regarding concerns of those that are being affected by this project. I am not going to pretend to be an expert in city planning, site development, or zoning. As such, my views and opinions presented in this letter will not be technical in nature, but will in fact be based on logic and will hold consideration for the protection of my community and the communities around us.

I strongly believe that the proposed development site does not conform to the City of Louisville's master plan, specifically, Cornerstone 2020. The developer has claimed that the proposed development will conform nicely to the area around it, and benefit the larger community. Instead, the re-zoning application that has been submitted fits the exact definition of spot zoning. I am aware that spot zoning can sometimes be beneficial to a community if the developments within can be shown to bring positive influences. However, this particular case has shown to provide no benefit to the surrounding communities. Instead, the proposed development will increase the housing and population density significantly in an area that already contains substantial traffic congestion. In fact, the intersection located near this site (Browns Ln/Taylorville Rd) is ranked as the 37th worst intersection in the city of Louisville. Additionally, two other nearby intersections (Hikes Ln/Breckenridge Ln & Taylorville Rd/South Hurstbourne Pky) are also ranked in the top 40 worst intersections.

The developer has repeatedly stated that they will work with the surrounding community and try to address concerns to the best of their ability. I have not seen any willingness to work with the communities and feel that the developer has purposefully misled groups that have expressed concern with the proposal. This approach is in complete opposition to the fundamentals of Cornerstone 2020. As I understand it, there are many technical reasons why this proposed development should not be approved as submitted. While I don't pretend to fully understand those reasons in their entirety, I do know that the proposed development does not conform to the design or motif of the single family housing that surrounds it. The proposed development does not preserve green space or landscaping which is a key component that seems to be very important to many of those that live in the surrounding communities. This proposal also offers significant increases in traffic and population density for the area, resulting in additional safety concerns in an already busy roadway segment.

As such, I would like to request that all waivers and variances be denied and that the city retain the single family zoning status. Thank you for your consideration.

Regards,

Bryan C. Paris
Resident of the City of Houston Acres
4218 Dolphin Rd, Louisville, KY 40220

CORNERSTONE 2020

KRS 100 Comprehensive Plan:

- The Plan should be based upon research and analysis of the community including a forecast of anticipated necessary actions by the community to increase the quality of life of its current and future population through the encouragement of economic development and the nature, extent, adequacy and the needs of the community for the existing land and building use, transportation, and community facilities in terms of their general location, character and extent.

Guideline 1: Community Form

- Use existing and emerging forms or patterns of development and local plans developed in accordance with the Comprehensive Plan to guide land use decisions and design of development.

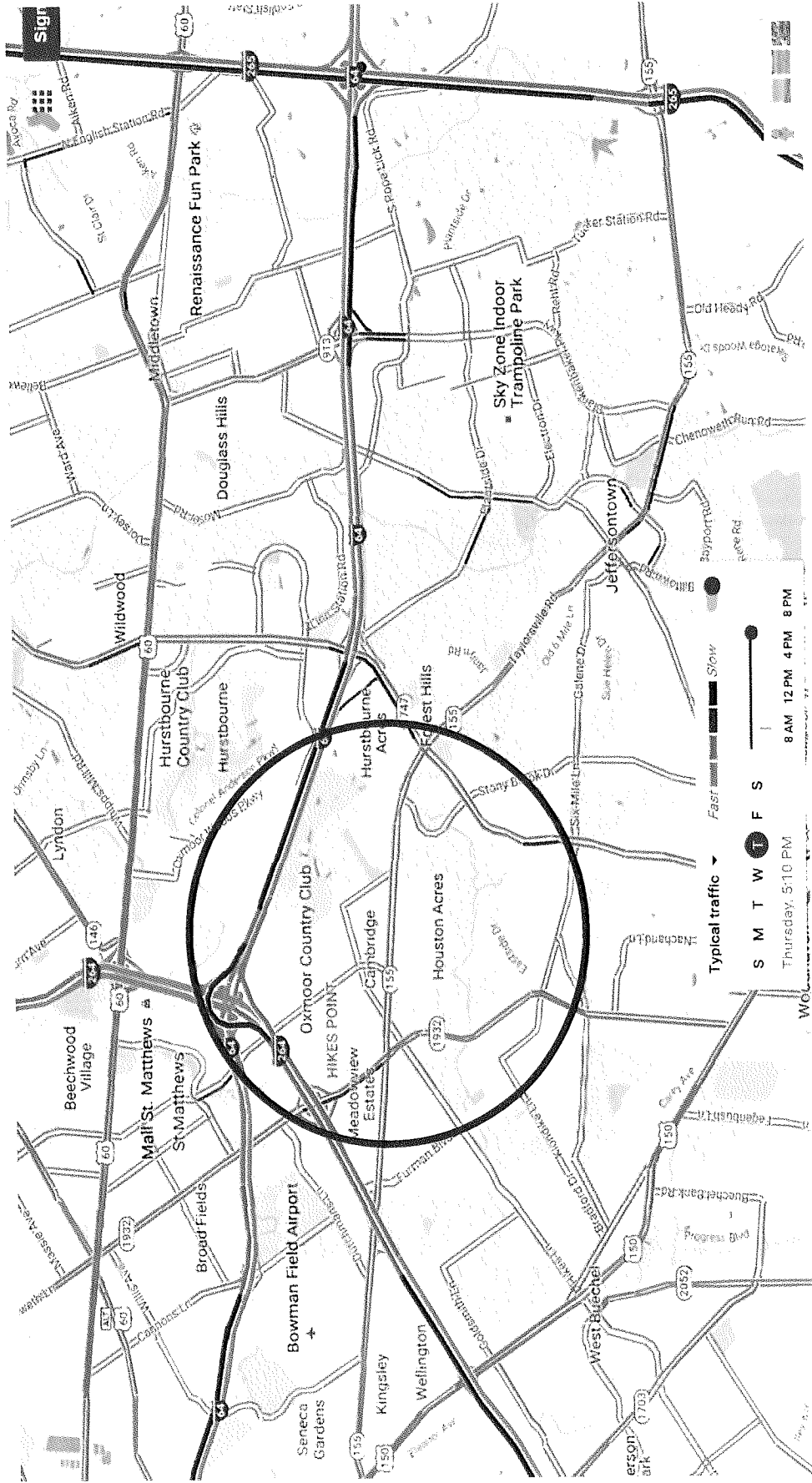
Guideline 8: Transportation Facility Design

- Design transportation facilities that are safe and efficient, that minimize adverse impacts upon the community and that accommodate, where possible, all modes of travel.

Guideline 13: Landscape Character

- Protect and enhance landscape character.

Typical Traffic Congestion (Google Map)



CORNERSTONE 2020

KRS 100 Comprehensive Plan:

- The Plan should be based upon research and analysis of the community including a forecast of anticipated necessary actions by the community to increase the quality of life of its current and future population through the encouragement of economic development and the nature, extent, adequacy and the needs of the community for the existing land and building use, transportation, and community facilities in terms of their general location, character and extent.

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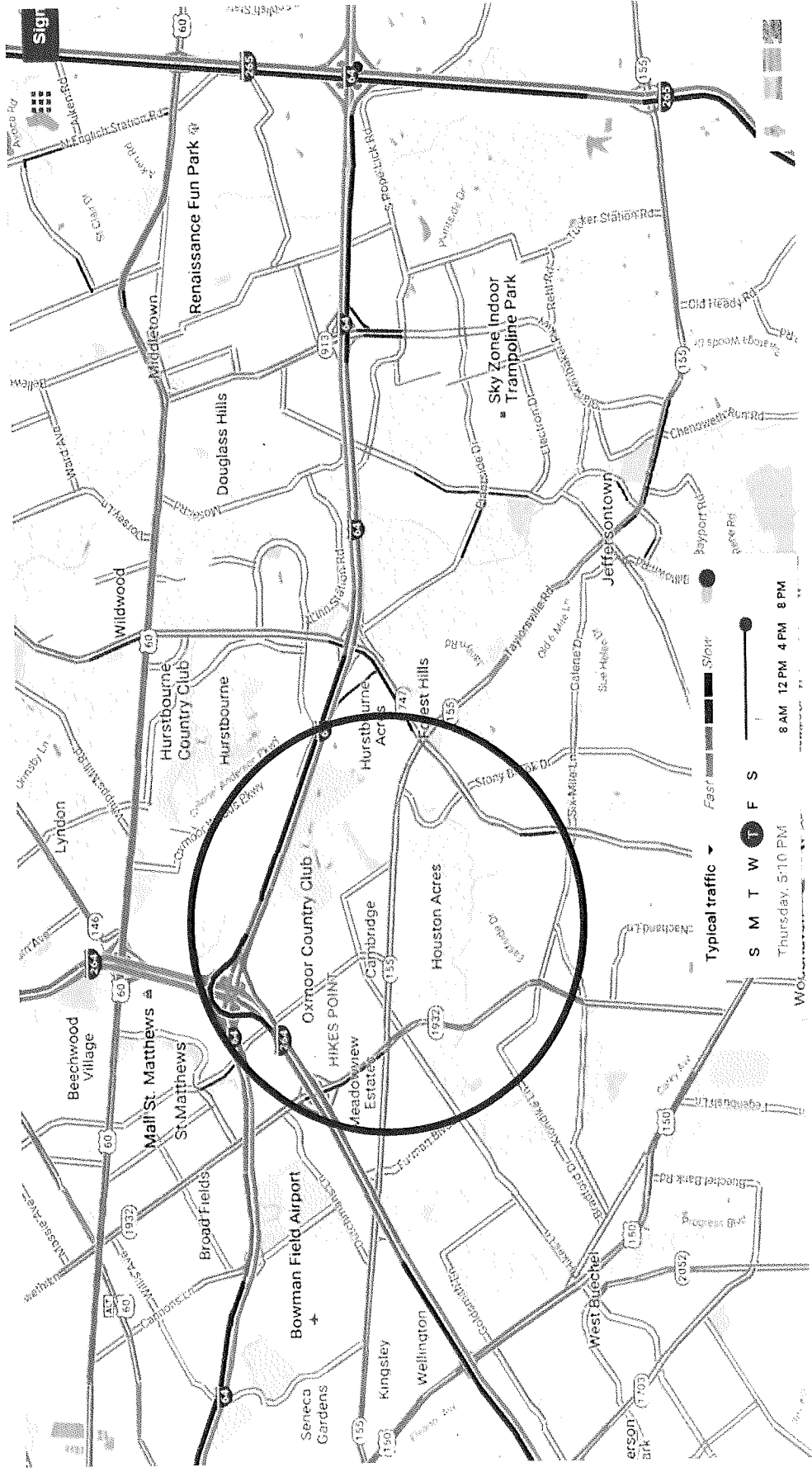
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Guideline 13: Landscape Character

- Protect and enhance landscape character.

Typical Traffic Congestion (Google Map)



Williams, Julia

From: Atkinson, Kimberly <KimberlyAtkinson@KentuckyOneHealth.org>
Sent: Tuesday, September 06, 2016 1:57 PM
To: Williams, Julia
Subject: 16ZONE1026
Attachments: 16Zone1026.pdf

Ms. Williams,

My name is Kimberly Atkinson. My family and I live in Houston Acres, near the proposed development at 4208 Taylorsville Rd (16ZONE1026). I respectfully request that the City of Louisville deny all requests for waivers and variances and maintain the current single family zoning status of this property. Please see the attached letter for details regarding my opposition to this re-zoning request by the property owner and for inclusion in the file to be reviewed by the City Council members.

Sincerely,

Kimberly N Atkinson

This email and attachments contain information that may be confidential or privileged. If you are not the intended recipient, notify the sender at once and delete this message completely from your information system. Further use, disclosure, or copying of information contained in this email is not authorized, and any such action should not be construed as a waiver of privilege or other confidentiality protections.

Julia Williams
444 S. 5th Street, Suite 300
Louisville, KY 40202

September 1, 2016

Ms. Williams,

My name is Kimberly Atkinson. My family and I live in Houston Acres, near the proposed development at 4208 Taylorsville Rd (16ZONE1026). I respectfully request that the City of Louisville deny all requests for waivers and variances and maintain the current single family zoning status of this property.

Spot Zoning is defined as carving out a small parcel of land for:

- (1) A use classification different from that of the surrounding area
- (2) For the benefit of the owner of such property and to the detriment of other property owners.

I have attended 2 meetings where the developer has presented justification of the proposed plan. In each meeting, they stated that the ambiance and character of the surrounding community would be preserved. In addition to the construction of office space and multiple two story medium density structures, the waivers and variances requested by the developer are designed to reduce green space between structures, decrease setbacks to adjacent homes, and allow for shared drive access between differing zones. These particular items allow the developer to increase population density beyond what is normal in our district and will be a detriment to the aesthetic of the surrounding communities.

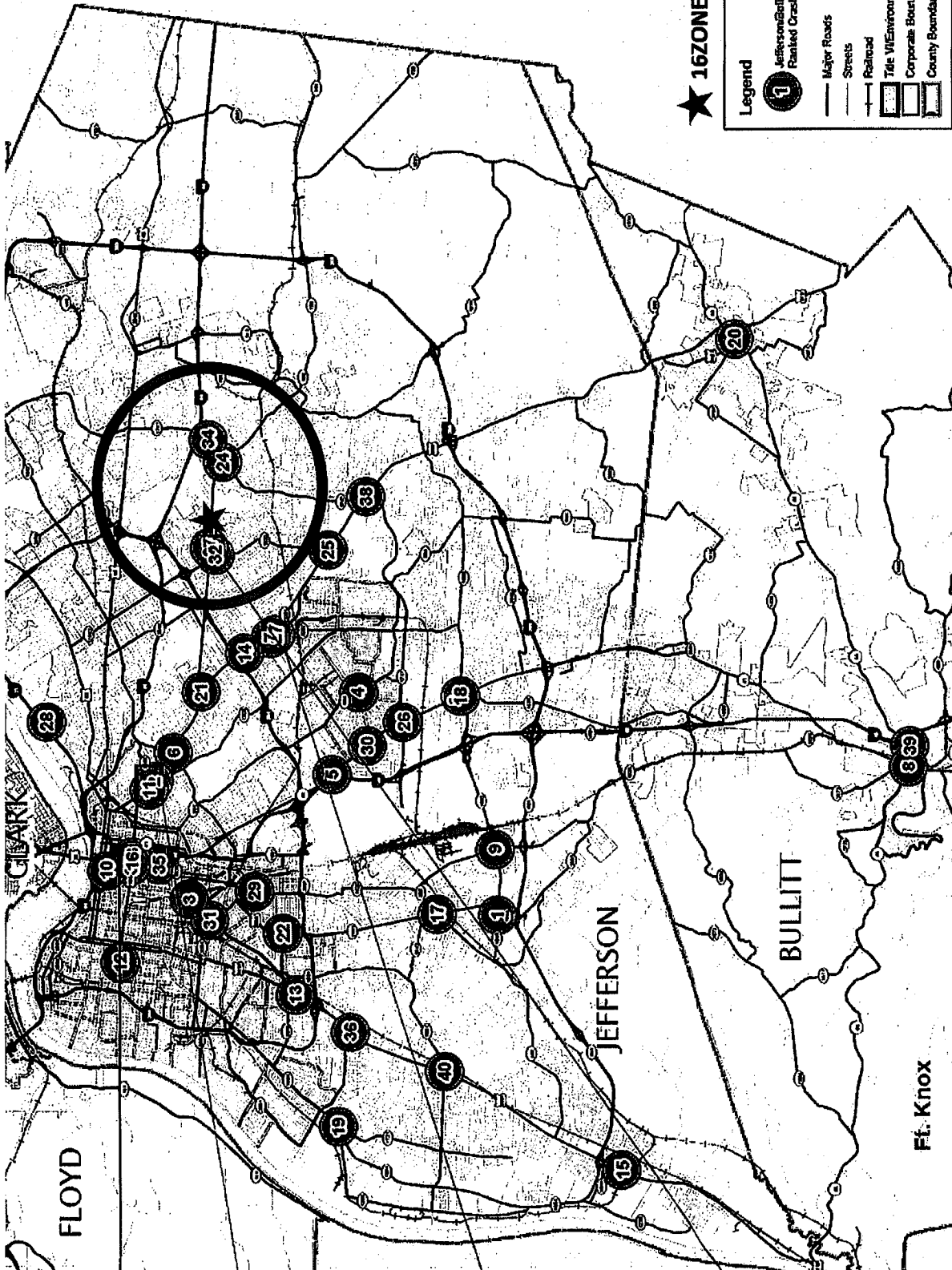
I am also proposing that the re-zoning of this address is of specific benefit to the developer. The developer may be eligible for a tax-credit if the existing structure on the property is rehabilitated, placed on the National Register of Historic Homes, and is held for the production of income. All justification listed in the developer's zoning application along with the current rehabilitation status and style of the proposed condos suggest this benefit as an underlying result of the developer's long term strategy.

4208 Taylorsville Rd sits approximately 100 yards from the intersection of Houston and Taylorsville Road and less than 1 mile from the 37th most dangerous intersection in the region (Hikes Ln/Taylorsville Rd) according to Connecting Kentuckiana. I have outlined the aesthetic detriment to the surrounding area, but I would also like to propose that the increased population density will also be a safety detriment due to the increase in traffic immediately surrounding the address.

In summary, this proposed re-zoning is by definition spot-zoning as a small area of land is being parceled out for a use classification different from the surrounding area, will be of benefit to the owner of that property in the form of a tax-credit and will be a detriment to other, nearby property owners in change in aesthetic, population-density, and safety.

Thank you for your time,

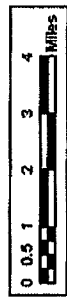
Kimberly N Atkinson
4214 Hewitt Ave
Louisville, KY 40220
281-460-4158 (mobile)



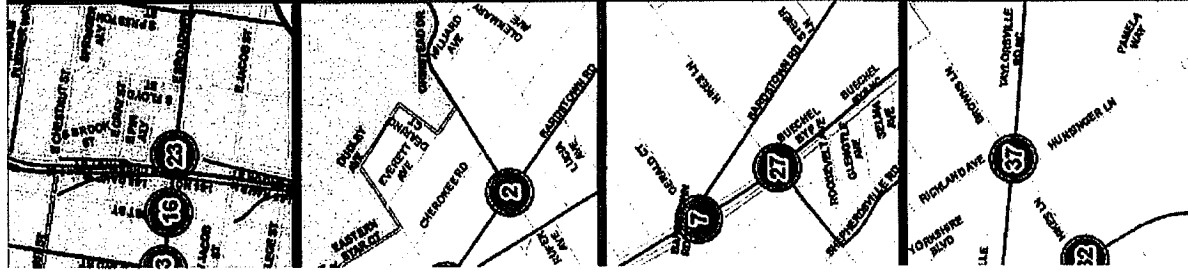
★ 16ZONE102€

Legend

- Jefferson/Bullitt County Top Ranked Crash Intersections
- Major Roads
- Streets
- Railroad
- Title VI/Environmental Justice
- Corporate Boundaries
- County Boundaries



**TOP RANKED CRASH INTERSECTIONS—KENTUCKY
CONNECTING KENTUCKIANA**



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There are four of the Top 40 High Crash Intersections Near the Proposed Development

REGION'S TOP 40 KENTUCKY (Bullitt Co., Jefferson Co., Oldham Co.) HIGH CRASH INTERSECTIONS (2009-2011)

Intersection	County	2009-2011 Total Crashes within 250' of Intersection			Crash Severity			Severity Index	Crash Rate	ADT - Entering Intersection	Criteria Rank	
		With Fatalities	With Reported Injuries	With No Reported Injuries or Fatalities	With Reported Injuries	With Reported Injuries or Fatalities	Frequency				Severity	
South Hurstbourne Parkway @ KY 1747	Jefferson	0	2	183	0	2	183	2.172	77,800	1	63	
Jechel Bypass @ Hikes Lane	Jefferson	0	4	91	0	4	91	1.926	45,050	37	18	
Hikes Lane @ Hikes Lane	Jefferson	1	1	87	1	1	87	1.824	44,550	41	8	
Bluegrass Parkway @ Bluegrass Parkway/1-64 EB Off-Ramp	Jefferson	0	4	121	0	4	121	1.667	68,500	17	25	

Williams, Julia

From: Melody Carter <sugarbelle7@gmail.com>
Sent: Friday, September 02, 2016 7:06 PM
To: Williams, Julia
Subject: 16 ZONE 1026

Ms. Williams,

I live very close to the area at 4208 Taylorsville Road which the zoning is proposed to be changed. As I understand it, the proposed condominium units would be built in what is currently a green space where the children in our neighborhood play.

I feel that would have a negative impact on the community and change the character of Houston Acres. Of course, there is also the consideration of changing the water drainage in the area since there will not be as much ground for it to seep into.

I would appreciate the opportunity to attend the Planning Commission meeting if it were to be located closer to the property.

Thank you for your time and consideration.

Have a blessed day!
Melody Carter
3012 Michael Drive

Williams, Julia

From: Harrington, Scott
Sent: Tuesday, July 05, 2016 2:15 PM
To: MetroCall; Kirchdorfer, Robert
Cc: Wilcher, Michael; Williams, Julia
Subject: RE: Trees being cut down at 4208 Taylorsville Road -- 4632947

Thank you!

Director Kirchdorfer – I'm not sure when MSD issued the stop work order, but neighbors tell me that when MSD left yesterday, crews began cutting down trees around 8PM or 9PM last night.

Fred Hatmaker is the neighbor who say everything and he can be reached at 649-4606.

When has it been okay to file a rezoning application and then begin cutting down trees and hauling in 300 tons of dirt???? Residents of Houston Acres are reporting drainage problems do to all this work. Since this review is in the hands of Planning & Design, can't they issue a no work order too until the proper permits, approvals and re-zoning process are complete? Our office is getting a lot of complaints.

Thank you!



Scott W. Harrington | Legislative Aide
Office of Councilman Kevin J. Kramer
Louisville Metro Council | District 11

phone: 502.574.3456
fax: 502.574.4501
email: scott.harrington@louisvilleky.gov

City Hall
601 West Jefferson Street
Louisville, Kentucky 40202

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Thank you for the opportunity to serve!

From: MetroCall
Sent: Tuesday, July 05, 2016 2:09 PM
To: Harrington, Scott
Cc: MetroCall
Subject: RE: Trees being cut down at 4208 Taylorsville Road -- 4632947

Good afternoon,

Thank you for contacting MetroCall 311. We have submitted this concern under the service request number listed in the subject line above. Have a good afternoon.

MetroCall 311
311 or 574-5000
MetroCall@LouisvilleKy.gov
www.LouisvilleKy.gov/MetroCall

Please reply to this email if you would like for your contact information to remain confidential. Thank you.

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From: Harrington, Scott
Sent: Tuesday, July 05, 2016 1:33 PM
To: MetroCall; Kirchdorfer, Robert; Long, Adrianna M
Cc: Williams, Julia; Wilcher, Michael
Subject: Trees being cut down at 4208 Taylorsville Road

MetroCall – would you please issue a new SR# to have code & regulations inspect 4208 Taylorsville Road for cutting down trees?

The applicant has filed to have this parcel rezoned, so it is going through the pre-app process. In the meantime, there was approximately 300 TONS of dirt dropped on the property and MSD issued a STOP WORK ORDER yesterday. We need to know which trees and how many were removed.

Director Kirchdorfer – who is responsible for inspecting this?

Thank you!

Scott



Scott W. Harrington | Legislative Aide
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Louisville Metro Council | District 11

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City Hall
601 West Jefferson Street
Louisville, Kentucky 40202

Thank you for the opportunity to serve!

Kevin Kramer
601 West Jefferson Street
Louisville, KY 40202

Rec'd
6-20-16
Send to case manager
Scott Harrington

Dear Councilman,

This correspondence is in reference to the proposed zoning change for 4208 Taylorsville Road, 40220.

We attended the June 6th neighborhood meeting with the developer at the McMahan Fire Station and left there with a sense that the zoning change will occur, if not this time eventually. So, why not now, and why not in a way that compliments the area.

The provided design is good in that the existing house and side green space are retained and are the visual from Taylorsville Road. The house is planned for commercial use with parking in the rear, not visible from the road. The design then appears to force two, eight two-bedroom units with garage, parking, dumpster and green buffer spaces into the remaining small area. Also, the buildings appear to be 100% vinyl and a plain rectangular design. It would seem a fair and expected assumption that the final design will meet at least the minimum of all code requirements. It is also a fair assumption that the proposed design is to make the maximum profit possible. All of that is understood, but must it be a total gain for the developer at the cost of the neighborhood?

Our concerns for the neighboring area are:

1. Potential density – 16 to 64 potential new residents with added noise and traffic.
2. Lower quality exteriors – Vinyl as opposed to brick.
3. Dumpster Receptacle – Opposed to curbside controlling amassing trash and animal attraction.
4. Potential for vacancies – Due to significant existing multi-housing within a 5-mile radius.
5. Potential for increase in # of rental units – Due to unrealistic \$200,000 per unit sale price.
6. Neglect of the open green space and green buffers – If majority owners are individual landlords or one-unit owners.
7. Rental units as opposed to deed restrictions of ownership w/o sub-leasing.

Hopefully, an agreeable compromise can be reached that addresses the concerns of the neighborhood and allows the developer to make profit. We look forward to participating in this process and are asking for your support on our behalf.

Sincerely,

Tom Allen
Marcia Allen

Tom & Marcia Allen, 3139 Marlin Rd, 40220

June 14, 2016