



April 16, 2018

Louisville Metro Planning Commission
444 South Fifth Street, Suite 300
Louisville, KY 40202

Attn: Joel Dock

Subject: 1576 Cherokee Road
Case Number 17ZONE1031

Dear members of the Planning Commission,

The Deer Park Neighborhood Association would like to go on record as opposing the requests for zoning change and height variance for the property at 1576 Cherokee Road.

As our sister organization the Bonnycastle Homestead Association has pointed out, their Neighborhood Plan calls for the maintenance of the character of the residential and commercial aspects of that neighborhood. Further, it recognizes and preserves the distinct characteristics of the diverse sub-neighborhoods in Bonnycastle and it ensures that the development of Cherokee Park continues and that the park remains open, clean and safe. The Neighborhood Plan also insists upon monitoring of strict code enforcement.

For these reasons The Bonnycastle Homestead Association has made known to us that it opposes any change in zoning, from R7 to R8a or other designation that would increase the density beyond the current R7 designation and that it further opposes any height variance within the existing zoning for 1576 Cherokee Rd.

We are hopeful that the Commission shares in our decision to deny these requests.

Thank you for your time and attention.

Submitted by The Deer Park Neighborhood Association

Bonnycastle Homestead Association, Inc.

P.O. BOX 5165

LOUISVILLE, KENTUCKY 40205

Regular Meeting of December 12, 2017

7:00 P.M.

BOARD MEETING AGENDA

PLEASE SIGN IN (KINDLY PRINT YOUR NAMES)

1. Call to order and welcome.
2. Call for additions and changes to Agenda, and Adoption of Agenda. **Need motion and second.**
3. 5th District LMPD Report/ Major Aubrey Gregory
4. Metro Council Representative's Report/ Mr. Coan or Jasmine Masterson, Legislative Aide
5. Minutes of November 2017 regular meeting. **Need motion and second to accept minutes as submitted or corrected.**
6. Treasurer's Report. **Need motion and second to accept report as submitted or corrected.**
7. Committee Reports:

Communications Committee/Maria Doyle, Eileen Peterson

Membership Committee /Oliver Ardery, Norma Bisig, Tiffany Fabing

Tree Committee Report/ Alison Cromer, Maria Doyle, Eileen Peterson, Jay and Louise Harris, Rob Riley

Special Events Committee/Norma Bisig, Alison Cromer, Rob Riley

Neighborhood Plan/Conditional Use/Land Use Committee/ Tiffany Fabing

See attached proposal.

Neighborhood Outreach Committee/Jay Harris

Neighborhood Plan/Conditional Use/Land Use Committee

A special meeting of the neighborhood plan committee was called by the President for December 4, 2017. The meeting was attended by many of the Board Members as well as some concerned neighborhood residents. Following a round of information gathering and discussion, and given the information released to date about the size and scale of the proposed Building at 1576 Cherokee Rd., the Committee agreed to recommend, to the full Bonnycastle Board the following Resolution:

Because of the core elements of the 2002 Bonnycastle Neighborhood Plan, including that we maintain the character of the residential and commercial aspects of the neighborhood, that we recognize and preserve the distinct characteristics of the diverse sub neighborhoods in Bonnycastle, that we ensure the development of Cherokee Park continues and it remains open, clean and safe, and that we insist on, and monitor strict code enforcement, The Bonnycastle Homestead Association opposes any change in zoning, from R7 to R8a or other designation that would increase the density beyond the current R7 designation and we further oppose any height variance within the existing zoning for 1576 Cherokee Rd.

Belinda May

12-19-17

From: Maria Doyle <thedoyles@hotmail.com>
Sent: Wednesday, December 20, 2017 12:42 PM
To: Belinda May
Subject: Fw: BHA Resolution 12-12-17 to Joel P. Dock, Planner II, Planning & Design Services, Department of Develop Louisville

From: Dock, Joel <Joel.Dock@louisvilleky.gov>
Sent: Tuesday, December 19, 2017 9:02 AM
To: stan whetzel
Cc: rriley@yahoo.com; thedoyles@hotmail.com; cbisigjr@aol.com; jaydh@bellsouth.net; tiffanyfabing@gmail.com; alison.cromer@fisglobal.com; alison.cromer@sungard.com; eileenpeterson0405@gmail.com; ekwest00@gmail.com; oliver.ardery@gmail.com
Subject: RE: BHA Resolution 12-12-17 to Joel P. Dock, Planner II, Planning & Design Services, Department of Develop Louisville

Received. Thank you!

Joel P. Dock
Planner II
Planning & Design Services
Department of Develop Louisville
LOUISVILLE FORWARD
444 South Fifth Street, Suite 300
Louisville, KY 40202
502-574-5860
<https://louisvilleky.gov/government/planning-design>



**DEVELOP
LOUISVILLE**
LOUISVILLE FORWARD



From: stan whetzel [mailto:sww192323@aol.com]
Sent: Monday, December 18, 2017 4:02 PM
To: Dock, Joel
Cc: sww192323@aol.com; rriley@yahoo.com; thedoyles@hotmail.com; cbisigjr@aol.com; jaydh@bellsouth.net; tiffanyfabing@gmail.com; alison.cromer@fisglobal.com; alison.cromer@sungard.com; eileenpeterson0405@gmail.com;

ekwest00@gmail.com; oliver.ardery@gmail.com; SWW192323@aol.com

Subject: BHA Resolution 12-12-17 to Joel P. Dock, Planner II, Planning & Design Services, Department of Develop
Louisville

Mr. Dock: Per our conversation today, I am attaching for your file the BHA board of directors resolution passed December 12, 2017 expressing the BHA's opposition to the proposed upzoning of 1576 Cherokee Road from R7 to R8a, etc., and height variances exceeding the present zoning for that property. Please let me know if you have any questions about it. Thanks. Stan Whetzel, BHA President

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FILE # 17ZONE1031

CASE MANAGER: Joel P Dock, Planner II,
Joel.Dock@louisvilleky.gov

Planning & Design at 502-574-6230 (opens at 8AM) or Mr. Joel Dock at 502-574-5860.

APRIL 16, 2018

RESOLUTION OF THE BOARD OF TRUSTEES OF CHEROKEE TRIANGLE ASSOCIATION.

RE: PROPOSED ZONING CHANGE FOR 1576 CHEROKEE ROAD, LOUISVILLE KY.

THE BOARD OF TRUSTEES OF THE CHEROKEE TRIANGLE ASSOCIATION AT ITS REGULARLY SCHEDULED MEETING ON APRIL 16, 2018 APPROVED BY UNANIMOUS CONSENT THE FOLLOWING RESOLUTION.

THE CHEROKEE TRIANGLE ASSOCIATION SUPPORTS THE FOLLOWING RESOLUTION OF THE BONNYCASTLE HOMESTEAD ASSOCIATION.

WE ALSO HIGHLIGHT CERTAIN CONSIDERATIONS FOR THE PLANNING & DESIGN BOARD BY SUPPORTING THIS RESOLUTION. WE ASK THAT YOU RESPECT THESE ISSUES IN THE FORMATION OF YOUR DECISION.

1. THE CURRENT BONNYCASTLE NEIGHBORHOOD PLAN ALLOWS FOR REDEVELOPMENT OF THE PROPERTY WITHIN THE EXISTING R7 ZONING.
2. INCREASING THE ZONING TO R8A WOULD CREATE A NEW AND UNNECESSARY PRECEDENT FOR THE ENTIRE NEIGHBORHOOD. IT WOULD ALLOW FOR MUCH HIGHER RISE STRUCTURES INCLUDING STRUCTURES BORDERING CHEROKEE PARK THEREBY SEGREGATING THE NEIGHBORHOOD FROM THE PARK ONLY TO THE BENEFIT OF A FEW INDIVIDUALS.

RESOLUTION OF THE BONNYCASTLE HOMESTEAD ASSOCIATION:

"BECAUSE OF THE CORE ELEMENTS OF THE 2002 BONNYCASTLE NEIGHBORHOOD PLAN, INCLUDING THAT WE MAINTAIN THE CHARACTER OF THE RESIDENTIAL AND COMMERCIAL ASPECTS OF THE NEIGHBORHOOD, THAT WE RECOGNIZE AND PRESERVE THE DISTINCT CHARACTERISTICS OF THE DIVERSE SUB NEIGHBORHOODS IN BONNYCASTLE, THAT WE ENSURE THE DEVELOPMENT OF CHEROKEE PARK CONTINUES AND IT REMAINS OPEN, CLEAN AND SAFE, AND THAT WE INSIST ON, AND MONITOR STRICT CODE ENFORCEMENT, THE BONNYCASTLE HOMESTEAD ASSOCIATION OPPOSES ANY CHANGE IN ZONING, FROM R7 TO R8A OR OTHER DESIGNATION THAT WOULD INCREASE THE DENSITY BEYOND THE CURRENT R7 DESIGNATION AND WE FURTHER OPPOSE ANY HEIGHT VARIANCE WITHIN THE EXISTING ZONING FOR 1576 CHEROKEE ROAD."

THANK YOU FOR YOUR CONSIDERATION.

CHEROKEE TRIANGLE ASSOCIATION

Contact Information: Cherokee Triangle Association, P.O. Box 4306, Louisville KY 40204,
Phone: 502-459-0256. Email: Cherokeetriangle@bellsouth.net, Mark Thompson, Secretary.

Dock, Joel

From: Mary Gwen Wheeler <mgwenwheeler@gmail.com>
Sent: Wednesday, April 18, 2018 4:38 PM
To: Dock, Joel
Subject: Support letter for Planning Commission Case No. 17Zone1031 - "Cherokee Springs"

Joel, please forward this letter of support to the members of the Planning Commission and enter it into the official record for the case. Thank you very much.

Mary Gwen Wheeler

Vince Jarboe, Chair

The Members of the Louisville Metro Planning Commission

c/o Joel Dock, Planner II

444 South Fifth Street, 3rd Floor

Louisville, Kentucky 40202

RE: Planning Commission Case No. 17, Zone1031 - "Cherokee Springs"

Dear Chairman Jarboe and

Members of the Louisville Metro Planning Commission:

I am writing to add my support for the proposed condominium building at 1576 Cherokee Road known as "Cherokee Springs" located across from Cherokee Park.

Louisville is known for its neighborhoods and I believe this new building enhances the area while maintaining the historical nature so many of us have come to love about the Highlands. As an avid Cherokee Park user, I also happen to be a "neighbor" since my property adjoins the park, so I know firsthand how important it is for the new development to integrate well with the surrounding neighborhood.

The developers are thoughtful residents of our city; they want to add value to our community. This building could be the next Highlands centerpiece and will certainly complement other known buildings

in the area while adding to our housing options for those who want to live close to a park and be part of a great neighborhood.

I urge you to support this development – a new jewel in our urban core. I appreciate your consideration and thank you for your time regarding this matter.

Sincerely,

Mary Gwen Wheeler

1012 Alta Circle

Louisville, KY 40205

Glenn Price
Member
502.779.8511 (t)
502.581.1087 (f)
gaprice@fbtlaw.com

April 12, 2018

Hon. Vince Jarboe, Chair
The Members of the Louisville Metro Planning Commission
c/o Joel Dock, Planner II
Louisville Division of Planning and Design Services
444 South Fifth Street, 3rd Floor
Louisville, Kentucky 40202

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Re: Case No. 17ZONE1031
1576 Cherokee Road
W. Earl Reed III, Applicant
Response to April 10, 2018 Letter of Randall A. Strobo

Dear Mr. Chairman and Members of the Commission:

We are attorneys for the Applicant, W. Earl Reed III.

The Applicant respectfully responds to Mr. Strobo's April 10, 2018 letter (the "Strobo letter") to the Planning Commission, as set forth below.¹

I have summarized the reasons in Mr. Strobo's letter that form the basis of the opposition. The summary of Mr. Strobo's arguments are in **bold**, followed by the Applicant's responses, each of which is indicated by an arrow.

Much of Mr. Strobo's letter makes reference to the August 3, 2017 Preliminary Staff Report. This Preliminary Staff Report was revised on January 25, 2018 at LD&T. Mr. Strobo makes no mention of the January 25, 2018 Staff Report. Moreover, the August 3, 2017 Preliminary Staff Report was prepared prior to the time the Applicant *reduced* the proposal from 100 feet and 7 stories to 76-feet in height and 6-stories.

Here, in sequence, are the arguments contained in the Strobo letter in **bold**, together with the Applicant's responses.

1. The Neighbors are not opposed to redeveloping this parcel, but are opposed

¹ Mr. Strobo represents three (3) neighbors: Ed Henson, Tom Cooper and Kevin Waldron.

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to a development with this scale, height and bulk.

- The proposed building at 1576 Cherokee Road (the “Subject Site”) is no wider on the lot than is the present 4-plex, which has a 10-foot side yard adjacent to 1572 Cherokee Road and a 14-foot side yard adjacent to 1572 Cherokee Road.
- The proposed height, at 76-feet, is only 2-1/2 stories taller than the roofline of both the single-family residence at 1572 Cherokee Road and the Bonnycastle Condominium building at 1578 Cherokee Road.
- The proposed building is not significantly closer to Cherokee Road than the present 4-plex on-site. It will be 9-feet closer to the street; the front of the building will remain 15-feet behind the front of the adjacent single-family house at 1572 Cherokee Road. **All building setbacks are within the setback range established for both the R-7 and R-8A zones in the Traditional Neighborhood Form District.**

2. More than one hundred forty (140) Bonnycastle Neighborhood residents have signed petitions to oppose the applications.

- It is impossible to tell when the persons signing the petition did so. In response to neighborhood concerns, the application was amended from a 100-foot tall, 7-story building to a 76-foot tall, 6-story building together with significant design changes to “soften” the appearance of the building. There is no way to determine from the face of the petitions whether the signers opposed the former proposal or the present proposal.

3. The Bonnycastle Homestead Association (“BHA”) has adopted a resolution to oppose the applications.

- The BHA adopted its December 12, 2017 resolution because it is opposed, on its face, to “any height variance.” The Applicant respectfully states that the BHA resolution expresses a rigid and overly restrictive view of the intent of the Bonnycastle Plan as expressed to us by the one or more of the original drafters of the Bonnycastle Plan.
- The primary concern expressed by the BHA is that the grant of the approvals would create a precedent that could lead to additional multi-family buildings. That is not true, and the Bonnycastle Neighborhood Plan speaks directly to this issue. The Plan advocates preserving the Cherokee Road Corridor by

maintaining the (present) balance of single family and multi-family uses in the Corridor. [P. 8.] The proposal preserves the Corridor because it does not seek to convert a single-family dwelling to multi-family.

4. The Neighbors are concerned that BLASTING will be required to excavate the bedrock from the basement level.

- The enclosed April 12, 2018 letter from Michael C. Ronayne, P.E., Chief Engineer of GEM Engineering, Inc. states that based on its geo-technical engineering study of the site, “we do not anticipate that mass rock excavation and/or blasting would be necessary.” The letter further states that some limited rock excavation may be necessary utilizing hammers, hoe-ram or similar equipment.

5. The variance application should be DENIED. A variance to allow the building to be three stories and thirty-one feet taller than the allowable limit (more than 68% taller than what is currently allowed) is incompatible with the neighborhood and incompatible with the statutorily required factors required to grant a variance.

5.A. There are no special circumstances justifying the variance.

- The SPECIAL CIRCUMSTANCES justifying the height variance are found in the Comprehensive Plan:

The proposed density of the development is 24 dwelling units per acre, which is in the High Density category established by the Comprehensive Plan.²

Community Form Guideline 1 B.2. “Traditional Neighborhood” states in relevant part: “[H]igher density uses are encouraged to be located in centers or **near parks...**” The location of this property on Cherokee Road immediately opposite Cherokee Park constitutes the “special circumstance” justifying the height variance.

5.B. The strict application of the regulation would not deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

² High Density: Defined as greater than 12 up to 35 dwelling units per acre.

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- The strict application of the regulation would deprive the Applicant of using the property for a higher density use as permitted by the Comprehensive Plan, which would deprive the Applicant of the reasonable use of his land and would create an unnecessary hardship on the Applicant.

5.C. The circumstances [giving rise to the variance] are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

- The circumstances giving rise to the variance are the immediate proximity of the site to Cherokee Park, advocating a high density development at that location.

6. A 76-foot tall, 40,250 sq. ft., and 1.9 FAR building is incompatible with the neighborhood. Planning Staff's own Preliminary Report (Revised 8/3/17) states the development is "incompatible with the neighborhood."

- The present 76-foot tall proposal did not even exist at the time the 8/3/17 Staff Report was prepared. Hence, the Planning Staff did not determine that the development was incompatible with the neighborhood.
- The "Shadow Study" submitted by the Applicant (enclosed) demonstrates that the proposed building will impact only one building – a single-family house at 1572 Cherokee Road. Even this house is not impacted by building shadows during the summer months when residents typically enjoy their homes and yards.
- Contrary to the Strobo letter, the "Shadow Study" also demonstrates that the building will have **no** shadow impact on the Bonnycastle Condominium building at 1578 Cherokee Road, the Henson home at 2335 Bonnycastle Avenue, or other residences listed as being affected in the Strobo letter.
- The Strobo letter confuses the concepts of "public open spaces" and "public realm." Public open spaces are dedicated public areas such as parks. This concept does not apply to this application. A "public realm" is the area of a lot in the Traditional Form District between the public right-of-way and the front of the principal structure. The Applicant has indeed "activated" the public realm of the lot by providing a 1,000 square foot Courtyard area, similar to the public realm area of The Dartmouth.
- The enclosed traffic study prepared by Accurus Engineering demonstrates that the predicted trip generation caused by the 12-unit condominium development will be 10 vehicle trips during the AM peak hour and 10 vehicle trips during

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the PM peak hour. Because the existing 4-plex generates 6 vehicle trips during each of the AM and PM peak hours, the net impact is an additional 6 vehicle trips. The trip generation as a result of this development is an insubstantial impact to the street and alley network.

7. A 76-foot tall, 40,250 sq. ft., and 1.9 FAR building is incompatible with Louisville's Cornerstone 2020 Comprehensive Plan ("Comp. Plan"), and is incompatible with the Bonnycastle Neighborhood Plan.

- During the month of January and the winter months the single-family house at 1572 Cherokee Road will be variably impacted by the proposed building's shadow. The winter months are that period of the year when there is less sunlight than during the warmer months. There is some shadow impact to this house in the spring but no impact in the summer.
- At no time of the year will the proposed building impact sunlight to the Henson home at 2335 Bonnycastle Avenue or to Bonnycastle Condominium building at 1578 Cherokee Road.
- The Strobo letter mis-reads the Bonnycastle Plan with reference to the protection of Cherokee Road, Bonnycastle's "one-of-a-kind-asset." Although the Strobo letter contends that Bonnycastle Plan requires that "the existing façade of the structure should be maintained," P. 8 of the Bonnycastle Plan makes clear that façade preservation applies ONLY to the conversion of single family homes to multifamily, not to multi-family development in which the number of units simply increases from 4 to 12.
- Community Form Guideline 1.B.2 requires the preservation of existing buildings "if the building design is consistent with the predominant building design in [the] neighborhood." The existing 4-plex on the site is a building constructed in 1959 – well after most construction in Bonnycastle neighborhood, and the characteristic of the 4-plex is primarily suburban, not the predominant neighborhood building design.
- The proposed condominium building will not block views to and from the Cherokee Park viewshed. Because the building has been designed by Joseph & Joseph Architects, and as has been made apparent from the renderings submitted, the proposal will enhance the historic integrity and fabric of Cherokee Road.

8. The scale and bulk, especially in the form of height and depth of the proposed building is unlike any other building in the vicinity.

- This paragraph of the Strobo letter is simply wrong. The proposed building, at 76-feet tall, is 36 feet shorter than the Park Grande at 1604 Cherokee Road.

The Commodore – situated only two blocks from the Subject Site -- earned special mention in the Bonnycastle Plan. Referring to The Commodore, the Plan states on P. 12:

“Most Bonnycastle residents view this high-rise condominium as a prime representation of the character of the neighborhood. Its architecture is outstanding, the entrance off Bonnycastle Avenue and the garden at the rear of the property represent some of the best applications of landscape architecture, and the building itself is certainly representative of the broad range of housing types available.” [Emphasis added.]

9. **The approval of the application for the zone map amendment would constitute unlawful “spot zoning.”**

- Approval of the zone change for Cherokee Springs would not constitute spot zoning. The proposal is for a use – a height, bulk and scale – that the Comprehensive Plan provides is appropriate for an area adjacent to Cherokee Park.³
- “The real evil of spot zoning consists in the reclassification of a site for a use not consistent with the character of the neighborhood or area; the evil is not in the preference of one lot owner over another in the selection of the particular site for a use appropriate to a neighborhood or area.” *Wells v. Fiscal Court*, 457 S.W. 2d 498, 500 (Ky. 1970).
- This parcel will not be the only parcel in the area zoned R-8A. The Willow Terrace (1416 Willow Avenue) and The Dartmouth (1412 Willow Avenue) are both zoned R-8A. Moreover, The Commodore (2140 Bonnycastle Avenue – only 2 blocks from the Subject Site), is zoned OR-3. The building at 2111 Eastern Parkway, although zoned R-5B and R-6, would require R-8A if it were rezoned today.


³ Comprehensive Plan Objective C3.2 “Traditional Neighborhood Districts” states, in relevant part, “The objectives governing traditional neighborhoods shall include:(b)...**Appropriate locations for larger scale multi-family developments include land adjacent to parks....**”; Comprehensive Plan Community Form Guideline 1.B.2 states in relevant part: “....[H]igher density uses are encouraged to be located in centers or near parks....” [Emphasis added.]

Hon. Vince Jarboe, Chair
The Members of the Louisville Metro Planning Commission
April 12, 2018
Page 7

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For the foregoing reasons, and for the reasons previously stated by the Applicant and which will be presented at public hearing, the proposal conforms with applicable sections of KRS Chapter 100, the Land Development Code, the Comprehensive Plan, and the Bonnycastle Plan, and the proposal should be approved.

Sincerely,


Glenn Price

Enclosures

0132881.0632861 4850-5821-2961v1

April 12, 2018

Joseph and Joseph Architects
550 South 4th Street
Louisville, KY 40202

Attention: Cash Moter, AIA

**Subject: Rock Soundings Report: Revision 2
Proposed Cherokee Springs Condominiums
1576 Cherokee Road
Louisville, Kentucky
GEM Project No.: G-4701**

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Dear Mr. Moter:

On July 14, 2016, GEM Engineering, Inc. (GEM) drilled 10 soundings for the proposed residential building with full basement for car parking at 1576 Cherokee Road in Louisville, Kentucky. These services were provided by your authorization and in general accordance with GEM proposal GP-6244 dated June 28, 2016. The approximate sounding locations are shown on the attached "Sounding Location Plan." Sounding S-7 was moved from its initially proposed location due to the likely presence of utilities. The sounding refusal depths are shown below:

Sounding	Depth (feet)
S-1	13.2
S-2	10.7
S-3	12.0
S-4	25.3
S-5	12.1
S-6	16.7
S-7	24.3
S-8	13.0
S-9	16.0
S-10	24.2

According to the Kentucky Geological Survey, the underlying bedrock formations consist of the Sellersburg and Jeffersonville Limestones. These formations have a high potential for karst features and solution weathering, creating the potential for a highly variable limestone surface. Ten feet of rock was cored at sounding S-8 to confirm and evaluate the limestone unit. The material cored at S-8 consisted of gray, fairly continuous, thin to thick bedded, slightly weathered, hard limestone.

The proposed structure can be supported by shallow foundations bearing on competent limestone bedrock with an allowable bearing pressure of 5,000 pounds per square foot. The recommended minimum width for continuous footings is 18 inches and the minimum dimension for spread footing is 24 inches. The bearing conditions should be evaluated by GEM at the time of construction and to evaluate the variability in the rock surface. Groundwater is commonly present at the soil/rock interface and drainage system is recommended below the basement floor.



We understand that the basement level floor would be about 9' below existing grades. Foundations would extend several feet below that level. Based on the sounding refusal depths, we do not anticipate that mass rock excavation and/or blasting would be necessary. With any limestone formation there will be peaks and valleys in the rock surface and some limited rock excavation with hammers, hoe-ram, or other such equipment may be required.

Due to the irregularity of the bedrock surface encountered during this exploration, deep limestone slots resulting from solution weathering are likely present on this site. Significant slots may require removal of the soil to expose the limestone surface. Depending on the location, the slots may require concrete backfill in foundation areas or a granular backfill in floor slab areas to provide a level surface.

Please notify us if you have any questions concerning this report, or if you need any additional information about the sounding results.

Sincerely,
GEM Engineering, Inc.

Michael C. Ronayne, P.E.
Chief Engineer

Attachment: Sounding Location Plan

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Cherokee Springs Condominiums

Sounding Location Plan
GEM Project G-4701

Legend

- Sounding Location (locations approximate)



DATE	3/22/18
BY	AS
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REVISIONS	

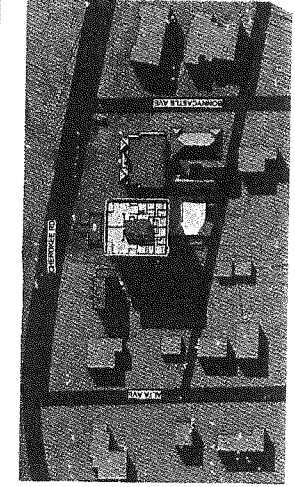


A2215 - CHEROKEE SPRINGS

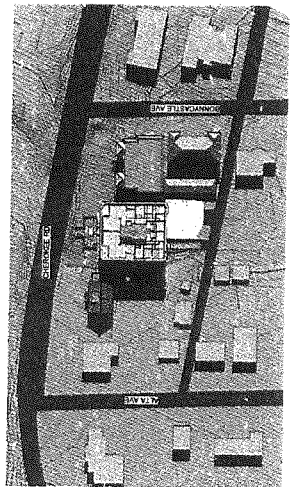
SHADOW STUDY ARCHITECTURAL

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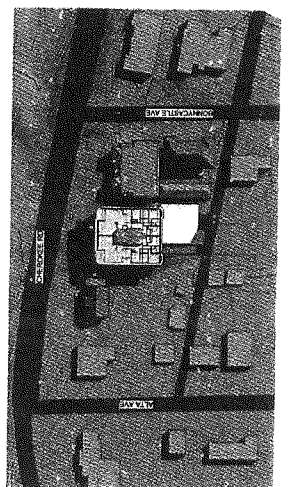
SHEET AX1
 4/12/2018 3:06:33 PM
 ZONE 10.3



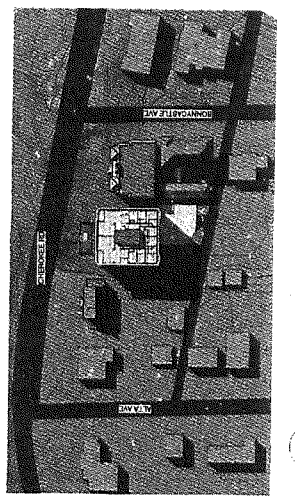
7 Shadow Study - March/Sept 10am
 AX1



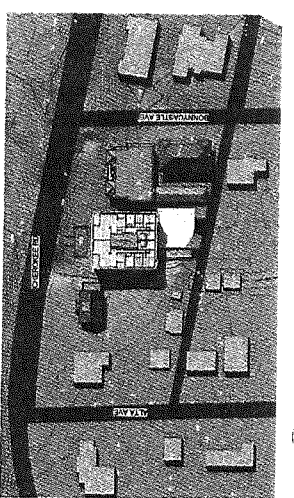
8 Shadow Study - March/Sept Noon
 AX1



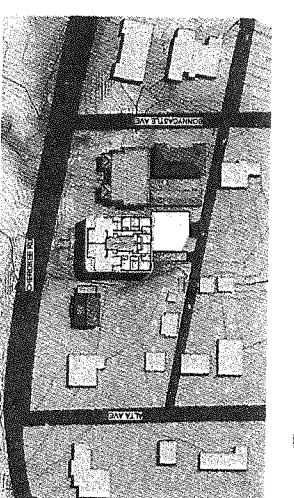
9 Shadow Study - March/Sept 2pm
 AX1



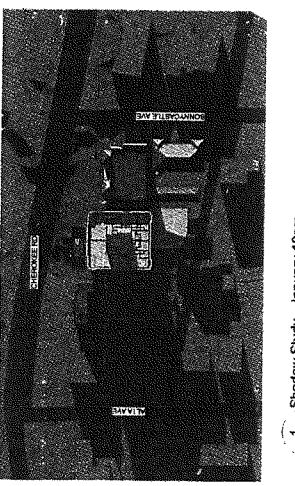
4 Shadow Study - June 10am
 AX1



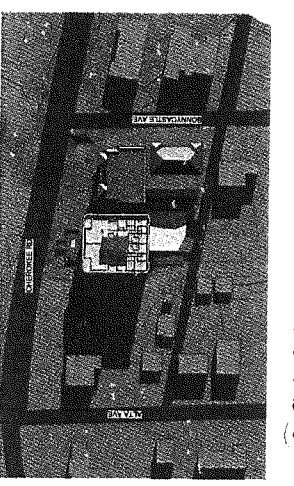
5 Shadow Study - June Noon
 AX1



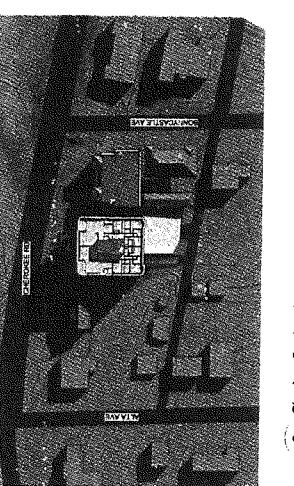
6 Shadow Study - June 2pm
 AX1



1 Shadow Study - January 10am
 AX1



2 Shadow Study - January Noon
 AX1



3 Shadow Study - January 2pm
 AX1

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April 10, 2018

Chair Vince Jarboe, Vice Chair Marilyn Lewis,
Jeff Brown, Richard Carlson,
Laura Ferguson, Lula Howard,
Marilyn Lewis, Ramona Lindsey,
Emma Smith, Robert Peterson,
and David Tomes
Louisville Metro Planning Commission
444 South 5th Street, Suite 300
Louisville, Kentucky 40202

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

**Re: Case No. 17ZONE1031
Opposition to Application for Zone Change Amendment,
Variance, and Waiver at
1576 Cherokee Road, Louisville, Kentucky 40205**

Dear Louisville Metro Planning Commission Members and Planning Staff:

This firm represents Ed Henson, Tom Cooper, and Kevin Waldron ("Neighbors"), all residents of the Bonnycastle Neighborhood in Louisville, Kentucky, and who live adjacent to the proposed Cherokee Springs development located at 1576 Cherokee Road, Louisville, Kentucky 40205. The property owner and developer submitted applications for a zone map amendment, a variance, and a waiver, in order to construct a 76 ft. tall, six story, 40,250 square foot condominium building with a 1.9 Floor Area Ratio (FAR). There is significant opposition to the applications, from our clients and hundreds of Bonnycastle residents, because the development does not respect the comprehensive planning process and the developer is unwilling to provide any compromises that would validate that process and protect the historic integrity of the Cherokee Road Corridor.

For the following reasons, and for the reasons set forth in my clients' previous correspondence and communications with the Planning Staff, which are incorporated by reference herein, the Neighbors oppose the applications.

SUMMARY OF OPPOSITION

- 1) The Neighbors Are Not Opposed to Redeveloping This Parcel; But Are Opposed to a Development with this Scale, Height and Bulk;
- 2) More than one hundred forty (140) Bonnycastle Neighborhood residents have signed petitions to oppose the applications;
- 3) The Bonnycastle Homestead Association (BHA) has adopted a resolution to oppose the applications;
- 4) The Neighbors are concerned that blasting will be required to excavate the bedrock from the basement level.
- 5) The variance application should be DENIED. A variance to allow the building to be three stories and thirty-one feet taller than the allowable limit (more 68% taller than what is currently allowed) is incompatible with the neighborhood and incompatible with the statutorily required factors required to grant a variance.
- 6) A 76-foot tall, 40,250 sq. ft., and 1.9 FAR building is incompatible with the neighborhood. Planning Staff's own Preliminary Report (Revised 8/3/17) states the development is "incompatible with the neighborhood";
- 7) A 76-foot tall, 40,250 sq. ft., and 1.9 FAR building is incompatible with Louisville's Cornerstone 2020 Comprehensive Plan ("Comp. Plan"), and is incompatible with the Bonnycastle Neighborhood Plan;
- 8) The scale and bulk, especially in the form of height and depth of the proposed building is unlike any other building in the vicinity;
- 9) The approval of the application for the zone map amendment would constitute unlawful "spot zoning";
- 10) Neighbors, the BHA, and others have met and are willing to meet with the developers; however, the developers insist on increasing the height and bulk of the building in a way that destroys the character of the neighborhood and far exceeds the allowable limits; and
- 11) The Planning Commission should postpone the scheduling of this proposal to be heard by the Planning Commission until the Bonnycastle Neighborhood Plan is updated.

NEIGHBORS' COMMENTS IN OPPOSITION

1) **The Neighbors Are Not Opposed to Redeveloping This Parcel; But Are Opposed to a Development with this Scale, Height and Bulk.**

The Neighbors want to be good and accommodating neighbors to everyone in their community. They understand that property owners may want to redevelop their property and profit from their property. However, Neighbors demand, as is their right and duty as citizens, any development that may impact their use and enjoyment of their own property be compliant with the law.

The Louisville Land Development Code (LDC) is “intended to be the minimum requirements to promote the public health, safety, comfort, good order, appearance, morals and general welfare...Among other purposes, this Code is intended...to avoid undue concentration of population by regulating and limiting the height and bulk of buildings.” LDC 1.1-1. Currently, the proposed development is zoned R-7, which requires a FAR of 1.0. The developers demand a FAR of 1.9, almost double the currently allowed FAR for this property. This means that this building will have much more bulk than any of the other buildings in Bonnycastle. This bulk manifests as disproportionate scale¹ in both height and depth as compared to other buildings in the vicinity. In addition, the property is located in the Traditional Neighborhood Form District, which allows for a building height to be no taller than 45 feet. The proposed development will have a height of 76 feet. The height and FAR are substantially different than the surrounding community. Such substantial changes would permanently denigrate the Olmsted Brothers’ design of Cherokee Park and its tree-lined perimeter street, Cherokee Road.

Neighbors would be amenable to a development that decreases the height of the building and the FAR without the requirement of a zone map amendment or variance.

2) **More than one hundred forty (140) Bonnycastle Neighborhood residents have signed petitions to oppose the applications.**

This is not a Not In My Backyard (“NIMBY”) situation, whereby any and all development is opposed. In fact, the Neighbors are genuinely concerned with the appropriate development of their community, and are exercising their right and duty as citizens to ensure that land development complies with the law. They are not alone. More than one hundred and forty Bonnycastle residents have signed a petition opposing the applications. **Exhibit 1.** This constitutes substantial evidence

¹ “Scale” is defined as “[t]he height, size and bulk of a structure compared to the height of adjacent buildings and to the height of a human and/ or the apparent height, size and bulk of the components of the facade compared to the apparent

that the community does not want the development, as proposed, in their neighborhood, and that the proposed development is incompatible with the neighborhood.

3) The Bonnycastle Homestead Association (BHA) has adopted a resolution to oppose the applications.

After many discussions with stakeholders and planning staff, substantial information gathering and file review, a special meeting of the BHA Neighborhood Plan Committee was called by the BHA Board President for December 4, 2017. The BHA Neighborhood Plan Committee recommended to the full BHA Board to adopt a resolution opposing “any change in zoning, from R7 to R8a or other designation that would increase the density beyond the current R7 designation and we further oppose any height variance within the existing zoning for 1576 Cherokee Rd.” On December 12, 2017, the BHA voted to adopt the resolution. **Exhibit 2.** In support of the resolution to oppose the development, the BHA was concerned with the compatibility with the “core elements of the 2002 Bonnycastle Neighborhood Plan,” “the character of the residential and commercial aspects of the neighborhood,” the “preserv[ation of] the distinct characteristics of the diverse sub neighborhoods in Bonnycastle,” that “the development of Cherokee Park continues and it remains open, clean and safe,” and code enforcement is strictly monitored.

For the reasons above, the BHA opposition to the applications is further evidence that the proposal is incompatible with the Comp. Plan, BHA Neighborhood Plan, and the community.

4) The Neighbors are concerned that blasting will be required to excavate the bedrock from the basement level.

Based on information and belief and representations made by the developer in previous meetings, bedrock is present ten feet below ground on this site. Although elevations of the basement level are not present on the drawings provided to the Planning Staff, based on those previous representations, the basement level will impede on the bedrock. This will require either blasting or some other intensive mode of bedrock removal that has not been previously disclosed. If blasting or similar method is required, Neighbors vehemently object to such activity, as their homes and property can be substantially damaged as a result. The blasting would occur only feet (if not inches) from the Condominium building at 1578 Cherokee Road.

5) The variance application should be DENIED. A variance to allow the building to be three stories and thirty-one feet taller than the allowable limit (more 68% taller than what is currently allowed) is incompatible

with the neighborhood and incompatible with the statutorily required factors required to grant a variance.

KRS 100.243 outlines the factors considered when deciding whether to grant a variance. KRS 100.243 states:

(1) Before any variance is granted, the board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether:

(a) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;

(b) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and

(c) The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

(2) The board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

The burden of proof rests with the party seeking the variance. *Bourbon County Bd. Adjustments v. Curran*, 873 S.W.2d 836, 837 (Ky. App 1994). A variance must meet the strict requirements of KRS 100.243:

“The legislative limits on the grant of variances are not mere technicalities. The system delineated sets forth specific factors that the Board must consider and findings that must be made. In doing so, the legislature recognized the very real tensions that necessarily exist between the interests of the landowner and society as a whole...Thus, the limitations imposed on the grant of variances protect the comprehensive plan from gradual erosion on a case by case basis.” *Id* at 454.

Louisville and Jefferson County Planning Commission v. Schmidt, 83 S.W.3d 449 (Ky. 2001). KRS 100.243 must also be satisfied with substantial findings of fact. *Id.*

Here, the applicant has requested a variance from the 45 foot height requirement in the Traditional Neighborhood Form District for R-7 an R-8A zoning. However, the variance request does not satisfy any of the required factors.

- There are no special circumstances which do not generally apply to land in the general vicinity. KRS 100.243(1)(a). The special circumstance is that the developer wants to construct a building that is incompatible with the area. This property is not unique in any way and is similar to hundreds of other **mid-block** properties along Cherokee Road that are reasonable in height and bulk.
- The strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant. KRS 100.243(1)(b). The applicant can still develop the land the same as any other property owner in the area as long as it is within the 45 foot limit, as is required of everyone else.
- The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought. KRS 100.243(1)(c). The specific provisions of the LDC related to high for this particular form district in this particular zoning have been well known long before this application was filed. There are no special circumstances associated with this particular property and this development that warrant a variance.

As a result, the proposed variance will allow an unreasonable circumvention of the requirements of the zoning regulations, will have a detrimental impact on the public health, safety or welfare, by altering the essential character of the general vicinity and by causing a nuisance to the public. KRS 100.243(1). The proposed development is incompatible with the neighborhood, requires too much bulk and height, and could potentially harm the surrounding neighbors and their properties from blasting, construction, and high bulk occupation that will diminish the fair market values of their properties, injure the viewshed of the area, and limit accessibility to the parkway and surrounding properties. There are no special circumstances associated with the property of the proposed development that warrants a 68% increase in the allowable height for a building in this area. The application for a height variance should be DENIED.

- 6) **A 76-foot tall, 40,250 sq. ft., and 1.9 FAR building is incompatible with the neighborhood. Planning Staff's own Preliminary Report (Revised 8/3/17) states the development is "incompatible with the neighborhood."**

As noted by Planning Staff, "the proposed density does not necessitate a need to change the zoning on the property and the bulk alone at this stage is incompatible with the neighborhood. The proposal as submitted is deficient in many aspects of the guidelines and policies of Cornerstone 2020 as demonstrated in the Staff Checklist of Attachment 3."² 8/3/17 Preliminary Staff report at 1. In addition, "The proposed development is incompatible with the scale and site design of the form district and nearby development." *Id.* at 4. The Neighbors agree. The development is not consistent with the neighborhood, Comp. Plan, and BHA Neighborhood Plan, and thus violates KRS 100.187. Likewise, the current zoning is APPROPRIATE and the proposed map amendment and variance is NOT APPROPRIATE and, there have been NO 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. *Id.* The property is currently zoned in a way that is compatible with the applicable plans and character of the neighborhood.

- 7) **A 76-foot tall, 40,250 sq. ft., and 1.9 FAR building is incompatible with Louisville's Cornerstone 2020 Comprehensive Plan ("Comp. Plan"), and is incompatible with the Bonnycastle Neighborhood Plan.**

The proposed development is inconsistent with multiple elements of Louisville's Comp. Plan. Community Form / Land Use Guideline 1: Community Form B.2 calls for a "lotting pattern" that "appropriately-integrate[s] higher density residential uses." The 76 ft. height of the building will eliminate sun access to multiple buildings in the area, including the Hensons' home at 2335 Bonnycastle Avenue, the home at 1572 Cherokee Road, the Condominium building at 1578 Cherokee Road, and other homes along Alta Avenue and Bonnycastle Avenue. A building of such a height and bulk should have for more setback on a .5 acre parcel.

B.2 of the Community Form section Louisville's Comp. Plan also requires that "[t]he proposal preserves public open spaces." The development is inconsistent with the two-story line of historic homes along the Cherokee Road Corridor. The Neighbors agree with the Planning Staff's Preliminary Report that the proposal "should respect the Cherokee Road corridor...in a manner that is compatible with the character of the public realm in the area." Report at 8.

² As of 8/3/17, the Staff Checklist consisted of 22 out of 46 deficiencies, including the incompatibility of the height and FAR with Community Form/Land Use Guidelines.

B.2 of the Community Form section requires that “[t]he proposal preserves and renovates existing buildings if the building design of these structures is consistent with the predominate neighborhood building design.” The Preliminary Report finds that the development proposal would destroy structures that are consistent with the neighborhood design. Report at 8. Note that Cherokee Road is one of the few remaining neighborhoods in Louisville that retains the original design tenets of its architects. See *Samuel Thomas, Cherokee Triangle: A History of the Heart of the Highlands* and *Samuel Thomas, Origins of Louisville’s Olmsted Parks and Parkways*.

A.2 of Community Form / Land Use Guideline 3: Compatibility requires that “[t]he proposal is generally compatible within the scale and site design of nearby existing development and with the form district’s pattern of development.” The Preliminary Report found that “[t]he proposed development is incompatible with the scale and site design of the form district and nearby development” because “the proposed structure has a scale that is much greater than properties within the block face...”. Report at 10. This is the crux of the problem with this development. The developer could build an approximately 22,000 square ft. building within the requirements of the R-7 zoning district. Anything bigger than that is simply out of character with the surrounding neighborhood and damages the historic design characteristics of the Bonnycastle Neighborhood.

Most importantly, the need to re-zone to R-8A is unnecessary and inconsistent with the Comp. Plan. A.3 of Community Form / Land Use Guideline 3: Compatibility which states that a proposal must be “compatible with adjacent residential areas, and if it introduces a new type of density, the proposal is designed to be compatible with surrounding land uses...”. The Preliminary Report found that “[w]hile R-8A would introduce a new type of density, the proposal does not provide such a density that would necessitate the need for R-8A. The proposal at-hand is a request to increase the permitted bulk (FAR) only and this is inconsistent with the pattern of development in the area.” Report at 10. Indeed, this is precisely where the neighbors are most in agreement with the Preliminary Report. The developer can build a large building that contributes to the neighborhood and historic fabric of the community within the R-7 zoning requirements. A building of the scale, height, depth and bulk proposed will dwarf surrounding homes, blight access to light and the park viewshed, and undermine the historic integrity and fabric of Cherokee Road.

This development is also inconsistent with the Bonnycastle Neighborhood Plan. The Neighborhood Plan emphasizes the Cherokee Road Corridor as a “one of a kind asset” and the balance of a variety of housing types. N’hood Plan at 7. “The corridor contains a variety of housing types that appears to be well balanced with the capabilities of services lanes and the number of residential units. This balance is also strengthened through common design elements *involving building*

mass, height and relationship to the Road.” Id. (emphasis added). In order to maintain this balance, the Neighborhood Plan implements several strategies and actions.

The Plan calls for a developer to maintain the existing façade, the characteristics of the building envelope for the principle structure should be maintained, the compatibility of the development should be evaluated in terms of the impact of additional units and automobiles to the capacity and condition of the rear service lane, a service lane with a LOS of C or below must be improved to at least a LOS of B, no driveway access to Cherokee Road is to be permitted, and a pedestrian walkway along the south side of the Corridor (the house side). *Id.* A development that has almost double the currently allowable bulk and is more than 30 feet taller than R-7 zoning allows, requires more than 30 parking spaces and access through an alley that was never designed for that substantial increase in usage and traffic, and is attempting to waive its obligation to build a sidewalk, is not implementing “common design elements involving building mass, height and relationship to the Road,” and is therefore inconsistent with the Neighborhood Plan. The proposed development and zone map amendment will cause a substantial unbalancing of this “one of a kind” asset, the Cherokee Road Corridor, and do so on a mid-block property, paving the way for massive development in the future.

The proposed development and zone map amendment are also incompatible with two Neighborhood Goals: (1) Limit or severely restrict the conversion of single family properties to multifamily use, and (2) Maintain the character of the residential and commercial aspects of the neighborhood as well as their balance and interdependence. N’hood Plan at 3. While the proposed development is not converting a single family home, it is demolishing a building with four units, and building a new building, more than 30 feet taller, with twelve units. Secondly, as stated above, the proposed development does not maintain the balance of the neighborhood. The historic character of Cherokee Road is the number one preservation priority of the Plan. N’hood Plan at 18. The proposal will be inconsistent with these priorities.

For these reasons, and those set forth by the Neighbors, others in the Bonnycastle neighborhood, the BHA, and Planning Staff, the applications should be denied because of the incompatibility with the Comp. Plan, the Neighborhood Plan, and the character of the neighborhood.

- 8) **The scale and bulk, especially in the form of height and depth of the proposed building is unlike any other building in the vicinity.**

The proposed building is massive, especially compared with almost all of the properties in the Bonnycastle neighborhood built in the modern era of

Euclidian Zoning in Jefferson County. It will tower over by more than thirty feet all but one building in the area. The building will have almost double the depth of most of the buildings in the area. The scale, bulk, height, and depth of the building is incompatible with the Comp Plan, the Neighborhood Plan, and the character of the neighborhood. To combat this incompatibility, the Developer included a list with their application titled "Multi-family Building Heights and Footprints in Bonnycastle and Cherokee Triangle." That list included seven buildings with heights ranging from 53 ft to 214 feet. All but three of these buildings are located outside of the Bonnycastle neighborhood. Those three are the Commodore Condominiums at 2140 Bonnycastle Avenue, 1611 Spring Drive, and Park Grande at 1604 Cherokee Road. The Commodore was built before Louisville adopted planning and zoning regulations. 1611 Spring Drive was built in 1972 and is only 54 feet tall. Park Grande, although somehow granted a variance to allow it height of 112 feet, is still zoned R-7 and still maintains a FAR equal to or less than 1.0. Still, because of the precarious history of that development, it should not be used as a precedent here. This list actually compounds and supports the Neighbors' concerns - that building of this scale, bulk, and height do not exist, and the buildings that are, within the neighborhood, were approved before planning and zoning regulations were adopted by the city.

The other four buildings cited by the Applicant are outside of the boundaries of the Bonnycastle neighborhood. Nevertheless, the development histories of those buildings speak for themselves, especially 1400 Willow, which was finally completed more than 20 years after it was initially proposed in 1958. Furthermore, all but two of these seven buildings are located on street corners, which are more conducive to high density and high bulk developments. However, the proposed development is located in the middle of the block squeezed between a much smaller single family and condominium building.



Figure 1 The Applicant's own drawings demonstrate the massive scale and bulk of the proposed building. For comparison, see the single-family home just North of the proposed building, and all the other homes in the area.

- 9) The approval of the application for the zone map amendment would constitute unlawful "spot zoning."

Spot zoning is "generally frowned upon by the courts." *Mathis v. Hannan*, 306 S.W.2d 278, 280 (Ky. 1957). If the zone map amendment is granted, this parcel will be the only R-8A zoned property in the area, and will be surrounded by R-5 zoning on all sides except for one. In fact, with the exception of the property to the Southeast, which is zoned R-7, the rest of the immediate area is zoned R-5. Moreover, the proposed development is not contiguous with any other property of this density, height, and bulk. Comprehensive Plans, neighborhood plans and zoning codes, including those that apply here, are designed to prevent this type of spot zoning. The applicant has set forth no reason to deviate from these requirements.



Figure 2. The proposed development would be the only R-8A zoning in the area, and would be surrounded by R-5 properties with the exception of the Southwest neighbor on Cherokee Road.

- 10) Neighbors, the BHA, and others have met and are willing to meet with the developers. However, the developers insist on increasing the height and bulk of the building in a way that destroys the character of the neighborhood and far exceeds the allowable limits.

The Neighbors, BHA, and others have dedicated substantial efforts to meet and negotiate with the developers, its counsel, and its representatives. This included a meeting between the BHA and the developer on December 21, 2017, and a meeting between Ed Henson and Jill Force March 14, 2018. Unfortunately, no resolution was reached. The developers have changed the height of the building from 100 feet to 76 feet by decreasing the floor height and removing a floor. However, the building was egregiously incompatible with the neighborhood to start with. Even with those changes, the development is still egregiously incompatible with the neighborhood.

- 11) The Planning Commission should postpone the scheduling of this proposal to be heard by the Planning Commission until the Bonnycastle Neighborhood Plan is updated.

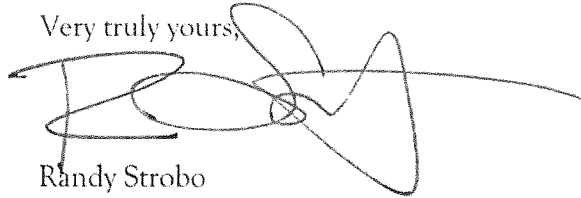
The Bonnycastle Neighborhood Plan was adopted in 2002. While this is not a Comprehensive Plan, the Neighborhood Plan is made part of the Comp. Plan at the time of adoption. KRS 100.197 requires “[a]t least once every five (5) years, the commission shall amend or readopt the plan elements.” Neighbors agree that

the Neighborhood is outdated. There have been many changes to the neighborhood that warrant the updating of the Neighborhood Plan, one of which is a better analysis of and strategy to address multi-unit buildings in the area. With a project of this magnitude including the many impacts to the character and balance of the neighborhood, the LDT Committee should postpone scheduling this proposal to be heard by the Planning Commission until an update Neighborhood Plan has been fully vetted and adopted. This will allow the Planning Commission to make a decision that reflects the current status and land use implications of the Bonnycastle Neighborhood and the wellbeing of its residents, and also incorporate portions of Plan 2040.

CONCLUSION

This proposed development is incompatible with both the letter and the spirit of the Comp. Plan, BHA Neighborhood Plan, and the LDC. We request that the Planning Commission recommend denial of the requested zone map amendment and variance at this time, and will supplement this letter as the proposal moves through the review process.

Very truly yours,

A handwritten signature in black ink, appearing to be 'Randy Strobo', written over a horizontal line.

Randy Strobo
Clay Barkley

Enclosures: Exhibits

My comment to the Commission is strongly in favor of the Cherokee Springs proposal, adding 12 new units of much-needed owner occupied housing in the Bonnycastle neighborhood.

I am a 2008 transplant to Louisville from Washington, D.C., and a native of Chatham, Massachusetts. I previously lived on Eastern Parkway, Woodbourne Avenue and now on Boulevard Napoleon, which is NO different in character from the Bonnycastle neighborhood across Bardstown Road.

Together with my wife and children, we are almost daily visitors to Cherokee Park, and consider ourselves stakeholders as Highlands residents.

Wherever I have lived, striking an appropriate balance between residential development and environmental preservation has been a challenge.

Fortunately for us, it seems that often competing and disparate interests have reached a partnership level in Louisville and the Highlands to enhance the vitality, use and beauty of the area.

In Cherokee Park, thankfully, there is no shortage of advocacy for the prudent use and protection of the park. But such advocacy SHOULD NOT and thankfully HAS NOT precluded a diversity of architectural design, including multiple resident structures, in the neighborhood.

Fine examples include the Commodore, the Dartmouth, and 1400 Willow. The Belknap School is in the midst of conversion into condominiums, a 19th century farm house was recently converted into (I believe) six-plus units on Dundee Road. Close by, the old Calvary Lutheran Church is in the middle of a conversion into the Sanctuary Apartments.

The complex under construction on Baxter in place of the old Phoenix Hill Tavern is another good example, underscoring the new truth that MORE PEOPLE want to live in the Highlands again, and closer to town in general.

This is something EVERYONE in Louisville should all support!

Far from being a competing interest, Cherokee Springs will add new and distinctive, owner occupied units adjoining Cherokee Park, as well as new, concerned and (hopefully) activist stakeholders to the community. These new homeowners will love our neighborhood and parks, and no doubt add voices to keep them for the future.

In addressing the legitimate and reasonable concerns of others in the community, such as enhancing the tree canopy and reducing the proposed height of the building, Cherokee Springs demonstrates the vision and willingness of its backers to work with current and future neighbors to enhance the value, quality and beauty of the Highlands.

I look forward to your approval of the zoning changes necessary to allow Cherokee Springs to move forward.

Received
@ PC
4/19/18

Supplemental arguments against the Cherokee Springs proposal for 1576 Cherokee Road

The filings by the Bonnycastle Homestead Association and outside counsel, the supporting resolutions from Deer Park and Cherokee Triangle, and the neighborhood petition with over 200 signatures do a tremendous job of presenting the case in objection of the proposed condominium high-rise project.

Rather than repeating those excellent points, we would like to supplement them with some additional thoughts about disingenuous and erroneous statements in the developer's filings and Planning Commission document, which are riddled with misleading content that does not paint an accurate picture of Bonnycastle and the impact of the project on the neighborhood.

Several notable examples include:

- The Planning Commission Staff Report document (dated April 19, 2018) repeatedly states that: *"The proposed development is architecturally compatible with and takes cues from the surrounding historic neighborhoods."* The proposed building would be six tall stories and 76 feet high. According to our hand-count of the neighborhood logic map, there are approximately 600 structures in the Bonnycastle neighborhood, and only three are taller than three stories. In other words, greater than 99.9% of the dwellings in Bonnycastle are three-stories or less. Three out of 600 does not show consistency with the surrounding area. In fact, it demonstrates that these high-rise buildings are markedly inconsistent and are significant outliers.
- The filings contain repeated variations on: *"The height and bulk of the proposed development fall within the range of the bulk and height of multi-family development in the general vicinity."* Again, more than 99.9% of structures in Bonnycastle are on similar (much smaller) scale. Three are significant outliers. How can they be considered in the same range? If they were statistical data points, they'd be thrown out for skewing the range.
 - - Note: Even if the scope of the comparison is extended to the high rises in Cherokee Triangle, multi-story towers remain significant outliers in that neighborhood, which is also dominated by much smaller residences, and which has also submitted its opposition to the proposed high-rise.
- The developer's counsel's rebuttal document states that the proposed tower is only 2½ stories higher than a neighboring structure. Only 2½ stories? That's effectively stacking a typical Bonnycastle house on top of another and calling it normal for the area.
- The filings cherry pick statements from the Bonnycastle Neighborhood Plan, distorting the plan's broader context and ignoring passages that directly counter this project. Most notably, the plan's opening paragraphs state: *"The blessings of location and setting make it a wonderful place to live, but may also prove to be a reason for concern. The concern arises from increasing pressure on the neighborhood for higher density redevelopment."*

Comments in Opposition of the Proposed High-Rise Tower at 1576 Cherokee Road

- Similarly, the filings cherry pick language in the Cornerstone 2020 Plan, repeatedly removing passages about compatibility from their context. This is particularly true with language concerning compatibility with existing neighborhoods. Again, the size of the proposed structure make it an outlier and not part of the normal “range” of the neighborhood.
- The filings hold multiple variations on: *“The requested variance will generally not adversely affect public health, safety or welfare ...”* However, the project acknowledges that it will increase traffic in the alley behind the proposed tower. This alley is already narrow and difficult to navigate with the existing level of traffic, pedestrian activity and children playing, especially with the double-blind T intersection where the alley behind Cherokee intersects with the alley between Bonnycastle and Alta. (Any developer-offered improvements to the alley could not address this dangerous intersection.) Safety risks would most certainly increase with the added traffic.
- The filings contain multiple variations on: *“The requested variance will not alter the essential character of the general vicinity.”* That’s simply not accurate. A 76-foot building is being placed between the neighborhood and the park, creating an enormous visual wall between the surrounding neighbors and the park. The “shadow studies” and other information cited elsewhere in the filings ignore the simple fact that a looming edifice would tower 32 feet higher over the buildings nearby and irreparably alter the visual landscape. That landscape’s most prominent element today is the beautiful trees in the neighborhood and park that make Bonnycastle such a visually appealing neighborhood.
- And finally, the filings state: *“The requested variance will not allow an unreasonable circumvention of the zoning regulations.”* The requested variance would allow a building 77% higher than current zoning laws allow. 77% higher? The proposed change would most certainly mark an unreasonable circumvention of existing regulations.

In summary, the building is too large. The justifications contained in the applicants paperwork and Planning Commission’s filings paint an inaccurate picture of the Bonnycastle neighborhood. Those documents also grossly minimize the impact of this proposed project on the neighborhood.

Bonnycastle neighborhood filings – echoed by resolutions from Deer Park and Cherokee Triangle -- have made it abundantly clear that we do not want a high-rise in our backyard. (I doubt members of the Planning Commission or our elected officials would either.)

The only reason for the proposed structure’s large size is profit for the developer. While the neighborhood is open to exploring smaller options with the developer, their profit is not our concern. Protecting the character of our neighborhood is.

Thanks, Mike & Denise Mangeot

2322 Alta Avenue, Louisville KY, 40205

Dock, Joel

From: Mary Gwen Wheeler <mgwenwheeler@gmail.com>
Sent: Wednesday, April 18, 2018 4:38 PM
To: Dock, Joel
Subject: Support letter for Planning Commission Case No. 17Zone1031 - "Cherokee Springs"

Joel, please forward this letter of support to the members of the Planning Commission and enter it into the official record for the case. Thank you very much.

Mary Gwen Wheeler

Vince Jarboe, Chair

The Members of the Louisville Metro Planning Commission

c/o Joel Dock, Planner II

444 South Fifth Street, 3rd Floor

Louisville, Kentucky 40202

RE: Planning Commission Case No. 17, Zone1031 - "Cherokee Springs"

Dear Chairman Jarboe and

Members of the Louisville Metro Planning Commission:

I am writing to add my support for the proposed condominium building at 1576 Cherokee Road known as "Cherokee Springs" located across from Cherokee Park.

Louisville is known for its neighborhoods and I believe this new building enhances the area while maintaining the historical nature so many of us have come to love about the Highlands. As an avid Cherokee Park user, I also happen to be a "neighbor" since my property adjoins the park, so I know firsthand how important it is for the new development to integrate well with the surrounding neighborhood.

The developers are thoughtful residents of our city; they want to add value to our community. This building could be the next Highlands centerpiece and will certainly complement other known buildings

in the area while adding to our housing options for those who want to live close to a park and be part of a great neighborhood.

I urge you to support this development – a new jewel in our urban core. I appreciate your consideration and thank you for your time regarding this matter.

Sincerely,

Mary Gwen Wheeler

1012 Alta Circle

Louisville, KY 40205

FILE # 17ZONE1031

CASE MANAGER: Joel P Dock, Planner II,
Joel.Dock@louisvilleky.gov

Planning & Design at 502-574-6230 (opens at 8AM) or Mr. Joel Dock at 502-574-5860.

APRIL 16, 2018

RESOLUTION OF THE BOARD OF TRUSTEES OF CHEROKEE TRIANGLE ASSOCIATION.

RE: PROPOSED ZONING CHANGE FOR 1576 CHEROKEE ROAD, LOUISVILLE KY.

THE BOARD OF TRUSTEES OF THE CHEROKEE TRIANGLE ASSOCIATION AT ITS REGULARLY SCHEDULED MEETING ON APRIL 16, 2018 APPROVED BY UNANIMOUS CONSENT THE FOLLOWING RESOLUTION.

THE CHEROKEE TRIANGLE ASSOCIATION SUPPORTS THE FOLLOWING RESOLUTION OF THE BONNYCASTLE HOMESTEAD ASSOCIATION.

WE ALSO HIGHLIGHT CERTAIN CONSIDERATIONS FOR THE PLANNING & DESIGN BOARD BY SUPPORTING THIS RESOLUTION. WE ASK THAT YOU RESPECT THESE ISSUES IN THE FORMATION OF YOUR DECISION.

1. THE CURRENT BONNYCASTLE NEIGHBORHOOD PLAN ALLOWS FOR REDEVELOPMENT OF THE PROPERTY WITHIN THE EXISTING R7 ZONING.
2. INCREASING THE ZONING TO R8A WOULD CREATE A NEW AND UNNECESSARY PRECEDENT FOR THE ENTIRE NEIGHBORHOOD. IT WOULD ALLOW FOR MUCH HIGHER RISE STRUCTURES INCLUDING STRUCTURES BORDERING CHEROKEE PARK THEREBY SEGREGATING THE NEIGHBORHOOD FROM THE PARK ONLY TO THE BENEFIT OF A FEW INDIVIDUALS.

RESOLUTION OF THE BONNYCASTLE HOMESTEAD ASSOCIATION:

"BECAUSE OF THE CORE ELEMENTS OF THE 2002 BONNYCASTLE NEIGHBORHOOD PLAN, INCLUDING THAT WE MAINTAIN THE CHARACTER OF THE RESIDENTIAL AND COMMERCIAL ASPECTS OF THE NEIGHBORHOOD, THAT WE RECOGNIZE AND PRESERVE THE DISTINCT CHARACTERISTICS OF THE DIVERSE SUB NEIGHBORHOODS IN BONNYCASTLE, THAT WE ENSURE THE DEVELOPMENT OF CHEROKEE PARK CONTINUES AND IT REMAINS OPEN, CLEAN AND SAFE, AND THAT WE INSIST ON, AND MONITOR STRICT CODE ENFORCEMENT, THE BONNYCASTLE HOMESTEAD ASSOCIATION OPPOSES ANY CHANGE IN ZONING, FROM R7 TO R8A OR OTHER DESIGNATION THAT WOULD INCREASE THE DENSITY BEYOND THE CURRENT R7 DESIGNATION AND WE FURTHER OPPOSE ANY HEIGHT VARIANCE WITHIN THE EXISTING ZONING FOR 1576 CHEROKEE ROAD."

THANK YOU FOR YOUR CONSIDERATION.
CHEROKEE TRIANGLE ASSOCIATION

Contact Information: Cherokee Triangle Association, P.O. Box 4306, Louisville KY 40204,
Phone: 502-459-0256. Email: Cherokeetriangle@bellsouth.net, Mark Thompson, Secretary.

Dock, Joel

From: Patricia <patriciaconnally@hotmail.com>
Sent: Tuesday, April 17, 2018 2:12 PM
To: Dock, Joel
Subject: Bonnycastle condo building

Hi Joel,

My name is Patricia Connally and I know your wife from Highland Pres, your mom from having kids at Bloom, and your aunt Peg from being neighbors on Bonnycastle over the years (we miss her!). I decided to write after seeing your name on the information from the city about the condo building up for discussion at the end of Bonnycastle.

I am worried about the bulk of the building, and especially about the height. The proposed height will make the tower very conspicuous in that hilltop setting. I believe it will be much more disruptive to the park-like setting than the Park Grande situated in the valley at the bottom of the Cherokee Road hill. Even if it is close to the same height as the Park Grande tower, it will be much more obtrusive because of the location on top of the hill.

I am opposed to big developments or brand new builds/houses in historic neighborhoods. There are plenty of new neighborhoods that can absorb a new condo tower, but I hope the city will consider the uniqueness and age of the Bonnycastle neighborhood and its homes, as well as the special park setting (we don't have a view from our house that I am aiming to protect, but another tall tower will be an eye sore next to the beautiful park).

Thank you for your time.

Best,
Patricia Connally
2320 Bonnycastle Ave
40205

Dock, Joel

From: Bonnycastle Homestead Association <bonnycastlehomestead@gmail.com>
Sent: Tuesday, January 30, 2018 10:45 AM
To: maryannfages@att.net; Coan, Brandon; Dock, Joel
Cc: bonnycastlehomestead@gmail.com; Stan Whetzel
Subject: Fwd: CONDO PROPOSAL COMMENTS

On behalf of the BHA, thank you for your comment Mary Ann.

The BHA also believes that our Neighborhood Plan should be enforced.

Maria Doyle
BHA Board Member

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

From: **MARY ANN FAGES** <maryannfages@att.net>
Date: Thu, Jan 18, 2018 at 10:27 AM
Subject: CONDO PROPOSAL COMMENTS
To: "bonnycastlehomestead@gmail.com" <bonnycastlehomestead@gmail.com>

Your association had requested resident comments regarding the proposed condo here are mine.

Living very close to the proposed condo, I've attended the informational meetings and viewed all the documents and department reports/revisions online. It does not conform to the Bonnycastle Neighborhood Plan which is a major criteria for approval. I am hoping that Mr Coen will take a stand on this per his "Strategic Plan for District 8. Protecting Our Built Environments, Objective # 11 Make Neighborhood Plans Count and Objective # 19 Support Our Parks and Create New Greenspace." In addition the use and condition of the alleys behind the condo will be effected, this has not been properly addressed in the city's reports I read. DPW does not inspect nor repair so would not be a consideration for them. It is for those who must use them daily for parking, walking, playing. There are 26 school age children in a 1 block area whose homes back up to the narrow alleys leading to condo, construction trucks, delivery vehicles, speeding is a concern.

Mary Ann Fages
2330 Alta Ave



Virus-free. www.avast.com

Dock, Joel

From: Deanna Gmail <deannaheleringer@gmail.com>
Sent: Monday, January 29, 2018 10:25 AM
To: Dock, Joel
Subject: Cherokee Springs condo

Sent from my iPhone

The Cherokee Rd/Bonnycastle Condo proposal is a charming, attractive and positive addition to our wonderful Highlands neighborhood. (I grew up on Highland Ave). Tasteful change needs to be welcomed!! . The thoughtful-vision well fits the neighborhood ambiance. Thanks for ur prompt consideration. Deanna Heleringer

Dock, Joel

From: Paul McDonald <paulcmcdonald@gmail.com>
Sent: Saturday, January 27, 2018 12:46 PM
To: Dock, Joel
Subject: "17ZONE1031 / Cherokee Springs"

Dear Mr. Dock,

This email is to voice my strong support for the development of 1576 Cherokee Road (17Zone1031 / "Cherokee Springs"). I am a current resident of the Highlands and note that there is a tremendous lack of this type of housing near Cherokee Park. Many people in our community have reached the age where they are looking to downsize, but are stymied in their efforts to stay in the neighborhood by the limited housing options. The proposed building is distinctive and designed to fit into the neighborhood's historical character. It would replace an architecturally undistinguished 1950s 4-plex rental property.

The Cherokee Springs proposal represents a unique opportunity for a quality development that will enhance and contribute to the quality of life in the neighborhoods surrounding Cherokee Park. Thoughtful and careful development is important to maintaining the vitality of these neighborhoods and should be encouraged. I understand that some reservations have been expressed regarding the height of the building. I believe that the height of Cherokee Springs is compatible with other multi-story buildings surrounding the Park (The Commodore, 1400 Willow, The Dartmouth, Willow Terrace, Cherokee Grande). Moreover, these buildings contribute a dynamic element to the neighborhoods around the Park that contributes to the energy of these neighborhoods.

For these reasons, I urge you to support the development of Cherokee Springs.

Sincerely,

Chip McDonald
40205

Dock, Joel

From: Maria Doyle <thedoyles@hotmail.com>
Sent: Thursday, January 25, 2018 11:08 AM
To: Dock, Joel
Subject: 1576 Cherokee Road Development

Mr. Dock:

I live at 1764 Spring Drive, right around the corner from the proposed development at 1576 Cherokee Road. As much as I would like to, I cannot attend the meeting today but did want to let you know that I am strongly opposed to the upzoning to R8. We do not have any R8 in BHA and such upzoning will open the doors for more and more R8. I believe this to be completely inconsistent with the BHA Neighborhood Plan. I ask that you enforce our neighborhood plan and not allow the change in zoning.

I believe Mr. Earl can do what he wants with his property but in compliance with codes and the BHA Neighborhood Plan. This would not mean R8. He can do a great building with his existing R7.

Thanks,
Maria Doyle
1764 Spring Drive.

Dock, Joel

From: Cromer, Alison B <Alison.Cromer@fisglobal.com>
Sent: Thursday, January 25, 2018 11:23 AM
To: Dock, Joel
Subject: 1576 Cherokee Road Case Number: 17ZONE1031

Joel,

I am unable to attend today's hearing, but am **opposed to the zoning change and the height variance.**

I was in a meeting with Mr. Reed in which he announced, with a chuckle, that he hadn't known anything about zoning when he purchased the property. Rather than use his ignorance as an excuse to approve the only R-8A in the neighborhood, I ask that the zoning board protect the neighborhood from a miss-alignment of vision and plot. Unlike Cogan's building a few doors down (R-7), this plot is much smaller, and the proposed density will be a detriment to the character of the entire neighborhood, not to mention the impact on near neighbors.

Should Mr. Reed want to replace the existing building with a new R-7 building I would have no issue with that.

Regards,
Alison Cromer
2140 Bonnycastle Ave, Unit 1A
Louisville, KY 40205

The information contained in this message is proprietary and/or confidential. If you are not the intended recipient, please: (i) delete the message and all copies; (ii) do not disclose, distribute or use the message in any manner; and (iii) notify the sender immediately. In addition, please be aware that any message addressed to our domain is subject to archiving and review by persons other than the intended recipient. Thank you.

Dock, Joel

From: shellie nitsche <snitish@twc.com>
Sent: Wednesday, January 24, 2018 12:55 PM
To: Dock, Joel
Subject: INTERESTED PARTY COMMENT FOR 17ZONE1031-Please add to the record for the LD&T meeting, January 25, 2018

Bonneycastle residents are not the only ones who will feel the negative impact of this proposed development should the requested variances and waivers be granted.

Granting approval will set a precedent for future development in ALL neighborhoods within the area and, according to the staff report, "The proposed new building could impact the integrity of the Highlands NR district".

The Highlands National Register District, where the proposed development will be located, is nationally recognized and locally coveted for its rich history of early suburban development and architectural diversity.

Neighborhood associations in the area, like the Bonneycastle Homestead Association, have adopted neighborhood plans to ensure that future development maintains the character and integrity of their neighborhood as well as the NR District.

These neighborhood plans aid in identifying, preserving and recognizing the vision and goals of a neighborhood, are approved by Metro Council and should be the first resource considered in granting approval for any development proposal.

Having lived in the Highlands-Douglass neighborhood for more than twenty years, I have fought tenaciously to maintain the historic integrity of the neighborhood as well as the NR District. I am not opposed to new development in the area, but believe a development proposal should not be granted approval based solely upon emotional connections or financial considerations. Neighborhood plans and the voices of all stakeholders must also be considered.

I support the Bonneycastle Homestead Neighborhood Plan.

I support the preservation of the Highlands National Register District.

Respectfully,

Shellie C. Nitsche
2117 Walnut Place
40205

Dock, Joel

From: Paul Heintzman <Paul.Heintzman@syb.com>
Sent: Wednesday, January 24, 2018 11:28 AM
To: Dock, Joel
Subject: Cherokee Springs

Dear Mr. Dock,

This email is to voice my strong support for the development of 1576 Cherokee Road (17Zone1031 / "Cherokee Springs"). I am a current resident of the Highlands and note that there is a tremendous lack of this type of housing near Cherokee Park. Many people in our community have reached the age where they are looking to downsize, but are stymied in their efforts to stay in the neighborhood by the limited housing options. The proposed building is distinctive and designed to fit into the neighborhood's historical character. It would replace an architecturally undistinguished 1950s 4-plex rental property.

The Cherokee Springs proposal represents a unique opportunity for a quality development that will enhance and contribute to the quality of life in the neighborhoods surrounding Cherokee Park. Thoughtful and careful development is important to maintaining the vitality of these neighborhoods and should be encouraged. I understand that some reservations have been expressed regarding the height of the building. I believe that the height of Cherokee Springs is compatible with other multi-story buildings surrounding the Park (The Commodore, 1400 Willow, The Dartmouth, Willow Terrace, Cherokee Grande). Moreover, these buildings contribute a dynamic element to the neighborhoods around the Park that contributes to the energy of these neighborhoods.

For these reasons, I urge you to support the development of Cherokee Springs.

Please place this email in the official file of case 17ZONE1031 at the Division of Planning and Design Services, as follows:

Vince Jarboe, Chair
The Members of the Louisville Metro Planning Commission
c/o Joel Dock, Planner II
400 West Market Street, 3rd Floor
Louisville, Kentucky 40202

Paul Heintzman
Treasury Management Business Development Officer
Treasury Management
1048 East Main Street
Office (502) 625-1979
Mobile (502) 424-3584
Fax (502) 625-0848
Paul.Heintzman@syb.com
Stock Yards Bank & Trust Co.

**Stock
Yards**
Bank & Trust
SINCE 1904



Dock, Joel

From: Daniel MacLean <maclean1977@gmail.com>
Sent: Wednesday, January 24, 2018 10:37 AM
To: Dock, Joel
Subject: 17ZONE1031 / Cherokee Springs

Hi Joel –

This email is to voice my strong support for the development of 1576 Cherokee Road, i.e., Cherokee Springs.

My entire family resides in the Highlands, and we have several relatives and friends interested in downsizing and living in this proposed building. They are all conscientious individuals, and, along with the property owner, have taken great care to make sure this proposed structure would have both the fit and finish due their longtime neighborhood. And I agree; the building as proposed would be distinctive and would look great in the Bonnycastle neighborhood area. As you know, it would replace an existing eyesore of a 1950s four-plex that adds about as much character to the neighborhood as a broken water main or potholes.

Cherokee Springs height is comparable to other multi-story buildings in the surrounding area, most notably the Commodore, 1400 Willow, the Dartmouth, Willow Terrace and Cherokee Grande. And just like these neighboring buildings, Cherokee Springs would add to the neighborhood's dynamism, economic vitality, property values and overall positive neighborhood energy in the Highlands.

Please support the development of Cherokee Springs.

I would appreciate your adding this message to the official file of case 17ZONE1031 at the Division of Planning and Design Services, as follows:

Vince Jarboe, Chair
The Members of the Louisville Metro Planning Commission
c/o Joel Dock, Planner II
400 West Market Street, 3rd Floor
Louisville, Kentucky 40202

Sincerely,

Dan MacLean
2214 Boulevard Napoleon
Louisville, KY 40205

(202) 255-8084

Dock, Joel

From: Karen Wunderlin <kw@wunderlin.com>
Sent: Wednesday, January 24, 2018 10:42 AM
To: Dock, Joel
Subject: Support for 17Zone1031/ Cherokee Springs

Dear Mr. Dock,

This email is to voice my strong support for the development of 1576 Cherokee Road (17Zone1031 / "Cherokee Springs"). I am a current resident of the area and note that there is a tremendous lack of this type of housing near Cherokee Park. Many people in our community have reached the age where they are looking to downsize, but are stymied in their efforts to stay in the neighborhood by the limited housing options. The proposed building is distinctive and designed to fit into the neighborhood's historical character. It would replace an architecturally undistinguished 1950s 4-plex rental property.

The Cherokee Springs proposal represents a unique opportunity for a quality development that will enhance and contribute to the quality of life in the neighborhoods surrounding Cherokee Park. Thoughtful and careful development is important to maintaining the vitality of these neighborhoods and should be encouraged. I understand that some reservations have been expressed regarding the height of the building. I believe that the height of Cherokee Springs is compatible with other multi-story buildings surrounding the Park (The Commodore, 1400 Willow, The Dartmouth, Willow Terrace, Cherokee Grande). Moreover, these buildings contribute a dynamic element to the neighborhoods around the Park that contributes to the energy of these neighborhoods.

For these reasons, I urge you to support the development of Cherokee Springs.

Please place this email in the official file of case 17ZONE1031 at the Division of Planning and Design Services, as follows:

Vince Jarboe, Chair
The Members of the Louisville Metro Planning Commission
c/o Joel Dock, Planner II
400 West Market Street, 3rd Floor
Louisville, Kentucky 40202


Karen Wunderlin
www.wunderlin.com
502.727.2637

Dock, Joel

From: Manning Warren <mgw333@gmail.com>
Sent: Tuesday, January 23, 2018 4:14 PM
To: Dock, Joel
Subject: 17ZONE1031/Cherokee Springs

Joel,

This is to express my strong support of the proposed Cherokee Springs development at 1576 Cherokee Road. I am a law professor at UofL and a Louisville resident for almost 30 years. My wife and I plan to downsize from our home in Indian Hills at some point soon and are considering purchasing an apartment in the development. We have children, ages 9 and 14, who attend school nearby. We have long wanted to live closer to the park but have been unable to find a suitable apartment. I believe that the building as designed will be a good fit for the neighborhood, and we, along with other likely purchasers of the apartments there, will be very conscientious neighbors for those already in the neighborhood. I really appreciate your thoughtful consideration.

Best,

Manning Warren

Dock, Joel

From: Margaret Clines <margaret.clines@gmail.com>
Sent: Tuesday, January 23, 2018 9:26 AM
To: Dock, Joel
Subject: 17ZONE1031 / Cherokee Springs - From Eastern Parkway Resident



Dear Mr. Dock,

This email is to voice my strong support for the development of 1576 Cherokee Road (17Zone1031 / "Cherokee Springs"). I am a current resident of the Highlands at 2111 Eastern Parkway and note that there is a tremendous lack of this type of housing near Cherokee Park. Many people in our community have reached the age where they are looking to downsize, but are stymied in their efforts to stay in the neighborhood by the limited housing options. The proposed building is distinctive and designed to fit into the neighborhood's historical character. It would replace an architecturally undistinguished 1950s 4-plex rental property.

The Cherokee Springs proposal represents a unique opportunity for a quality development that will enhance and contribute to the quality of life in the neighborhoods surrounding Cherokee Park. Thoughtful and careful development is important to maintaining the vitality of these neighborhoods and should be encouraged. I understand that some reservations have been expressed regarding the height of the building. I believe that the height of Cherokee Springs is compatible with other multi-story buildings surrounding the Park (The Commodore, 1400 Willow, The Dartmouth, Willow Terrace, Cherokee Grande). Moreover, these buildings contribute a dynamic element to the neighborhoods around the Park that contributes to the energy of these neighborhoods.

For these reasons, I urge you to support the development of Cherokee Springs.

Please place this email in the official file of case 17ZONE1031 at the Division of Planning and Design Services, as follows:

Vince Jarboe, Chair
The Members of the Louisville Metro Planning Commission c/o Joel Dock, Planner II
400 West Market Street, 3rd Floor
Louisville, Kentucky 40202

Thank you,
Maggie Clines

Dock, Joel

From: Bruce Lunsford <blunsford@lunsfordcapital.com>
Sent: Tuesday, January 23, 2018 9:06 AM
To: Dock, Joel
Subject: 17ZONE1031 / Cherokee Springs

Dear Mr. Dock,

This letter is to communicate my strong support for the development of 1576 Cherokee Road (17Zone1031/ "Cherokee Springs").

I have lived at 1400 Willow Avenue in the Highlands for nearly 20 years, and I am aware that there is a significant lack of this type of housing near Cherokee Park. Numerous individuals in our community have reached the age where they are interested in downsizing, but they are often unable to remain in the Highlands due to the limited housing options. The proposed building is distinctive and designed to complement the historical character of the neighborhood. In addition, it would replace a fourplex rental property built in the 1950s that lacks architectural significance.

The Cherokee Springs proposal represents a wonderful opportunity for a quality development that will enhance and contribute to the quality of life in the neighborhoods surrounding Cherokee Park. I have known the developers, Earl Reed and Jill Force, for nearly 30 years, both personally and professionally, and I have every confidence that they will provide a high quality property that will enhance the existing beauty of the community. Since they have both lived in the Bonnycastle neighborhood for many years, and they will both be owners and residents of Cherokee Springs, they have a vested interest in making it the very best property that it can be, and that type of responsibility is exemplary. While I understand that a few reservations have been expressed regarding the height of the building, I believe that the height of Cherokee Springs is compatible with other multi-story buildings surrounding the Park, including 1400 Willow, Park Grande, The Commodore, the Dartmouth, Willow Terrace and Cherokee Grande. In addition, these buildings offer a vibrant, elegant option that elevates the entire area.

For these reasons, I request that you support the development of Cherokee Springs.

Please place this e-mail in the official file of case 17ZONE1031 at the Division of Planning and Design Services, as follows:

Vince Jarboe, Chair
The Members of the Louisville Metro Planning Commission
c/o Joel Dock/ Planner II
400 West Market Street, 3rd Floor
Louisville, KY 40202

With gratitude for your time and assistance,
W. Bruce Lunsford
1400 Willow Avenue, #2101
Louisville, KY 40204

Dock, Joel

From: Sean O'Leary <soleary@edjanalytics.com>
Sent: Monday, January 22, 2018 11:01 AM
To: Dock, Joel
Subject: 17ZONE1031 / Cherokee Springs

Dear Mr. Dock,

This email is to voice my strong support for the development of 1576 Cherokee Road (17Zone1031 / "Cherokee Springs"). I am a current resident of the Highlands and note that there is a tremendous lack of this type of housing near Cherokee Park. Many people in our community have reached the age where they are looking to downsize, but are stymied in their efforts to stay in the neighborhood by the limited housing options. The proposed building is distinctive and designed to fit into the neighborhood's historical character. It would replace an architecturally undistinguished 1950s 4-plex rental property.

The Cherokee Springs proposal represents a unique opportunity for a quality development that will enhance and contribute to the quality of life in the neighborhoods surrounding Cherokee Park. Thoughtful and careful development is important to maintaining the vitality of these neighborhoods and should be encouraged. I understand that some reservations have been expressed regarding the height of the building. I believe that the height of Cherokee Springs is compatible with other multi-story buildings surrounding the Park (The Commodore, 1400 Willow, The Dartmouth, Willow Terrace, Cherokee Grande). Moreover, these buildings contribute a dynamic element to the neighborhoods around the Park that contributes to the energy of these neighborhoods.

For these reasons, I urge you to support the development of Cherokee Springs.

Please place this email in the official file of case 17ZONE1031 at the Division of Planning and Design Services, as follows:

Vince Jarboe, Chair
The Members of the Louisville Metro Planning Commission
c/o Joel Dock, Planner II
400 West Market Street, 3rd Floor
Louisville, Kentucky 40202

Thanks,

Sean O'Leary
1638 Spring Drive
40205

Sean O'Leary, Chief Executive Officer

M: [+1 502.645.5252](tel:+15026455252)



Dock, Joel

From: David Jones <djones@chrysalisventures.com>
Sent: Monday, January 22, 2018 12:11 PM
To: Dock, Joel
Subject: 17ZONE1031 / Cherokee Springs

Mr. Dock:

Please provide the communication below to Chair Jarboe and the members of the Louisville Metro Planning Commission. Thank you.

David Jones

Vince Jarboe, Chair
The Members of the Louisville Metro Planning Commission
c/o Joel Dock, Planner II
400 West Market Street, 3rd Floor
Louisville, Kentucky 40202

Dear Mr. Jarboe and Members of the Louisville metro Planning Commission:

I would like to express my enthusiastic support for the proposed new condominium building to be constructed at 1576 Cherokee Road across from Cherokee Park and referenced in your case files as 17Zone1031 / "Cherokee Springs."

As a neighbor whose property abuts Cherokee Park, and as a constant user of this park and supporter of Louisville parks in general, I am aware that there is a shortage of this type of housing near Cherokee Park. A common reality for people who have loved the park through their youth and middle years is that when they reach the age when they are looking to downsize, they are stymied in their efforts to stay in the neighborhood by the limited housing options.

Thoughtful and careful development is important to maintaining the vitality of these neighborhoods and of our precious Cherokee Park, and should be encouraged. My understanding is that some reservations have been expressed regarding the height of the proposed building. In response I note that the world's great urban parks -- Central Park in New York City, Hyde Park in London, the Luxembourg Garden in Paris to name just a few -- are without exception surrounded by multi-storied, multi-tenant structures. This has been a crucial element in achieving the population density of users needed to keep parks vibrant, as well as building political support for the park maintenance, security and continuous improvement on which adjacent neighborhoods depend. For Louisville, with its lack of public transport, density along our parks is even more important, and will become more so over time.

Finally, the proposed building is distinctive and designed to fit into the neighborhood's historical character. It would replace an architecturally undistinguished 1950s 4-plex rental property, enhance our city's tax revenues and thereby support our schools and other shared endeavors.

For these reasons, I urge you to support the development of Cherokee Springs.

Sincerely,

Dock, Joel

From: Carol <jmac_5@bellsouth.net>
Sent: Sunday, January 21, 2018 8:05 PM
To: Dock, Joel
Subject: 17ZONE1031

Dear Mr. Dock,

This email is to voice my strong support for the development of 1576 Cherokee Road (17Zone1031 / “Cherokee Springs”). I am a current resident of the Highlands and note that there is a tremendous lack of this type of housing near Cherokee Park. Many people in our community have reached the age where they are looking to downsize, but are stymied in their efforts to stay in the neighborhood by the limited housing options. The proposed building is distinctive and designed to fit into the neighborhood’s historical character. It would replace an architecturally undistinguished 1950s 4-plex rental property.

The Cherokee Springs proposal represents a unique opportunity for a quality development that will enhance and contribute to the quality of life in the neighborhoods surrounding Cherokee Park. Thoughtful and careful development is important to maintaining the vitality of these neighborhoods and should be encouraged. I understand that some reservations have been expressed regarding the height of the building. I believe that the height of Cherokee Springs is compatible with other multi-story buildings surrounding the Park (The Commodore, 1400 Willow, The Dartmouth, Willow Terrace, Cherokee Grande). Moreover, these buildings contribute a dynamic element to the neighborhoods around the Park that contributes to the energy of these neighborhoods.

For these reasons, I urge you to support the development of Cherokee Springs.

Carol Reed McIntyre
1700 Tartan Way
40205

Sent from my iPhone

Dock, Joel

From: Carol <jmac_5@bellsouth.net>
Sent: Sunday, January 21, 2018 8:34 PM
To: Dock, Joel
Subject: 17ZONE1031/CherokeeSprings

Speaking as Earl Reed's sister, knowing his integrity and moral standards, I can assure you this will be a very compatible, neighborhood-friendly enhancement to the Bonnycastle neighborhood. As a long-time resident of the Highlands and a regular walker of the "Loop," with the limited lateral real estate I feel Cherokee Springs will be a much sought after jewel in the prized location of Frederick Law Olmstead's beautiful Cherokee Park....

Dock, Joel

From: Claudia Runge <claudiarun@gmail.com>
Sent: Saturday, January 20, 2018 10:16 AM
To: Dock, Joel
Cc: David Runge; Tom Cooper; Linda Christopher
Subject: Proposed development at 1576 Cherokee Rd.

Dear Mr. Dock,

I am writing to express my opposition to the zoning change and variance requests for the proposed development at 1576 Cherokee Rd. As a resident of the Bonnycastle neighborhood, I especially object to the ways in which the proposal does not adhere to the Bonnycastle neighborhood plan. Cherokee Road is designated as a "one of a kind asset" to the neighborhood in that plan. Pages 7 and 8 of the neighborhood plan discuss the importance of maintaining the Cherokee Rd. Corridor. The plan points out that the variety of housing types on Cherokee Road are well balanced through "common design elements, involving building mass, height, and relationship to the road."

Clearly, the proposed project at 1576 fails to comply to all three of the aforementioned elements: building mass, height, and relationship to the road. This project, if allowed to be built as presently proposed, will not adhere to the Bonnycastle neighborhood plan. In addition, it will change the character and defining look of our neighborhood's one of a kind asset, Cherokee Road.

Thank you for considering my concerns.

Claudia Runge
1578 Cherokee Rd. #5
502-608-5710 (cell)

Dock, Joel

From: Moyer,R Charles <charlie.moyer@louisville.edu>
Sent: Friday, January 19, 2018 3:38 PM
To: Dock, Joel
Subject: 17ZONE1031/Cherokee Springs

Importance: High

Dear Mr. Dock:

I am writing to you in your role as the staff person working with the Planning Commission on the Cherokee Springs project. I understand that the commission is currently reviewing the plans submitted by a group headed by Earl Reed for a new condominium building to be constructed at 1576 Cherokee Road. I have carefully reviewed the plans for the project. I believe the project will fit in nicely with the current Bonnycastle neighborhood and will prove to be an exquisite, attractive and design-compatible addition to the area. This is the type of project that has the potential to enhance values in the immediate neighborhood, and it is of a size that will have a minimal impact on other nearby properties and residents.

My wife and I are at the point in our lives where we are interested in downsizing into a less labor intensive housing situation. This location, with its easy access to Cherokee Park is ideal from our perspective, and we are extremely interested in purchasing one of the units when the project is completed. I have known Earl Reed for over 12 years, as he served on my advisory board when I was the Dean of the College of Business at the University of Louisville. Earl is impeccably thoughtful, honest, and committed to enhancing the Louisville community. It is his interest in this project that convinced us that this will be a superb addition to the housing options in Louisville. I encourage the Commission to approve the project that has been proposed.

Sincerely,

R. Charles Moyer
Professor of Finance and Dean Emeritus
University of Louisville

R. Charles Moyer, PhD
Professor of Finance and Entrepreneurship
Dean Emeritus
College of Business
University of Louisville
Louisville, KY 40292
502-852-5007 – O
502-681-4191 - C
502-852-1752 - F
Charlie.moyer@louisville.edu

Dock, Joel

From: Ken Payne <kpayne@msrinc.net>
Sent: Friday, January 19, 2018 11:26 AM
To: Dock, Joel
Subject: Cherokee Springs - 17ZONE1031

Dear Members of the Louisville Metro Planning Commission and Joel Dock,

I am writing to support/endorse the proposed new condominium building to be constructed at 1576 Cherokee Road across from Cherokee Park. I believe this building will greatly enhance the surrounding neighborhood and is both compatible and complimentary to the Bonnycastle historical style. There currently is and has continued to be a shortage of similar condominium options near Cherokee Park that offer the amenities proposed by this project. I believe that the units in this building will be fully committed before construction is finished and that the City should encourage higher density and increased investment in our Urban core.

I recommend to the Planning Commission that this project be approved.

Sincerely,

Kenneth L. Payne
President and CEO
Main Street Realty, Inc.
502-584-3912

Dock, Joel

From: Tegan Tulloch <tegan.tulloch@gmail.com>
Sent: Friday, January 19, 2018 10:27 AM
To: Dock, Joel
Subject: 17ZONE1031 / Cherokee Springs

Good Morning Mr. Dock,

I'm emailing you to voice my opposition to the condominium they are trying to build at 1576 Cherokee Road.

Cherokee Triangle (and Bonnycastle) is a beautiful, historic neighborhood and building a seven-story condominium threatens the historic preservation and integrity of the neighborhood. I would also like to point out the effect this building will have on nearby homeowners, especially the next door neighbors, whose homes would dwell in the shadow of this monstrosity. Not to mention the increased traffic, which will inconvenience current residents and destroy the quiet, peaceful feel of the neighborhood.

I feel certain that a building of this size will negatively affect neighboring home values, the character of the neighborhood, and will undoubtedly lead to other houses being demolished in favor of vulgar, oversized apartment complexes and condominiums. If investors and businessmen had their way, the neighborhood would be overrun with million dollar condos (like the proposed Willow Grande that the CTA has been fighting in court) and shopping centers.

As I'm sure you're aware, many of the emails you will receive in favor of this condominium are not from residents of the Highlands or Cherokee Triangle, but businessmen and investors looking to turn a profit. My address is 2221 Cherokee Parkway and I am a resident of the Highlands.

For my above stated reasons, I implore you to oppose the development of this seven-story condominium.

Thank you.

Sincerely,

Tegan Tulloch

Dock, Joel

From: Ken Payne <kpayne@msrinc.net>
Sent: Friday, January 19, 2018 11:26 AM
To: Dock, Joel
Subject: Cherokee Springs - 17ZONE1031

Dear Members of the Louisville Metro Planning Commission and Joel Dock,

I am writing to support/endorse the proposed new condominium building to be constructed at 1576 Cherokee Road across from Cherokee Park. I believe this building will greatly enhance the surrounding neighborhood and is both compatible and complimentary to the Bonnycastle historical style. There currently is and has continued to be a shortage of similar condominium options near Cherokee Park that offer the amenities proposed by this project. I believe that the units in this building will be fully committed before construction is finished and that the City should encourage higher density and increased investment in our Urban core.

I recommend to the Planning Commission that this project be approved.

Sincerely,

Kenneth L. Payne
President and CEO
Main Street Realty, Inc.
502-584-3912

Dock, Joel

From: Tom Curtin <tgcurtin@gmail.com>
Sent: Friday, January 19, 2018 10:12 AM
To: Dock, Joel
Subject: 1720ZONE1031/Cherokee Springs

Dear Mr. Dock,

This email is to voice my strong support for the development of 1576 Cherokee Road (17Zone1031 / "Cherokee Springs"). I currently reside at 2111 Cherokee Parkway and I can speak from first-hand experience that there is a tremendous need for this type of housing near Cherokee Park and in the Highlands in general. My father has reached the age where he needs to move in with my family; I have spent over a year trying to indentify a suitable, single-floor living arrangement that will be accomodate our family's need. Remaining in the Highlands is a foundational priority for all of us - it has been our home for so many years.

Like me, due to the needs of extended family or individual needs, many people in our community have reached the age where they are looking to downsize and/or move into a single-floor living arrangement, but are stymied in their efforts to stay in the neighborhood by the limited housing options. The proposed building is distinctive and designed to fit into the neighborhood's historical character. As important, it will create additional supply of exactly the type of residential dwelling that is desperately needed in our neighborhood. The fact that it would replace an architecturally undistinguished 1950s 4-plex rental property is an added bonus.

The Cherokee Springs proposal represents a unique opportunity for a quality development that will enhance and contribute to the quality of life in the neighborhoods surrounding Cherokee Park. Thoughtful and careful development is important to maintaining the vitality of these neighborhoods and should be encouraged. I understand that some reservations have been expressed regarding the height of the building. I believe that the height of Cherokee Springs is compatible with other multi-story buildings surrounding the Park (The Commodore, 1400 Willow, The Dartmouth, Willow Terrace, Cherokee Grande). Moreover, these buildings contribute a dynamic element to the neighborhoods around the Park that contributes to the energy of these neighborhoods.

For these reasons, I urge you to support the development of Cherokee Springs.

Tom Curtin
2111 Cherokee Pkwy.
Louisville, KY 40204

Dock, Joel

From: Pat Mulloy <PMulloy@elmcroft.com>
Sent: Friday, January 19, 2018 10:01 AM
To: Dock, Joel
Subject: Cherokee Springs Project at 1575 Cherokee Road

Joel, if you could make sure please share this email with members of the Planning Commission, I would appreciate it.

I want enthusiastically to support the thoughtful proposed project at 1576 Cherokee Road. I have known the developers for over 30 years. They are residents of this and nearby neighborhoods and care deeply about the fabric of our city.

This project will be a significant upgrade to the neighborhood; will provide beautiful housing in one of the most attractive neighborhoods in our city. I have reviewed their plans and in fact have signed up as a potential resident once the project is completed. I have no doubt that it will integrate well with the surrounding neighborhood.

Beautiful buildings like the Dartmouth, Willow, and the 1400 Willow have integrated well with their neighbors and this great addition to the neighborhood will only be a complement to the surrounding homes.

I urge you to approve the project as planned.

Regards, Pat Mulloy

Pat Mulloy
Chairman/Chief Executive Officer
Elmcroft Senior Living
700 North Hurstbourne Parkway
Suite 200
Louisville, KY 40223
O: 502.753.6000
C: 502.693.2185
E: pmulloy@elmcroft.com



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Dock, Joel

From: roofie56@aol.com
Sent: Friday, January 19, 2018 9:52 AM
To: Dock, Joel
Subject: Case # 17Zone1031

Dear Mr. Dock,

My name is Linda Christopher and I live in the Bonnycastle Condominiums next to the proposed property development at 1576 Cherokee Rd. I am writing to explain my opposition to the property owners proposal to change the zoning from R-7 to R-8 and a waiver of height restrictions.

We do have a Bonnycastle Neighborhood Plan which calls for strict code enforcement and points out that the Cherokee Road Corridor is strengthened through common design elements involving building mass, height and relationship to the road. This proposal does not fit the common design element designated in our neighborhood plan.

Another consideration in the changing of the zoning from R-7 to R-8 is that it will be the first building built under R-8 zoning status in our Bonnycastle Neighborhood. Unfortunately, that will probably encourage other development that is out of proportion to the Bonnycastle Neighborhood and out of compliance with our neighborhood plan.

I am not against progress and development. I am against making a change in zoning and height restrictions for this building that does not comply with our Bonnycastle Neighborhood Plan.

Thank you for your time and consideration.

Sincerely,

Linda Christopher
1578 Cherokee Rd. #4
Louisville, KY, 40205



January 18, 2018

Land Development and Transportation Committee
Members: Chair Marilyn Lewis, Ramona Lindsey,
Jeff Brown, Richard Carlson, and Robert Peterson
Louisville Metro Planning Commission
444 South 5th Street, Suite 300
Louisville, Kentucky 40202

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

Re: Case No. 17ZONE1031
Opposition to Application for Zone Change Amendment,
Variance, and Waiver at
1576 Cherokee Road, Louisville, Kentucky 40205

Dear LDT Committee Members and Planning Staff:

This firm represents Ed Henson, Tom Cooper, and Kevin Waldron ("Neighbors"), all residents of the Bonnycastle Neighborhood in Louisville, Kentucky, and who live adjacent to the proposed Cherokee Springs development located at 1576 Cherokee Road, Louisville, Kentucky 40205. The property owner and developer submitted applications for a zone map amendment, a variance, and a waiver, in order to construct a 100 ft. tall, seven story, and 39,540 sq. ft. (56,500 sq. ft. gross) condominium building. There is significant opposition to the applications, from our clients and other Bonnycastle residents, because the development does not respect the comprehensive planning process and the developer is unwilling to provide any compromises that would validate that process and protect the historic integrity of the Cherokee Road Corridor.

For the following reasons, and for the reasons set forth in my clients' previous correspondence and communications with the Planning Staff, which are incorporated by reference herein, the Neighbors oppose the applications.

SUMMARY OF OPPOSITION

- 1) Neighbors Are Not Opposed to Redeveloping This Parcel; But Are Opposed to a Development with this Height and Bulk;

- 2) More than forty Bonnycastle Neighborhood residents have signed petitions to oppose the applications;
- 3) The Bonnycastle Homestead Association (BHA) has adopted a resolution to oppose the applications;
- 4) A 100 foot tall, 39,540 sq. ft. building is incompatible with the neighborhood. Planning Staff's own Preliminary Report (Revised 8/3/17) states the development is "incompatible with the neighborhood";
- 5) A 100 foot tall, 39,540 sq. ft. building is incompatible with Louisville's Cornerstone 2020 Comprehensive Plan ("Comp. Plan"), and is incompatible with the Bonnycastle Neighborhood Plan;
- 6) The approval of the application for the zone map amendment would constitute unlawful "spot zoning"; and
- 7) Neighbors, the BHA, and others have met and are willing to meet with the developers; however, the developers have been unwilling to compromise on the FAR and height of the building.
- 8) The LDT Committee should postpone the scheduling of this proposal to be heard by the Planning Commission until the Bonnycastle Neighborhood Plan is updated.

NEIGHBORS COMMENTS IN OPPOSITION

- 1) **The Neighbors Are Not Opposed to Redeveloping This Parcel; But Are Opposed to a Development with this Height and Bulk.**

The Neighbors want to be good and accommodating neighbors to everyone in their community. They understand that property owners may want to redevelop their property and profit from their property. However, Neighbors demand, as is their right and duty as citizens, any development that may impact their use and enjoyment of their own property be compliant with the law.

Currently, the proposed development is zoned R-7, which requires a Floor to Area Ratio ("FAR") of 1.0. The developers demand a FAR of 1.8, almost double the currently allowed FAR for this property. In addition, the property is located in the Traditional Neighborhood Form District, which allows for a building height to be no taller than 45 feet. The proposed development will have a height of 100 feet. The height and FAR are substantially different than the surrounding community. Such substantial changes would permanently denigrate the Olmsted Brothers' design of Cherokee Park and its tree-lined perimeter street, Cherokee

Road.

Neighbors would be amenable to a development that decreases the height of the building and the FAR without the requirement of a zone map amendment or variance.

- 2) **More than forty Bonnycastle Neighborhood residents have signed petitions to oppose the applications.**

This is not a Not In My Backyard (“NIMBY”) situation, whereby any and all development is opposed. In fact, the Neighbors are genuinely concerned with the appropriate development of their community, and are exercising their right and duty as citizens to ensure that land development complies with the law. They are not alone. More than forty Bonnycastle residents have signed a petition opposing the applications. **Exhibit 1.** This constitutes substantial evidence that the community does not want the development, as proposed, in their neighborhood, and that the proposed development is incompatible with the neighborhood.

- 3) **The Bonnycastle Homestead Association (BHA) has adopted a resolution to oppose the applications.**

After many discussions with stakeholders and planning staff, substantial information gathering and file review, a special meeting of the BHA Neighborhood Plan Committee was called by the BHA Board President for December 4, 2017. The BHA Neighborhood Plan Committee recommended to the full BHA Board to adopt a resolution opposing “any change in zoning, from R7 to R8a or other designation that would increase the density beyond the current R7 designation and we further oppose any height variance within the existing zoning for 1576 Cherokee Rd.” On December 12, 2017, the BHA voted to adopt the resolution. **Exhibit 2.** In support of the resolution to oppose the development, the BHA was concerned with the compatibility with the “core elements of the 2002 Bonnycastle Neighborhood Plan,” “the character of the residential and commercial aspects of the neighborhood,” the “preserv[ation of] the distinct characteristics of the diverse sub neighborhoods in Bonnycastle,” that “the development of Cherokee Park continues and it remains open, clean and safe,” and code enforcement is strictly monitored.

For the reasons above, the BHA opposition to the applications is further evidence that the proposal is incompatible with the Comp. Plan, BHA Neighborhood Plan, and the community.

- 4) **A 100 ft. tall, 39,540 sq. ft. building is incompatible with the neighborhood. Planning Staff’s own Preliminary Report (Revised 8/3/17) states the development is “incompatible with the neighborhood.”**

As noted by Planning Staff, “the proposed density does not necessitate a need to change the zoning on the property and the bulk alone at this stage is incompatible with the neighborhood. The proposal as submitted is deficient in many aspects of the guidelines and policies of Cornerstone 2020 as demonstrated in the Staff Checklist of Attachment 3.”¹ 8/3/17 Preliminary Staff report at 1. In addition, “The proposed development is incompatible with the scale and site design of the form district and nearby development.” *Id.* at 4. The Neighbors agree. The development is not consistent with the neighborhood, Comp. Plan, and BHA Neighborhood Plan, and thus violates KRS 100.187. Likewise, the current zoning is APPROPRIATE and the proposed map amendment and variance is NOT APPROPRIATE and, there have been NO 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. *Id.* The property is currently zoned in a way that is compatible with the applicable plans and character of the neighborhood.

- 5) **A 100 ft. tall, 39,540 sq. ft. building is incompatible with Louisville’s Cornerstone 2020 Comprehensive Plan (“Comp. Plan”), and is incompatible with the Bonnycastle Neighborhood Plan.**

The proposed development is inconsistent with multiple elements of Louisville’s Comp. Plan. Community Form / Land Use Guideline 1: Community Form B.2 calls for a “lotting pattern” that “appropriately-integrate[s] higher density residential uses.” The 100 ft. height of the building will eliminate sun access to multiple buildings in the area, including the Hensons’ home at 2335 Bonnycastle Avenue, the home at 1572 Cherokee Road, the Condominium building at 1578 Cherokee Road, and other homes along Alta Avenue and Bonnycastle Avenue. A building of such a height and bulk should have for more setback on a .5 acre parcel.

B.2 of the Community Form section Louisville’s Comp. Plan also requires that “[t]he proposal preserves public open spaces.” The development is inconsistent with the two-story line of historic homes along the Cherokee Road Corridor. The Neighbors agree with the Planning Staff’s Preliminary Report that the proposal “should respect the Cherokee Road corridor...in a manner that is compatible with the character of the public realm in the area.” Report at 8.

B.2 of the Community Form section requires that “[t]he proposal preserves and renovates existing buildings if the building design of these structures is

¹ As of 8/3/17, the Staff Checklist consisted of 22 out of 46 deficiencies, including the incompatibility of the height and FAR with Community Form/Land Use Guidelines.

consistent with the predominate neighborhood building design.” The Preliminary Report finds that the development proposal would destroy structures that are consistent with the neighborhood design. Report at 8. Note that Cherokee Road is one of the few remaining neighborhoods in Louisville that retains the original design tenets of its architects. See Samuel Thomas, *Cherokee Triangle: A History of the Heart of the Highlands*

A.2 of Community Form / Land Use Guideline 3: Compatibility requires that “[t]he proposal is generally compatible within the scale and site design of nearby existing development and with the form district’s pattern of development.” The Preliminary Report found that “[t]he proposed development is incompatible with the scale and site design of the form district and nearby development” because “the proposed structure has a scale that is much greater than properties within the block face...”. Report at 10. This is the crux of the problem with this development. The developer could build an approximately 22,000 square ft. building within the requirements of the R-7 zoning district. Anything bigger than that is simply out of character with the surrounding neighborhood and damages the historic design characteristics of the Bonnycastle Neighborhood.

Most importantly, the need to re-zone to R-8A is unnecessary and inconsistent with the Comp. Plan. A.3 of Community Form / Land Use Guideline 3: Compatibility which states that a proposal must be “compatible with adjacent residential areas, and if it introduces a new type of density, the proposal is designed to be compatible with surrounding land uses...”. The Preliminary Report found that “[w]hile R-8A would introduce a new type of density, the proposal does not provide such a density that would necessitate the need for R-8A. The proposal at-hand is a request to increase the permitted bulk (FAR) only and this is inconsistent with the pattern of development in the area.” Report at 10. Indeed, this is precisely where the neighbors are most in agreement with the Preliminary Report. The developer can build a large building that contributes to the neighborhood and historic fabric of the community within the R-7 zoning requirements. A building of the height and bulk proposed will dwarf surrounding homes, blight access to light and the park viewshed, and undermine the historic integrity and fabric of Cherokee Road.

This development is also inconsistent with the Bonnycastle Neighborhood Plan. The Neighborhood Plan emphasizes the Cherokee Road Corridor as a “one of a kind asset” and the balance of a variety of housing types. N’hood Plan at 7. “The corridor contains a variety of housing types that appears to be well balanced with the capabilities of services lanes and the number of residential units. This balance is also strengthened through common design elements *involving building mass, height and relationship to the Road.*” *Id.* (emphasis added). In order to maintain this balance, the Neighborhood Plan implements several strategies and actions.

The Plan calls for a developer to maintain the existing façade, the characteristics of the building envelope for the principle structure should be maintained, the compatibility of the development should be evaluated in terms of the impact of additional units and automobiles to the capacity and condition of the rear service lane, a service lane with a LOS of C or below must be improved to at least a LOS of B, no driveway access to Cherokee Road is to be permitted, and a pedestrian walkway along the south side of the Corridor (the house side). *Id.* A development that has almost double the currently allowable bulk and is sixty feet taller than R-7 zoning allows, requires more than 30 parking spaces and access through an alley that was never designed for that substantial increase in usage and traffic, and is attempting to waive its obligation to build a sidewalk, is not implementing “common design elements involving building mass, height and relationship to the Road,” and is therefore inconsistent with the Neighborhood Plan. The proposed development and zone map amendment will cause a substantial unbalancing of this “one of a kind” asset, the Cherokee Road Corridor.

The proposed development and zone map amendment are also incompatible with two Neighborhood Goals: (1) Limit or severely restrict the conversion of single family properties to multifamily use, and (2) Maintain the character of the residential and commercial aspects of the neighborhood as well as their balance and interdependence. N’hood Plan at 3. While the proposed development is not converting a single family home, it is demolishing a building with four units, and building a new building, 60 feet taller, with fourteen units. Secondly, as stated above, the proposed development does not maintain the balance of the neighborhood. The historic character of Cherokee Road is the number one preservation priority of the Plan. N’hood Plan at 18. The proposal will be inconsistent with these priorities.

For these reasons, and those set forth by the Neighbors, others in the Bonnycastle neighborhood, the BHA, and Planning Staff, the applications should be denied because of the incompatibility with the Comp. Plan, the Neighborhood Plan, and the character of the neighborhood.

6) The approval of the application for the zone map amendment would constitute unlawful “spot zoning.”

Leapfrog zoning (also known as “spot zoning”) is “generally frowned upon by the courts.” *Mathis v. Hannan*, 306 S.W.2d 278, 280 (Ky. 1957). If the zone map amendment is granted, this parcel will be the only R-8A zoned property in the area, and will be surrounded by R-5 zoning on all sides except for one. In fact, with the exception of the property to the Southeast, which is zoned R-7, the rest of the immediate area is zoned R-5. Moreover, the proposed development is not contiguous with any other property of this density, height, and bulk.

Comprehensive Plans, neighborhood plans and zoning codes, including those that apply here, are designed to prevent this type of spot zoning. The applicant has set forth no reason to deviate from these requirements.

- 7) **Neighbors, the BHA, and others have met and are willing to meet with the developers; however, the developers have been unwilling to compromise on the FAR and height of the building.**

The Neighbors, BHA, and others have dedicated substantial efforts to meet and negotiate with the developers, its counsel, and its representatives. This culminated in a meeting between the BHA and the developer on December 21, 2017. Unfortunately, no resolution was reached between the BHA and the developers. The Neighbors were present as BHA members, but their counsel was not. It is the Neighbors understanding that, at the time, the developers were unwilling to change the bulk or height of the project, and that there have been no other discussions.

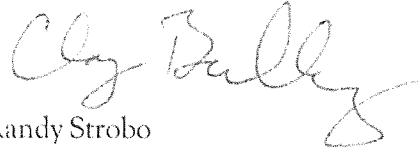
- 8) **The LDT Committee should postpone the scheduling of this proposal to be heard by the Planning Commission until the Bonnycastle Neighborhood Plan is updated.**

The Bonnycastle Neighborhood Plan was adopted in 2002. While this is not a Comprehensive Plan, the Neighborhood Plan is made part of the Comp. Plan at the time of adoption. KRS 100.197 requires “[a]t least once every five (5) years, the commission shall amend or readopt the plan elements.” Neighbors agree that the Neighborhood is outdated. There have been many changes to the neighborhood that warrant the updating of the Neighborhood Plan, one of which is a better analysis of and strategy to address multi-unit buildings in the area. With a project of this magnitude including the many impacts to the character and balance of the neighborhood, the LDT Committee should postpone scheduling this proposal to be heard by the Planning Commission until an update Neighborhood Plan has been fully vetted and adopted. This will allow the Planning Commission to make a decision that reflects the current status and land use implications of the Bonnycastle Neighborhood and the wellbeing of its residents.

CONCLUSION

This proposed development is incompatible with both the letter and the spirit of the Comp. Plan, BHA Neighborhood Plan, and the LDC. We request that the Planning Commission recommend denial of the requested zone map amendment and variance at this time, but will supplement this letter as the proposal moves through the review process.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Clay Barkley". The signature is written in black ink and is positioned above the printed names.

Randy Strobo
Clay Barkley

Enclosures: Exhibits

EXHIBIT 1

We the undersigned are opposed to the proposed development plan for 1576 Cherokee Road, specifically changing the zoning from R-7 to R-8 and the variance in height requested by the developer.

Name	Address
Ed Henson	2335 Bonnycastle Ave. Louisville
Gail Henson	2335 Bonnycastle Ave 40205
Daryl Edge	1548 Cherokee Rd, Louisville, Ky 40205
Sharon M. Edge	1548 Cherokee Rd, Louisville, Ky 40205
Deanna Wells	2328 Bonnycastle Ave Louisville, Ky 40205
Jared M. Wells	2328 Bonnycastle Ave. Louisville, Ky 40205
Virginia Cox Evans	2307 Bonnycastle Ave Lun, Ky 40205
Susan Stevens	2215 Bonnycastle Ave, Louisville Ky 40205
Dennis Allen	2230 Bonnycastle Ave
Doug Allen	2230 Bonnycastle Ave 40205
Theresa Connolly	2300 Bonnycastle Ave 40205
Antonino	2300 Bonnycastle Ave 40205
Lee Neal	2314 Bonnycastle Ave.
Patricia Connolly	2320 Bonnycastle Ave.
Brett Connolly	2320 Bonnycastle Ave.
Sally + Nick Powell	2235 Bonnycastle Ave
Paula DeMuth	2225 Bonnycastle Ave
Bill	2205 Bonnycastle Ave.
Johnnie Ann Cook	2201 Bonnycastle Ave
Daniel M. Tucker	2332 Bonnycastle Ave
Jean Tucker	2332 Bonnycastle Ave

We the undersigned are opposed to the proposed development plan for 1576 Cherokee Road, specifically changing the zoning from R-7 to R-8 and the variance in height requested by the developer.

Name	Address
Kevin Walden	1578 Cherokee Rd Unit 1
Teresa Waldron	1578 Cherokee Road Unit 1
Linda Christopher	1578 Cherokee Road Unit 4
William Burt	1572 Cherokee Road.
Rebecca Bell	1425 Jaeger Ave
Rick Kueber	1558 Cherokee Rd
Robin Rogers	1544 Cherokee Rd
Tiffany	1536 CHEROKEE RD
Wanda McNulty	1532 Cherokee rd
Dawn M. Kelly	1532 Cherokee Road
Stephanie Peatbouse	2337 Bonnycastle Ave #2

We the undersigned are opposed to the proposed development plan for 1576 Cherokee Road, specifically changing the zoning from R-7 to R-8 and the variance in height requested by the developer.

Name	Address
Jennifer Thomas	2336 Alta Ave. Louisville KY 40205
Tom P. Burwell	2334 Alta Ave, 40205
Mary Ann Fager	2330 ALTA AVE 40205
Nancy Cissell	2308 Alta Ave 40205
Vonda Walter	2306 Alta Ave. 40205
Susan F. Wall	2304 Alta Ave 40205
_____	2205 Alta Avenue 40205
_____	2233 Alta Ave 40205
Paul Stapp	2301 ALTA AVE. 40205
Joseph St. Walker	2303 ALTA AVE 40205
Dorcas Marie Gray	2319 Alta Ave 40205
W. Howard	1578 Cherokee Rd Apt G 40205

EXHIBIT 2

Bonnycastle Homestead Association, Inc.

P.O. BOX 5165

LOUISVILLE, KENTUCKY 40205

Regular Meeting of December 12, 2017

7:00 P.M.

BOARD MEETING AGENDA

PLEASE SIGN IN (KINDLY PRINT YOUR NAMES)

1. Call to order and welcome.
2. Call for additions and changes to Agenda, and Adoption of Agenda. **Need motion and second.**
3. 5' District LMPD Report/ Major Aubrey Gregory
4. Metro Council Representative's Report/ Mr. Coan or Jasmine Masterson, Legislative Aide
5. Minutes of November 2017 regular meeting. **Need motion and second to accept minutes as submitted or corrected.**
6. Treasurer's Report. **Need motion and second to accept report as submitted or corrected.**
7. Committee Reports:

Communications Committee/Maria Doyle, Eileen Peterson

Membership Committee /Oliver Ardery, Norma Bisig, Tiffany Fabing

Tree Committee Report/ Alison Cromer, Maria Doyle, Eileen Peterson, Jay and Louise Harris, Rob Riley

Special Events Committee/Norma Bisig, Alison Cromer, Rob Riley

Neighborhood Plan/Conditional Use/Land Use Committee/ Tiffany Fabing

See attached proposal.

Neighborhood Outreach Committee/Jay Harris

Neighborhood Plan/Conditional Use/Land Use Committee

A special meeting of the neighborhood plan committee was called by the President for December 4, 2017. The meeting was attended by many of the Board Members as well as some concerned neighborhood residents. Following a round of information gathering and discussion, and given the information released to date about the size and scale of the proposed Building at 1576 Cherokee Rd., the Committee agreed to recommend, to the full Bonnycastle Board the following Resolution:

Because of the core elements of the 2002 Bonnycastle Neighborhood Plan, including that we maintain the character of the residential and commercial aspects of the neighborhood, that we recognize and preserve the distinct characteristics of the diverse sub neighborhoods in Bonnycastle, that we ensure the development of Cherokee Park continues and it remains open, clean and safe, and that we insist on, and monitor strict code enforcement, The Bonnycastle Homestead Association opposes any change in zoning, from R7 to R8a or other designation that would increase the density beyond the current R7 designation and we further oppose any height variance within the existing zoning for 1576 Cherokee Rd.

Belinda May

12-19-17

From: Maria Doyle <thedoyles@hotmail.com>
Sent: Wednesday, December 20, 2017 12:42 PM
To: Belinda May
Subject: Fw: BHA Resolution 12-12-17 to Joel P. Dock, Planner II, Planning & Design Services, Department of Develop Louisville

From: Dock, Joel <Joel.Dock@louisvilleky.gov>
Sent: Tuesday, December 19, 2017 9:02 AM
To: stan whetzel
Cc: rriley@yahoo.com; thedoyles@hotmail.com; cbisigjr@aol.com; jaydh@bellsouth.net; tiffanyfabing@gmail.com; alison.cromer@fisglobal.com; alison.cromer@sungard.com; eileenpeterson0405@gmail.com; ekwest00@gmail.com; oliver.ardery@gmail.com
Subject: RE: BHA Resolution 12-12-17 to Joel P. Dock, Planner II, Planning & Design Services, Department of Develop Louisville

Received. Thank you!

Joel P. Dock
Planner II
Planning & Design Services
Department of Develop Louisville
LOUISVILLE FORWARD
444 South Fifth Street, Suite 300
Louisville, KY 40202
502-574-5860
<https://louisvilleky.gov/government/planning-design>



**DEVELOP
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From: stan whetzel [mailto:sww192323@aol.com]
Sent: Monday, December 18, 2017 4:02 PM
To: Dock, Joel
Cc: sww192323@aol.com; rriley@yahoo.com; thedoyles@hotmail.com; cbisigjr@aol.com; jaydh@bellsouth.net; tiffanyfabing@gmail.com; alison.cromer@fisglobal.com; alison.cromer@sungard.com; eileenpeterson0405@gmail.com;

ekwest00@gmail.com; oliver.ardery@gmail.com; SWW192323@aol.com

Subject: BHA Resolution 12-12-17 to Joel P. Dock, Planner II, Planning & Design Services, Department of Develop
Louisville

Mr. Dock: Per our conversation today, I am attaching for your file the BHA board of directors resolution passed December 12, 2017 expressing the BHA's opposition to the proposed upzoning of 1576 Cherokee Road from R7 to R8a, etc., and height variances exceeding the present zoning for that property. Please let me know if you have any questions about it. Thanks. Stan Whetzel, BHA President

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Tom Cooper <wtcooper1@gmail.com>

Case No. 17zone1031

1 message

Fri, Dec 1, 2017 at 9:34 AM

Tom Cooper <wtcooper1@gmail.com>

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

Cc: Ed Henson <edhenson1@bellsouth.net>, Kevin Waldron <kevin@deltaservicesllc.com>

Good morning Joel,

Once again thank you very much for sitting down with me and my neighbors to discuss the proposed development of 1576 Cherokee Road.

Following are my comments with respect to the Change in Zoning/Form District Application filed by the developer:

1. I am opposed to the proposed zoning change. This would allow the development to be too large to be compatible with the Bonnycastle neighborhood and clearly does not comply with the Bonnycastle Neighborhood Plan. Also I fear that, if this property is rezoned R-8, it will begin a domino effect as it is my understanding there are no lots zoned R-8 in the Bonnycastle neighborhood.
2. I am opposed to granting of a waiver of height restriction. As proposed, the project will stick out like a sore thumb along the Cherokee Road Corridor, a "One of a Kind Asset" as described in the Bonnycastle Neighborhood Plan.
3. On page 1 of the applicant's "Demonstration of Appropriateness" it is stated that the proposal conforms to the Bonnycastle Neighborhood Plan (BNP). That is simply not true. The BNP calls for strict code enforcement (page 3). Page 7 of the BNP points out the Cherokee Road Corridor is strengthened through common design elements involving building mass, height and relationship to the Road. The proposal is clearly not a "common design element".
4. I find the statement on page 2 referring to the photographs in Tab 2 disturbing. Yes, the first 2-3 floors may be concealed, but not the upper portion of a 100 foot building.
5. The statement on page 6 that the Proposal conforms to the BNP is simply not true as discussed above.
6. On page 7 there is a discussion of a "larger scale multi-family development" being appropriate. That may be, but the proposed development would completely change the look and character of the Cherokee Road Corridor.
7. On page 7 there is a discussion that the proposal is similar to other larger scale multi-family developments in Bonnycastle. That may be true; however, the existing developments, except for the Park Grande, are not on the Cherokee Road Corridor. (It's interesting to note that there does not seem to be a file on how the Park Grande came about. Also, the Park Grande is zoned R-7, not R-8.)
8. On page 8 there is a statement that the homes behind the existing building "do not have visual access to the park "over" the building" is simply not true. They do have visual access which will disappear under the proposal.

9. On page 8 I disagree with the conclusion that the proposal "will not prevent the ordinary trespass of sun and light". At 100 feet high and a footprint of 7,600 square feet, it will clearly impact the ordinary trespass of sun and light.

10. In the middle and bottom of page 9 there are again statements alleging that viewsheds and trespass of sun and light will not be adversely impacted. Again these are untrue statements.

There are numerous other concerns that I have. I am not opposed to the developer wanting to improve, rehabilitate or replace the building on his property. In fact a similar building was upgraded at the corner of Bonnycastle and Cherokee Roads. However, the sheer bulk and extraordinary height of this proposal, will destroy the aesthetics of the Cherokee Road Corridor.

Again thank you for the courtesies you have extended. Feel free to contact me if you have questions and/or wish further clarification.

Tom

Tom Cooper

Mobile (502) 445-1545

Dock, Joel

From: stan whetzel <sww192323@aol.com>
Sent: Thursday, January 11, 2018 3:47 PM
To: Dock, Joel
Cc: sww192323@aol.com; thedoyles@hotmail.com; rrileyaw@yahoo.com; eileenpeterson0405@gmail.com; alison.cromer@fisglobal.com; alison.cromer@sungard.com; jaydh@bellsouth.net; ekwest00@gmail.com; cbisigjr@aol.com; tiffanyfabing@gmail.com; oliver.ardery@gmail.com; rroberts1000@yahoo.com; roofie56@aol.com; debraandted@gmail.com; edhenson1@bellsouth.net; kevin@deltaservicesllc.com; gaprice@fbtlaw.com; ghenson@bellarmine.edu; jillforce@gmail.com; SWW192323@aol.com; shlcswkyin@aol.com; earlreed@theallegrogroup.com; wtcooper1@gmail.com
Subject: Notice of Public Hearing on Thursday, 1/25/18 re 1576 Cherokee Road, Case No. 17ZONE1031
Attachments: Attachment.1.BHA.Timeline.1576.Cherokee.Rd.pdf; Attachment.2.BHA.Timeline.1576.Cherokee.Rd.pdf; Attachment.3.BHA.Timeline.1576.Cherokee Road.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr. Dock: In response to the email sent by Mr. W. Earl Reed, III, to you, to me, and to the board of directors of the Bonnycastle Homestead Association on December 20, 2017, please find attached to this email a document titled "BHA Timeline" regarding the proposed development at 1576 Cherokee Road, Louisville, KY 40205, dated January 1, 2018. Also attached are copies of several email threads generated during the various communications between the parties. They document the events described in the timeline.

The timeline shows the considerable time and effort expended by the BHA and its representatives in an effort to develop the BHA's position on the proposed development, and to hold the requested meeting between the Allegro Group's members and legal counsel, and the BHA's representatives, to discuss their respective views and positions on the proposed development. The desired meeting was in fact held on December 21, 2017. Unfortunately, no resolution was reached at the meeting, and there was been no further communication between the groups.

The timeline covers the period from 10/23/17 when counsel for Mr. Reed and his Allegro Group telephoned BHA board member Maria Doyle about attending a BHA board meeting, and continues through December 21, 2017, when a BHA board committee of four board representatives and four Bonnycastle neighbors met with Mr. Reed, Ms. Jill Force, and their counsel Glenn Price, Esq., It includes my subsequent communication to you on 12/18/17 of the resolution adopted by the BHA board at its regular meeting of 12/14/17. The timeline was prepared from copies of the numerous emails sent by and to concerned neighbors, BHA board members, Mr. Price, and Mr. Reed, copies of which also are attached for your information and convenient reference. Please add this email and the three attachments hereto to the record of these proceedings. Thank you.

Association, Stan Whetzel, President, Bonnycastle Homestead
P.O. Box 5165, Louisville, KY 40205.

BHA TIMELINE

Proposed Development 1576 Cherokee Road

January 1, 2018

Monday 10/23/17

- Phone call from Glenn Price to Maria Doyle regarding coming to a BHA meeting.
- Email from Maria Doyle to BHA Board on same
- Email from Stan Whetzel saying that Glenn is welcome to attend BHA meeting.

Friday 10/27/17

- Email from Maria Doyle to Glenn Price telling him that he can come to the BHA November meeting.
- Email from Glenn Price to Maria Doyle on attending November BHA meeting.

Monday 11/13/17

- Email from Stan Whetzel on November board meeting agenda; Glenn Price on agenda.

Tuesday 11/14/17

- BHA Board meeting; Glenn Price gave presentation.

Wednesday 11/15/17

- Email from Glenn Price to Stan Whetzel to set up follow up meeting.
- Email from Stan Whetzel passing on email.
- Email from Stan Whetzel to Glenn Price stating that email would be passed on to BHA Board and let him know.

Tuesday 11/21/17

- Email from Glenn Price following up on scheduling meeting.
- Email from Stan Whetzel stating that the BHA was discussing and due to the holidays the meeting would have to be sometime mid-December.

Tuesday 11/28/17

- Email to BHA Board from Stan Whetzel calling a meeting of the Neighborhood Plan/Conditional Use/Land Use Committee for Tuesday 12/5/17. Purpose of the meeting was to discuss the development.
- Email to BHA Board from Stan Whetzel to confirm committee meeting but to change date to Monday 12/4/17 at 7 pm

Monday 12/4/17

- BHA committee meeting. Resolution passed

Tuesday 12/5/17

- Email from Glenn Price to Stan Whetzel regarding status of meeting.
- Email from Stan Whetzel to Glenn Price stating that meeting could be scheduled after 12/12/17 BHA Board meeting.

Wednesday 12/6/17

- Email from Glenn Price to Stan Whetzel acknowledging receipt of 12/5/17 email from Stan Whetzel.

Monday 12/11/17

- Email from Rob Riley to Maria Doyle and Stan Whetzel on resolution passed at committee meeting.

Tuesday 12/12/17

- BHA Board held its December meeting and voted on committee resolution. Notice of meeting and Christmas party (which followed) was sent by Facebook and Nextdoor. All BHA members were welcome to attend. Earl Reed attended BHA Christmas party directly after BHA meeting.

Wednesday 12/13/17

- Email from Stan Whetzel to Glenn Price stating that a resolution had been passed and that the BHA was working on times/dates for December meeting.
- Email from Stan Whetzel to BHA Board to get a meeting set with Glenn Price.

Thursday 12/14/17

- Email from Stan Whetzel to BHA Board to get meeting scheduled.
- Notice to Stan Whetzel that Glenn Price emails were undeliverable. Email from Stan Whetzel to BHA Board to get meeting date set with Glenn Price.

Friday 12/15/17

- Email to BHA Board from Stan Whetzel that he had talked to Glenn Price about his emails being returned and also on dates for a meeting. Glenn Price said his clients were able to meet the following week but needed to determine the time, date and location.

Monday 12/18/17

- Email to BHA Board from Stan Whetzel that he had spoken to Glenn Price on Thursday 12/14/17 about scheduling a meeting and that he wanted to know availability for dates the following week.
- Email from Stan Whetzel to Joel Dock on BHA position.

Wednesday 12/19/17

- Email from Stan Whetzel to Glenn Price asking if the developer group could meet 12/20/17.
- Stan Whetzel in receipt of message that email to Glenn Price was unable to be sent.
- Email from Stan Whetzel to BHA Board saying that he spoke to Glenn Price (since his email was kicked back) and that Glenn Price would call back regarding a meeting on Thursday.
- Email from Stan Whetzel to Glenn Price asking for confirmation for Thursday meeting.
- Email from Stan Whetzel to BHA Board on status of meeting.
- Email from Stan Whetzel to BHA Board stating that BHA was still waiting to hear back from Glenn Price on Thursday meeting (10:03 am).
- Email from Stan Whetzel to BHA Board forwarding email from Earl Reed to Stan Whetzel on development (10:45 am) .
- Email to Glenn Price from Stan Whetzel regarding Earl Reed email and confirming meeting for 12/20/17 (10:56 am)
- Email from Stan Whetzel to BHA Board stating that Glenn Price had confirmed 12/20/17 meeting (11:33 am).
- Email from Earl Reed to BHA c/o Stan Whetzel on development (12:07 pm).

Thursday 12/21/17

- BHA representatives and neighbors meet with Glenn Price, Jill Force and Earl Reed

*As of today's date, the BHA has not heard back from Glenn Price.



NOTICE OF PUBLIC MEETING

You are invited to attend a review of a proposal for a **CHANGE IN ZONING** from R-7 (Multi-Family Residential) to R-8A (Multi-Family Residential), Detailed District Development Plan, Variances (building height & private yard), and Waiver (sidewalk) for proposed 7-story, 39,540 square foot, 14 dwelling unit multi-family development.

Subject Property: 1576 Cherokee Road
Case Number: 17ZONE1031
Case Manager: JOEL DOCK (joel.dock@louisvilleky.gov)

Meeting Type: **LAND DEVELOPMENT & TRANSPORTATION**
Date: **THURSDAY, JANUARY 25, 2018**
Time: Meeting will begin at 1:00 PM and continue until all cases are heard
Location: 514 W. Liberty Street 40202

To view documents related to this proposal, please visit:
Louisville Metro Planning and Design Services (Hours: 8:00 AM to 5:00 PM)
444 S. 5th Street, 3rd Floor, Louisville, KY 40202
(502) 574-6230

- Or visit www.louisvilleky.gov/PlanningDesign for:
- Meeting agenda and staff report (typically available one week prior to meeting)
 - More information on zoning processes
 - Public comment opportunities
 - Applications for a petition for a night hearing, including procedures to change the time and/or location of a public hearing to 6:00 pm or later downtown, or to a convenient location.

A list of persons notified of this proposal is available in the case file.
Public Meetings are now available for viewing via live stream at the following website:
<https://louisvillelegistar.com>
Persons who desire special accommodations should contact the Planning Commission office at (502) 574-6230 at least one week prior to this meeting. TDD users please use the Relay Service, 1-800-648-6056.

10-19-17

Belinda May

From: Maria Doyle <thedoyles@hotmail.com>
Sent: Wednesday, December 20, 2017 12:44 PM
To: Belinda May
Subject: Fw: BHA Neighborhood Plan and neighborhood development - We want your feedback!

From: Jane Burbank <burbankjane@gmail.com>
Sent: Thursday, October 19, 2017 10:47 AM
To: Maria Doyle
Subject: Re: BHA Neighborhood Plan and neighborhood development - We want your feedback!

I do not agree with the proposal to put a 7 story building and demo the 2 story building. Nothing should be higher than the two stories and frankly would rather see renovation of current structure. Putting tall buildings all along that corridor will destroy the parkway and create a tunnel of buildings. The one big building shouldn't have been allowed. It destroyed the property next door, and altered the Bonnycastle Terrace corridor. Don't let them start destroying the general atmosphere and design of the neighborhood. Thanks for allowing our input. Jane Burbank, 2105 Alta Ave

On Thu, Oct 19, 2017 at 10:25 AM, Maria Doyle <thedoyles@hotmail.com> wrote:

From the BHA Board:

The BHA is in the process of reviewing its Neighborhood Plan. A copy of the current BHA Neighborhood Plan from 2002 is attached, and is also available at the BHA website (www.bonnycastlehomestead.org) under the Tab "About BHA".

The BHA Board supports neighborhood development in accordance with the 2002 BHA Neighborhood Plan, attached in pdf for your review.

There have been development proposals in the last few years that appeared to be incompatible with our BHA Neighborhood Plan. One such current proposal involves the proposed demolition of the two-story building at 1576 Cherokee Road followed by construction of a seven-story condominium building. Please see the attached Zoning Board staff letter on this proposed development, which states that the initial application does not appear to be in full compliance with the BHA Neighborhood Plan.

We would like input on our current BHA Neighborhood Plan from BHA residents with respect to both the property at 1576 Cherokee Road and development in general in our neighborhood.

Please send any comments, concerns or questions to bonnycastlehomestead@gmail.com or reply to this email.

Thank you for your time and attention to these neighborhood issues .

10.23-17

Belinda May

From: Maria Doyle <thedoyles@hotmail.com>
Sent: Wednesday, December 20, 2017 12:44 PM
To: Belinda May
Subject: Fw: bha neighborhood plan

From: Bonnycastle Homestead Association <bonnycastlehomestead@gmail.com>
Sent: Monday, October 23, 2017 5:27 PM
To: Maria Doyle
Subject: Fwd: bha neighborhood plan

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

From: Allen Steinbock <AFSTEINBOCK@whipmix.com>
Date: Thu, Oct 19, 2017 at 3:00 PM
Subject: bha neighborhood plan
To: "bonnycastlehomestead@gmail.com" <bonnycastlehomestead@gmail.com>
Cc: "sherry.steinbock@gmail.com" <sherry.steinbock@gmail.com>

I read over the Neighborhood Plan and the email cover letter and the attachment that is related to the proposed new 7 story condo building.

My home at 1700 Cherokee would be subjected to being in the viewshed of the proposed structure. This is not a structure that I would view with favor. As is pointed out in the staff review, the size and mass of this is not in keeping with the neighborhood and needs to be rejected for the reasons stated.

I was pleased to read through the 2002 neighborhood plan. It hits the right notes still and by being reviewed and updated to 2018... it will still be an excellent starting point for planning purposes. It can personally attest that Cherokee Terrace is still heavily used by pedestrians to access the Park! And the upgrades to the signature gateways have been done.

I also note that the sidewalk extensions along Cherokee Rd have not been done. But I wonder if putting them on the park side of the road would be easier and more economical... without detracting from the greenspace of the park. I would argue that doing so would actually clean up the raggedy nature of the park edge by eliminating many scrub trees and weeds that have established themselves. Additionally, most walkers I observe prefer to walk on the park side of the road.

In closing, let me share that I have lived in the Highlands since 1960, nearly 60 years, and this is the perfect place for me and my wife.... a neighborhood that is convenient to friends and to the places we frequent.



Allen F. Steinbock
CEO and Chairman

Whip Mix Corporation
PO Box 17183
Louisville, KY 40217-0183 USA

(502) 634-5333 Direct
(502) 802-5204 Mobile
(502) 634-4512 Fax



Virus-free. www.avast.com

10/23/17

Belinda May

From: Maria Doyle <thedoyles@hotmail.com>
Sent: Wednesday, December 20, 2017 12:36 PM
To: Belinda May
Subject: please print - more to come

From: Stan Whetzel <sww192323@aol.com>
Sent: Monday, October 23, 2017 5:34 PM
To: Maria Doyle
Cc: Rob Riley; Eileen Peterson; Jay Harris; Oliver Ardery; Evan Westphal; Cromer, Alison; Norma Bisig; tiffanyfabing@gmail.com
Subject: Re: Call From Glen Price on 1576 Cherokee Road

Maria: If Glenn or his clients want to talk to us, they will let us know. The staff report says what it says. I read it. You have read it. Earl and Glenn have read it. I don't think we need to debate it. But I'd be glad to know what others think. Thanks. Stan Whetzel

Sent from my iPhone

On Oct 23, 2017, at 4:38 PM, Maria Doyle <thedoyles@hotmail.com> wrote:

Hello Board

Glen Price (the attorney at Frost Brown Todd representing Earl on 1576 Cherokee Road development) called me and said that someone had forwarded my email to him (the one on development). He was nice but basically said that the staff report letter did not say that the building was not in compliance with the BHA Neighborhood Plan, but in fact, stated that it was in compliance. He said that I could call Joel (the staff who wrote it) and he would say that it the plan was in compliance.

I mentioned to him that maybe he could come to our next Board meeting to discuss his "view" and enlighten us.

Stan, do you want to get back to him?

Maria

Belinda May

10/27/17

From: Maria Doyle <thedoyles@hotmail.com>
Sent: Wednesday, December 20, 2017 12:37 PM
To: Belinda May
Subject: print

From: Maria Doyle <thedoyles@hotmail.com>
Sent: Friday, October 27, 2017 1:14 PM
To: gaprice@fbtlaw.com; Maria Doyle
Subject: BHA Nextdoor Posts

Hi Gene -

As I mentioned on the phone the other day, I am on the BHA Board and I am in charge of communication so I do send out emails at the request of the BHA Board on Nextdoor and other social media. I told our President, Stan Wentzel, that you called and your comments. He said that anyone is always welcome to come and speak to the BHA Board.

Thanks
Maria Doyle

Belinda May

10/27/17

From: Maria Doyle <thedoyles@hotmail.com>
Sent: Wednesday, December 20, 2017 12:37 PM
To: Belinda May
Subject: Print

From: Price, Glenn <gaprice@fbtlaw.com>
Sent: Friday, October 27, 2017 1:18 PM
To: Maria Doyle
Subject: from Glenn Price RE: BHA Nextdoor Posts

Maria,

Thanks very much, although you are thinking about Gene Price rather than me (Glenn Price). When is the next meeting? May I attend that meeting and make a short presentation and answer questions? If so, can Stan or you advise me how long to talk? I want to avoid over-staying my welcome.

Thank you!

Glenn

Glenn Price

Attorney at Law | **Frost Brown Todd LLC**

400 West Market Street | 32nd Floor | Louisville, KY 40202-3363
502.779.8511 Direct | 502.589.5400 Main | 502.553.9830 Mobile | 502.581.1087 Fax
gaprice@fbtlaw.com | www.frostbrowntodd.com

From: Maria Doyle [mailto:thedoyles@hotmail.com]
Sent: Friday, October 27, 2017 1:15 PM
To: Price, Glenn <gaprice@fbtlaw.com>; Maria Doyle <thedoyles@hotmail.com>
Subject: BHA Nextdoor Posts

Hi Gene -

As I mentioned on the phone the other day, I am on the BHA Board and I am in charge of communication so I do send out emails at the request of the BHA Board on Nextdoor and other social media. I told our President, Stan Wentzel, that you called and your comments. He said that anyone is always welcome to come and speak to the BHA Board.

Thanks
Maria Doyle

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11-13-17

Belinda May

From: Maria Doyle <thedoyles@hotmail.com>
Sent: Wednesday, December 20, 2017 12:38 PM
To: Belinda May
Subject: Fw: Re: Re: BHA Minutes - OCT
Attachments: Draft.Agenda.1117.Public.Wks.Survey.pdf

From: stan whetzel <sww192323@aol.com>
Sent: Monday, November 13, 2017 4:56 PM
To: thedoyles@hotmail.com; oliver.ardery@gmail.com
Cc: rrileylaw@yahoo.com; eileenpeterson0405@gmail.com; alison.cromer@fisglobal.com; jaydh@bellsouth.net; ekwest00@gmail.com; cbisigjr@aol.com; tiffanyfabing@gmail.com
Subject: Re: Re: Re: BHA Minutes - OCT

Thanks, Maria. The Agenda assumes that Glenn Price will attend. Everyone: please review the attached draft Agenda and let me know any additions needed. Also, please be ready to vote on your priorities for the attached Public Works Committee Survey. I'd like to email the completed survey (very short) following tomorrow' night's meeting. Thanks, Stan Whetzel

In a message dated 11/13/2017 4:40:16 PM Eastern Standard Time, thedoyles@hotmail.com writes:

Here you go. See you at the meeting tomorrow night!

From: stan whetzel <sww192323@aol.com>
Sent: Monday, November 13, 2017 3:19 PM
To: thedoyles@hotmail.com; oliver.ardery@gmail.com
Cc: rrileylaw@yahoo.com; eileenpeterson0405@gmail.com; alison.cromer@fisglobal.com; jaydh@bellsouth.net; ekwest00@gmail.com; cbisigjr@aol.com
Subject: Re: Re: BHA Minutes - OCT

Maria: I can't find the revised October board meeting minutes. Please re-send them to me. Thanks. Stan Whetzel

In a message dated 11/2/2017 2:30:39 PM Eastern Standard Time, thedoyles@hotmail.com writes:

Yes, I realized that after I sent out. I will include.

From: Oliver Ardery <oliver.ardery@gmail.com>
Sent: Thursday, November 2, 2017 2:26 PM
To: Maria Doyle

Cc: Stan Whetzel; Rob Riley; Eileen Peterson; Cromer, Alison; Jay Harris; Evan Westpha!; Norma Bisig
Subject: Re: BHA Minutes - OCT

I didn't attend the last board meeting, but I thought the web site and online training proposal provided by Isaac Mitchell was discussed, right? If so, shouldn't that be noted in the minutes?

Thanks.

On Wed, Nov 1, 2017 at 5:14 PM, Maria Doyle <thedoyles@hotmail.com> wrote:

All:

Here are the Minutes from the Oct. meeting. Please read carefully to see if I missed anything.

Also, I cannot remember when we adjourned? Does anyone remember when the meeting ended?

Thanks
maria

--
Oliver Ardery
646-554-5297

Bonnycastle Homestead Association, Inc.

P.O. BOX 5165

LOUISVILLE, KENTUCKY 40205

Regular Meeting of November 14th, 2017

7:00 P.M.

BOARD MEETING AGENDA

PLEASE SIGN IN (KINDLY PRINT YOUR NAMES)

1. Call to order and welcome.
2. Call for additions and changes to Agenda, and Adoption of Agenda. **Need motion and second.**
3. 5th District LMPD Report
4. Metro Council Representative's Report/ Mr. Coan or Jasmine Masterson, Legislative Aide
5. Presentation by Glenn Price, Esq., Frost Brown Todd, on behalf of Earl Reed and other proponents of the development of 1576 Cherokee Road into Cherokees Springs, a multi-story condominium building.
6. Minutes of September 12, 2017 and October 10, 2017 regular meetings. **Need motions and seconds to accept each set of minutes, as submitted or corrected.**
7. Treasurer's Report. **Need motion and second to accept report as submitted or corrected.**
7. Committee Reports:

Communications Committee Report/Maria Doyle, Eileen Peterson

Membership Committee Report /Oliver Ardery, Norma Bisig, Tiffany Fabing

Tree Committee Report/ Alison Cromer, Maria Doyle, Eileen Peterson, Jay and Louise Harris, Rob Riley

Special Events Committee Report/Norma Bisig, Alison Cromer, Rob Riley

Neighborhood Plan/Conditional Use/Land Use Committee Report/ Tiffany Fabing, Stan Whetzel, Ed and Gail Henson

Neighborhood Outreach Committee Report (Re Louisville Metro Council District 8

Advisory Board meeting to be held 11/27/17/ Jay Harris, Stan Whetzel, Eileen Peterson

8. Old Business:

- (A) Responses to request for comments on BHA plan and Cherokee Springs condo building (1576 Cherokee Road)/ Maria Doyle
- (B) BHA banners/ Alison Cromer
- (C) Noise complaints/ Tiffany Fabing
- (D) Debriefing of attendees of the Barkstown dog festival/parade held 10/28/17.
- (E) Debriefing of attendees of Alta Block party held 10/28/17
- (F) Reinstatement of BHA D&O and General Liability policies effective 10/20/17
- (G)

Motions/Resolutions Under Old Business:

- 1. _____
- 2. _____

9. New Business:

- (A) Conditional Use Permit request for 2021 Bonnycastle Ave (Case No. 17CUP1062)
Case manager: Beth Jones
- (B) Public Works Committee Survey/ District Eight Advisory Board/ SWW, Eileen Peterson (Need BHA board consensus on relative priorities for Public Works issues: Roads, Safety, Sidewalks, Utilities, Waste, to complete the Committee's survey)
- (C) When and how may BHA bylaws be amended?/ Oliver Ardery
- (D) December holiday social event and regular board meeting
- (E) Bardstown Road A-Glow (if not already addressed under (D) or Special Events)

Motions/Resolutions Under New Business:

1. _____
2. _____

10. Times and Seasons:

Next regular board meeting is December 12, 2017, Commodore Apartments, 7:00 p.m.

Adjourn.

Subject: Re: Public Works Committee Survey
Date: 10/24/2017 11:02:25 AM Eastern Standard Time
From: sww192323@aol.com
To: thedoyles@hotmail.com, eileenpeterson0405@gmail.com, tiffanyfabing@gmail.com, oliver.ardery@gmail.com, ekwest00@gmail.com, rrileylaw@yahoo.com, cbisigjr@aol.com, marthadiebold@gmail.com, jaydh@bellsouth.net, alison.cromer@fisglobal.com, rroberts1000@yahoo.com, edhenson1@bellsouth.net

Should be "odd" months. SWW

Sent from my iPhone

On Oct 24, 2017, at 11:01 AM, Stan Whetzel <sww192323@aol.com> wrote:

All: Please respond to this survey and transmit your respective priorities to me and Eileen by the date of our next board meeting. We will forward the results to Honi for the Advisory Board. If you know of others who would provide input for the Bonnycastle neighborhood, please forward the questions to them with the same request. The Advisory Board meets on the third Monday of off months. Thanks. Stan Whetzel

Sent from my iPhone

Begin forwarded message:

From: "hon11" <hmgoldman1@aol.com>
Date: October 24, 2017 at 10:32:37 AM EDT
To: <jackfrancis@bellsouth.net>, <bbeld@aol.com>, <ginger2169@yahoo.com>, <mayor@cityofstrathmoorvillage.com>, <d.l.b.2547@gmail.com>, <tburden@hcmloouisville.org>, <jcissell@bellarmine.edu>, <cobbrianw@hotmail.com>, <info@highlandsdouglass.org>, <hdittmeier@mattinglycenter.org>, <mdoolittle@hopcat.com>, <ddowdell@twc.com>, <hmgoldman1@aol.com>, <michael.king3@louisvilleky.gov>, <kathleendaviskellycoach@gmail.com>, <kristennicole@hotmail.com>, <Beth.Nahinsky@lfpl.org>, <teresa@osheaslouisville.net>, <jessica.rosenthal@jefferson.kyschools.us>, <larryrother@thehighlandsoflouisville.com>, <acestaro@twc.com>, <sww192323@aol.com>, <Bridgers@twc.com>, <pattypayette@gmail.com>, <hawthornelouisville@gmail.com>, <jdownard01@gmail.com>
Cc: "Jasmine Masterson" <jasmine.masterson@louisvilleky.gov>, "'Coan, Brandon'" <Brandon.Coan@louisvilleky.gov>
Subject: Public Works Committee Survey

Dear District 8 Advisory Board:

The Public Works Committee would like to know your neighborhood's concerns regarding Public Works. Please fill out the attached survey, with your most pressing issue being #1, and listing the rest in order.

Thank you,
Madi, Teresa, Jason and Honi

<https://louisvilleky.wufoo.com/forms/p3esm3d06udx8f/>

Tel: (502) 461.4564

Text: (502) 419.0426

Email: hjgoldman1@aol.com

This email may contain material that is confidential, privileged and/or a work product for the intended recipient. Any review, reliance or distribution without the express permission from Ms. Goldman is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies.

Belinda May

11-15-17

From: Maria Doyle <thedoyles@hotmail.com>
Sent: Wednesday, December 20, 2017 12:39 PM
To: Belinda May
Subject: Fw: from Glenn Price

From: stan whetzel [mailto:sww192323@aol.com]
Sent: Wednesday, November 15, 2017 4:46 PM
To: thedoyles@hotmail.com; cbisigir@aol.com; rrileylaw@yahoo.com; Cromer, Alison B <Alison.Cromer@fisglobal.com>; oliver.ardery@gmail.com; eileenpeterson0405@gmail.com; ekwest00@gmail.com; jaydh@bellsouth.net
Cc: sww192323@aol.com; whetzelatlaw@aol.com
Subject: Fwd: Re: from Glenn Price

This in from Glenn Price. Suggestions? Thanks. Stan Whetzel

From: whetzelatlaw@aol.com
To: gaprice@fbtlaw.com
Cc: sww192323@aol.com, stan.whetzel@pencelegal.com
Sent: 11/15/2017 4:35:54 PM Eastern Standard Time
Subject: Re: from Glenn Price

Glenn: Thanks for your mail. I'll pass your proposal on and let you know. Stan Whetzel

In a message dated 11/15/2017 4:27:40 PM Eastern Standard Time, gaprice@fbtlaw.com writes:

Stan,

Thank you very much for the manner in which you conducted the meeting last evening when I arrived. I honestly cannot recall another such meeting where I immediately felt so welcome, even though there were tough issues to discuss. In that situation, a lot of times I get "thrown to the dogs" but I felt just the opposite during your meeting. Everyone was actually friendly to me, so THANK YOU!

Do you have any ideas how we might get a working group together for a discussion around a conference table? My thought – and it's only a thought – would be to see if we can reserve the same room at The Commodore on a weekday evening at, say, 6 PM or thereabouts. I would bring along Earl and Jill, Cash Moter (the architect) and Ann Richard (the landscape architect and site planner). I would think that the neighborhood might have 7 – 10 people there (too few isn't good and too many is unworkable....nothing magic about 7 – 10, it just seems like a nice round number). What do you think?

Please let me know, and thanks once again!

Glenn

**Glenn A Price
Attorney at Law**

400 West Market Street | 32nd Floor

Louisville, KY 40202-3363

<image005.jpg>

502.779.8511 Direct

502.589.5400 Main

502.553.9830 Mobile

502.581.1087 Fax

gaprice@fbtlaw.com | frostbrowntodd.com

<image006.png><image007.png><image008.png>

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The information contained in this message is proprietary and/or confidential. If you are not the intended recipient, please: (i) delete the message and all copies; (ii) do not disclose, distribute or use the message in any manner; and (iii) notify the sender immediately. In addition, please be aware that any message addressed to our domain is subject to archiving and review by persons other than the intended recipient. Thank you.

12/21/2017

Mail - thedoyles@hotmail.com

11.21.17

Fw: RE: from Glenn Price

Maria Doyle

Wed 12/20/2017 5:23 PM

To: Maria Doyle <thedoyles@hotmail.com>;

From: stan whetzel <sww192323@aol.com>

Sent: Tuesday, November 21, 2017 3:44:14 PM

To: thedoyles@hotmail.com; rrileylaw@yahoo.com; cblsigjr@aol.com; alison.cromer@fisglobal.com

Cc: sww192323@aol.com; stan.whetzel@pencelegal.com

Subject: Fwd: RE: from Glenn Price

Maria: FYI from Glenn Price. My response is based on the comments I've seen recently. Please forward this to all on the board and those involved in the issues. Thanks. Stan Whetzel

From: stan.whetzel@pencelegal.com

To: gaprice@fbtlaw.com

Cc: sww192323@aol.com, stan.whetzel@pencelegal.com

Sent: 11/21/2017 3:40:53 PM Eastern Standard Time

Subject: RE: from Glenn Price

Hi Glenn: We're talking among ourselves at this point, sorting through things. With the approach of the holidays, my guess is that a meeting of our group and yours would have to be sometime in mid-December. I'll let you know more when I can. Have a nice Thanksgiving. Stan Whetzel

From: Price, Glenn [mailto:gaprice@fbtlaw.com]

Sent: Tuesday, November 21, 2017 2:05 PM

To: whetzelatlaw@aol.com

Cc: sww192323@aol.com; Stanley W. Whetzel, Jr <stan.whetzel@pencelegal.com>

Subject: RE: from Glenn Price

Stan,

Any news on getting together in the near future?

Glenn

Glenn Price

Attorney at Law | **Frost Brown Todd LLC**

400 West Market Street | 32nd Floor | Louisville, KY 40202-3363

502.779.8511 Direct | 502.589.5400 Main | 502.553.9830 Mobile | 502.581.1087 Fax

gaprice@fbtlaw.com | www.frostbrowntodd.com

From: whetzelatlaw@aol.com [<mailto:whetzelatlaw@aol.com>]

Sent: Wednesday, November 15, 2017 4:36 PM

To: Price, Glenn <gaprice@fbtlaw.com>

Cc: sww192323@aol.com; stan.whetzel@pencelegal.com

Subject: Re: from Glenn Price

Glenn: Thanks for your mail. I'll pass your proposal on and let you know. Stan Whetzel

In a message dated 11/15/2017 4:27:40 PM Eastern Standard Time, gaprice@fbtlaw.com writes:

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thought – and it’s only a thought – would be to see if we can reserve the same room at The Commodore on a weekday evening at, say, 6 PM or thereabouts. I would bring along Earl and Jill, Cash Moter (the architect) and Ann Richard (the landscape architect and site planner). I would think that the neighborhood might have 7 – 10 people there (too few isn’t good and too many is unworkable....nothing magic about 7 – 10, it just seems like a nice round number). What do you think?

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Belinda May

11-28-17

From: Maria Doyle <thedoyles@hotmail.com>
Sent: Wednesday, December 20, 2017 12:40 PM
To: Belinda May
Subject: Fw: Cherokee Springs Issues/ Calling of Committee Meeting for 12/02/17

From: stan whetzel <sww192323@aol.com>
Sent: Tuesday, November 28, 2017 1:33 PM
To: sww192323@aol.com; thedoyles@hotmail.com; rrileyaw@yahoo.com; allson.cromer@fsglobal.com; cbislgjr@aol.com; eileenpeterson0405@gmail.com; ekwest00@gmail.com; tiffanyfabing@gmail.com; jaydh@bellsouth.net; oliver.ardery@gmail.com; rroberts1000@yahoo.com
Cc: edhenson1@bellsouth.net; ghenson@bellarmine.edu
Subject: Re: Cherokee Springs Issues/ Calling of Committee Meeting for 12/02/17

Correction: The date of the called Committee meeting is Tuesday, 12/05/17 and NOT 12/02/17. Thanks. Stan Whetzel

In a message dated 11/28/2017 1:30:03 PM Eastern Standard Time, sww192323@aol.com writes:

All: As you all know (or should) Glenn Price asked when we would respond with a suggested meeting date to discuss with Earl Reed and others the proposed condo building to be called Cherokee Springs. I responded by saying the BHA probably could have a position by the middle of December. I believe that communication was disseminated to everyone on this mailing list. As of today, I'm unaware of any action currently being pursued by anyone at the BHA to frame a concrete position. Therefore:

I'd like to call a meeting of the Neighborhood Plan/Conditional Use/Land Use Committee for next Tuesday evening at 7:00 PM at the Commodore Meeting Room. All board members are deemed by me to be members of this committee. If we stick to the stated business, the meeting should take no more than one hour. If the room is not available, we will choose another location. (Allson, would you please check with the Commodore about the meeting room's availability?)

The purposes of the meeting will be (1) to formulate a specific response to Glenn's request for a meeting, (2) to decide which board members and association membership will represent the BHA at such a meeting, and (3) articulate an agreed negotiating position. All of this is to be presented to the BHA board at the December board meeting (12/12) as a resolution. The usual parliamentary procedures would apply at the December meeting.

I would be happy to hold this committee meeting before next Tuesday evening, so please share your availability and interest by replying to All.

Obviously, there are a number of persons interested in this matter who are not on this distribution. Please feel free to share this mail with them.

Thanks. Stan Whetzel

Belinda May

12-2-17

From: Maria Doyle <thedoyles@hotmail.com>
Sent: Wednesday, December 20, 2017 12:40 PM
To: Belinda May
Subject: Fw: Cherokee Springs Issues/ Calling of Committee Meeting for 12/02/17

From: Stan Whetzel <sww192323@aol.com>
Sent: Saturday, December 2, 2017 7:46 PM
To: Maria Doyle; tiffanyfabing@gmail.com; Kelly Brown (KYTC); allison.cromer@fisglobal.com; eileenpeterson0405@gmail.com; jaydh@bellsouth.net; oliver.ardery@gmail.com; ekwest00@gmail.com; cbisigjr@aol.com; rroberts1000@yahoo.com; ghenson@bellarmine.edu; edhenson1@bellsouth.net; sww192323@aol.com; rriley@yahoo.com
Subject: Re: Cherokee Springs Issues/ Calling of Committee Meeting for 12/02/17

All: Please reply to All about this question. If we can all meet on Monday evening at 7:00, then Tiffany and Allison can make the meeting. They have conflicts on Tuesday. I have been assured that Rob, Norma, Jay, and Louise can do Monday or Tuesday, but we'd like to have as many of us as possible at the meeting. Please reply All ASAP. Thanks. Stan Whet

Sent from my iPhone

On Nov 29, 2017, at 8:25 AM, Maria Doyle <thedoyles@hotmail.com> wrote:

Sounds like a great plan. I will be there.

From: stan whetzel <sww192323@aol.com>
Sent: Tuesday, November 28, 2017 1:33 PM
To: sww192323@aol.com; thedoyles@hotmail.com; rrileylaw@yahoo.com; allison.cromer@fisglobal.com; cbisigjr@aol.com; eileenpeterson0405@gmail.com; ekwest00@gmail.com; tiffanyfabing@gmail.com; jaydh@bellsouth.net; oliver.ardery@gmail.com; rroberts1000@yahoo.com
Cc: edhenson1@bellsouth.net; ghenson@bellarmine.edu
Subject: Re: Cherokee Springs Issues/ Calling of Committee Meeting for 12/02/17

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Obviously, there are a number of persons interested in this matter who are not on this distribution. Please feel free to share this mail with them.

Thanks. Stan Whetzel

Belinda May

12-2-17

From: Maria Doyle <thedoyles@hotmail.com>
Sent: Wednesday, December 20, 2017 12:40 PM
To: Belinda May
Subject: Fw: Update and new date and location if the committee meeting to address the Cherokee Springs Issues/ Calling of Committee Meeting for 12/04/17

From: Stan Whetzel <swww192323@aol.com>

Sent: Saturday, December 2, 2017 10:42 PM

To: Ed Henson

Cc: Maria Doyle; tiffanyfabing@gmail.com; Kelly Brown (KYTC); allison.cromer@fisglobal.com; eileenpeterson0405@gmail.com; jaydh@bellsouth.net; oliver.ardery@gmail.com; ekwest00@gmail.com; cbisigjr@aol.com; rroberts1000@yahoo.com; ghenson@bellarmine.edu; rriley@yahoo.com

Subject: Re: Update and new date and location if the committee meeting to address the Cherokee Springs Issues/ Calling of Committee Meeting for 12/04/17

Dear All: Thanks to everyone who has checked in on this lovely fall night. Must be the influence of the full moon.

I've heard from all but Tiffany, and the change of meeting date from Tuesday to Monday has been approved by you.

So the committee meeting to address the matters stated in my original email will be held this coming MONDAY evening at 7:00 pm. Per the invitation of Jay and Louise Harris, we will meet in the Park Terrace activity room. Park Terrace is the condo building directly opposite the Commodore, across the intersection of Cowling Avenue and Spring Drive. If you attended the Soup and Salad event last spring when Teddy Abrams spoke and played, that's the Park Terrace.

See you MONDAY at 7:00 pm for a one hour (max) meeting. The agenda is in my original email. We will take the three items in reverse order: what is the BHA position (if any); at a meeting with the proponents of the proposed new condo building, who will be present; what dates will we offer the proponents for a meeting? Thanks, Stan Whetzel

Sent from my iPhone

On Dec 2, 2017, at 9:16 PM, Ed Henson <edhenson1@bellsouth.net> wrote:

Gail won't be able to come, but I will be there. Thanks for including us...Ed

From: Stan Whetzel <sww192323@aol.com>
To: Maria Doyle <thedoyles@hotmail.com>; tiffanyfabing@gmail.com; Kelly Brown (KYTC) <rrileylaw@yahoo.com>; alison.cromer@fsglobal.com; eileenpeterson0405@gmail.com; laydh@bellsouth.net; oliver.ardery@gmail.com; ekwest00@gmail.com; cbisigjr@aol.com; roberts1000@yahoo.com; ghenson@bellarmine.edu; edhenson1@bellsouth.net; sww192323@aol.com; rriley@yahoo.com.
Sent: Saturday, December 2, 2017 7:46 PM
Subject: Re: Cherokee Springs Issues/ Calling of Committee Meeting for 12/02/17

All: Please reply to All about this question. If we can all meet on Monday evening at 7:00, then Tiffany and Alison can make the meeting. They have conflicts on Tuesday. I have been assured that Rob, Norma, Jay, and Louise can do Monday or Tuesday, but we'd like to have as many of us as possible at the meeting. Please reply All ASAP.
Thanks. Stan Whet

Sent from my iPhone

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Sent: Tuesday, November 28, 2017 1:33 PM
To: sww192323@aol.com; thedoyles@hotmail.com; rrileylaw@yahoo.com; alison.cromer@fsglobal.com; cbisigjr@aol.com; eileenpeterson0405@gmail.com; ekwest00@gmail.com; tiffanyfabing@gmail.com; laydh@bellsouth.net; oliver.ardery@gmail.com; roberts1000@yahoo.com
Cc: edhenson1@bellsouth.net; ghenson@bellarmine.edu
Subject: Re: Cherokee Springs Issues/ Calling of Committee Meeting for 12/02/17

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The purposes of the meeting will be (1) to formulate a specific response to Glenn's request for a meeting, (2) to decide which board members and association membership will represent the BHA at such a meeting, and (3)

12.5.17

Belinda May

From: Maria Doyle <thedoyles@hotmail.com>
Sent: Wednesday, December 20, 2017 1:47 PM
To: Belinda May
Subject: Fw: from Glenn Price

From: Stan Whetzel <sww192323@aol.com>
Sent: Wednesday, December 20, 2017 1:32 PM
To: thedoyles@hotmail.com
Subject: Fwd: from Glenn Price

Sent from my iPhone

Begin forwarded message:

From: Debra Harlan <debraandted@gmail.com>
Date: December 20, 2017 at 12:54:11 PM EST
To: "Cromer, Alison B" <Alison.Cromer@fisglobal.com>
Cc: Stan Whetzel <sww192323@aol.com>, Maria Doyle <thedoyles@hotmail.com>, Stan Whetzel <whetzelatlaw@aol.com>, "Kelly Brown (KYTC)" <rrileylaw@yahoo.com>, "cbisigjr@aol.com" <cbisigjr@aol.com>, "eileenpeterson0405@gmail.com" <eileenpeterson0405@gmail.com>, "ekwest00@gmail.com" <ekwest00@gmail.com>, "jaydh@bellsouth.net" <jaydh@bellsouth.net>, "oliver.ardery@gmail.com" <oliver.ardery@gmail.com>, "edhenson1@bellsouth.net" <edhenson1@bellsouth.net>, "ghenson@bellarmine.edu" <ghenson@bellarmine.edu>, "tiffanyfabing@gmail.com" <tiffanyfabing@gmail.com>
Subject: Re: from Glenn Price

There will likely be more to say after tomorrow nights meeting. Keeping a running record is a good idea.

Sent from my iPhone

On Dec 20, 2017, at 12:35 PM, Cromer, Alison B <Alison.Cromer@fisglobal.com> wrote:

Maria, I like the idea.

From: Stan Whetzel [mailto:sww192323@aol.com]
Sent: Wednesday, December 20, 2017 12:32 PM
To: Maria Doyle <thedoyles@hotmail.com>
Cc: Stan Whetzel <whetzelatlaw@aol.com>; Kelly Brown (KYTC)

<rrileylaw@yahoo.com>; cbisigjr@aol.com; eileenpeterson0405@gmail.com;
ekwest00@gmail.com; jaydh@bellsouth.net; oliver.ardery@gmail.com; Cromer,
Alison B <Allson.Cromer@fisglobal.com>; edhenson1@bellsouth.net;
ghenson@bellarmine.edu; tiffanyfabing@gmail.com; debraandted@gmail.com
Subject: Re: from Glenn Price

Please do, and have copies for us at the meeting. Thanks. Stan Whetzel

Sent from my iPhone

On Dec 20, 2017, at 12:29 PM, Maria Doyle <thedoyles@hotmail.com> wrote:

I guess my thoughts are a simple response to his mischaracterization on how this went down. Similar to what Rob mentioned, a timeline so that Joel and Brandon are aware of the process of how we came to our decision. Reading his email alone, he implies that we never mentioned that the Board would have to vote on the issue first before we met with him and that we were somehow acting in secrecy. Glenn knew all along that the Board had to vote on it first.

If you think it would be good for the record, I am happy to go back through all the emails and come up with a definitive timeline (and we could even include copies of the emails for the records with Joel). Clearly he is writing Joel and Brandon for purposes of the record.

From: Stan Whetzel <sww192323@aol.com>
Sent: Wednesday, December 20, 2017 12:07 PM
To: Maria Doyle
Cc: Stan Whetzel; Kelly Brown (KYTC); cbisigjr@aol.com;
eileenpeterson0405@gmail.com; ekwest00@gmail.com;
jaydh@bellsouth.net; oliver.ardery@gmail.com;
Allson.Cromer@fisglobal.com; rroberts1000@yahoo.com;
edhenson1@bellsouth.net; ghenson@bellarmine.edu;
tiffanyfabing@gmail.com; debraandted@gmail.com
Subject: Re: from Glenn Price

What would we say? SWW

Sent from my iPhone

On Dec 20, 2017, at 11:57 AM, Maria Doyle
<thedoyles@hotmail.com> wrote:

Funny, Ed fails to mention that the notice for the meeting in December was sent out on Nextdoor and he was welcome to attend. He came to the party though so clearly he was aware (as was Jill who was there). Plus, he fails to mention that Stan had multiple emails with Glenn stating that the Board had to meet on this issue and would be meeting on 12/12 (see email below).

Do we respond to his email to Joel?

From: Stan Whetzel <whetzelatlaw@aol.com>
Sent: Tuesday, December 5, 2017 4:37 PM
To: thedoyles@hotmail.com; Kelly Brown (KYTC); cbislgjr@aol.com; eileenpeterson0405@gmail.com; ekwest00@gmail.com; javdh@bellsouth.net; oliver.ardery@gmail.com; Alison.Cromer@fisglobal.com; rroberts1000@yahoo.com; edhenson1@bellsouth.net; ghenson@bellarmine.edu; tiffanyfabing@gmail.com; sww192323@aol.com
Subject: Fwd: from Glenn Price

All: For your collective information. Stan Whetzel

Sent from my iPhone

Begin forwarded message:

From: "Stanley W. Whetzel, Jr"
<stan.whetzel@pencelegal.com>
Date: December 5, 2017 at 4:33:55 PM EST
To: "Price, Glenn"
<gaprice@fbtlaw.com>
Cc: "Stanley W. Whetzel, Jr"
<stan.whetzel@pencelegal.com>, "com" 'whetzelatlaw@aol.'
<whetzelatlaw@aol.com>
Subject: RE: from Glenn Price

Hello, Glenn: Thanks for writing.
We should be able to schedule a

meeting after this coming Tuesday's
(12/12) board meeting. Stan
Whetzel

From: Price, Glenn
[mailto:gaprice@fbtlaw.com]
Sent: Tuesday, December 05, 2017
4:21 PM
To: Stanley W. Whetzel, Jr
<stan.whetzel@pencelegal.com>
Cc: sww192323@aol.com
Subject: RE: from Glenn Price

Hello Stan,

**Just checking back with
you, now about 2 weeks
later, to see if we can
schedule our mid-December
discussion meeting.**

Thanks very much,

Glenn

Glenn Price
Attorney at Law | **Frost Brown Todd**
LLC

400 West Market Street | 32nd
Floor | Louisville, KY 40202-3363
502.779.8511 Direct | 502.589.5400 Main |
502.563.9830 Mobile | 502.581.1087 Fax
gaprice@fbtlaw.com | www.frostbrowntodd.com

From: Stanley W. Whetzel, Jr
[mailto:stan.whetzel@pencelegal.com]
Sent: Tuesday, November 21, 2017
3:40 PM
To: Price, Glenn
<gaprice@fbtlaw.com>
Cc: sww192323@aol.com; Stanley
W. Whetzel, Jr

[<stan.whetzel@pencelegal.com>](mailto:stan.whetzel@pencelegal.com)

Subject: RE: from Glenn Price

Hi Glenn: We're talking among ourselves at this point, sorting through things. With the approach of the holidays, my guess is that a meeting of our group and yours would have to be sometime in mid-December. I'll let you know more when I can. Have a nice Thanksgiving. Stan Whetzel

From: Price, Glenn

[<mailto:gaprice@fbtlaw.com>]

Sent: Tuesday, November 21, 2017
2:05 PM

To: whetzelatlaw@aol.com

Cc: sww192323@aol.com; Stanley
W. Whetzel, Jr

[<stan.whetzel@pencelegal.com>](mailto:stan.whetzel@pencelegal.com)

Subject: RE: from Glenn Price

Stan,

**Any news on getting
together in the near future?**

Glenn

Glenn Price

Attorney at Law | **Frost Brown Todd
LLC**

400 West Market Street | 32nd
Floor | Louisville, KY 40202-3363
502.779.8511 Direct | 502.589.5400 Main |
502.553.9830 Mobile | 502.581.1087 Fax
gaprice@fbtlaw.com | www.frostbrowntodd.com

From: whetzelatlaw@aol.com

[<mailto:whetzelatlaw@aol.com>]

Sent: Wednesday, November 15,
2017 4:36 PM

To: Price, Glenn

[<gaprice@fbtlaw.com>](mailto:gaprice@fbtlaw.com)

Cc: sww192323@aol.com;

stan.whetzel@pencelegal.com

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**friendly to me, so
THANK YOU!**

**Do you have any
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Ann Richard (the
landscape
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might have 7 – 10
people there (too
few isn't good and
too many is**

**unworkable....not
hing magic about
7 - 10, it just
seems like a nice
round
number). What do
you think?**

**Please let me
know, and thanks
once again!**

Glenn

Glenn A Price
Attorney at Law

400 West Market Street | 32nd Floor

Louisville, KY 40202-3363

<image001.jpg>

502.779.8511 Direct

502.589.5400 Main

502.553.9830 Mobile

502.581.1087 Fax

gprice@fbtlaw.com | frostbrowntodd.com

<image001.png><image003.png><image003.png>

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12-6-17

From: Stan Whetzel [<mailto:sww192323@aol.com>]
Sent: Wednesday, December 20, 2017 10:56 AM
To: Price, Glenn <gaprice@fbtlaw.com>
Cc: sww192323@aol.com; rriley@yahoo.com
Subject: Re: from Glenn Price

Glenn: I just received a email from Earl Reed that was copied to you and Jill Force. As I understand it, he is willing to meet this week, by which I assume he means on Thursday evening at 6pm. Please confirm this if you would and let me know. As I said, we have an offer to use the Park Terrace meeting room at that time. Thanks. Stan Whetzel

Sent from my iPhone

On Dec 19, 2017, at 4:35 PM, Stanley W. Whetzel, Jr <stan.whetzel@pencelegal.com> wrote:

Glenn: I need to leave the office shortly. Please let me know whether your group can meet on Thursday at 6 as we discussed this morning. We reserved the side room at the Safai (?) coffee shop from 6-7 pm, but we also can meet at the Park Terrace condominiums, courtesy of one of our board members. Let me know, please. Thanks. Stan Whetzel

From: Price, Glenn [<mailto:gaprice@fbtlaw.com>]
Sent: Tuesday, December 19, 2017 1:27 PM
To: Stanley W. Whetzel, Jr <stan.whetzel@pencelegal.com>
Subject: RE: from Glenn Price

Stan,

Please send me an email at gaprice@fbtlaw.com, and let's see if it works. Looks like it worked on December 6.

Glenn

Glenn Price

Attorney at Law | **Frost Brown Todd LLC**

400 West Market Street | 32nd Floor | Louisville, KY 40202-3363
502.779.8511 Direct | 502.589.5400 Main | 502.553.9830 Mobile | 502.581.1087 Fax
gaprice@fbtlaw.com | www.frostbrowntodd.com

From: Stanley W. Whetzel, Jr [<mailto:stan.whetzel@pencelegal.com>]
Sent: Wednesday, December 06, 2017 2:33 PM
To: Price, Glenn <gaprice@fbtlaw.com>

Cc: Stanley W. Whetzel, Jr <stan.whetzel@pencelegal.com>
Subject: FW: from Glenn Price

You are welcome. SWW

From: Price, Glenn [<mailto:gaprice@fbtlaw.com>]
Sent: Wednesday, December 06, 2017 2:31 PM
To: Stanley W. Whetzel, Jr <stan.whetzel@pencelegal.com>
Cc: com' 'whetzelatlaw@aol. <whetzelatlaw@aol.com>
Subject: RE: from Glenn Price

Great. Thank you!

Glenn Price

Attorney at Law | **Frost Brown Todd LLC**

400 West Market Street | 32nd Floor | Louisville, KY 40202-3363
502.779.8511 Direct | 502.589.5400 Main | 502.553.9830 Mobile | 502.581.1087 Fax
gaprice@fbtlaw.com | www.frostbrowntodd.com

From: Stanley W. Whetzel, Jr [<mailto:stan.whetzel@pencelegal.com>]
Sent: Tuesday, December 05, 2017 4:34 PM
To: Price, Glenn <gaprice@fbtlaw.com>
Cc: Stanley W. Whetzel, Jr <stan.whetzel@pencelegal.com>; com' 'whetzelatlaw@aol. <whetzelatlaw@aol.com>
Subject: RE: from Glenn Price

Hello, Glenn: Thanks for writing. We should be able to schedule a meeting after this coming Tuesday's (12/12) board meeting. Stan Whetzel

From: Price, Glenn [<mailto:gaprice@fbtlaw.com>]
Sent: Tuesday, December 05, 2017 4:21 PM
To: Stanley W. Whetzel, Jr <stan.whetzel@pencelegal.com>
Cc: sww192323@aol.com
Subject: RE: from Glenn Price

Hello Stan,

Just checking back with you, now about 2 weeks later, to see if we can schedule our mid-December discussion meeting.

Thanks very much,

Belinda May

12-11-17

From: Maria Doyle <thedoyles@hotmail.com>
Sent: Wednesday, December 20, 2017 12:41 PM
To: Belinda May
Subject: Fw: Neighborhood plan committee meeting

From: Robert Riley <rrileylaw@yahoo.com>
Sent: ~~Monday, December 11, 2017 4:41 PM~~
To: Stan Whetzel; Maria Doyle
Subject: Neighborhood plan committee meeting

A special meeting of the neighborhood plan committee was called by the President for December 4, 2017. The meeting was attended by many of the Board Members as well as some concerned neighborhood residents. Following a round of information gathering and discussion, and given the information released to date about the size and scale of the proposed Building at 1576 Cherokee Rd., the Committee agreed to recommend, to the full Bonnycastle Board the following Resolution:

Because of the core elements of the 2002 Bonnycastle Neighborhood Plan, including that we maintain the character of the residential and commercial aspects of the neighborhood, that we recognize and preserve the distinct characteristics of the diverse sub neighborhoods in Bonnycastle, that we ensure the development of Cherokee Park continues and it remains open, clean and safe, and that we insist on, and monitor strict code enforcement, The Bonnycastle Homestead Association opposes any change in zoning, from R7 to R8a or other designation that would increase the density beyond the current R7 designation and we further oppose any height variance within the existing zoning for 1576 Cherokee Rd.

Belinda May

12-13-17

From: Maria Doyle <thedoyles@hotmail.com>
Sent: Wednesday, December 20, 2017 1:53 PM
To: Belinda May
Subject: Fw: Update on requested meeting

From: Stanley W. Whetzel, Jr <stan.whetzel@pencelegal.com>
Sent: Wednesday, December 20, 2017 1:47 PM
To: thedoyles@hotmail.com
Cc: 'sww192323@aol.com'; rrileylaw@gmail.com; rriley@yahoo.com
Subject: FW: Update on requested meeting

This is the original email that was rejected by Glenn Price's server. I left him a voice message identical to the text, and we had a subsequent phone conversation about it. Stan Whetzel

From: stan whetzel [mailto:sww192323@aol.com]
Sent: Wednesday, December 13, 2017 4:04 PM
To: gprice@fbt.com
Cc: sww192323@aol.com; Stanley W. Whetzel, Jr <stan.whetzel@pencelegal.com>; thedoyles@hotmail.com
Subject: Update on requested meeting

Glenn: We (the BHA board) met last night. I've requested some volunteers for a meeting with your group, and meeting dates to propose. I expect to have both by tomorrow evening, and will be in touch shortly afterward. Thanks. Stan Whetzel

12-13-17

Belinda May

From: Maria Doyle <thedoyles@hotmail.com>
Sent: Wednesday, December 20, 2017 1:47 PM
To: Belinda May
Subject: Fw: Undelivered Mail Returned to Sender
Attachments: Delivery report

From: Stan Whetzel <sww192323@aol.com>
Sent: Wednesday, December 20, 2017 1:31 PM
To: thedoyles@hotmail.com
Subject: Fwd: Undelivered Mail Returned to Sender

Sent from my iPhone

Begin forwarded message:

From: MAILER-DAEMON@AOL.com (Mail Delivery System)
Date: December 13, 2017 at 4:36:06 PM EST
To: sww192323@aol.com
Subject: Undelivered Mail Returned to Sender

This is the mail system at host omr-m008e.mx.aol.com.

I'm sorry to have to inform you that your message could not be delivered to one or more recipients. It's attached below.

For further assistance, please send mail to postmaster.

If you do so, please include this problem report. You can delete your own text from the attached returned message.

The mail system

<gprice@fbt.com>: connect to fbt.com[75.126.101.246]:25: Connection refused
Return-Path: Received: from mtaomg-mcc01.mx.aol.com (mtaomg-mcc01.mx.aol.com [172.26.253.85]) by omr-m008e.mx.aol.com (Outbound Mail Relay) with ESMTP id 4965B380005C; Wed, 13 Dec 2017 16:04:05 -0500 (EST) Received: from core-mbc02d.mail.aol.com (core-mbc02.mail.aol.com [172.27.32.12]) by mtaomg-mcc01.mx.aol.com (OMAG/Core Interface) with ESMTP id 674BA38000088; Wed, 13 Dec 2017 16:04:04 -0500 (EST) Received: from 74.143.130.34 by webjas-vac004.srv.aolmail.net (10.96.19.7) with HTTP

(WebMailUI); Wed, 13 Dec 2017 16:04:03 -0500 Date: Wed, 13 Dec 2017 16:04:04 -0500 From: stan whetzel To: gprice@fbt.com Cc: sww192323@aol.com, stan.whetzel@pencelegal.com, thedoyles@hotmail.com Message-Id: <16051b10441-1713-3bc35@webjas-vac004.srv.aolmail.net> Subject: Update on requested meeting MIME-Version: 1.0 Content-Type: multipart/alternative; boundary="-----_Part_331792_563933844.1513199043648" X-MB-Message-Source: WebUI X-MB-Message-Type: User X-Mailer: JAS DWEB X-Originating-IP: [74.143.130.34] x-aol-global-disposition: G DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed; d=mx.aol.com; s=20150623; t=1513199045; bh=0H5Z9ScbA7vFwfNxTCi5lgsvGc/0U8Rv8Qg3Ppqj2kk=; h=From:To:Subject:Message-Id:Date:MIME-Version:Content-Type; b=MkFSfn3enWqNjHdZ3pFpDHaJgaR4KANfPky6sZxl+QdC5dk3++ZPZKt+bOUiG99EIJef6ovYZuMuu7UFRRFN1WB1b4OBmMx/ObE2TTScmjb16AejgAJxb1xCzD2Gabxt/CwBUh9i4mUPpl27to9ItE4chxMp3M+TjdH3PJQHa4= x-aol-sid: 3039ac1afd555a3195c40431

Belinda May

12 13 - 17

From: Maria Doyle <thedoyles@hotmail.com>
Sent: Wednesday, December 20, 2017 12:41 PM
To: Belinda May
Subject: Fw: Re: Recap of Board Vote

From: stan whetzel <sww192323@aol.com>
Sent: Wednesday, December 13, 2017 3:45 PM
To: sww192323@aol.com; thedoyles@hotmail.com
Cc: cbsigjr@aol.com; alison.cromer@fisglobal.com; jaydh@bellsouth.net; oliver.ardery@gmail.com; ekwest00@gmail.com; tiffanyfabing@gmail.com; eileenpeterson0405@gmail.com; rroberts1000@yahoo.com
Subject: Re: Re: Recap of Board Vote

P.S., The four non-board members expressing string interest (from my notes) are: Ed Henson, Kevin Waldron, Debora Harland, and Linda Christopher. SWW

In a message dated 12/13/2017 3:37:33 PM Eastern Standard Time, sww192323@aol.com writes:

Maria and all: Many thanks for your email. Since the committee meeting was called in part to be responsive to Glenn Price's request for a meeting to discuss our position on the proposed new building, I think it is important to keep faith with the building proponents. We need to notify Glenn that we are ready to sit down at an agreeable time. To do that, we also need to decide who will attend for the BHA. At the committee meeting last week four non-board folks were present and expressed strong interest in attending the requested meeting. Ed Henson has already asked to be present. I think Rob Riley has all of those names. What we now need are some board members to attend the requested meeting. I suggest that Rob and Tiffany be part of that group, and that others wishing to be participate nominate themselves. When we have a group (I suggest that we not have more than eight or ten at the very most) we need to offer them several dates for a meeting. I would like to give Glenn a response today, and will tell him we have met and are looking at our calendars. Can we have a group and a handful of dates by tomorrow afternoon? Thanks. Stan Whetzel

Sent from my iPhone

On Dec 13, 2017, at 9:32 AM, Maria Doyle <thedoyles@hotmail.com> wrote:

Stan -

Sorry I did not get a chance to speak to you last night but I wanted to let you know that the Board unanimously approved the resolution to not allow upzoning and height variance.

Brandon left before the discussion/vote. However, I thought he made an interesting comment. The Major was talking about his concern for the development of more

apartments in the Highlands (in particular, the big development by Broadway). The Major's view was that the more people that move into the neighborhood, the more crime will increase (just due to the numbers). We were talking about factors that increase crime. Brandon later made a comment respectfully disagreeing with the Major saying that he is in favor of such development because it is good for the neighborhood; however, as I remember the conversation, he said that he is in favor of compliance with the neighborhood plans. In fact, he stated that he thinks he is going to get the BHA \$20,000 to do our neighborhood plan. He feels that there are 5 big neighborhoods in his area that really need good neighborhood plans and BHA is one of them. He has talked to Tiffany on updating our plan and is totally in favor of getting us some money (although, I think we all know that \$20,000 won't cover all of it). Arlette was at the meeting and mentioned that "neighborhood plans really don't have much weight anymore" and Brandon disagreed and said that he wants them to have a lot of weight and that this was why he was in favor of getting money to help neighborhood plans.

Ed Henson mentioned that it would be extremely helpful if the BHA could send an email to the planning commissioner (Joel?) ASAP to tell him the BHA position. Also, just my thoughts, but maybe we copy Brandon as well. Would it be too soon to copy all City Council members? Ed talked to Joel the other day and sent him the petition against the development (signed by 42 neighbors). Joel stated that the more he can add to the file, the better.

Earl Reed and Jill Force (who is working with Ed on the development) were not at the meeting but were at the Christmas party.

Let me know if I can help in any way.

Thanks and Happy Holidays to all! Hope all those who are sick are feeling better.
Maria

From: Stan Whetzel <sww192323@aol.com>
Sent: Tuesday, December 12, 2017 10:13 AM
To: Norma Bisig
Cc: Maria Doyle; Cromer, Alison; Jay Harris; Oliver Ardery; Evan Westphal; tiffanyfabing@gmail.com; Eileen Peterson; Rob Roberts
Subject: Re: BHA Meeting and Xmas party tonight!

Sorry to hear that Rob is sick. If you need my vote maybe you could put your phone on speaker so we can all hear each other. I can vote that way. Also, do you want me to do an agenda and send it to you. Or do you want to do it yourself, Maria? Stan Whetzel

Sent from my iPhone

On Dec 12, 2017, at 9:41 AM, Norma Bisig <cbisigjr@aol.com> wrote:
Hi All

Significant others are invited after the meeting for Holiday cheer?
Norma

Sent from my iPhone

On Dec 12, 2017, at 9:32 AM, Maria Doyle <thedoyles@hotmail.com>
wrote:

Reminder: Meeting tonight at 7 pm - party to follow.

Please let me know if you WILL NOT make the meeting. I
know Stan is out and Rob Riley is sick.

Thanks,
maria

Belinda May

12-13-17

From: Maria Doyle <thedoyles@hotmail.com>
Sent: Wednesday, December 20, 2017 12:42 PM
To: Belinda May
Subject: Fw: Update on requested meeting

From: stan whetzel <sww192323@aol.com>
Sent: Wednesday, December 13, 2017 4:04 PM
To: gprice@fbt.com
Cc: sww192323@aol.com; stan.whetzel@pencelegal.com; thedoyles@hotmail.com
Subject: Update on requested meeting

Glenn: We (the BHA board) met last night. I've requested some volunteers for a meeting with your group, and meeting dates to propose. I expect to have both by tomorrow evening, and will be in touch shortly afterward. Thanks. Stan Whetzel

Belinda May

12/14/17

From: Maria Doyle <thedoyles@hotmail.com>
Sent: Wednesday, December 20, 2017 12:56 PM
To: Belinda May
Subject: Fw: Recap of Board Vote

From: Stan Whetzel <sww192323@aol.com>
Sent: Thursday, December 14, 2017 12:18 PM
To: thedoyles@hotmail.com
Cc: cbsigjr@aol.com; alison.cromer@fisglobal.com; jaydh@bellsouth.net; oliver.ardery@gmail.com; ekwest00@gmail.com; tiffanyfabing@gmail.com; eileenpeterson0405@gmail.com; rroberts1000@yahoo.com
Subject: Re: Recap of Board Vote

All: If you want to be part of the BHA contingent that meets with the Cherokee Springs group, you need to let me know. Rob, please send this on to the four others who said they wanted to participate. Also, we need to know your availability. The idea was to meet in mid-December, which to me means sometime between now and Christmas. Thank you. Stan Whetzel

Sent from my iPhone

On Dec 13, 2017, at 3:45 PM, stan whetzel <sww192323@aol.com> wrote:

P.S., The four non-board members expressing string interest (from my notes) are: Ed Henson, Kevin Waldron, Debora Harland, and Linda Christopher. SWW

In a message dated 12/13/2017 3:37:33 PM Eastern Standard Time, sww192323@aol.com writes:

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Cc: Maria Doyle; Cromer, Alison; Jay Harris; Oliver Ardery; Evan Westphal;
tiffanyfabing@gmail.com; Eileen Peterson; Rob Roberts
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Sent from my iPhone

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Holiday cheer☺
Norma

Sent from my iPhone

On Dec 12, 2017, at 9:32 AM, Maria Doyle
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to follow.

Please let me know if you WILL NOT make
the meeting. I know Stan is out and Rob
Riley is sick.

Thanks,
maria

12-14-17

Belinda May

From: Maria Doyle <thedoyles@hotmail.com>
Sent: Wednesday, December 20, 2017 1:46 PM
To: Belinda May
Subject: Fw: Undelivered Mail Returned to Sender
Attachments: Delivery report

From: Stan Whetzel <sww192323@aol.com>
Sent: Wednesday, December 20, 2017 1:29 PM
To: thedoyles@hotmail.com
Subject: Fwd: Undelivered Mail Returned to Sender

Sent from my iPhone

Begin forwarded message:

From: Stan Whetzel <sww192323@aol.com>
Date: December 14, 2017 at 2:12:15 PM EST
To: gprice@fbt.com
Subject: Fwd: Undelivered Mail Returned to Sender

Sent from my iPhone

Begin forwarded message:

From: MAILER-DAEMON@AOL.com (Mail Delivery System)
Date: December 13, 2017 at 4:36:06 PM EST
To: sww192323@aol.com
Subject: Undelivered Mail Returned to Sender

This is the mail system at host omr-m008e.mx.aol.com.

I'm sorry to have to inform you that your message could not be delivered to one or more recipients. It's attached below.

For further assistance, please send mail to postmaster.

If you do so, please include this problem report. You can delete your own text from the attached returned message.

The mail system

<gprice@fbt.com>: connect to fbt.com[75.126.101.246]:25: Connection refused

Return-Path: Received: from mtaomg-mcc01.mx.aol.com (mtaomg-mcc01.mx.aol.com [172.26.253.85]) by omr-m008e.mx.aol.com (Outbound Mail Relay) with ESMTP id 4965B380005C; Wed, 13 Dec 2017 16:04:05 -0500 (EST)

Received: from core-mbc02d.mail.aol.com (core-mbc02.mail.aol.com [172.27.32.12]) by mtaomg-mcc01.mx.aol.com (OMAG/Core Interface) with ESMTP id 674BA38000088; Wed, 13 Dec 2017 16:04:04 -0500 (EST) Received: from 74.143.130.34 by webjas-vac004.srv.aolmail.net (10.96.19.7) with HTTP (WebMailUI); Wed, 13 Dec 2017 16:04:03 -0500 Date: Wed, 13 Dec 2017 16:04:04 -0500 From: stan whetzel To: gprice@fbt.com Cc: sww192323@aol.com, stan.whetzel@pencelegal.com, thedoyles@hotmail.com

Message-Id: <16051b10441-1713-3bc35@webjas-vac004.srv.aolmail.net>

Subject: Update on requested meeting MIME-Version: 1.0 Content-Type: multipart/alternative; boundary="-----_Part_331792_563933844.1513199043648"

X-MB-Message-Source: WebUI X-MB-Message-Type: User X-Mailer: JAS DWEB X-Originating-IP: [74.143.130.34] x-aol-global-disposition: G DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed; d=mx.aol.com; s=20150623; t=1513199045;

bh=0H5Z9SCbA7vFwfNxTCi5lgsvGc/OU8Rv8Qg3Ppqj2kk=;

h=From:To:Subject:Message-Id:Date:MIME-Version:Content-Type;

b=MkFSfn3enWqNjHdZ3pFpDHaJgaR4KANfPky6sZxl+QdC5dk3++ZPZKt+bOUIG99EI

Jef6ovYZuMuu7UFRRFN1WBib4OBmMx/ObE2TTSCmjb16AejgAJxblxCzD2Gabxt/Cw BUh9I4mUPpl27to9ItE4chxMp3M+TjdH3PJQIHa4= x-aol-sid: 3039ac1afd555a3195c40431

12-15-17

Belinda May

From: Maria Doyle <thedoyles@hotmail.com>
Sent: Wednesday, December 20, 2017 12:56 PM
To: Belinda May
Subject: Fw: Meeting Group, Date and Time

From: stan whetzel <sww192323@aol.com>
Sent: Friday, December 15, 2017 5:21 PM
To: tiffanyfabing@gmail.com
Cc: thedoyles@hotmail.com; cbsigjr@aol.com; alison.cromer@fisglobal.com; jaydh@bellsouth.net; oliver.ardery@gmail.com; ekwest00@gmail.com; eileenpeterson0405@gmail.com; rroberts1000@yahoo.com; sww192323@aol.com
Subject: Re: Meeting Group, Date and Time

All: Here's the posture of the proposed meeting(s) between the BHA group and the Cherokee Springs group.

Glenn Price said his clients are available to meet next week, the date, time and location of the first meeting remaining to be determined. I suspect that group will consist of Glenn Price, Jill Force, Earl Reed, and the architect from Joseph and Joseph whose name presently eludes me.

The following BHA board members have volunteered to meet: Rob Riley, Tiffany Fabing, and Jay or Louise Harris. I expect to participate also. Maria Doyle and Alison Cromer have offered to participate if needed. I've heard nothing from the rest of you, and assume you are not participating.

I suggest that the BHA board field four and that the group include all or any of the four persons who expressed strong interest at the committee meeting. According to my notes, the four are Linda Christopher, Deborah Harland, Ed Henson, and Kevin Waldron.

I suggest the BHA board meeting group be: Tiffany Fabing, Jay or Louise Harris, Rob Riley and myself. If one or more can't participate, I suggest Maria Doyle and Alison Cromer (in that order based on their responses) serve as replacements. Please advise by REPLY ALL of your availability for an evening meeting next week. I am not available on Wednesday evening.

I have left a message for Ed Henson to communicate with the three others and inform me of their availability for an evening meeting next week. Again, I am not available on Wednesday evening.

Both groups should expect to meet together for a nose-counting session once before any meeting with the Price-Reed group.

Thanks. Stan Whetzel

In a message dated 12/13/2017 4:47:40 PM Eastern Standard Time, tiffanyfabing@gmail.com writes:

I will be happy to meet with Glenn.

On Wed, Dec 13, 2017 at 3:45 PM, stan whetzel <sww192323@aol.com> wrote:

P.S., The four non-board members expressing string interest (from my notes) are: Ed Henson, Kevin Waldron, Debora Harland, and Linda Christopher. SWW

In a message dated 12/13/2017 3:37:33 PM Eastern Standard Time, sww192323@aol.com writes:

Maria and all: Many thanks for your email. Since the committee meeting was called in part to be responsive to Glenn Price's request for a meeting to discuss our position on the proposed new building, I think it is important to keep faith with the building proponents. We need to notify Glenn that we are ready to sit down at an agreeable time. To do that, we also need to decide who will attend for the BHA. At the committee meeting last week four non-board folks were present and expressed strong interest in attending the requested meeting. Ed Henson has already asked to be present. I think Rob Riley has all of those names. What we now need are some board members to attend the requested meeting. I suggest that Rob and Tiffany be part of that group, and that others wishing to be participate nominate themselves. When we have a group (I suggest that we not have more than eight or ten at the very most) we need to offer them several dates for a meeting. I would like to give Glenn a response today, and will tell him we have met and are looking at our calendars. Can we have a group and a handful of dates by tomorrow afternoon? Thanks. Stan Whetzel

Sent from my iPhone

On Dec 13, 2017, at 9:32 AM, Maria Doyle <thedoyles@hotmail.com> wrote:

Stan -

Sorry I did not get a chance to speak to you last night but I wanted to let you know that the Board unanimously approved the resolution to not allow upzoning and height variance.

Brandon left before the discussion/vote. However, I thought he made an interesting comment. The Major was talking about his concern for the development of more apartments in the Highlands (in particular, the big development by Broadway). The Major's view was that the more people that move into the neighborhood, the more crime will increase (just due to the numbers). We were talking about factors that increase crime. Brandon later made a comment respectfully disagreeing with the Major saying that he is in favor of such development because it is good for the neighborhood; however, as I remember the conversation, he said that he is in favor of compliance with the neighborhood plans. In fact, he stated that he thinks he is going to get the BHA \$20,000 to do our neighborhood plan. He feels that there are 5 big neighborhoods in his area that really need good neighborhood plans and BHA is one of them. He has talked to Tiffany on updating our plan and is totally in favor of getting us some money (although, I think we all know that \$20,000 won't cover all of it). Arlette was at the meeting and mentioned that "neighborhood plans really don't have much weight anymore" and Brandon disagreed and said that he wants them to have alot of weight and that this was why he was in favor of getting money to help neighborhood plans.

Ed Henson mentioned that it would be extremely helpful if the BHA could send an email to the planning commissioner (Joel?)ASAP to tell him the BHA position. Also, just my thoughts, but maybe we copy Brandon as well. Would it be too soon to copy all City Council members? Ed talked to Joel the other day and sent him the petition against the development (signed by 42 neighbors). Joel stated that the more he can add to the file, the better.

Earl Reed and Jill Force (who is working with Ed on the development) were not at the meeting but were at the Christmas party.

Let me know if I can help in any way.

Thanks and Happy Holidays to all! Hope all those who are sick are feeling better.

Maria

From: Stan Whetzel <sww192323@aol.com>
Sent: Tuesday, December 12, 2017 10:13 AM
To: Norma Bisig
Cc: Maria Doyle; Cromer, Alison; Jay Harris; Oliver Ardery; Evan Westphal; tiffanyfabing@gmail.com; Eileen Peterson; Rob Roberts
Subject: Re: BHA Meeting and Xmas party tonight!

Sorry to hear that Rob is sick. If you need my vote maybe you could put your phone on speaker so we can all hear each other. I can vote that way. Also, do you want me to do an agenda and send it to you. Or do want to do it yourself, Maria? Stan Whetzel

Sent from my iPhone

On Dec 12, 2017, at 9:41 AM, Norma Bisig <cbisigjr@aol.com> wrote:

Hi All
Significant others are invited after the meeting for Holiday cheer☺
Norma

Sent from my iPhone

On Dec 12, 2017, at 9:32 AM, Maria Doyle <thedoyles@hotmail.com> wrote:

Reminder: Meeting tonight at 7 pm - party to follow.

Please let me know if you WILL NOT make the meeting. I know Stan is out and Rob Riley is sick.



Thanks,
maria

12-18, 17

Belinda May

From: Maria Doyle <thedoyles@hotmail.com>
Sent: Wednesday, December 20, 2017 12:49 PM
To: Belinda May
Subject: Fw: Meeting Group, Date and Time

From: Stan Whetzel <sww192323@aol.com>
Sent: Monday, December 18, 2017 10:36 AM
To: Maria Doyle
Subject: Re: Meeting Group, Date and Time

Maria: Ed Henson said you might have Deborah Harland's contact information. Please provide it if you do.
Thanks. Stan Whetzel

Sent from my iPhone

On Dec 16, 2017, at 9:01 AM, Maria Doyle <thedoyles@hotmail.com> wrote:

I'm out tues through sat so dont count on me. Thanks

----- Original message -----

From: tiffanyfabing@gmail.com
Date: 12/16/17 8:05 AM (GMT-05:00)
To: jaydh@bellsouth.net
Cc: stan whetzel <sww192323@aol.com>, thedoyles@hotmail.com, cbisigjr@aol.com,
alison.cromer@fisglobal.com, oliver.ardery@gmail.com, ekwest00@gmail.com,
eileenpeterson0405@gmail.com, rroberts1000@yahoo.com
Subject: Re: Meeting Group, Date and Time

I'm not available Tuesday. Thursday would work for me.

Sent from my iPhone

On Dec 15, 2017, at 5:39 PM, <jaydh@bellsouth.net> <jaydh@bellsouth.net> wrote:

Stan, Tuesday or Thursday would be best for one of us. Wednesday is also out for us. Thanks for the work. Best Regards, Jay and Louise

From: stan whetzel [<mailto:sww192323@aol.com>]
Sent: Friday, December 15, 2017 5:21 PM
To: tiffanyfabing@gmail.com
Cc: thedoyles@hotmail.com; cbisigjr@aol.com; alison.cromer@fisglobal.com;

the proposed new building, I think it is important to keep faith with the building proponents. We need to notify Glenn that we are ready to sit down at an agreeable time. To do that, we also need to decide who will attend for the BHA. At the committee meeting last week four non-board folks were present and expressed strong interest in attending the requested meeting. Ed Henson has already asked to be present. I think Rob Riley has all of those names. What we now need are some board members to attend the requested meeting. I suggest that Rob and Tiffany be part of that group, and that others wishing to be participate nominate themselves. When we have a group (I suggest that we not have more than eight or ten at the very most) we need to offer them several dates for a meeting. I would like to give Glenn a response today, and will tell him we have met and are looking at our calendars. Can we have a group and a handful of dates by tomorrow afternoon? Thanks.
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Sent from my iPhone

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plan He feels that there are 5 big neighborhoods in his area that really need good neighborhood plans and BHA is one of them. He has talked to Tiffany on updating our plan and is totally in favor of getting us some money (although, I think we all know that \$20,000 won't cover all of it). Arlette was at the meeting and mentioned that "neighborhood plans really don't have much weight anymore" and Brandon disagreed and said that he wants them to have alot of weight and that this was why he was in favor of getting money to help neighborhood plans.

Ed Henson mentioned that it would be extremely helpful if the BHA could send an email to the planning commissioner (Joel?)ASAP to tell him the BHA position. Also, just my thoughts, but maybe we copy Brandon as well. Would it be too soon to copy all City Council members? Ed talked to Joel the other day and sent him the petition against the development (signed by 42 neighbors). Joel stated that the more he can add to the file, the better.

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Let me know if I can help in any way.

Thanks and Happy Holidays to all! Hope all those who are sick are feeling better.
Maria

From: Stan Whetzel <sww192323@aol.com>
Sent: Tuesday, December 12, 2017 10:13 AM
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Cc: Maria Doyle; Cromer, Alison; Jay Harris; Oliver Ardery; Evan Westphal; tiffanyfabing@gmail.com; Eileen Peterson; Rob Roberts
Subject: Re: BHA Meeting and Xmas party tonight!

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Hi All
Significant others are invited after the meeting for Holiday cheer☐
Norma

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Reminder: Meeting tonight at 7 pm - party to follow.

Please let me know if you WILL NOT make the meeting. I know Stan is out and Rob Riley is sick.

Thanks,
maria



Virus-free. www.avg.com

12-18-17

Belinda May

From: Maria Doyle <thedoyles@hotmail.com>
Sent: Wednesday, December 20, 2017 12:53 PM
To: Belinda May
Subject: Fw: Meeting with Cherokee Springs proponents

From: stan-whetzel [mailto:sww192323@aol.com]
Sent: Monday, December 18, 2017 3:12 PM
To: riley@yahoo.com; rileylaw@yahoo.com; tiffanyfabing@gmail.com; jaydh@bellsouth.net; edhenson1@bellsouth.net; roofie56@aol.com; debraandted@gmail.com; kevin@deltaservicesllc.com; wccooper1@gmail.com; thedoyles@hotmail.com; alison.cromer@fisglobal.com; alison.cromer@sungard.com
Cc: sww192323@aol.com
Subject: Meeting with Cherokee Springs proponents

Dear All: Last Thursday, I spoke by phone with Glenn Price, attorney for the proponents of the proposed demolition and condo construction at 1576 Cherokee Road, and informed him that the BHA board had met and taken a position on his clients' project. I did not discuss the position, it apparently being implied that the BHA was not in favor of the project as planned. I told Glenn that I was attempting to assemble a group of those persons who had expressed interest in meeting with his clients, and that I hoped to have a suggested meeting date and time by Friday afternoon.

As matters stand today, the four BHA board members expected to meet with the condo proponents are Rob Riley, Tiffany Fabing, Jay or Louise Harris, and myself. The four non-board members expected to meet are Linda Christopher, Tom Waldon, Debra Harland and Ed Henson. Maria Doyle and Alison Cromer have said they will fill in if needed for the board representatives. Tom Cooper is, as I understand Ed Henson, an alternate for the non-board members.

My hope of arranging at least an initial meeting this week has faded. Only Thursday appeared to be open for those I heard from last week. As of today, Thursday is a no-go for Tiffany; and Jay and Louise can't meet after work. So this week is basically shot, even if the condo proponents are available.

Moving on to the week beginning Tuesday after Christmas, I need to know the dates next week (or the week after New Year' Day) to which you individually will commit to attend an initial meeting with the condo proponents.

I need your replies ASAP. Please REPLY ALL. I don't want to forward emails. After I have heard from everyone (or a reasonable time for responses has elapsed-- i.e., this coming Wednesday evening) I will send an email to the group with the dates that seem to work best. I will then call Glenn Price and offer the dates.

Please note also that I intend to inform Joel Dock of the BHA board's action this afternoon.

Thanks. Stan Whetzel



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Belinda May

12-18-17

From: Maria Doyle <thedoyles@hotmail.com>
Sent: Wednesday, December 20, 2017 12:42 PM
To: Belinda May
Subject: Fw: BHA Resolution 12-12-17 to Joel P. Dock, Planner II, Planning & Design Services, Department of Develop Louisville
Attachments: Agenda.1217.Resolution.12182017.pdf

From: stan whetzel <sww192323@aol.com>
Sent: Monday, December 18, 2017 4:02 PM
To: Joel.Dock@louisvilleky.gov
Cc: sww192323@aol.com; rrlley@yahoo.com; thedoyles@hotmail.com; cbisigjr@aol.com; jaydh@bellsouth.net; tiffanyfabing@gmail.com; alison.cromer@fisglobal.com; alison.cromer@sungard.com; eileenpeterson0405@gmail.com; ekwest00@gmail.com; ollver.ardery@gmail.com; SWW192323@aol.com
Subject: BHA Resolution 12-12-17 to Joel P. Dock, Planner II, Planning & Design Services, Department of Develop Louisville

Mr. Dock: Per our conversation today, I am attaching for your file the BHA board of directors resolution passed December 12, 2017 expressing the BHA's opposition to the proposed upzoning of 1576 Cherokee Road from R7 to R8a, etc., and height variances exceeding the present zoning for that property. Please let me know if you have any questions about it. Thanks. Stan Whetzel, BHA President

Bonnycastle Homestead Association, Inc.

P.O. BOX 5165

LOUISVILLE, KENTUCKY 40205

Regular Meeting of December 12, 2017

7:00 P.M.

BOARD MEETING AGENDA

PLEASE SIGN IN (KINDLY PRINT YOUR NAMES)

1. Call to order and welcome.
2. Call for additions and changes to Agenda, and Adoption of Agenda. **Need motion and second.**
3. 5' District LMPD Report/ Major Aubrey Gregory
4. Metro Council Representative's Report/ Mr. Coan or Jasmine Masterson, Legislative Aide
5. Minutes of November 2017 regular meeting. **Need motion and second to accept minutes as submitted or corrected.**
6. Treasurer's Report. **Need motion and second to accept report as submitted or corrected.**
7. Committee Reports:

Communications Committee/Maria Doyle, Eileen Peterson

Membership Committee /Oliver Ardery, Norma Bisig, Tiffany Fabing

Tree Committee Report/ Alison Cromer, Maria Doyle, Eileen Peterson, Jay and Louise Hartis, Rob Riley

Special Events Committee/Norma Bisig, Alison Cromer, Rob Riley

Neighborhood Plan/Conditional Use/Land Use Committee/ Tiffany Fabing

See attached proposal.

Neighborhood Outreach Committee/Jay Harris

Neighborhood Plan/Conditional Use/Land Use Committee

A special meeting of the neighborhood plan committee was called by the President for December 4, 2017. The meeting was attended by many of the Board Members as well as some concerned neighborhood residents. Following a round of information gathering and discussion, and given the information released to date about the size and scale of the proposed Building at 1576 Cherokee Rd., the Committee agreed to recommend, to the full Bonnycastle Board the following Resolution:

Because of the core elements of the 2002 Bonnycastle Neighborhood Plan, including that we maintain the character of the residential and commercial aspects of the neighborhood, that we recognize and preserve the distinct characteristics of the diverse sub neighborhoods in Bonnycastle, that we ensure the development of Cherokee Park continues and it remains open, clean and safe, and that we insist on, and monitor strict code enforcement, The Bonnycastle Homestead Association opposes any change in zoning, from R7 to R8a or other designation that would increase the density beyond the current R7 designation and we further oppose any height variance within the existing zoning for 1576 Cherokee Rd.

Belinda May

12-19-17

From: Maria Doyle <thedoyles@hotmail.com>
Sent: Wednesday, December 20, 2017 12:42 PM
To: Belinda May
Subject: Fw: BHA Resolution 12-12-17 to Joel P. Dock, Planner II, Planning & Design Services, Department of Develop Louisville

From: Dock, Joel <Joel.Dock@louisvilleky.gov>
Sent: Tuesday, December 19, 2017 9:02 AM
To: stan whetzel
Cc: rrlley@yahoo.com; thedoyles@hotmail.com; cbisigjr@aol.com; jaydh@bellsouth.net; tiffanyfabing@gmail.com; alison.cromer@fisglobal.com; alison.cromer@sungard.com; eileenpeterson0405@gmail.com; ekwest00@gmail.com; oliver.ardery@gmail.com
Subject: RE: BHA Resolution 12-12-17 to Joel P. Dock, Planner II, Planning & Design Services, Department of Develop Louisville

Received. Thank you!

Joel P. Dock
Planner II
Planning & Design Services
Department of Develop Louisville
LOUISVILLE FORWARD
444 South Fifth Street, Suite 300
Louisville, KY 40202
502-574-5860
<https://louisvilleky.gov/government/planning-design>



**DEVELOP
LOUISVILLE**
LOUISVILLE FORWARD



From: stan whetzel [mailto:sww192323@aol.com]
Sent: Monday, December 18, 2017 4:02 PM
To: Dock, Joel
Cc: sww192323@aol.com; rrlley@yahoo.com; thedoyles@hotmail.com; cbisigjr@aol.com; jaydh@bellsouth.net; tiffanyfabing@gmail.com; alison.cromer@fisglobal.com; alison.cromer@sungard.com; eileenpeterson0405@gmail.com;

ekwest00@gmail.com; oliver.ardery@gmail.com; SWW192323@aol.com

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Louisville

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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.

12-19-17

Belinda May

From: Maria Doyle <thedoyles@hotmail.com>
Sent: Wednesday, December 20, 2017 12:52 PM
To: Belinda May
Subject: Fw: Meeting on Thursday?

From: Stan Whetzel <sww192323@aol.com>
Sent: Tuesday, December 19, 2017 9:15 AM
To: rmay@yahoo.com; Kelly Brown (KYTC); thedoyles@hotmail.com; tiffanyfabing@gmail.com; jaydh@bellsouth.net; allson.cromer@fisglobal.com; Allison.Cromer@sungard.com; edhenson1@bellsouth.net; Kevin Waldron; Tom Cooper; roofie56@aol.com; debraandted@gmail.com
Subject: Fwd: Meeting on Thursday?

All: See message below to Glenn Price asking if his client group can meet this Thursday after work. Can you? Please REPLY ALL. Thanks. Stan Whetzel

Sent from my iPhone

Begin forwarded message:

From: Stan Whetzel <sww192323@aol.com>
Date: December 19, 2017 at 9:11:36 AM EST
To: gprice@fbt.com
Cc: "Stanley William Whetzel, Jr. " <stan.whetzel@pencelegal.com>
Subject: Meeting on Thursday?

Glenn: Please advise your whether your client group is available to meet with the BHA representatives group this Thursday after work. I think, but can't be sure at this moment, that most of our group can make a meeting on Thursday. Location and time to be determined.
Thanks. Stan Whetzel

Sent from my iPhone

12-19-17

Belinda May

From: Maria Doyle <thedoyles@hotmail.com>
Sent: Wednesday, December 20, 2017 1:46 PM
To: Belinda May
Subject: Fw: Undelivered Mail Returned to Sender
Attachments: Delivery report

From: Stan Whetzel <sww192323@aol.com>
Sent: ~~Wednesday, December 20, 2017 1:29 PM~~
To: thedoyles@hotmail.com
Subject: Fwd: Undelivered Mail Returned to Sender

Sent from my iPhone

Begin forwarded message:

From: MAILER-DAEMON@AOL.com (Mail Delivery System)
Date: December 19, 2017 at 9:42:57 AM EST
To: sww192323@aol.com
Subject: Undelivered Mail Returned to Sender

This is the mail system at host pmr-a001e.mx.aol.com.

I'm sorry to have to inform you that your message could not be delivered to one or more recipients. It's attached below.

For further assistance, please send mail to postmaster.

If you do so, please include this problem report. You can delete your own text from the attached returned message.

The mail system

<gprice@fbt.com>: connect to fbt.com[75.126.101.246]:25: Connection refused

Return-Path: Received: from mtaout-mcc01.mx.aol.com (mtaout-mcc01.mx.aol.com [172.26.253.77]) by pmr-a001e.mx.aol.com (Outbound Mail Relay) with ESMTTP id CF221380004F; Tue, 19 Dec 2017 09:11:38 -0500 (EST) Received: from [192.168.0.3] (adsl-184-45-39-26.sdf.bellsouth.net [184.45.39.26]) (using TLSv1.2 with cipher ECDHE-RSA-AES256-GCM-SHA384 (256/256 bits)) (No client certificate requested) by mtaout-mcc01.mx.aol.com (MUA/Third Party Client Interface) with ESMTTPSA id D97C23800008A; Tue, 19 Dec 2017

09:11:37 -0500 (EST) From: Stan Whetzel Content-Type: text/plain; charset=utf-8 Content-Transfer-Encoding: quoted-printable Mime-Version: 1.0 (1.0) Subject: Meeting on Thursday? Date: Tue, 19 Dec 2017 09:11:36 -0500 Message-Id: <4F79535A-23DD-4032-BD55-4A0DF68E78FA@aol.com> Cc: "Stanley William Whetzel, Jr. " To: gprice@fbt.com X-Mailer: iPhone Mail (15B202) x-aol-global-disposition: G DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed; d=mx.aol.com; s=20150623; t=1513692698; bh=D+CfaGQqT5Aa8o7Q//YkELwa6pqht1oc87CRgPYsPX4=; h=From:To:Subject:Message-Id:Date:Mime-Version:Content-Type; b=vBHu/60F3vh5XHy8tki+A1Hf/MWIDpwQdnDFnBZeEGvZ8Kmd/6ALJ7WRx9WAITLCW DhSEvbkly2vgXsIWZ+HUGDslbZi6/tzxlOrPXCIWjgt1IEkkt73lidzpyTys0Ae+1Z zp4DyAnOLkychFokb8xrgJfmx6tAHUHxC5tt1NTM= x-aol-sid: 3039ac1afd4d5a391e191703 X-AOL-IP: 184.45.39.26

12-19-17

Belinda May

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To: Belinda May
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Sent: Tuesday, December 19, 2017 10:15 AM
To: Kevin Waldron <kevin@deltaservicesllc.com>
Cc: Ed Henson <edhenson1@bellsouth.net>; rriley@yahoo.com; Kelly Brown (KYTC) <rrileylaw@yahoo.com>; thedoyles@hotmail.com; tiffanyfabing@gmail.com; jaydh@bellsouth.net; alison.cromer@flsglobal.com; Allison.Cromer@sungard.com; Tom Cooper <wcooper1@gmail.com>; roofie56@aol.com; debraandted@gmail.com
Subject: Re: Meeting on Thursday?

I spoke to Glenn since my email was kicked back. He will call re Thursday and I'll ask him at that time. SWW

Sent from my iPhone

On Dec 19, 2017, at 9:43 AM, Kevin Waldron <kevin@deltaservicesllc.com> wrote:

Stan, I can be there also at any time, afternoon or evening, would it be possible to let us know if all are attending from the Cherokee Springs group. Thanks Kevin

Best Regards:

Kevin Waldron / President

<image002.jpg>

4676 Jennings Lane Louisville, Kentucky 40218
Office Phone 502-491-2202
Direct Line 502-719-7787 / Fax 502-491-2995 / Mobile 502-639-4321
E-mail, kevin@deltaservicesllc.com / www.deltaservicesllc.com

Belinda May

12-A-17

From: Maria Doyle <thedoyles@hotmail.com>
Sent: Wednesday, December 20, 2017 12:50 PM
To: Belinda May
Subject: Fw: Meeting on Thursday?

On Dec 19, 2017, at 3:37 PM, stan whetzel <sww192323@aol.com> wrote:

Jay and All: Thanks. I'm still waiting for Glenn Price to confirm Thursday at 6:00 pm. I'll propose Park Terrace as an alternative meeting place. Stan Whetzel

In a message dated 12/19/2017 2:49:26 PM Eastern Standard Time, jaydh@bellsouth.net writes:

Stan, Park Terrace meeting room is available between 5 pm and 7 pm on Thursday if you need a back up meeting spot. Jay

Belinda May

12-19-17

From: Marla Doyle <thedoyles@hotmail.com>
Sent: Wednesday, December 20, 2017 12:46 PM
To: Belinda May
Subject: Fw: RE: from Glenn Price

From: stan whetzel <sww192323@aol.com>
Sent: Tuesday, December 19, 2017 4:42 PM
To: rrileyaw@yahoo.com; rriley@yahoo.com; jaydh@bellsouth.net; thedoyles@hotmail.com; tiffanyfabing@gmail.com; alison.cromer@fisglobal.com; alison.cromer@sungard.com; edhenson1@bellsouth.net; kevin@deltaservicesllc.com; wtcooper1@gmail.com; roofie56@aol.com; debraandted@gmail.com; sww192323@aol.com
Cc: sww192323@aol.com
Subject: Fwd: RE: from Glenn Price

All: Here's where matters stand: waiting for confirmation from Glenn Price; possible change of venue to Park Terrace. Stay tuned, please. Stan Whetzel

From: stan.whetzel@pencelegal.com
To: gaprice@fbtlaw.com
Cc: sww192323@aol.com, stan.whetzel@pencelegal.com
Sent: 12/19/2017 4:35:17 PM Eastern Standard Time
Subject: RE: from Glenn Price

Glenn: I need to leave the office shortly. Please let me know whether your group can meet on Thursday at 6 as we discussed this morning. We reserved the side room at the Safai (?) coffee shop from 6-7 pm, but we also can meet at the Park Terrace condominiums, courtesy of one of our board members. Let me know, please. Thanks. Stan Whetzel

From: Price, Glenn [mailto:gaprice@fbtlaw.com]
Sent: Tuesday, December 19, 2017 1:27 PM
To: Stanley W. Whetzel, Jr <stan.whetzel@pencelegal.com>
Subject: RE: from Glenn Price

Stan,

Please send me an email at gaprice@fbtlaw.com, and let's see if it works. Looks like it worked on December 6.

Glenn

Glenn Price

Attorney at Law | **Frost Brown Todd LLC**

400 West Market Street | 32nd Floor | Louisville, KY 40202-3363
502.779.8511 Direct | 502.589.5400 Main | 502.553.9830 Mobile | 502.581.1087 Fax
gprice@fbtlaw.com | www.frostbrowntodd.com

From: Stanley W. Whetzel, Jr [<mailto:stan.whetzel@pencelegal.com>]
Sent: Wednesday, December 06, 2017 2:33 PM
To: Price, Glenn <gprice@fbtlaw.com>
Cc: Stanley W. Whetzel, Jr <stan.whetzel@pencelegal.com>
Subject: FW: from Glenn Price

You are welcome. SWW

From: Price, Glenn [<mailto:gprice@fbtlaw.com>]
Sent: Wednesday, December 06, 2017 2:31 PM
To: Stanley W. Whetzel, Jr <stan.whetzel@pencelegal.com>
Cc: com' 'whetzelatlaw@aol. <whetzelatlaw@aol.com>
Subject: RE: from Glenn Price

Great. Thank you!

Glenn Price

Attorney at Law | **Frost Brown Todd LLC**

400 West Market Street | 32nd Floor | Louisville, KY 40202-3363
502.779.8511 Direct | 502.589.5400 Main | 502.553.9830 Mobile | 502.581.1087 Fax
gprice@fbtlaw.com | www.frostbrowntodd.com

From: Stanley W. Whetzel, Jr [<mailto:stan.whetzel@pencelegal.com>]
Sent: Tuesday, December 05, 2017 4:34 PM
To: Price, Glenn <gprice@fbtlaw.com>
Cc: Stanley W. Whetzel, Jr <stan.whetzel@pencelegal.com>; com' 'whetzelatlaw@aol.
<whetzelatlaw@aol.com>
Subject: RE: from Glenn Price

Hello, Glenn: Thanks for writing. We should be able to schedule a meeting after this coming Tuesday's (12/12) board meeting. Stan Whetzel

From: Price, Glenn [<mailto:gprice@fbtlaw.com>]
Sent: Tuesday, December 05, 2017 4:21 PM
To: Stanley W. Whetzel, Jr <stan.whetzel@pencelegal.com>

Cc: sww192323@aol.com
Subject: RE: from Glenn Price

Hello Stan,

Just checking back with you, now about 2 weeks later, to see if we can schedule our mid-December discussion meeting.

Thanks very much,

Glenn

Glenn Price

Attorney at Law | Frost Brown Todd LLC

400 West Market Street | 32nd Floor | Louisville, KY 40202-3363
502.779.8511 Direct | 502.589.6400 Main | 502.553.9830 Mobile | 502.581.1087 Fax
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From: Stanley W. Whetzel, Jr [<mailto:stan.whetzel@pencelegal.com>]
Sent: Tuesday, November 21, 2017 3:40 PM
To: Price, Glenn <gprice@fbtlaw.com>
Cc: sww192323@aol.com; Stanley W. Whetzel, Jr <stan.whetzel@pencelegal.com>
Subject: RE: from Glenn Price

Hi Glenn: We're talking among ourselves at this point, sorting through things. With the approach of the holidays, my guess is that a meeting of our group and yours would have to be sometime in mid-December. I'll let you know more when I can. Have a nice Thanksgiving. Stan Whetzel

From: Price, Glenn [<mailto:gprice@fbtlaw.com>]
Sent: Tuesday, November 21, 2017 2:05 PM
To: whetzelatlaw@aol.com
Cc: sww192323@aol.com; Stanley W. Whetzel, Jr <stan.whetzel@pencelegal.com>
Subject: RE: from Glenn Price

Stan,

Any news on getting together in the near future?

Glenn

Please let me know, and thanks once again!

Glenn

Glenn A Price
Attorney at Law

400 West Market Street | 32nd Floor

Louisville, KY 40202-3363

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gaprice@fbtlaw.com | frostbrowntodd.com



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12-20-17

Belinda May

From: Maria Doyle <thedoyles@hotmail.com>
Sent: Wednesday, December 20, 2017 12:52 PM
To: Belinda May
Subject: Fw: from Glenn Price/ Update

From: Stan Whetzel <sww192323@aol.com>
Sent: Wednesday, December 20, 2017 10:03 AM
To: stan whetzel; debraandted@gmail.com; roofie56@aol.com; wtcooper1@gmail.com; rrileylaw@yahoo.com; tiffanyfabing@gmail.com; alison.cromer@fisglobal.com; alison.cromer@sungard.com; edhenson1@bellsouth.net; kevin@deltaservicesllc.com; rriley@yahoo.com; jaydh@bellsouth.net; thedoyles@hotmail.com
Subject: Re: from Glenn Price/ Update

All: I have heard nothing more from Glenn Price about meeting on Thursday. I'll let you when I do. Thanks.
Stan Whetzel

Sent from my iPhone

On Dec 19, 2017, at 4:42 PM, stan whetzel <sww192323@aol.com> wrote:

All: Here's where matters stand: waiting for confirmation from Glenn Price; possible change of venue to Park Terrace. Stay tuned, please. Stan Whetzel

From: stan.whetzel@pencelegal.com
To: gaprice@fbtlaw.com
Cc: sww192323@aol.com, stan.whetzel@pencelegal.com
Sent: 12/19/2017 4:35:17 PM Eastern Standard Time
Subject: RE: from Glenn Price

Glenn: I need to leave the office shortly. Please let me know whether your group can meet on Thursday at 6 as we discussed this morning. We reserved the side room at the Safal (?) coffee shop from 6-7 pm, but we also can meet at the Park Terrace condominiums, courtesy of one of our board members. Let me know, please. Thanks.
Stan Whetzel

From: Price, Glenn [<mailto:gaprice@fbtlaw.com>]
Sent: Tuesday, December 19, 2017 1:27 PM
To: Stanley W. Whetzel, Jr <stan.whetzel@pencelegal.com>
Subject: RE: from Glenn Price

Stan,

Please send me an email at gaprice@fbtlaw.com, and let's see if it works. Looks like it worked on December 6.

Glenn

Glenn Price

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gaprice@fbtlaw.com | www.frostbrowntodd.com

From: Stanley W. Whetzel, Jr [<mailto:stan.whetzel@pencelegal.com>]
Sent: Wednesday, December 06, 2017 2:33 PM
To: Price, Glenn <gaprice@fbtlaw.com>
Cc: Stanley W. Whetzel, Jr <stan.whetzel@pencelegal.com>
Subject: FW: from Glenn Price

You are welcome. SWW

From: Price, Glenn [<mailto:gaprice@fbtlaw.com>]
Sent: Wednesday, December 06, 2017 2:31 PM
To: Stanley W. Whetzel, Jr <stan.whetzel@pencelegal.com>
Cc: com' 'whetzelatlaw@aol. <whetzelatlaw@aol.com>
Subject: RE: from Glenn Price

Great. Thank you!

Glenn Price

Attorney at Law | **Frost Brown Todd LLC**

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gaprice@fbtlaw.com | www.frostbrowntodd.com

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Sent: Tuesday, December 05, 2017 4:34 PM
To: Price, Glenn <gaprice@fbtlaw.com>
Cc: Stanley W. Whetzel, Jr <stan.whetzel@pencelegal.com>; com' 'whetzelatlaw@aol. <whetzelatlaw@aol.com>
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Glenn Price

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Cc: sww192323@aol.com; Stanley W. Whetzel, Jr <stan.whetzel@pencelegal.com>
Subject: RE: from Glenn Price

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Cc: sww192323@aol.com; Stanley W. Whetzel, Jr <stan.whetzel@pencelegal.com>
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Glenn

Glenn Price

Attorney at Law | Frost Brown Todd LLC

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gprice@fbtlaw.com | www.frostbrowntodd.com

From: whetzelatlaw@aol.com [<mailto:whetzelatlaw@aol.com>]

Sent: Wednesday, November 15, 2017 4:36 PM

To: Price, Glenn <gprice@fbtlaw.com>

Cc: www192323@aol.com; stan.whetzel@pencelegal.com

Subject: Re: from Glenn Price

Glenn: Thanks for your mail. I'll pass your proposal on and let you know. Stan Whetzel

In a message dated 11/15/2017 4:27:40 PM Eastern Standard Time, gprice@fbtlaw.com writes:

Stan,

Thank you very much for the manner in which you conducted the meeting last evening when I arrived. I honestly cannot recall another such meeting where I immediately felt so welcome, even though there were tough issues to discuss. In that situation, a lot of times I get "thrown to the dogs" but I felt just the opposite during your meeting. Everyone was actually friendly to me, so THANK YOU!

Do you have any ideas how we might get a working group together for a discussion around a conference table? My thought – and it's only a thought – would be to see if we can reserve the same room at The Commodore on a weekday

evening at, say, 6 PM or thereabouts. I would bring along Earl and Jill, Cash Moter (the architect) and Ann Richard (the landscape architect and site planner). I would think that the neighborhood might have 7 – 10 people there (too few isn't good and too many is unworkable....nothing magic about 7 – 10, It just seems like a nice round number). What do you think?

Please let me know, and thanks once again!

Glenn

Glenn A Price
Attorney at Law



400 West Market Street | 32nd Floor

Louisville, KY 40202-3363

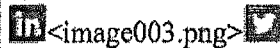
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12 20-17

Belinda May

From: Maria Doyle <thedoyles@hotmail.com>
Sent: Wednesday, December 20, 2017 12:45 PM
To: Belinda May
Subject: Fw: Cherokee Springs

From: Stan Whetzel <sww192323@aol.com>
Sent: Wednesday, December 20, 2017 10:45 AM
To: rrlley@yahoo.com; Kelly Brown (KYTC); thedoyles@hotmail.com; jaydh@bellsouth.net; tiffanyfabing@gmail.com; debraandted@gmail.com; allson.cromer@fsglobal.com; roofie56@aol.com; Kevin Waldron; edhenson1@bellsouth.net; Tom Cooper; Alison.Cromer@sungard.com; cbsigjr@aol.com; eileenpeterson0405@gmail.com; ekwest00@gmail.com; oliver.ardery@gmail.com; rroberts1000@yahoo.com; sww192323@aol.com; ghenson@bellfarmine.edu
Subject: Fwd: Cherokee Springs

All: Please see Earl Reed's email to me, which is attached to his forward of the email to Joel Dock. Looks like he will attend a meeting this week although I still have heard nothing from Glenn Price. Stan Whetzel

Sent from my iPhone

Begin forwarded message:

From: "W. Earl Reed III" <earlreed@theallegrogroup.com>
Date: December 20, 2017 at 10:14:48 AM EST
To: <Joel.Dock@louisvilleky.gov>
Cc: "Jill Force" <jillforce@gmail.com>, "Glenn Price" <gaprice@fbtlaw.com>, <sww192323@aol.com>
Subject: FW: Cherokee Springs

Joel,

I meant to copy you on the below.

Thanks,

Earl

From: W. Earl Reed III [mailto:earlreed@theallegrogroup.com]
Sent: Wednesday, December 20, 2017 10:07 AM
To: 'sww192323@aol.com' <sww192323@aol.com>
Cc: 'Jill Force (jillforce@gmail.com)' <jillforce@gmail.com>; Glenn Price (gaprice@fbtlaw.com) <gaprice@fbtlaw.com>
Subject: Cherokee Springs

Dear Stan:

I was more than a little surprised to learn that on December 12, the directors of the Bonnycastle Homestead Association passed a resolution opposing the proposed rezoning required in connection with my Cherokee Springs condominium project. My attorney, Glenn Price, attended the November BHA meeting specifically to answer questions and provide information about the project. At the meeting, Glenn suggested that a meeting be held with me so that I could better understand the concerns that were being raised so that I would be in a better position to address the issues and seek common ground. That plan was agreed to and Glenn was told that a convenient time would not be available for the meeting until mid to late December. Glenn followed up several times to set the date and was told again that BHA representatives would not be available until later in December.

Needless to say, I was blindsided by the action taken by the directors of the BHA at the December 12 meeting. I may be mistaken, but it sounds like the plan all along was to have a discussion and vote at the December meeting without my presence and without my input.

Throughout this process, I have tried to be as transparent as possible about my plans, and I have offered to meet with anyone seeking to meet with me. I have held a number of those one on one meetings and have modified several features of the building to address those concerns. It is difficult, however, for me to address specific concerns if they are not communicated to me. Blanket opposition to the project is not helpful to my efforts to find a mutually satisfactory resolution of the concerns.

As I have indicated all along, I welcome the opportunity to meet and hear the specific issues that are causing resistance to the project. If the directors of the BHA would see any value in such a meeting, I can make myself available at their convenience. I understand that you have just indicated to Glenn that you would be available to meet this week, and I will clear my schedule to make that happen. I still believe that we have a unique opportunity to build a beautiful landmark for the neighborhood.

Sincerely,

W. Earl Reed, III
1667 Spring Drive

Belinda May

12-20-17

From: Maria Doyle <thedoyles@hotmail.com>
Sent: Wednesday, December 20, 2017 12:51 PM
To: Belinda May
Subject: Fw: Cherokee Springs

From: Stan Whetzel <sww192323@aol.com>
Sent: Wednesday, December 20, 2017 11:33 AM
To: Robert Riley
Cc: Rob Riley; thedoyles@hotmail.com; jaydh@bellsouth.net; tiffanyfabing@gmail.com; debraandted@gmail.com; alison.cromer@fisglobal.com; roofie56@aol.com; Kevin Waldron; edhenson1@bellsouth.net; Tom Cooper; Alison.Cromer@sungard.com; cbisgjr@aol.com; eileenpeterson0405@gmail.com; ekwest00@gmail.com; oliver.ardery@gmail.com; rroberts1000@yahoo.com; ghenson@bellarmine.edu
Subject: Re: Cherokee Springs

All: Glenn Price just responded to my email to him, referencing Earl's email to me, asking if we are still meeting tomorrow at 6 pm. Glenn says they will meet at either location proposed. I'd like to meet at Park Terrace because it will be quieter than Safai. Is this agreeable? If so, let's plan to meet at PT. Jay, would you please confirm the room is available? Thanks. Stan Whetzel

Sent from my iPhone

Belinda May

12 20 17

From: Maria Doyle <thedoyles@hotmail.com>
Sent: Wednesday, December 20, 2017 12:50 PM
To: Belinda May
Subject: Fw: from Glenn Price

From: Stan Whetzel <sww192323@aol.com>
Sent: Wednesday, December 20, 2017 11:36 AM
To: Kelly Brown (KATC); thedoyles@hotmail.com; tiffanyfabing@gmail.com; allson.cromer@fisglobal.com; rriley@yahoo.com; debraandted@gmail.com; edhenson1@bellsouth.net; jaydh@bellsouth.net; Tom Cooper; Allison.Cromer@sungard.com; roofle56@aol.com; Kevin Waldron; sww192323@aol.com
Subject: Fwd: from Glenn Price

Sent from my iPhone

Begin forwarded message:

From: "Price, Glenn" <gaprice@fbtlaw.com>
Date: December 20, 2017 at 11:17:48 AM EST
To: Stan Whetzel <sww192323@aol.com>
Cc: "rriley@yahoo.com" <rriley@yahoo.com>
Subject: RE: from Glenn Price

Stan,

Yes, we are willing and able to meet tomorrow (Thursday) evening, 6 PM at either the coffee shop or Park Terrace. Just let me know where.

Thanks very much,

Glenn

Glenn Price

Attorney at Law | **Frost Brown Todd LLC**

400 West Market Street | 32nd Floor | Louisville, KY 40202-3363
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gaprice@fbtlaw.com | www.frostbrowntodd.com

From: Stan Whetzel [<mailto:sww192323@aol.com>]
Sent: Wednesday, December 20, 2017 10:56 AM
To: Price, Glenn <gaprice@fbtlaw.com>
Cc: sww192323@aol.com; rriley@yahoo.com
Subject: Re: from Glenn Price

Glenn: I just received a email from Earl Reed that was copied to you and Jill Force. As I understand it, he is willing to meet this week, by which I assume he means on Thursday evening at 6pm. Please confirm this if you would and let me know. As I said, we have an offer to use the Park Terrace meeting room at that time. Thanks. Stan Whetzel

Sent from my iPhone

On Dec 19, 2017, at 4:35 PM, Stanley W. Whetzel, Jr <stan.whetzel@pencelegal.com> wrote:

Glenn: I need to leave the office shortly. Please let me know whether your group can meet on Thursday at 6 as we discussed this morning. We reserved the side room at the Safai (?) coffee shop from 6-7 pm, but we also can meet at the Park Terrace condominiums, courtesy of one of our board members. Let me know, please. Thanks. Stan Whetzel

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Subject: RE: from Glenn Price

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Glenn Price

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Sent: Wednesday, December 06, 2017 2:33 PM
To: Price, Glenn <gaprice@fbtlaw.com>

Cc: Stanley W. Whetzel, Jr <stan.whetzel@pencelegal.com>
Subject: FW: from Glenn Price

You are welcome. SWW

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To: Stanley W. Whetzel, Jr <stan.whetzel@pencelegal.com>
Cc: com' 'whetzelatlaw@aol. <whetzelatlaw@aol.com>
Subject: RE: from Glenn Price

Great. Thank you!

Glenn Price

Attorney at Law | **Frost Brown Todd LLC**

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Cc: Stanley W. Whetzel, Jr <stan.whetzel@pencelegal.com>; com' 'whetzelatlaw@aol. <whetzelatlaw@aol.com>
Subject: RE: from Glenn Price

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Cc: sww192323@aol.com
Subject: RE: from Glenn Price

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Cc: www192323@aol.com; stan.whetzel@pencelegal.com

Subject: Re: from Glenn Price

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Stan,

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Attorney at Law



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Belinda May

12-20-17

From: Maria Doyle <thedoyles@hotmail.com>
Sent: Wednesday, December 20, 2017 12:43 PM
To: Belinda May
Subject: Fw: Cherokee Springs

From: W. Earl Reed III <earlreed@theallegrogroup.com>
Sent: Wednesday, December 20, 2017 12:07 PM
To: sww192323@aol.com; riley@yahoo.com; thedoyles@hotmail.com; cbisigjr@aol.com; jaydh@bellsouth.net; tiffanyfabing@gmail.com; alison.cromer@fisglobal.com; alison.cromer@sungard.com; eileenpeterson0405@gmail.com; ekwest00@gmail.com; ollver.ardery@gmail.com
Cc: Brandon.coan@louisvilleky.gov; Jasmine.masterson@louisvilleky.gov; 'Jill Force'; Glenn Price; Sheryl G. Snyder - Frost Brown Todd
Subject: Cherokee Springs

Bonnycastle Homestead Association
c/o Stan Whetzel, BHA President

I was more than a little surprised to learn that on December 12, the directors of the Bonnycastle Homestead Association passed a resolution opposing the proposed rezoning required in connection with my Cherokee Springs condominium project. My attorney, Glenn Price, attended the November BHA meeting specifically to answer questions and provide information about the project. At the meeting, Glenn suggested that a meeting be held with me so that I could better understand the concerns that were being raised so that I would be in a better position to address the issues and seek common ground. That plan was agreed to and Glenn was told that a convenient time would not be available for the meeting until mid to late December. Glenn followed up several times to set the date and was told again that BHA representatives would not be available until later in December.

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to meet this week, and I will clear my schedule to make that happen. I still believe that we have a unique opportunity to build a beautiful landmark for the neighborhood.

Sincerely,

W. Earl Reed, III
1667 Spring Drive

W. Earl Reed, III
CEO
The Allegro Group
101 South Fifth Street, Suite 3850
Louisville, KY 40202

502-587-1007 – Office
502-587-3588 – Fax
502-396-3948 – Cell

Belinda May

12-20-17

From: Maria Doyle <thedoyles@hotmail.com>
Sent: Wednesday, December 20, 2017 12:44 PM
To: Belinda May
Subject: Fw: Cherokee Springs

From: Stan Whetzel <sww192323@aol.com>
Sent: Wednesday, December 20, 2017 12:13 PM
To: thedoyles@hotmail.com; Kelly Brown (KYTC); tiffanyfabing@gmail.com; alison.cromer@fisglobal.com; jaydh@bellsouth.net; rriley@yahoo.com; Kevin Waldron; debraandted@gmail.com; edhenson1@bellsouth.net; Tom Cooper; roofie56@aol.com; Alison.Cromer@sungard.com; cbisigjr@aol.com; oliver.ardery@gmail.com; ekwest00@gmail.com; rroberts1000@yahoo.com; ghenson@bellarmine.edu; eileenpeterson0405@gmail.com; sww192323@aol.com
Subject: Fwd: Cherokee Springs

More from Earl Reed. Note the expanded circulation list. SWW

Sent from my iPhone

Begin forwarded message:

From: "W. Earl Reed III" <earlreed@theallegrogroup.com>
Date: December 20, 2017 at 12:07:48 PM EST
To: <sww192323@aol.com>, <rriley@yahoo.com>, <thedoyles@hotmail.com>, <cbisigjr@aol.com>, <jaydh@bellsouth.net>, <tiffanyfabing@gmail.com>, <alison.cromer@fisglobal.com>, <alison.cromer@sungard.com>, <eileenpeterson0405@gmail.com>, <ekwest00@gmail.com>, <oliver.ardery@gmail.com>
Cc: <Brandon.coan@louisvilleky.gov>, <Jasmine.masterson@louisvilleky.gov>, "Jill Force" <jillforce@gmail.com>, "Glenn Price" <gprice@fbtlaw.com>, "Sheryl G. Snyder - Frost Brown Todd" <ssnyder@fbtlaw.com>
Subject: Cherokee Springs

Bonnycastle Homestead Association
c/o Stan Whetzel, BHA President

I was more than a little surprised to learn that on December 12, the directors of the Bonnycastle Homestead Association passed a resolution opposing the proposed rezoning required in connection with my Cherokee Springs condominium project. My attorney, Glenn Price, attended the November BHA meeting specifically to answer questions and provide information about the project. At the meeting, Glenn suggested that a meeting be held with me so that I could better understand the concerns that were being raised so that I would be in a better position to address the issues and seek common ground. That plan was agreed to and Glenn was told that a convenient time would not be available for the meeting until mid to late

December. Glenn followed up several times to set the date and was told again that BHA representatives would not be available until later in December.

Needless to say, I was blindsided by the action taken by the directors of the BHA at the December 12 meeting. I may be mistaken, but it sounds like the plan all along was to have a discussion and vote at the December meeting without my presence and without my input.

Throughout this process, I have tried to be as transparent as possible about my plans, and I have offered to meet with anyone seeking to meet with me. I have held a number of those one on one meetings and have modified several features of the building to address those concerns. It is difficult, however, for me to address specific concerns if they are not communicated to me. Blanket opposition to the project is not helpful to my efforts to find a mutually satisfactory resolution of the concerns.

As I have indicated all along, I welcome the opportunity to meet and hear the specific issues that are causing resistance to the project. If the directors of the BHA would see any value in such a meeting, I can make myself available at their convenience. I understand that you have just indicated to Glenn that you would be available to meet this week, and I will clear my schedule to make that happen. I still believe that we have a unique opportunity to build a beautiful landmark for the neighborhood.

Sincerely,

W. Earl Reed, III
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12-20-17

Belinda May

From: Maria Doyle <thedoyles@hotmail.com>
Sent: Wednesday, December 20, 2017 1:46 PM
To: Belinda May
Subject: more to print

From: Stan Whetzel <sww192323@aol.com>
Sent: Wednesday, December 20, 2017 1:28 PM
To: Maria Doyle
Cc: Stan Whetzel; Kelly Brown (KYTC); cbisigjr@aol.com; eileenpeterson0405@gmail.com; ekwest00@gmail.com; jaydh@bellsouth.net; oliver.ardery@gmail.com; Alison.Cromer@fisglobal.com; edhenson1@bellsouth.net; ghenson@bellarmine.edu; tiffanyfabing@gmail.com; debraandted@gmail.com
Subject: Re: from Glenn Price

Maria: When you draft the timeline of communications between me and Glenn, please note that Glenn's email server began to reject my emails late last week. I called Glenn and related the substance of those rejected emails. He said he would get IT to address the problem. This continued until yesterday morning, when I told Glenn my mails were being kicked back. He said he had been having problems with email and voice messages. Finally, I was able to send him a test email that he received. I'll forward to you the mailer daemon notices that I received so you can know the dates and subjects of the communications. Thanks, Stan Whetzel

Sent from my iPhone

On Dec 20, 2017, at 12:31 PM, Stan Whetzel <sww192323@aol.com> wrote:

Please do, and have copies for us at the meeting. Thanks. Stan Whetzel

Sent from my iPhone

On Dec 20, 2017, at 12:29 PM, Maria Doyle <thedoyles@hotmail.com> wrote:

I guess my thoughts are a simple response to his mischaracterization on how this went down. Similar to what Rob mentioned, a timeline so that Joel and Brandon are aware of the process of how we came to our decision. Reading his email alone, he implies that we never mentioned that the Board would have to vote on the issue first before we met with him and that we were somehow acting in secrecy. Glenn knew all along that the Board had to vote on it first.

If you think it would be good for the record, I am happy to go back through all the emails and come up with a definitive timeline (and we could even include copies of the emails for the records with Joel). Clearly he is writing Joel and Brandon for purposes of the record.

From: Stan Whetzel <sww192323@aol.com>
Sent: Wednesday, December 20, 2017 12:07 PM
To: Maria Doyle
Cc: Stan Whetzel; Kelly Brown (KYTC); cbisigjr@aol.com;
eileenpeterson0405@gmail.com; ekwest00@gmail.com; jaydh@bellsouth.net;
oliver.ardery@gmail.com; Alison.Cromer@fisglobal.com; rroberts1000@yahoo.com;
edhenson1@bellsouth.net; ghenson@bellarmine.edu; tiffanyfabing@gmail.com;
debraandted@gmail.com
Subject: Re: from Glenn Price

What would we say? SWW

Sent from my iPhone

On Dec 20, 2017, at 11:57 AM, Maria Doyle <thedoyles@hotmail.com> wrote:

Funny, Ed fails to mention that the notice for the meeting in December was sent out on Nextdoor and he was welcome to attend. He came to the party though so clearly he was aware (as was Jill who was there). Plus, he fails to mention that Stan had multiple emails with Glenn stating that the Board had to meet on this issue and would be meeting on 12/12 (see email below).

Do we respond to his email to Joel?

From: Stan Whetzel <whetzelatlaw@aol.com>
Sent: Tuesday, December 5, 2017 4:37 PM
To: thedoyles@hotmail.com; Kelly Brown (KYTC); cbisigjr@aol.com;
eileenpeterson0405@gmail.com; ekwest00@gmail.com;
jaydh@bellsouth.net; oliver.ardery@gmail.com;
Alison.Cromer@fisglobal.com; rroberts1000@yahoo.com;
edhenson1@bellsouth.net; ghenson@bellarmine.edu;
tiffanyfabing@gmail.com; sww192323@aol.com
Subject: Fwd: from Glenn Price

All: For your collective information. Stan Whetzel

Sent from my iPhone

Begin forwarded message:

From: "Stanley W. Whetzel, Jr"
<stan.whetzel@pencelegal.com>
Date: December 5, 2017 at 4:33:55 PM EST
To: "Price, Glenn" <gaprice@fbtlaw.com>
Cc: "Stanley W. Whetzel, Jr"
<stan.whetzel@pencelegal.com>, "com'
'whetzelatlaw@aol." <whetzelatlaw@aol.com>
Subject: RE: from Glenn Price

Hello, Glenn: Thanks for writing. We should be able to schedule a meeting after this coming Tuesday's (12/12) board meeting. Stan Whetzel

From: Price, Glenn [<mailto:gaprice@fbtlaw.com>]
Sent: Tuesday, December 05, 2017 4:21 PM
To: Stanley W. Whetzel, Jr
<stan.whetzel@pencelegal.com>
Cc: sww192323@aol.com
Subject: RE: from Glenn Price

Hello Stan,

Just checking back with you, now about 2 weeks later, to see if we can schedule our mid-December discussion meeting.

Thanks very much,

Glenn

Glenn Price

Attorney at Law | **Frost Brown Todd LLC**

400 West Market Street | 32nd Floor | Louisville, KY 40202-3363
502.779.8511 Direct | 502.589.5400 Main |
502.553.9830 Mobile | 502.581.1087 Fax
gaprice@fbtlaw.com | www.frostbrowntodd.com

From: Stanley W. Whetzel, Jr
<<mailto:stan.whetzel@pencelegal.com>>
Sent: Tuesday, November 21, 2017 3:40 PM
To: Price, Glenn <gaprice@fbtlaw.com>
Cc: sww192323@aol.com; Stanley W. Whetzel, Jr

<stan.whetzel@pencelegal.com>

Subject: RE: from Glenn Price

Hi Glenn: We're talking among ourselves at this point, sorting through things. With the approach of the holidays, my guess is that a meeting of our group and yours would have to be sometime in mid-December. I'll let you know more when I can. Have a nice Thanksgiving. Stan Whetzel

From: Price, Glenn [<mailto:gaprice@fbtlaw.com>]

Sent: Tuesday, November 21, 2017 2:05 PM

To: whetzelatlaw@aol.com

Cc: sww192323@aol.com; Stanley W. Whetzel, Jr

<stan.whetzel@pencelegal.com>

Subject: RE: from Glenn Price

Stan,

Any news on getting together in the near future?

Glenn

Glenn Price

Attorney at Law | **Frost Brown Todd LLC**

400 West Market Street | 32nd Floor | Louisville, KY 40202-3363

502.779.8511 Direct | 502.589.5400 Main |

502.553.9830 Mobile | 502.581.1087 Fax

gaprice@fbtlaw.com | www.frostbrowntodd.com

From: whetzelatlaw@aol.com

[<mailto:whetzelatlaw@aol.com>]

Sent: Wednesday, November 15, 2017 4:36 PM

To: Price, Glenn <gaprice@fbtlaw.com>

Cc: sww192323@aol.com;

stan.whetzel@pencelegal.com

Subject: Re: from Glenn Price

Glenn: Thanks for your mail. I'll pass your proposal on and let you know. Stan Whetzel

In a message dated 11/15/2017 4:27:40 PM Eastern Standard Time, gaprice@fbtlaw.com writes:

Stan,

Thank you very much for the manner in which you conducted the meeting last evening when I arrived. I honestly cannot recall another such meeting where I immediately felt so welcome, even though there were tough issues to discuss. In that situation, a lot of times I get "thrown to the dogs" but I felt just the opposite during your meeting. Everyone was actually friendly to me, so **THANK YOU!**

Do you have any ideas how we might get a working group together for a discussion around a conference table? My thought – and it's only a thought – would be to see if we can reserve the same room at The Commodore on a weekday evening at, say, 6 PM or thereabouts. I would bring along Earl and Jill, Cash Moter (the architect) and Ann Richard (the landscape architect and site planner). I would

think that the neighborhood might have 7 – 10 people there (too few isn't good and too many is unworkable....nothing magic about 7 – 10, it just seems like a nice round number). What do you think?

Please let me know, and thanks once again!

Glenn

Glenn A Price
Attorney at Law

400 West Market Street | 32nd Floor

Louisville, KY 40202-3363

<image001.jpg>

502.779.8511 Direct

502.589.5400 Main

502.553.9830 Mobile

502.581.1087 Fax

gaprice@fbtlaw.com | frostbrowntodd.com



<image003.png>



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12-20-17

Belinda May

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Sent: Wednesday, December 20, 2017 1:46 PM
To: Belinda May
Subject: Fw: from Glenn Price

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Sent from my iPhone

Dock, Joel

From: W. Earl Reed III <earlreed@theallegrogroup.com> (Applicant)
Sent: Wednesday, December 20, 2017 10:15 AM
To: Dock, Joel
Cc: 'Jill Force'; Glenn Price; sww192323@aol.com
Subject: FW: Cherokee Springs

Joel,

I meant to copy you on the below.

Thanks,

Earl

From: W. Earl Reed III [mailto:earlreed@theallegrogroup.com] (Applicant response to
Sent: Wednesday, December 20, 2017 10:07 AM BHA resolution 12/12/17 -
To: 'sww192323@aol.com' <sww192323@aol.com> email dated 12/18/17)
Cc: 'Jill Force (jillforce@gmail.com)' <jillforce@gmail.com>; Glenn Price (gaprice@fbtlaw.com) <gaprice@fbtlaw.com>
Subject: Cherokee Springs

Dear Stan:

I was more than a little surprised to learn that on December 12, the directors of the Bonnycastle Homestead Association passed a resolution opposing the proposed rezoning required in connection with my Cherokee Springs condominium project. My attorney, Glenn Price, attended the November BHA meeting specifically to answer questions and provide information about the project. At the meeting, Glenn suggested that a meeting be held with me so that I could better understand the concerns that were being raised so that I would be in a better position to address the issues and seek common ground. That plan was agreed to and Glenn was told that a convenient time would not be available for the meeting until mid to late December. Glenn followed up several times to set the date and was told again that BHA representatives would not be available until later in December.

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Sincerely,

W. Earl Reed, III
1667 Spring Drive

Dock, Joel

From: stan whetzel <sww192323@aol.com>
Sent: Monday, December 18, 2017 4:02 PM
To: Dock, Joel
Cc: sww192323@aol.com; rriley@yahoo.com; thedoyles@hotmail.com; cbisigjr@aol.com; jaydh@bellsouth.net; tiffanyfabing@gmail.com; alison.cromer@fisglobal.com; alison.cromer@sungard.com; eileenpeterson0405@gmail.com; ekwest00@gmail.com; oliver.ardery@gmail.com; SWW192323@aol.com
Subject: BHA Resolution 12-12-17 to Joel P. Dock, Planner II, Planning & Design Services, Department of Develop Louisville
Attachments: Agenda.1217.Resolution.12182017.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

Mr. Dock: Per our conversation today, I am attaching for your file the BHA board of directors resolution passed December 12, 2017 expressing the BHA's opposition to the proposed upzoning of 1576 Cherokee Road from R7 to R8a, etc., and height variances exceeding the present zoning for that property. Please let me know if you have any questions about it. Thanks. Stan Whetzel, BHA President

Bonnycastle Homestead Association, Inc.

P.O. BOX 5165

LOUISVILLE, KENTUCKY 40205

Regular Meeting of December 12, 2017

7:00 P.M.

BOARD MEETING AGENDA

PLEASE SIGN IN (KINDLY PRINT YOUR NAMES)

1. Call to order and welcome.
2. Call for additions and changes to Agenda, and Adoption of Agenda. **Need motion and second.**
3. 5' District LMPD Report/ Major Aubrey Gregory
4. Metro Council Representative's Report/ Mr. Coan or Jasmine Masterson, Legislative Aide
5. Minutes of November 2017 regular meeting. **Need motion and second to accept minutes as submitted or corrected.**
6. Treasurer's Report. **Need motion and second to accept report as submitted or corrected.**
7. Committee Reports:

Communications Committee/Maria Doyle, Eileen Peterson

Membership Committee /Oliver Ardery, Norma Bisig, Tiffany Fabing

Tree Committee Report/ Alison Cromer, Maria Doyle, Eileen Peterson, Jay and Louise Harris, Rob Riley

Special Events Committee/Norma Bisig, Alison Cromer, Rob Riley

Neighborhood Plan/Conditional Use/Land Use Committee/ Tiffany Fabing

See attached proposal.

Neighborhood Outreach Committee/Jay Harris

Neighborhood Plan/Conditional Use/Land Use Committee

A special meeting of the neighborhood plan committee was called by the President for December 4, 2017. The meeting was attended by many of the Board Members as well as some concerned neighborhood residents. Following a round of information gathering and discussion, and given the information released to date about the size and scale of the proposed Building at 1576 Cherokee Rd., the Committee agreed to recommend, to the full Bonnycastle Board the following Resolution:

Because of the core elements of the 2002 Bonnycastle Neighborhood Plan, including that we maintain the character of the residential and commercial aspects of the neighborhood, that we recognize and preserve the distinct characteristics of the diverse sub neighborhoods in Bonnycastle, that we ensure the development of Cherokee Park continues and it remains open, clean and safe, and that we insist on , and monitor strict code enforcement, The Bonnycastle Homestead Association opposes any change in zoning, from R7 to R8a or other designation that would increase the density beyond the current R7 designation and we further oppose any height variance within the existing zoning for 1576 Cherokee Rd.

Dock, Joel

From: Ed Henson <edhenson1@bellsouth.net>
Sent: Tuesday, December 12, 2017 10:48 AM
To: Dock, Joel
Subject: Re: Proposed Development at 1576 Cherokee Road
Attachments: 1576 Cherokee Rd Petition re Zoning Change.pdf

Joel,

Attached is a petition opposing the proposed zoning change and height variance for 1576 Cherokee Road. These were gathered by three people talking to neighbors in the Bonnycastle neighborhood during the afternoons of December 2 and December 3. We would anticipate getting more signatures as we have a chance to talk to more people in next few weeks.

We found the neighbors to be very concerned about the sheer bulk of the development. People recognized the owner's right to develop his property, but just feel the bulk and height are not in keeping with Cornerstone 2020 and the Bonnycastle Neighborhood plan.

Thanks for your consideration.

Ed
Ed Henson

From: "Dock, Joel" <Joel.Dock@louisvilleky.gov>
To: Ed Henson <edhenson1@bellsouth.net>
Sent: Thursday, December 7, 2017 12:03 PM
Subject: RE: Proposed Development at 1576 Cherokee Road

Please provide any petitions or comments gathered so that they may be incorporated into the record for public viewing and consideration.

Thanks,

Joel P. Dock
Planner II
Planning & Design Services
Department of Develop Louisville
LOUISVILLE FORWARD
444 South Fifth Street, Suite 300
Louisville, KY 40202
502-574-5860
<https://louisvilleky.gov/government/planning-design>

We the undersigned are opposed to the proposed development plan for 1576 Cherokee Road, specifically changing the zoning from R-7 to R-8 and the variance in height requested by the developer.

Name	Address
Ed Henson	2335 Bonnycastle Ave. Louisville
Hail Henson	2335 Bonnycastle Ave 40205
Daryl Edge	1548 Cherokee Rd, Louisville, Ky 40205
Sharon M. Edge	1548 Cherokee Rd, Louisville, Ky 40205
Deanna Wells	2328 Bonnycastle Ave Louisville, KY 40205
Jared M. Wells	2328 Bonnycastle Ave. Louisville, KY 40205
Virginia Cox Evans	2307 Bonnycastle Ave Lun, Ky 40205
Susan Stevens	2215 Bonnycastle Ave, Lou KY 40205
Dennis Cline	2230 Bonnycastle Ave.
Duff	2230 Bonnycastle Ave 40205
Keresa Connolly	2300 Bonnycastle Ave 40205
Antonino	2300 Bonnycastle Ave 40205
Lee Neal	2314 Bonnycastle Ave.
Patricia Connolly	2320 Bonnycastle Ave.
Brett Connolly	2320 Bonnycastle Ave.
Sally + Nick Smith	2235 Bonnycastle Ave
Paula DeMuth	2225 Bonnycastle Ave
[Signature]	2209 Bonnycastle Ave.
Talley Smith	2201 Bonnycastle Ave

We the undersigned are opposed to the proposed development plan for 1576 Cherokee Road, specifically changing the zoning from R-7 to R-8 and the variance in height requested by the developer.

Name	Address
Jennifer Rhimes	2336 Alta Ave low K-1 40205
Tom Pemberton	2334 Alta Ave, 40205
Mary Ann Fager	2330 ALTA AVE 40205
Nancy Cissell	2308 Alta Ave 40205
Vonda Walter	2306 Alta Ave. 40205
Nan Fawcett	2304 Alta Ave 40205
_____	2205 Alta Ave 40205
_____	2233 Alta Ave 40205
Paul Stumpf	2301 ALTA AVE. 40205
Randolph St. Walker	2303 Alta Ave 40205
Doreen Denise Bray	2319 Alta Ave 40205
W. Howard	1578 Cherokee Rd Apt 6 40205

We the undersigned are opposed to the proposed development plan for 1576 Cherokee Road, specifically changing the zoning from R-7 to R-8 and the variance in height requested by the developer.

Name	Address
Kevin Walden	1578 Cherokee Rd unit 1
Teresa Waldron	1578 Cherokee Road Unit 1
Linda Christopher	1578 Cherokee Road Unit 4
William Bart	1572 Cherokee Road.
Rebecca Bell	1425 Jaeger Ave
Rick Kueber	1558 Cherokee Rd
Bobin Rogers	1544 Cherokee Rd
T Kenya	1536 CHEROKEE RD
Wanda McNulty	1532 Cherokee rd
David McNulty	1532 Cherokee Road
Stephanie Preathouse	2337 Bonnycastle Ave #2

Dock, Joel

From: Ed Henson <edhenson1@bellsouth.net>
Sent: Thursday, December 7, 2017 11:05 AM
To: Dock, Joel
Subject: Proposed Development at 1576 Cherokee Road

Joel,

Many of the neighbors in the vicinity of the proposed development at 1576 Cherokee Road have expressed a concern regarding the proposed development. This past weekend, three of us walked within a couple of blocks of this site talking with neighbors and hearing their thoughts. Over forty residents have signed a petition opposing the change in zoning from R-7 to R-8 and the granting of the requested height variance. We anticipate significant more signatures as we have a chance to talk with more neighbors.

There is a consensus that this development is not in agreement with the Bonnycastle Neighborhood Plan or with Cornerstone 2020. We agree with several of the concerns expressed in the Pre-Application Staff Report and don't feel those concerns (such as the sheer bulk of the proposed building) have been remedied in the formal application.

If you have any questions, don't hesitate to let us know.

Ed

Ed Henson
2335 Bonnycastle Avenue
Louisville, KY 40205
office: 502-458-4222
cell: 502-594-7561

Dock, Joel

From: Tom Cooper <wtcooper1@gmail.com>
Sent: Friday, December 1, 2017 9:35 AM
To: Dock, Joel
Cc: Ed Henson; Kevin Waldron
Subject: Case No. 17zone1031

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning Joel,

Once again thank you very much for sitting down with me and my neighbors to discuss the proposed development of 1576 Cherokee Road.

Following are my comments with respect to the Change in Zoning/Form District Application filed by the developer:

1. I am opposed to the proposed zoning change. This would allow the development to be too large to be compatible with the Bonnycastle neighborhood and clearly does not comply with the Bonnycastle Neighborhood Plan. Also I fear that, if this property is rezoned R-8, it will begin a domino effect as it is my understanding there are no lots zoned R-8 in the Bonnycastle neighborhood.
2. I am opposed to granting of a waiver of height restriction. As proposed, the project will stick out like a sore thumb along the Cherokee Road Corridor, a "One of a Kind Asset" as described in the Bonnycastle Neighborhood Plan.
3. On page 1 of the applicant's "Demonstration of Appropriateness" it is stated that the proposal conforms to the Bonnycastle Neighborhood Plan (BNP). That is simply not true. The BNP calls for strict code enforcement (page 3). Page 7 of the BNP points out the Cherokee Road Corridor is strengthened through common design elements involving building mass, height and relationship to the Road. The proposal is clearly not a "common design element".
4. I find the statement on page 2 referring to the photographs in Tab 2 disturbing. Yes, the first 2-3 floors may be concealed, but not the upper portion of a 100 foot building.
5. The statement on page 6 that the Proposal conforms to the BNP is simply not true as discussed above.
6. On page 7 there is a discussion of a "larger scale multi-family development" being appropriate. That may be, but the proposed development would completely change the look and character of the Cherokee Road Corridor.

7. On page 7 there is a discussion that the proposal is similar to other larger scale multi-family developments in Bonnycastle. That may be true; however, the existing developments, except for the Park Grande, are not on the Cherokee Road Corridor. (It's interesting to note that there does not seem to be a file on how the Park Grande came about. Also, the Park Grande is zoned R-7, not R-8.)

8. On page 8 there is a statement that the homes behind the existing building "do not have visual access to the park "over" the building" is simply not true. They do have visual access which will disappear under the proposal.

9. On page 8 I disagree with the conclusion that the proposal "will not prevent the ordinary trespass of sun and light". At 100 feet high and a footprint of 7,600 square feet, it will clearly impact the ordinary trespass of sun and light.

10. In the middle and bottom of page 9 there are again statements alleging that viewsheds and trespass of sun and light will not be adversely impacted. Again these are untrue statements.

There are numerous other concerns that I have. I am not opposed to the developer wanting to improve, rehabilitate or replace the building on his property. In fact a similar building was upgraded at the corner of Bonnycastle and Cherokee Roads. However, the sheer bulk and extraordinary height of this proposal, will destroy the aesthetics of the Cherokee Road Corridor.

Again thank you for the courtesies you have extended. Feel free to contact me if you have questions and/or wish further clarification.

Tom

Tom Cooper

Mobile (502) 445-1545