

Property Owners Neighboring Spring Villa  
c/o Teresa McCarthy  
6408 S. Watterson Trail  
Louisville, KY 40291

December 16, 2013

Joseph Reverman, AICP  
Planning Supervisor  
Louisville Metro Department of Codes & Regulation  
Division of Planning & Design Services  
444 S. 5th St., Suite 300  
Louisville, KY 40202

Re: Spring Villa zoning change from R5A to PRD – Public Hearing 12/19/13 at 1:00 p.m.

Dear Joe:

We the surrounding neighbors of Spring Villa request the Planning Commission to keep the current binding elements that Spring Villa currently has in place. This includes all binding elements and specifically the 50' setback, buffers, woodland protected areas and that the number of homes could never increase more than what the plan currently allows for 172. (Nothing can encroach in the 50' setback). If they want decks they should consider recessing them into the structure of the home. No fences can be erected in the 50' setback.

If the Planning Commission wants to approve the PRD, the only waiver we respectfully request that should be considered is a waiver to include all of the previous binding elements for Spring Villa including the 50' setback. Please don't be fooled by the six decks that were ultimately allowed to remain standing – the only reason the 6 decks were allowed to encroach in the 50' buffer in Spring Villa was because the Department of Inspections and Permits cited Spring Villa for building decks that encroached into the buffer. The resolution was Spring Villa granted the McCarthy's who resided at 6410 S. Watterson Trail at that time a sewer easement and connected the house up to sewers at no charge to the McCarthy's. Spring Villa was requested from the onset of the development to offer a sewer connection to the McCarthy's because the home had a sand filter system that was 50' feet from the proposed condo's. The developers including Mindel Scott and Associates (David Mindel) said it couldn't be hooked up to sewers because of gravity, but low and behold they were able to hook it up a couple of years later when they got caught to keep from having to tear the 6 decks down.

We the surrounding neighbors want the sidewalk in front of Spring Villa. We cannot walk on our street it is very dangerous. Please do not allow a waiver for the sidewalk or to move it somewhere else. We need a sidewalk.

It's the start of a sidewalk to some-where, it's not a sidewalk to no-where.

It's my understanding that you have already received letters from other surrounding neighborhoods that have made the exact same request as us, including Hollow Creek and Apple Valley. I have attached a copy of the plan to show where our homes are located.

6408 S. Watterson Trail 40291 - Keith & Teresa McCarthy  
6804 S. Watterson Trail 40291 - Cathy Nash  
6410 S. Watterson Trail 40291 - Pam & Eddie Napier  
6312 S. Watterson Trail 40291 – Teresa & Keith McCarthy  
6400 S. Watterson Trail 40291 - Tom Thompson  
6310 S. Watterson Trail 40291 Gary & Betty Mudd  
6230 S. Watterson Trail 40291 - Rita Eicher  
6721 Fordham Ln 40291 - Ruth Billings  
6708 Hollow Tree Rd. 40228 – Charles Craven  
6705 Hollow Tree Rd. 40228 - Mike & Diane Mannel  
6701 Hollow Tree Rd. 40228 -William Holloman

Sincerely,  
Teresa McCarthy



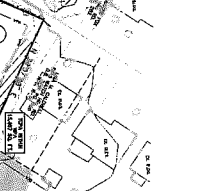
**GENERAL NOTES:**

1. THIS DISTRICT DEVELOPMENT PLAN IS THE PROPERTY OF THE ARCHITECT AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.
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**LEGEND**

- PROPOSED SIDEWALK
- PROPOSED DRIVE LANE
- PROPOSED DRIVE LANE WITH PARKING
- PROPOSED DRIVE LANE WITH PARKING AND BIKEWAY
- PROPOSED DRIVE LANE WITH PARKING AND BIKEWAY AND BIKEWAY
- PROPOSED DRIVE LANE WITH PARKING AND BIKEWAY AND BIKEWAY AND BIKEWAY



*McCarthy*  
*Thompson*  
*Mudd*  
*Eicher*

**RECEIVED**  
JUL 31 2014  
DESIGN SERVICES

**PRE-APPLICATION DETAILED DISTRICT DEVELOPMENT & PRELIMINARY PLAN**  
**SPRING VILLA**  
6535 VILLA SPRING DRIVE  
TAX BLOCK: 0637, LOT: 0004  
D.B. 9978, PG. 36

**10F1**

DATE: 7/11/13  
DRAWN: [Name]  
CHECKED: [Name]  
SCALE: 1" = 20'

1992-1993

1993-1994

1994-1995

1995-1996

1996-1997

1997-1998

1998-1999

PLANNING COMMISSION HEARING  
DECEMBER 19, 2013; 1:00 PM

RE: ZONING CHANGE FOR SPRING VILLA FROM R-5A TO PRD

ROGER AND DONNA GOODIN, RESIDENTS  
6604 CASEY SPRINGS WAY  
LOUISVILLE, KY 40291

SPEAKING: As a point of concern and information for the commission.

I want to thank the members of the committee for their time.

We are very much aware that the residents of Spring Villa are counting on the rezoning and the consequent construction of new units (homes) to restore their lost equity from both the housing crisis and supposedly lending restrictions for purchases of condominiums in developments that are less than 70% complete.

- Neither of these statements is true.
  - The new builder and intended purchaser of the total development has started building 3 new units, 2 will be priced at approximately \$190,000 and the other at approximately \$210,000. This is \$35,000 less than similarly priced units in 2005, before the housing balloon and the financial crisis of 2008. The \$190,000 is about the same price as a spec unit built in 2010, which never sold and was branded by the vice-president of Citizens Union Bank as “cheap, cheap, cheap.”
  - Secondly, my husband and I have spoken to several lending institution representatives and they will loan money for the purchase of condominiums. (Especially ours because they are stand-alone patio homes.)

**We like the idea of actually owning the land on which our unit sits, rather than owning it through the Condominium Association, but the end result of the rezoning is the change from Spring Villa Condominium Association (protected by law KRS 381 and in particular KRS 381.9161 which requires that the Condominium Association be turned over to the residents 7 years after the first closing. This particular part of KRS 381 applies to all existing condominium association at the time the law was sign in 2011 and does not require that the association dissolve itself and reincorporate under the new law. This is according to the training on the new law that we received.) to a Homeowners Association that is not well protected by law in Kentucky.**

- It is imperative that the residents have **control of our finances and fair representation on the new homeowners’ association board**. Not a minority representation on the board, but at least 3 board members and no more than 2 builder members on the board. The reasons for this are:
  - While the prior builder was in control, money was co-mingled, monthly builder assessments were not always paid, and bills were left unpaid or not paid on time. A small committee of residents came together and monitored the condominium expenses,



11

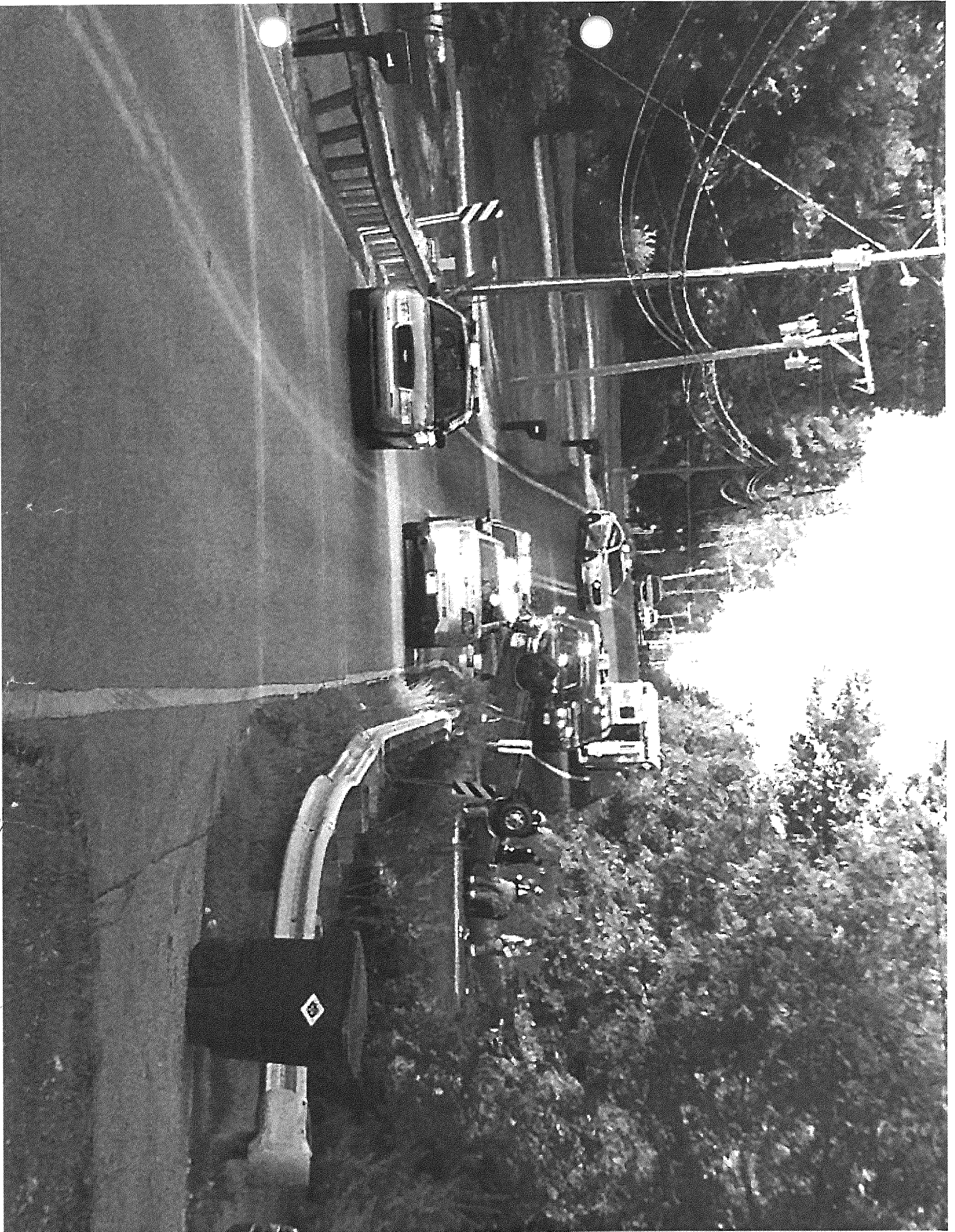
- worked with the management company to maintain expenditures, so that large assessments not were levied on the residents in addition to their monthly assessments.
- On November 5, 2012 a Commissioner's Deed was issued making Citizens Union Bank (CUB) the Declarant for the Spring Villa Condominium Association. CUB's representative, Jim Long, established himself as the president of the Spring Villa Condominium Association with the other two officers of the Association, employees of the bank. They have since spent money without the approval of the before mentioned committee, hired a management company without input (But residents pay the fees for the management company and the manager says that she reports to the board, not the resident committee.), let contracts without the approval of the committee and have not being truthful about our credit for surface drainage bills from MSD. As president of the Condo Association he can make these expenditures and let contracts, but that was done previously and what put us in such bad financial status.
  - With this rezoning the intended builder plans to purchase the development and will be made the Declarant of the Homeowners' Association appointing his people to the board, with the residents electing two residents to the board. This will not give the residents the ability to have fair input into the decisions made for the association.
  - While the housing outlook has improved, we do not have the faith that the zoning change will increase sales in Spring Villa at the rate that we need to increase the value of our property. It would be nice if we are wrong on this. That given, we may be going through the same situation with the new builder and mismanagement of finances: Builder going bankrupt, take over by the bank and the residents left high and dry again.

We are not opposing this rezoning, with the understanding that Mr. Bardenwerper and CUB will come together with us and our lawyer to reach an agreement relative to the proposed HOA and its functioning in Spring Villa.

Again thank you for your time to reconsider the zoning change for Spring Villa.







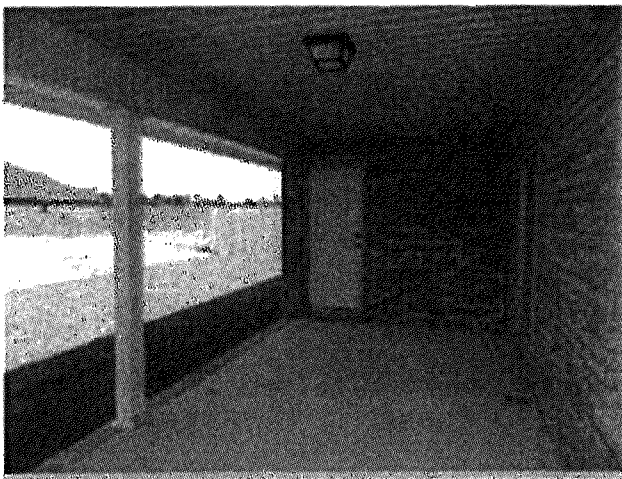


**Reverman, Joe**

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**From:** Teresa M. McCarthy <tmccarthy@derbycitylaw.com>  
**Sent:** Tuesday, September 24, 2013 3:01 PM  
**To:** Reverman, Joe  
**Cc:** dmindel@mindelscott.com  
**Subject:** Samples of recessed porches where you could keep the promised 50' setback at Spring Villa

Joe,  
There is no reason for the 50' setbacks to be changed or encroached on, they can do something similar to the pictures below.



*Teresa M. McCarthy,  
Office Manager*



ATTORNEYS

**SEILER WATERMAN LLC**

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Fax 502.371.9225  
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**Reverman, Joe**

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**From:** Teresa M. McCarthy <tmccarthy@derbycitylaw.com>  
**Sent:** Tuesday, September 24, 2013 2:56 PM  
**To:** Reverman, Joe  
**Cc:** dmindel@mindelscott.com  
**Subject:** RE: CUB -- Spring Villa  
**Attachments:** SKMBT\_22313082114170.pdf; B-212-05 minutes.pdf

Joe,

Please see the email from David Mindel below. We (the surrounding neighbors), strongly disagree with any change to the original 50' Buffer.

We had an extensive public hearing about this and we were promised the 50' buffer. This has already been denied once before by the commission and here we are again.

The only decks that were allowed were due to Spring Villa getting caught putting them up by the Department of Inspections. The only reason they were allowed to remain was because they had to pay to hook 6410 S. Watterson Trail up to sewers. (Which they originally said that property couldn't be hooked up to sewers, but when they got caught all of the sudden they were willing to pay to have the house hooked up to sewers). I have attached the minutes where the 5 decks were approved and we were given a sewer easement and I have attached where they requested another encroachment in the setback and it was denied.

The density that was previously proposed and is still proposed is not compatible with the lot sizes of the surrounding homes and we were promised this 50' set back (where nothing can be built).

Our concern is with the exterior lots in the development. If they need to change the configuration of the homes within the development to maintain the 50' buffer, so be it.

We will not agree to a 50' setback being changed across the back of our property.

Thanks

*Teresa M. McCarthy,  
Office Manager*



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Louisville, KY 40202  
Direct 502.371.3525 Office 502.584.7400  
Fax 502.371.9225  
E-mail: [tmccarthy@derbycitylaw.com](mailto:tmccarthy@derbycitylaw.com)  
Website: [www.derbycitylaw.com](http://www.derbycitylaw.com)*

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**From:** David Mindel [mailto:dmindel@mindelscott.com]  
**Sent:** Tuesday, September 24, 2013 2:30 PM  
**To:** Bill Bardenwerper; Teresa M. McCarthy  
**Cc:** Jim Long (jdl@cubbank.com); Nick Pregliasco  
**Subject:** RE: CUB -- Spring Villa

Teresa, sorry for taking so long to get back to you.

The number of units will stay the same 172.

The wpa's along the perimeter will be maintained.

The decks and patio's will need to extend into the 50 foot buffer. Every house that I am aware of will have a back door with somewhere to sit, grill, and do other activities. The houses will still be 50 feet from the adjoining property line. When the original plan was approved Carl anticipated at least to be able to build a patio or deck in the rear since he was of the understanding the back of the house would be no closer than 50 feet.

If you have any other comments or questions pls call me at 939.1970.

**From:** Bill Bardenwerper [mailto:wbb@bardlaw.net]  
**Sent:** Tuesday, September 3, 2013 4:58 PM  
**To:** Teresa M. McCarthy  
**Cc:** Jim Long (jdl@cubbank.com); David Mindel; Nick Pregliasco  
**Subject:** CUB -- Spring Villa

Theresa, nothing inconsistent among our group that I am aware of. See answers below, please. David, please review my red bold face comments below and respond to us both. Many thanks. BB

Bill Bardenwerper  
Bardenwerper Talbott & Roberts, PLLC  
Home Builders Association of Louisville Building, Second Floor  
1000 N. Hurstbourne Parkway  
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**From:** Teresa M. McCarthy [mailto:tmccarthy@derbycitylaw.com]  
**Sent:** Tuesday, September 03, 2013 4:25 PM

**To:** Bill Bardenwerper  
**Cc:** Jim Long ([jd1@cubbank.com](mailto:jd1@cubbank.com)); [dmindel@mindelscott.com](mailto:dmindel@mindelscott.com); Nick Pregliasco  
**Subject:** RE: CUB -- Spring Villa

Bill, Have you had an opportunity to discuss your email or receive a reply from David Mindel and/or Nick Pregliasco?

Your email contradicted many of the items they discussed at the meeting on Saturday 8/24, specifically the following:

1. The binding Elements include a 50' set back where there can be no fences, decks etc. (The 50' set back cannot be changed) that is why I am respectfully requesting you submit a waiver when submitting the PRD, so that all previous binding elements are preserved. David Mindel knows exactly what I'm referring to and if there is any confusion, I would be glad to meet with any of you to discuss. **[Some of the houses appear to me to have been built with decks that encroach into the area where an original BE commitment to hold a 50' setback. David to confirm how many and which lots.]**
2. There was discussion about changing some of the WPA's at the meeting on Saturday 8/24. (No WPA's can be changed from the original binding elements). **[David will confirm, but I don't think we plan to change the WPA.]**
3. They are trying to increase the number of houses per David Mindel and Nick Pregliasco! (No additional houses). **[There is no increase in the # of units. David's plan made a mistake, and once I heard about that, we changed it to reduce by 1 the # of units to match the original BEs. ]**

Thanks

*Teresa M. McCarthy,  
Office Manager*

**SW**

ATTORNEYS

**SEILLER WATERMAN LLC**

*Meidinger Tower, 22nd Floor*

*462 S. Fourth St.*

*Louisville, KY 40202*

*Direct 502.371.3525 Office 502.584.7400*

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*E-mail: [tmccarthy@derbycitylaw.com](mailto:tmccarthy@derbycitylaw.com)*

*Website: [www.derbycitylaw.com](http://www.derbycitylaw.com)*

---

**From:** Bill Bardenwerper [<mailto:wbb@bardlaw.net>]  
**Sent:** Friday, August 30, 2013 5:17 PM  
**To:** Teresa M. McCarthy  
**Cc:** Jim Long ([jd@cubbank.com](mailto:jd@cubbank.com)); [dmindel@mindelscott.com](mailto:dmindel@mindelscott.com); Nick Pregliasco  
**Subject:** CUB -- Spring Villa

Sorry Theresa, I typed in your email address wrong the first time, so it bounced back. BB

---

**From:** Bill Bardenwerper  
**Sent:** Friday, August 30, 2013 4:42 PM  
**To:** 'tmccathy@derbycitylaw.com'  
**Cc:** Jim Long ([jd@cubbank.com](mailto:jd@cubbank.com)); Nick Pregliasco; [dmindel@mindelscott.com](mailto:dmindel@mindelscott.com)  
**Subject:** CUB -- Spring Villa

Theresa: in response to your email to Jim Long, and as a follow-up to the neighbor mtg I was unable to attend, which my partner Nick handled with David Mindel for me, here are the answers to your 4 questions posed of Jim:

- (1) The binding element re: # of homes versus condo units remains the same. As Nick and David explained, this is about drawing lot lines between and around homes where they did not exist before so that the community can be built out as planned. Other BEs should remain the same. I am not presently aware of a need to change any, however I am asking David Mindel to call me to discuss if there will be issues that he or I need to address with you in this regard.
- (2) The WPAs should be unaffected.
- (3) The number of homes remains 172 as before. I am unaware of any other detached structures.
- (4) This plan does not propose to open any streets to Hollow Creek, although regulatorily required stubs are shown on the plan for future Planning Commission and Metro Work determinations, of course in consultation with any cities that have legal jurisdiction over their own streets.

Call or write with other questions or concerns. Many thanks for your continuing interest in the Spring Villa community. Best wishes, BB

Bill Bardenwerper  
Bardenwerper Talbott & Roberts, PLLC  
Home Builders Association of Louisville Building, Second Floor  
1000 N. Hurstbourne Parkway  
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**Reverman, Joe**

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**From:** Teresa M. McCarthy <tmccarthy@derbycitylaw.com>  
**Sent:** Tuesday, September 17, 2013 9:10 AM  
**To:** Bill Bardenwerper  
**Cc:** Jim Long; dmindel@mindelscott.com; Nick Pregliasco (nrp@bardlaw.net); Reverman, Joe  
**Subject:** RE: CUB -- Spring Villa

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Expires: Tuesday, September 24, 2013 10:10:08 AM

To Whom It May Concern:

I never heard back regarding my email of 9/4/2013, so I'm sending it again. We want to make sure the binding elements that were previously approved in 2002 for Spring Villa are followed. This includes, no additional houses, apartment, condo's, the 50' setback is observed, the Woodland Protected Area's remain the same, etc.  
Thanks

9/4/2013

Bill,

I appreciate your responses below in RED. Please see my additional comments in Blue to your responses in RED below.

**. [Some of the houses appear to me to have been built with decks that encroach into the area where an original BE commitment to hold a 50' setback. David to confirm how many and which lots.]**

1. Yes, there are a few decks on the exterior of Spring Villa and I would be glad to update you on why they are still standing. Spring Villa, got caught by Louisville Metro Department of Inspections Permits and Licenses building in the 50' setback and the decks were going to have to be torn down, but we came to an agreement and Spring Villa connected our house to sewers at no charge and granted us an easement for the sewers. The 5 decks that were built were allowed to remain, but under no circumstance were they allowed to try that again or they would be torn down. I attended that meeting and the Commissioners were not pleased with the agreed plans NOT being followed.

To refresh your memory the house at 6410 S. Watterson Trail was on a sand filter system and we requested to hook-up to Spring Villa sewers at the onset of the Spring Villa construction, but we were told it couldn't be done. You see, we were very concerned about our new neighbors back door being 50' from our sand filter, this was

also discussed at the Public Hearing in 2002. In Jefferson County, I think you had to have 5 acres to have a septic system like that, it might be even more acreage now. In 2002, we were willing to pay for a sewer connection, in 2005 Spring Villa/builder hooked 6410 S. Watterson Trail up to sewers at no charge, because of the 5 decks.

**[David will confirm, but I don't think we plan to change the WPA.]**

2. I look forward to hearing from David Mindel that the WPA's remain exactly the same, (in writing).

**[There is no increase in the # of units. David's plan made a mistake, and once I heard about that, we changed it to reduce by 1 the # of units to match the original BEs. ]**

3. Looks like we have resolved the issue of no additional houses. (I look forward to seeing the plan and binding elements in writing).

## LD&T MINUTES

DECEMBER 8, 2005

### DOCKET NO. 9-38-01 (Louisville Metro)

#### ***Background***

Construction on five 12-foot wooden decks had already begun of the Revised Detailed District Development Plan, which was LD&T Committee on August 25, 2005. The builder stated that unaware that decks were prohibited in the 50-foot Landscape construction on the decks began. A site inspection by Louisville Department of Inspections, Permits, and Licenses staff determined existing decks contained concrete patios beneath the decks and decks had a covered porch. Significant opposition to the proposal from neighborhood residents and the Metro Council District Office Detailed District Development Plan to construct 12-foot decks rear side of units 17 through 51 and 66 through 75 was denied Committee on November 10, 2005 because the decks / porch encroached into the 50-foot Landscape Buffer Area adjacent to zoned properties along the perimeter of the site, which was an for approval of the Amended Detailed District Development Plan 2002. In addition, a variance to permit construction of a 6-foot which would have encroached into a 25-foot setback area was Board of Zoning Adjustment on November 21, 2005. The current not encroach into any buffer areas or require any waivers or variances.

Thanks

*Teresa M. McCarthy,  
Office Manager*



ATTORNEYS

**SEILLER | WATERMAN LLC**

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*Teresa M. McCarthy,  
Office Manager*

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Website: [www.derbycitylaw.com](http://www.derbycitylaw.com)*

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**From:** Bill Bardenwerper [<mailto:wbb@bardlaw.net>]  
**Sent:** Friday, August 30, 2013 5:17 PM  
**To:** Teresa M. McCarthy  
**Cc:** Jim Long ([jd@cubbank.com](mailto:jd@cubbank.com)); [dmindel@mindelscott.com](mailto:dmindel@mindelscott.com); Nick Pregliasco  
**Subject:** CUB -- Spring Villa

Sorry Theresa, I typed in your email address wrong the first time, so it bounced back. BB

---

**From:** Bill Bardenwerper  
**Sent:** Friday, August 30, 2013 4:42 PM  
**To:** 'tmccarthy@derbycitylaw.com'  
**Cc:** Jim Long ([jd@cubbank.com](mailto:jd@cubbank.com)); Nick Pregliasco; [dmindel@mindelscott.com](mailto:dmindel@mindelscott.com)  
**Subject:** CUB -- Spring Villa

Theresa: in response to your email to Jim Long, and as a follow-up to the neighbor mtg I was unable to attend, which my partner Nick handled with David Mindel for me, here are the answers to your 4 questions posed of Jim:

- (1) The binding element re: # of homes versus condo units remains the same. As Nick and David explained, this is about drawing lot lines between and around homes where they did not exist before so that the community can be built out as planned. Other BEs should remain the same. I am not presently aware of a need to change any, however I am asking David Mindel to call me to discuss if there will be issues that he or I need to address with you in this regard.
- (2) The WPAs should be unaffected.
- (3) The number of homes remains 172 as before. I am unaware of any other detached structures.
- (4) This plan does not propose to open any streets to Hollow Creek, although regulatorily required stubs are shown on the plan for future Planning Commission and Metro Work determinations, of course in consultation with any cities that have legal jurisdiction over their own streets.

Call or write with other questions or concerns. Many thanks for your continuing interest in the Spring Villa community.  
Best wishes, BB

Bill Bardenwerper  
Bardenwerper Talbott & Roberts, PLLC  
Home Builders Association of Louisville Building, Second Floor  
1000 N. Hurstbourne Parkway  
Louisville, Kentucky 40223  
502-426-6688 (W)  
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**Reverman, Joe**

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**From:** Teresa M. McCarthy <tmccarthy@derbycitylaw.com>  
**Sent:** Friday, August 30, 2013 2:09 PM  
**To:** jdl@cubbank.com  
**Cc:** Reverman, Joe  
**Subject:** Spring Villa Condominiums  
**Attachments:** Initial letter re R5A to PRD.pdf; Car Accident June 2013.pptx

**Importance:** High

Dear Jim/Neighbor (Citizen Union Bank),

I am in receipt of the letter dated 8/2/2013, where you invited us and our fellow neighbors to attend a meeting on Saturday 8/24, 2013. The letter stated that you looked forward to seeing us, however you or nobody from Citizens Union Bank attended the meeting. Mindel and Pregliasco kept referring to the owners, but you weren't there to talk to us.

We "the surrounding" neighbors did have an opportunity to speak with David Mindel again, you see, we were all very involved from the onset of Spring Villa back in 2002. We are requesting that the current Binding Elements, Woodland Protected Areas, Streets to Hollow Creek remain closed and that there will be NO additional structures/buildings added.

We can work together as neighbors, if the promises that were made during our Public Hearing back in 2002 are kept.

It seems simple, please request a waiver to the PRD requesting the following:

1. Keep all the Binding Elements;
2. Keep the Woodland Protected Area exactly as previously described;
3. No additional structures/buildings to be added;
4. Keep the streets to Hollow Creek closed.

My contact number at work is 371.3525 and cell is 541.6900.

Please forward to David Mindel, Nick Pregliasco and Bill Bardenwarper.

I look forward to hearing from you. I would also like to discuss the infrastructure and the terrible accidents that occur on S. Watterson Trail. As neighbors, we all want to keep our streets safe.

I have attached one of many photos that I have of the accidents that occur at the narrow bridge next to Spring Villa.

Sincerely,

*Teresa M. McCarthy,  
Office Manager*



Meidinger Tower, 22nd Floor  
462 S. Fourth St.  
Louisville, KY 40202  
Direct 502.371.3525 Office 502.584.7400  
Fax 502.371.9225  
E-mail: [tmccarthy@derbycitylaw.com](mailto:tmccarthy@derbycitylaw.com)  
Website: [www.derbycitylaw.com](http://www.derbycitylaw.com)

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## Reverman, Joe

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**From:** Teresa M. McCarthy <tmccarthy@derbycitylaw.com>  
**Sent:** Wednesday, August 28, 2013 5:02 PM  
**To:** Reverman, Joe  
**Subject:** FW: Spring Villa - Meeting 8/24/13  
**Attachments:** 06 22 2013 6408 6410 S. Watterson Trail.jpg; 3 9 11 car totaled taking out mailbox and guardrail.jpg; 9-38-01 PC minutes.pdf; 9-038-01 approved plan and binding elements.pdf

Joe,

We have concerns about the proposed zoning change from R5A to PRD. I have included the minutes from the Public Hearing on April 11, 2002 where there was enough concern with respect to the infrastructure specifically the unsafe section of S. Watterson Trail and the amount of traffic an R5A would have compared to R4 that they deferred it to Commissioner Adams (with Public Works that was not present). He determined that R5A would have less impact than R4 and they approved the development with the Binding Elements with very specific detail about the Woodland Protection Area and Buffers with a 50' set back.

Now that they are proposing PRD, I feel the accidents on S. Watterson Trail need to be addressed again. There was a horrific accident just 8 weeks ago where another vehicle flipped over. These accidents are due to site distance and narrow bridges, amount of traffic and speed for the narrow bridges. I also feel this area of the infrastructure should be addressed in the ongoing opposition of the Front Gate Apartments. (I have attached photos of a couple of accidents I happened to witness).

Please let me know if you would like to meet with the Spring Villa Committee or whomever you might think can help.

I believe we are directing our efforts to the safety and best interest of the community. We have built our dream home with our own hands and are willing to do whatever is within our means to protect our property and our family from zoning changes that will be detrimental to our community and our property. There needs to be a road study of what traffic a 172 units will have compared to approximately 143 units for an R4. The only reason the zoning was approved in 2002 is that Mark Adams put a rubber stamp on it because he said R5A would generate less traffic. If a PRD at 172 increases traffic at all it should revert back to R4 if there is going to be any change at all.

This development was granted the R5A because the demographics of the units were described as "Empty Nesters", etc. and that they would not require FHA financing that most would have substantial down payments and would qualify for conventional loans or portfolio loans. They don't need FHA financing to sell the units, that is if they are still planning on selling them to the people they described previously and if they are not planning on selling them as previously described, the development should revert back to R4 and decrease the number of homes and traffic on S. Watterson Trail.

It was stated very clearly at our first neighborhood meeting held on Saturday, 8/24/2013, that the neighbors adjoining Spring Villa, including Hollow Creek and other area representatives are requesting that when the PRD Plan is presented to the Planning Commission it should "request a waiver for the PRD to include every Binding Element and WPA that was included in the approved plan in 2002 and that there would be no additional buildings added and that Hollow Creek Roads remain closed this is the only way the PRD zoning change should be submitted to the Planning Commission.

Sincerely,

*Teresa M. McCarthy,  
Office Manager*



ATTORNEYS

**SEILLER WATERMAN LLC**

*Meidinger Tower, 22nd Floor  
462 S. Fourth St.  
Louisville, KY 40202  
Direct 502.371.3525 Office 502.584.7400  
Fax 502.371.9225  
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**Apple Valley  
Property Owners Association, Inc.**

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David Steff  
239-6974**

**Vice President  
Victor Ruiz  
873-6571**

**Secretary  
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645-2098**

**Treasurer  
Larry Oetzel  
239-6424**

**Board Members**

**Mark Wade  
762-9557**

**Bob Farmer  
239-4264**

December 9, 2013

Joe Reverman, Case Manager  
Louisville Metro Planning and Design Services  
444 South 5<sup>th</sup> Street, 3<sup>rd</sup> Floor  
Louisville, KY 40202

Mr. Reverman:

We, as concerned residents in the Highview area, ask the Planning Commission to properly consider and act upon the following concerns about the proposed change in zoning from R-5A to PRD for Spring Villa (Case Number 13ZONE1015).

We understand and appreciate the desire for a solution to the current situation at Spring Villa. We wish to support efforts to reach an appropriate resolution that respects the limitations of the Land Development Code and previously negotiated agreements. The main question in this case appears to be: Are binding elements binding? The answer to this question is "yes."

Since the Spring Villa location has previously undergone a zoning change (from R-4 to R-5A), any appropriate resolution at this time will fully respect and enforce the binding elements that resulted from the negotiations at that time. If a new development plan does not completely and indisputably conform to the binding elements of that negotiation, it should be rejected. To properly review any Spring Villa proposal to confirm that it abides within the binding elements, the Planning Commission needs to individually review and consider each of the 23 existing binding elements to see where within the new proposal full compliance to each is enforced (in writing). In order for

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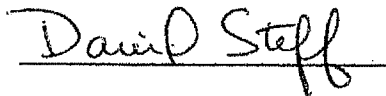
the development plan to be legitimate for Spring Villa, the development plan must be able to honestly preserve and maintain every single one of the 23 elements. Anything less fails to honor the previous agreement. We ask the Planning Commission to perform due diligence to assure that all 23 binding elements are preserved (in writing) before deciding to approve the plan.

There may be a legitimate alternative to consider at Spring Villa. If complete adherence to the existing binding elements is considered not possible, then returning the property back to its original limitations within R-4 (prior to the existence of the R-5A-associated binding elements) would be appropriate.

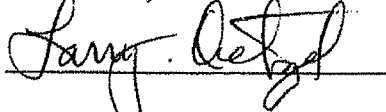
Additionally, we support the request by property owners next to Spring Villa for an appropriate sidewalk to be constructed. This would be the start of a larger sidewalk project that would benefit all neighbors and residents in and around Spring Villa.

Thank you for your consideration,

Members of the Apple Valley Property Owners Association Board



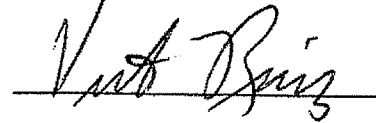
David Steff, President



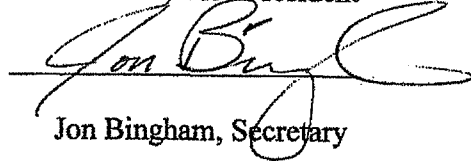
Larry Oetzel, Treasurer



Mark Wade, Member



Vic Ruiz, Vice President



Jon Bingham, Secretary



Bob Farmer, Member

December 9, 2013

Joe Reverman, Case Manager  
Louisville Metro Planning and Design Services  
444 South 5<sup>th</sup> Street, 3<sup>rd</sup> Floor  
Louisville, KY 40202

Mr. Reverman:

I wish to communicate my thoughts and concerns about the proposed change in zoning from R-5A to PRD for Spring Villa (Case Number 13ZONE1015).

While I understand the reasons for considering adjustments to development plans in that location, any adjustments must abide within the binding elements that were previously negotiated. It is my understanding that those binding elements were the finished product of extensive negotiations at the time the land in question was changed from R-4 to R-5A to allow for the higher number of units that were ultimately approved. It appears that the newly proposed development plan violates at least some of the binding elements (the 50' Setback, WPA's and Buffers, etc.). I ask the Planning Commission to not approve any adjustment to Spring Villa unless written proof of how each and every binding element is being fully maintained and enforced is incorporated in the proposal. If the binding elements cannot be upheld, I ask that the limitations of R-4 be applied to the land in question – since this was the proper zoning prior to the binding elements.

I also ask that the Planning Commission heed the request submitted on behalf of the neighbors who surround Spring Villa regarding the placement of a sidewalk. This will establish an excellent first step in the development of a much needed sidewalk system to help all residents in that area.

Sincerely,

*Why would it need to  
change R-5A to PRD.*

Sonja Minch  
7404 Switch Bark Road  
Louisville, KY 40228  
502-231-2226

*They haven't fully explained why PRD is  
more appropriate than R-5A - can build here just the  
same.*

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