

City of Hurstbourne Acres, KY
Office of the Mayor

March 12, 2015

Dear Mr. Bardenwerper;

As you know, the City of Hurstbourne Acres is keenly interested in how your client's proposed development of the Margaret Thieneman property to the immediate west of City of Hurstbourne Acres will affect our city. We are especially interested in making sure that existing Blowing Tree Road is not extended, enlarged, relocated, or used as a roadway for the apartment dwellers to access Taylorsville Road.

It is our understanding that the latest submitted Blowing Tree Apartments development plan does not expand, relocate or extend existing Blowing Tree Road beyond its current terminus at the north end of lot 123 Blowing Tree Road. We also understand that the latest submitted Blowing Tree Apartments development plan requires-

- * the developer to connect to Blowing Tree Road for the sole purpose of allowing locked gate access to emergency responders;
- * that the locked gate access onto Blowing Tree Road not be modified to allow apartment dwellers to access Blowing Tree Road as a way of accessing Taylorsville Road;
- * apartment dwellers to access the facility solely through a connection to Bunsen Parkway;
- * the developer to install barriers at the end of Blowing Tree Road, next to lot 123, to prevent current Blowing Tree Road from being extended formally or informally through to Bunsen Parkway.
- * The developer to remove the graveled roadway that currently extends Blowing Tree Road north beyond Lot 123, and sod and landscape the area.

If and to the extent that the final Development Plan submitted for approval retains these elements and incorporates no further elements which would interfere with the City Of Hurstboure Acres' neighbors use of their property, the City of Hurstbourne Acres will not oppose the proposed development.

Please feel free to call or email me if you have any questions.



Sean Fore
Mayor
City of Hurstbourne Acres, KY

1916 Hurstbourne Circle
Louisville, KY 40220

Springs Project
9120 Blowing Tree Road
Thieneman Family Limited Partnership

I would like to say that the development of Thieneman Nursery Properties into 284 class A apartments in not appropriate for this residential area that is already inundated with apartments north and south of us.


Occupancy is available in these already existing units currently. The density of the project is not appropriate for the location. The pollution from the current traffic is stifling now. How can you add the number of cars predicted to the amount of early a.m to noon and 3:30 p.m. to late evening traffic? Emergency equipment (Police, EMS, Ambulance, Fire Department) have difficulty now getting to the urgent needed site.




In the mid Seventies, each homeowner paid the sewer assessment and installation fees for sanitary sewers eliminating undesirable septic tanks. Now we are told that it is safe to add this apartment complex with no problems. How could this possibly be true? Swimming pool, car wash, club house and what else is flushed thru the system. I can't help but question your decision and the same goes to the Louisville Water Company. What happens to our water pressure?

Thieneman Property has benefitted from the development of Hurstbourne Acres. Why not keep it residential with building homes? Length of ownership of apartments shows frequent sales of ownership. Class A communities all too soon go from "A" to "X" with funds not available to maintain.

Thank you for your consideration of current residents,

Sincerely,


Margaret Bode

 1802 Wesley Ave.
 1802 Wesley Ave


Brown, Christopher

From: Ashburner, Clifford <chashburner@wyattfirm.com>
Sent: Wednesday, March 18, 2015 7:59 PM
To: Bill Bardenwerper; Brown, Jeffrey E; Brown, Christopher
Cc: David Mindel; kgootee@mindelscott.com
Subject: RE: Continental Properties at Bunsen Parkway; BE re: ROW dedication

Jeff:

After our meeting today, Bill and I worked out the binding element he is proposing. As long as it is added to the approved plan, the Bullitt Trusts have no issue with the proposed rezoning. Thanks for your time today and throughout the process.

Best,

Cliff

Clifford H. Ashburner

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From: Bill Bardenwerper [<mailto:wbb@bardlaw.net>]
Sent: Wednesday, March 18, 2015 5:43 PM
To: Brown, Jeffrey E (Jeffrey.Brown@louisvilleky.gov); Brown, Christopher
Cc: Ashburner, Clifford; David Mindel; kgootee@mindelscott.com
Subject: Continental Properties at Bunsen Parkway; BE re: ROW dedication

Jeff and Chris: I think a new BE like Cliff proposed in yellow highlighting below will work for us based on his conversations with you, Jeff, and his also with me. BB

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From: Ashburner, Clifford [<mailto:chashburner@wyattfirm.com>]
Sent: Wednesday, March 18, 2015 5:37 PM
To: Bill Bardenwerper
Subject: RE: Continental Properties at Bunsen Parkway

Do you want to send it to him and copy me, so I can confirm we're in agreement?

From: Bill Bardenwerper [<mailto:wbb@bardlaw.net>]
Sent: Wednesday, March 18, 2015 5:32 PM
To: Ashburner, Clifford; Kent Gootee; Jim Lobb
Cc: Sean Fore (sfore@laborworksusa.com); Diane <Diane.Zimmerman@jacobs.com> Zimmerman; David Mindel
Subject: Continental Properties at Bunsen Parkway

I sent you something shorter, but this may be more along the lines of what Jeff Brown wants, Cliff. So probably fine by us. Many thanks. BB

From: Ashburner, Clifford [<mailto:chashburner@wyattfirm.com>]
Sent: Wednesday, March 18, 2015 5:10 PM
To: Kent Gootee; Jim Lobb
Cc: Sean Fore (sfore@laborworksusa.com); Diane <Diane.Zimmerman@jacobs.com> Zimmerman; Bill Bardenwerper; David Mindel
Subject: RE: Continental Properties at Bunsen Parkway

Kent: Thanks for the exhibits.

Bill: I would propose the following as a binding element: Applicant shall dedicate the area shown as "reserved" on the detailed district development plan to public right of way and agree to maintain the dedicated property until the earlier of such time as Louisville Metro Public Works agrees in writing to accept maintenance of the dedicated property or construction commences on the planned connector road running between Taylorsville Road and Bunsen Parkway (Stony Brook/Blowing Tree).

Thoughts, edits? Best, Cliff

From: Kent Gootee [<mailto:kgootee@mindelscott.com>]
Sent: Wednesday, March 18, 2015 4:50 PM
To: Ashburner, Clifford; Jim Lobb
Cc: Sean Fore (sfore@laborworksusa.com); Diane <Diane.Zimmerman@jacobs.com> Zimmerman; Bill Bardenwerper; David Mindel
Subject: RE: Continental Properties at Bunsen Parkway

Cliff & Jim,


Attached are the updated Road Corridor & Development Plans we submitted to Metro Works and P&DS today. I have not spoken with Chris Brown to let him know that we have moved all of our proposed parking out to the 15' LBA adjacent to the corridor to minimize any future conflicts.

Hopefully the corridor satisfies all the concerns except for the align encroaching onto Sliverlake's property; but we can get around that because the New Corridor needs to align with Farm Bureau's Entrance otherwise the Metro would have to move their entrance with the proposed improvements.

Please let us know if you have any questions otherwise we'll see you at the hearing.
Thank you,
Kent

J.Kent Gootee, ASLA

Director of Planning and Landscape Architecture
Mindel, Scott & Associates, Inc.
5151 Jefferson Blvd. Lou. KY 40219
Phone:502-485-1508 Ext 157, Fax:502-485-1606

 Please consider the environment before printing.

From: Jim Lobb [<mailto:jlobb@WeberandRose.com>]
Sent: Wednesday, March 18, 2015 8:25 AM
To: Bill Bardenwerper; Clifford Ashburner; Kent Gootee; David Mindel
Cc: Sean Fore (sfore@laborworksusa.com); Diane <Diane.Zimmerman@jacobs.com>
Zimmerman
Subject: RE: Continental Properties at Bunsen Parkway

Thanks, Bill, for the follow up.

I'll not be able to participate in the 9:30 call. I have to leave then to get to my 10 AM meeting.

Jim
03.18.15

From: Bill Bardenwerper [<mailto:wbb@bardlaw.net>]
Sent: Wednesday, March 18, 2015 8:10 AM
To: Jim Lobb; Clifford Ashburner; Kent Gootee; David Mindel
Cc: Sean Fore (sfore@laborworksusa.com); Diane <Diane.Zimmerman@jacobs.com>
Zimmerman
Subject: Continental Properties at Bunsen Parkway

Nanci or Anna: please provide Cliff, Jim, Mindel, Gootee and me with a call-in # and me with the host code for a 930am call.

Thanks to Cliff and Jim for your emails below.

Btw, all adjoiners, including ALL residents of the city of Hurstbourne Acres, not just to tiers, were notified of our initial large neighbor meeting conveniently located. All of those same people were notified of LD&T and the PH, and that's a notice that went well beyond anything remotely required. If someone didn't show up or contact us, we have to assume a lack of interest.

Metro Works and transportation planning has not been lobbied one bit about maintaining this Blowing Tree extension location. Indeed, I very much tested their theory of the location resulting in its minor potential impact on a small amount of office building parking. Their view was that this corridor is not caused by this apt development and, whereas this development bears the brunt of it, a minor potential future taking from the office property that does not negatively impact it, which Kent Gootee can show you on a drawing he has prepared as fair.

As someone myself who has long been interested in the Oxmoor farm project and who has even responded to the RFP with a detailed proposal for development of same, I as much as the Trusts themselves, want to see these road corridors advanced for the future betterment of areawide transportation. What Metro Works and transportation planning has proposed, and that MSA shows on Continental's plan, accomplishes that in a fair and non-detrimental way.

Jim Lobb, we can assure Hurstbourne acres of everything it has asked for.

Kent, ASAP this am, please email to Jim and likewise to Cliff, as well as the rest of us, everything that demonstrates what I've said about all this. Many thanks. Talk to you all soon. Best, Bill B

Bill Bardenwerper
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On Mar 18, 2015, at 6:39 AM, "Jim Lobb"
<jlobb@WeberandRose.com> wrote:

Sean Fore, the Mayor of Hurstbourne Acres, is preparing and will bring to the hearing a qualified support letter. It will say that Hurstbourne Acres will support the development so long as the limitations that we discussed at the last meeting are incorporated into the development landscaping plan and the binding elements.

Hurstbourne Acres will want a binding element that addresses the limited use of the Blowing Tree Road. It should require that the access be gated and available for use by only the appropriate responders. We want to make sure there's no possibility that the accessway can be used later by residents to access Taylorsville Road through existing Blowing Tree Road.

Hurstbourne Acres agrees with the Trust concerning the need to protect the connector road corridor so that any future road uses that corridor instead of expanding and using the existing Blowing Tree Road.

I have a 10 AM meeting out of the office. I can be available up to 9:30 if you want to try to conference. Jim
03.18.15

From: Ashburner, Clifford [<mailto:chashburner@wyattfirm.com>]
Sent: Tuesday, March 17, 2015 10:40 PM
To: Bill Bardenwerper; Jim Lobb
Cc: kgootee@mindelscott.com; David Mindel
Subject: RE: Continental Properties at Bunsen Parkway

All: The Trusts' position is that the roadway corridor needs to be preserved so the connector road can be built with a minimum of obstacles in the future. Aligning the right of way across a property neither involved in the development nor consulted during the design is the kind of obstacle the Trusts are trying to avoid.

The Trusts' position is supported by LDC 6.2.1.C, which states, essentially, that projects that are shown in the path of a roadway corridor shown in the Comprehensive Plan or a legislatively adopted transportation plan need to dedicate the right of way for the roadway. Here, we have the 2002 Oxmoor Farm binding element which set a corridor, the Hurstbourne Transportation Study, which confirmed it, and the current KIPDA plan, which confirms both.

The Hurstbourne Transportation Study was adopted by Louisville Metro in 2007. It's either a core graphic to the Comprehensive Plan or a legislatively adopted transportation plan. So, at the very least, the right of way needs to be dedicated.

As for the office project, the fact that Steve Berg (Silverlake Partners' counsel/investor) heard about the project from me for the first time Friday is troubling. I haven't heard back from him about whether his group is OK with the alignment. If so, and sufficient right of way can be dedicated now, I don't know that we have an issue. I'm pretty tied up tomorrow but should be available from 8:00 to 10:00 on my mobile. If I don't answer, I'll call you back as soon as I can. Cliff

From: Bill Bardenwerper [<mailto:wbb@bardlaw.net>]
Sent: Tuesday, March 17, 2015 5:12 PM
To: Ashburner, Clifford; jlobb@weberandrose.com
Cc: kgootee@mindelscott.com; David Mindel
Subject: Continental Properties at Bunsen Parkway

Cliff and Jim: I know that you, Jim, said to me via phone, following the email exchange below, that your client, the City of Hurstbourne Acres would now support this. Btw, the connection shown on the attached is not to necessarily be built, as this is all speculation anyway. But Metro Works official/PCer Jeff Brown wanted the possible connection shown, as Hurstbourne Acres residents may want this connection as their best way out of the neighborhood they complain to otherwise nearly be trapped in at certain hours of the day. Naturally this can be re-visited if

the Blowing Tree extension is ever built by anyone, as this drawing is just conceptual.

And Cliff, both Jeff and Tammy both are comfortable with this alignment, as this road is NOT a necessity by virtue of this particular apt community. Thus their view is that, even though Continental Properties bears the brunt, so to speak, of the "reservation" of ROW, the adjoining office bldg property could reasonably be expected to have to allow a minor condemnation of its property as well. Kent is confident that few, if any, parking spaces would actually be affected in the end. Please call me regarding this. BB

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From: Kent Gootee [<mailto:kgootee@mindelscott.com>]
Sent: Tuesday, March 17, 2015 4:37 PM
To: Jeffrey E Brown; Tammy O Markert
Cc: Bill Bardenwerper; David Mindel
Subject: Fwd: Springs at Bunsen Parkway

Jeff, Please review and let me know if you need any changes. We used 1000' radius on the centerline. I'll update the development plan to show building 4 moving north out of the new building limit line.

Thanks, Kent J. Kent Gootee, ASLA
Mindel Scott & Associates

From: Ashburner, Clifford
[<mailto:chashburner@wyattfirm.com>]
Sent: Friday, March 13, 2015 2:40 PM
To: sberg@berglaw.org; Bill Bardenwerper; David Mindel (dmindel@mindelscott.com); Nick Pregliasco
Cc: Camp, Leo; Kent Gootee
Subject: Continental Properties' Blowing Tree exhibit

Steve: It was good to talk with you. As I said on the phone, we represent the Bullitt Trusts, the owners of the property under Oxmoor Golf Club and other