



# Kentucky Realty Corporation

3944 Bardstown Rd. Louisville, Kentucky 40218

(502) 473-0003 Fax (502) 473-7269

www.kyrealityonline.net

July 14, 2014

*CHRIS BROWN*

RECEIVED  
JUL 18 2014  
PLANNING &  
DESIGN SERVICES

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

**Ref: Case # 14MOD1000**

To It May Concern:

I am the property manager for the Calveard Condominiums located at 3833 Washington Square and Leland Ct Condominiums located at 265 Leland Ct. Our firm also manages the Madison Condominiums located at 3818 Washington Square, and Dan Rapp is the property manager for that community. On behalf of all owners in these communities, both Dan and I want to express our sincere concern and dismay at learning that Washington Square, Leland Rd and surrounding streets may be open for regular vehicular traffic from the Masonic Home.

Washington Square and Leland Rd are relatively narrow streets that would make through traffic a major concern for both residents, and for maintenance staff that service these properties. Any additional vehicles turning onto, or off of Chenoweth Lane from these streets will only cause additional traffic congestion in an area that already routinely sees back-ups and traffic accidents.

These streets are quiet and tree-lined and do not have sidewalks. Both children and adults alike are used to walking, riding bikes, and pushing strollers up and down without the worry and fear of vehicles tearing down through the streets just to get to the other end. How will the city account for pedestrian and bike traffic if this is allowed to happen?

How will this decision affect property values for all those who live in this area? We believe this will only negatively impact property values as quiet, dead end streets now become regular traffic patterns for workers and residents.

While we understand that initially traffic will be limited to Masonic Home employees and residents, we see the opening of these streets as a prelude to the eventual opening to all vehicles visiting the property. It is unfortunate that the Masonic Home sold off land that would have allowed them to access Brownsboro Road, but we do not believe that the residents of this neighborhood should be punished by seeing their quality of life and property values affected.

Thank you for your time and consideration of this matter.

Sincerely,

*Ben Adams*

Ben Adams  
Site Manager

July 15, 2014

Attention: Christopher Brown  
Planner II

Louisville Metro Planning and Design Services  
444 South 5th, Suite 300  
Louisville, KY 40202

Mr. Brown, I am opposed to the Masonic Homes' request to access the four streets, Elmwood, Leland, Ormand and Washington Square. There is enough traffic from the residents, their families, friends, deliveries, garbage pick-up and etc. Most of us moved to Washington Square because it was a quiet street where the elderly could walk, and the children could play. I don't think being close to the Masonic Homes was a big factor in moving to Washington Square. I know it was not a plus for me. We only see the back end of the Masonic Homes.

The Masonic Homes' letter to the residents of the four streets stated if they could have access to the four streets, it would increase the value of our property. I think it would decrease the value of our property.

The Masonic Homes closed their gates so traffic could not drive thru their campus. We feel the same way about closing our streets to the Masonic Homes' traffic.

The residents of these four streets pay taxes to the City of St. Matthews to maintain not only our roads, but for any improvements to the St. Matthews area. The Masonic Homes do not pay taxes to St. Matthews claiming they are a non-profit organization.

So what's our advantage having more traffic, road repairs, danger and noise thru our neighborhoods?

Sincerely yours, *Mary Stultz*  
Mary M. Stultz  
3818 Washington Square #10  
Louisville, KY 40207  
"One of the Elderly"

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Reference case  
George Egger #14MO01000  
3808 Ormond Road  
Louisville, Kentucky 40207

Dear Jim:

June 12, 2014

Please, please, please! Do not allow  
Masonic Homes to open Ormond Rd.  
It is hard enough as it is to get up  
and down our street. I am very concerned  
that the Sanitation Department, Fire Department,  
EMS, recycling and all public services  
will be severely affected on our street.

Opening up Ormond Rd. under  
these circumstances would make it difficult  
to enter and exit my home, due to  
backed up traffic. As a whole the infrastructure  
of our street was not designed for heavy  
traffic. Please help us save our quiet  
street, from those who sold off rear exits  
in 1983. Sincerely: Highest regards,  
George Egger

Case #  
14MOD1000

June 13, 2014

To Whom it may Concern:

I have lived in St. Matthews most of my life, in fact, in nine different houses! I chose my current home on Ormond Rd. as a perfect place to live, retire and enjoy my grandchildren. That was in 2000.

Masonic Home seems bent on dashing my plans by opening our beloved dead-end street to thru traffic! Why pick on us? We have no room for added traffic, nor does Chenoweth Lane.

Go back to your Planning Committee and figure alternate routes to Brownsboro Rd. or Frankfort Avenue!!

3810 Ormond Rd.  
40207

Thank you,  
Susan Langan

June 21, 2014  
3811 Washington Sq. #1F  
Louisville, Kentucky 40207-1944

Planning Commission  
144 South Fifth Street, Ste. 300  
Louisville, Ky 40202

Public Hearing  
St. Matthews Streets & Chenoweth Corridor  
Monday July 28, 2014 6:00 PM

Dear Sirs,

I was asked to sign a petition in 2002 to keep our street, Washington Sq. closed off from Masonic Homes of Ky, they wanted to allow residents access because they had sold one of their exits, Brownsboro Rd. & Fenley Ave., making a huge profit.

Since we could hardly turn left from our street onto Chenoweth lane because of heavy traffic, this would have made it worse. It would make it unsafe for the elderly and handicapped. This was an important issue. Even though I had just returned home from the hospital, I thought it important enough to go house to house collecting signatures.

Things haven't improved, & their lawyers are at it again, wanting to open up our peaceful streets to their many new residents. This increased traffic would not just be a safety factor, it would affect our quality of life... quiet enjoyment & general welfare. Property values would also be an issue.

Please consider these values, the drastically increased traffic to an already overused Chenoweth lane when the Metro Planning & Design Board have their meeting, Monday July 28<sup>th</sup>.

A concerned neighbor,  
Stella Hobson

Consider the birds of the air and the lilies of the field.  
Realize how much more God will take care of you.

Matthew 6:26-29

The the owners in the  
Mansion Condominiums are  
very much opposed to the  
opening of Edmwood, Ormond,  
Leland and Washington  
Square. Especially  
Washington Square is going  
to be more affected with  
the proximity  
of the Post  
Office on the  
Mason's property.



Consider the birds of the air and the lilies of the field.  
Realize how much more God will take care of you.  
Matthew 6:26-29

When the people  
bought in the Masonic  
home they were fully  
aware of the one-way  
entrances. Our streets  
were not constructed  
to handle this amount of  
Traffic.

Thanks for your attention  
to this matter.

Rosalie Zangari



Ms Rosalie Zangari  
3818 Washington Sq Apt 6  
Louisville, KY 40207

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JUL 14 2014

3918 LELAND ROAD

PLANNING & DESIGN SERVICES  
LOUISVILLE, KENTUCKY 40207

DESIGN SERVICES

July 11, 2014

Frances Heyburn

To Louisville Metro Planning and Design Service  
ATT Christopher Brown

Dear Sir-

Please do not let Mesonic  
Home open up Elmwood, Leland,  
Washington Square and Ormand to  
traffic with any means, cards or  
whatever.

I have lived here 65 years  
and Chenoweth Lane had done a  
good job so far. But this could  
cause our neighborhoods serious damage,  
Bus, cars, walkers - all would suffer.  
Please vote NO on this -

Thank you Frances Heyburn



PS- I can't resist -  
When Muslim Home  
gave up all access to  
Brownbro Rd years ago  
I remember thinking  
"how can they make such  
a big mistake to not  
save one little access -?"

7

3818 Washington Sq. #8  
Louisville KY 40207  
July 10, 2014

Louisville Metro Planning and Design Services  
Attn: Christopher Brown  
Planner II  
444 S. 5<sup>th</sup> St. Ste.300  
Louisville KY 40202

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Re: case #14MOD1000

I am totally opposed to the Masonic Home proposal to open the streets of Washington Sq., Ormond, Leland and Elmwood to traffic into and out of the Masonic Home. Washington Sq. is a narrow street with no sidewalks, therefore everyone walks in the street. I personally use a walker and other residents use canes, walkers and scooters. Adding hundreds (in the Masonic Home's own statement) of vehicles on a daily basis would make this street very unsafe. When these streets were blocked at the Masonic Home boundary many years ago with a binding element, that was supposed to be permanent. Residents of these four streets should not have to pay for the Masonic Home's lack of foresight when they sold off their exit to Brownsboro Rd. St. Matthews taxpayers should not have to pay for additional upkeep to these streets and Chenoweth Lane because of non-tax-paying Masonic Home residents and employees using the streets daily. Residents of this area should not have to deal with the extra traffic load on Chenoweth Lane.

Masonic Home could widen their exit on Frankfort Ave. to have three exit lanes, one left turn, one right turn and one straight ahead. This could triple their exit times and solve their problem from overbuilding.

Sincerely,

A handwritten signature in cursive script that reads "Mary Faye Carr". The signature is written in dark ink and is positioned above the printed name.

Mary Faye Carr

July 11, 2014


The Louisville Metro Planning Commission

RE: Case number 14MOD1000

We purchased our condo on Washington Square because it was on a quiet street and in a good central location. I use a walker and find it very hard to cross streets with busy traffic so I can walk along our street without fear. Also on many mornings our street is filled with trucks of lawn mowers, nursery or other service trucks blocking one lane. This Would make it difficult for residents to leave if the workers at the Masonic Homes are coming in at the same time. It could be a safety issue if an emergency vehicle had to enter at the same time.

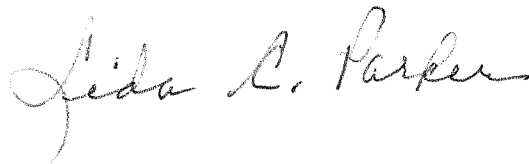
Also if the street is open people will use it. How would you keep anyone from using our street if it is open. It could be a short cut to Frankfort Avenue or any one of many reasons The Masonic Homes continues to build and add more buildings so the number of workers will continue to increase. I urge you to deny the request to open Washington Square and the other Streets involved.

Yours Truly,



Sanford Parker

3818 Washington Square Unit 1  
Louisville, Ky 40207



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Ben Lowry  
3700 Napanee Road  
Louisville, Kentucky 40207

To whom it may concern:

My name is Ben Lowry and I am writing to express my opposition to Masonic Home's proposal for a Binding Element Amendment granting its employees and residents exclusive access to and from Chenoweth Lane via Ormond Road, Leland Road, Washington Square, and Elmwood Avenue.

Recently, my fiancée and I purchased 3700 Napanee Road. While our property would not be *directly* affected by the proposed amendment, we are concerned about the very real possibility—even certainty—that the amendment will result in increased traffic congestion on Chenoweth Lane and its surrounding roadways. As a two lane road with a thirty-five mile per hour speed limit, Chenoweth Lane simply cannot accommodate the vast number of Masonic Home employees and residents who will seek to utilize the new thoroughfares. The resulting traffic jams, accidents, and other inconveniences that would inevitably result from approval of the proposed amendment far outweigh Masonic Home's interest in having convenient access to Chenoweth Lane.

Even more importantly, I am concerned about the welfare of nephew George, who currently resides with my brother and sister-in-law at 3831 Ormond Road. Because Ormond is currently a dead-end road, George can safely play in the front yard and ride his bike down the street to visit his friends. Upon approval of the proposed amendment, however, his parents would be forced to restrict his activities to the back yard (or even inside because there is no gate preventing him from wandering to the street). As a five year old child, George needs the freedom to explore his surroundings uninhibited by the peril of passing utility trucks and passenger vehicles. Without such freedom, I fear that George's physical and psychological development could be greatly hindered. Furthermore, no matter how careful his parents may be, children will be children and—if I know my nephew—he will find a way out of the backyard and into the street. Once again, I firmly believe that the risks posed by the proposed amendment are far too great to justify its approval for the sole reason of Masonic Home's convenience.

For these reasons, I am firmly opposed to Masonic Home's proposal for a Binding Element Amendment and therefore recommend that it be denied. If you have any questions, please do not hesitate to contact me.

Sincerely,

Ben Lowry

3818 Washington Square #5  
Louisville, KY 40207

July 6, 2014

Planning Commission  
444 South 5<sup>th</sup> Street, Suite 300  
Louisville, KY 40202

Members of the Planning Commission:

My name is John Edwin Roby and I own and live in property located at 3818 Washington Square #5, Louisville, KY, 40207. I am writing to oppose, in the strongest possible terms, the plans of the Masonic Home to access four streets off Chenoweth Lane: Elmwood, Leland, Ormond and Washington Square. This is case 14OD1000 and is scheduled for hearing on July 28, 2014.

The request from the Masonic Home is beyond offensive. As you are well aware, they willingly and very profitably sold their access to Brownsboro Road. At that time they agreed to certain binding elements. I have lived on Washington Square since October, 2000, and several times since then the Masonic Home has tried to break these binding elements. In 2010 when they wanted to build Miralea, a Masonic Home representative, C. J. Parrish, told a group of people living on these streets, that the Masonic Home would not seek access through our streets if we didn't oppose Miralea. We believed that statement. Consequently, the time to appeal has passed and had we have known that they would now be seeking access, I am confident that the same people who oppose case 14OD1000 would have opposed Miralea.

Given that the Masonic Home has over 300 units on its campus and needs additional access, why should the residents of these four quiet streets be forced to bear the inconvenience of having entirely too much traffic on narrow streets where many older people live without sidewalks? Who granted the Masonic Home permission to build without sufficient access?

The proposed opening of these streets would be devastating if it were just for the current employees and residents of the Masonic Home. Do they have a development plan for the future? The future residents will add even more traffic. Building in the last 4 years on the campus has added Sproutlings and Miralea. What is in the future?

Please do not approve their plan. At some point, when does a binding element become binding?

Thanks for your consideration,

  
John Edwin Roby

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JUL 11 2014  
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July 10, 2014

Please don't approve  
of granting access to  
Masonic Home campus  
through Deland,  
Washington Square,  
Elmwood or Ormond  
Road. Case # 14 MOD1000.

It would destroy  
the quality of life of  
the neighborhood.  
Please don't let Masonic  
Home infringe on this  
old, established  
and treasured  
community.

Joan Gering  
3804 Deland Rd  
# 5  
Louisville, Ky  
40207

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NOV 11 1964

COMMUNICATIONS

SECTION

TO: DIRECTOR, FBI

FROM: SAC, NEW YORK

SUBJECT: [illegible]

RE: [illegible]

DATE: 11/11/64

TIME: 10:00 AM

BY: [illegible]

It would be desirable

the quality of life

the neighborhood

there, but let them

have things on their

old, established

and the area.

community.

from [illegible]

13804 [illegible]

#7

For [illegible]

70207

To whom it may concern:

This letter is to state my concern and opposition to opening up access to the 4 streets Elmwood, Leland, Demand and Washington Square into Masonic Home. There is a tremendous amount of traffic on Chenoeth Lane now and if the traffic from Masonic Home is allowed to use the 4 mentioned streets, I cannot image the bottleneck that will cause. These streets are much too short from Chenoeth Lane to Masonic Home to have added traffic. Do hope this is taken into consideration when the final decision is made.

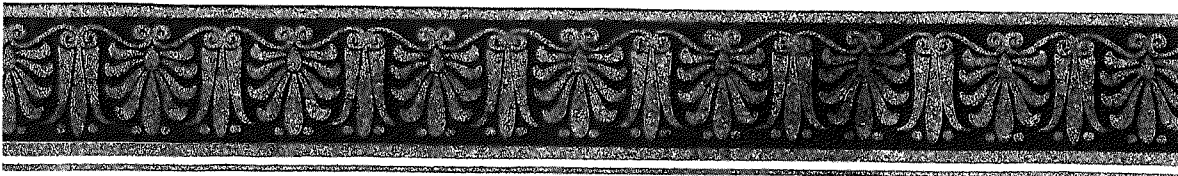
From a concerned neighbor

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JUL 11 2014

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Juanita Goodman  
3818 Washington Square  
40207







July 10, 2014

To: Mr. Christopher Brown

Mr Brown,

There are many reasons not to open the roads between Masonic Homes and and Chenoweth Lane. The one which I think needs serious consideration is safety.

Exiting or entering Washington Square where I line takes caution and patience. Traffic is coming from the North and the South. One must keep looking back and forth to find a safe time to exit. If cars line up to exit it will add to the waiting and then I fear people will lose patience and take chances. Accidents will occur.

When you wish to enter one of the roads and must wait to turn left. Again there will be a back up and the wait will cause people to turn when they should not.

Whenever there is a wait for a turn and cars are waiting behind you, you feel a pressure to move on.

Please give this serious consideration along with the <sup>other</sup> reasons for not opening these dead end roads for cut through traffic.

Sincerely,

Betty F. Smith

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JUL 11 2014  
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my name is: Jan Ella Fante  
312 Chenoweth Lane  
Louisville Ky 40201

Reference Case # 14 MOD 1000

I am apposed to this proposal.  
Chenoweth Lane has enough  
traffic now- we need no more.

Thanks!

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June 28, 2014

Planning Commission  
Attn: Christopher Brown  
444 South Fifth Street, Ste. 300  
Louisville, KY 40202

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PLANNING &  
DESIGN SERVICES

RE: 14MOD1000

Sirs:

My name is Mimi Stites, and my husband and I own and reside at 3818 Washington Square, Louisville, KY 40207. I am writing to oppose Masonic Homes' request to open Elmwood, Leland, Ormond and Washington Square.

There is no legitimate reason to open these historically dead-end streets. Some of the reasons we have heard stated for opening them are:

1. The need for a second exit and entrance because of the number of residential units either in existence now or planned for the future:
  - a. This situation is completely Masonic Homes' creation and under their control. Masonic Homes had access to a **northern** exit but chose to sell the property to Mockingbird Gardens for \$5+ million and accepted as a condition of the sale that they would lose access to Brownsboro Road.
  - b. Masonic Homes is still able to have a second exit/entrance if needed on Frankfort Ave. Masonic Homes stated that they did not need a second access in the 2010 case record due to the wonder of the traffic light at Frankfort and Bauer. Now it seems they have changed their minds.
  - c. Masonic Homes can choose not to expand further thus eliminating the need for another exit/entrance altogether.
2. Masonic Homes has led some of their residents to believe they need to open Elmwood, Leland, Ormond and/or Washington Square so that they have emergency access in case of a train blocking Frankfort Ave or other safety issue.
  - a. Masonic Home already has emergency access through Washington Square 24/7.
  - b. This access is rarely if ever used because any train blocking Frankfort will almost always also block Chenoweth Lane.

- c. Chenoweth/Breckenridge/Shelbyville Road are already overwhelmed with traffic even when there is no train, and when there is a train the traffic is stacked up for long periods of time and distance.
- d. There is limited apparent need for emergency access through Chenoweth Lane to Brownsboro Road as the EMS vehicles, Fire Department, Police substation and hospitals are all SOUTH of the RR tracks and rarely if ever come from or to Masonic Homes from NORTH of the tracks.
- e. Employees and Residents may WANT faster, easier access to Chenoweth and Brownsboro but WANT and NEED are vastly different. These Streets have been dead end since their inception and all the residents on all 4 of these, some of whom have lived there for as long as 60 years and some as little as 9 months or less , are living there with the expectation of being on a dead end street. The residents and staff of Masonic Homes have perfectly reasonable access to Chenoweth and Brownsboro NOW, and should have no expectation of disrupting so many other peoples' lives for such frivolous and unneeded access.
- f. We also have many elderly people living on these 4 streets and handicapped persons who will be negatively impacted by the increased traffic on their streets and Chenoweth Lane.
- g. All those who routinely use Chenoweth Lane, residents of and those streets off of Mockingbird Valley Rd., Mockingbird Gardens, Indian Hills, Rolling Fields, Brownsboro Village, Bellewood, and all the residents and Businesses whose 82 entrances/exits (in the 1 mile of Chenoweth) will be needlessly and selfishly inconvenienced by the substantial increase in traffic from Masonic Homes

Masonic Homes can choose to make the right decision and either open a second access to Frankfort Ave. or STOP adding more and more and more units in small bites every few years upsetting many taxpayers.

Sincerely,



Mimi Stites

Terri Lafollette  
3827 Ormond Rd.  
Louisville, KY 40207  
(502) 836-3669

June 19, 2014

Subject: Opposition to Amending Binding Element 3, **Case #14MOD1000**

Dear Planning Commission:

I have been a resident of Ormond Road for 9 years. I am opposed to Masonic Homes of KY, Inc., amending the legally Binding Element 3. This is simply a matter of convenience for them as they have emergency access on Washington Square already. The decision that is for the GREATER GOOD OF THE COMMUNITY is to keep the Binding Elements in place. Masonic Homes can create multiple entrances and exits along their Frankfort Ave. frontage to manage traffic on their property without negatively impacting neighborhoods and residents.

Masonic Homes voluntarily sold their property that provided direct access to Brownsboro Road to Mockingbird Gardens for millions of dollars. That access did not require crossing railroad tracks. Please do not make the residents of this area suffer for the poor decision-making of a private organization. **Nothing about this proposal is for the greater good of the community; it is for the convenience of those in a private organization.**

In the rezoning process, Masonic Homes of KY, Inc. agreed to the Binding Elements to protect the streets and neighborhoods of St. Matthews in order to gain approval for rezoning for their expansive growth. Now, after they've received approval, and have plans for even more growth, they want to break that agreement. What is their overall plan for future and ongoing growth? What is the impact to traffic, infrastructure and the neighborhoods of this community as this growth goes unchecked? We would not even have this issue if they had not profited from selling their land with access to Brownsboro Rd.

The four, quiet, historically dead-end residential streets of Ormond Rd., Leland Rd., Washington Square, and Elmwood Ave., as well as the surrounding Chenoweth Lane neighborhoods, would be negatively impacted if this were to go through. Our quality of living and safety would be reduced if hundreds of additional cars were directed onto our narrow streets (**Ormond Rd is 15 feet wide**). We have on-street parking and no sidewalks with small front yards. We have elderly living independently on our streets as well as families with children who ride their bikes and scooters. The elderly take walks with assistive devices to enjoy the outdoors. Adding hundreds of cars to these streets is unthinkable and a safety issue that will stop the elderly as well as young families from enjoying the neighborhood they have invested in, many because it was a dead-end street. A normal, through street connecting to other



neighborhoods is more desirable and acceptable than an entrance to a private organization that provides absolutely no benefit to anyone outside of that organization.

Residents of these four streets have one way in and one way out via Chenoweth Lane, while giving Masonic Homes exclusive access and connectivity. Chenoweth is heavily congested at various times of the day. When a train is at the crossing, cars often back up all the way down Chenoweth Lane past the four streets in question. Masonic Homes has not been a good neighbor and won't even let the residents of these streets WALK on their property and have erected fences to keep us out, yet they want to take over our streets for the sake of their convenience at our expense with no benefit to the public. Please apply fairness and common sense and make Masonic Homes stick to their agreements and protect our residents and neighborhoods.

All four streets under consideration are in the city of St. Matthews. Masonic Homes' property is in City of Louisville. The maintenance and upkeep of these streets falls to St. Matthews and it's taxpayers. Masonic Homes pays no taxes. We as the taxpayers do not want our lives disrupted, our quality of living and safety reduced, and our property values lowered because Masonic Homes made voluntary decisions to sell their property which limited their access, and have now chosen to grow beyond their infrastructure and stretch St. Matthews infrastructure beyond its limits. Drive down Ormond Rd. and see how narrow and congested it is with on-street parking and imagine adding 500 cars per day to this little street and ask yourself how residents will get in and out, making left turns on/off Chenoweth.

The noise, congestion, and pollution produced by cars lined up waiting to scan cards, waiting for gates to open/close would block our driveways and limit service trucks and emergency vehicle access as well as increase noise and pollution. What happens when someone's card doesn't work? How do they turn around and get out of the one-way line? Emergency vehicles, garbage trucks, large service vehicles from LG&E, MSD, etc. often have to back in or out of our streets because they are so narrow.

Erecting a gate with scan cards will reduce our property values because the beauty and tranquility of a small, dead-end street has more value than a congested street with an entrance to a private establishment. Increased noise and traffic will make our streets far less desirable. They are seeking to turn a residential street maintained by St. Matthews into a private gated entrance for their use only for the sake of convenience. I like to open my windows for fresh air and to reduce energy usage in warm weather, the noise and exhaust from hundreds of additional cars per day will prevent me from continuing my standard of living that I have paid for through investing in this area as well as in property taxes. All of this because someone doesn't want to wait 5 minutes for a train.

Masonic Homes made an agreement with the residents of Washington Square to choose a nice, ornamental gate, with landscaping around it in order to get the opening of that street approved for emergency access. The residents chose the gate, but Masonic Homes put up an ugly metal gate and no landscaping (see pictures on next page). The residents tried repeatedly but there was no one to hold Masonic Homes accountable to their agreement. Please note the pattern. They make agreements to get approval for what they want, then do not hold up their end and seek to further amend these agreements for their convenience and benefit. They continue to want to take more and more and provide nothing to those they are negatively impacting.

**As this pattern of not upholding agreements continues, how can we possibly believe that in one or two years, they will still only restrict access to employees and residents?** They could decide to allow delivery trucks, Sproutlings Daycare, visitors etc. through as well, just as they went from emergency vehicles to limos on Washington Square, did not uphold their agreement to put in a nice gate of the residents' choosing and landscaping. Now they want direct access on our four quiet, dead-end streets, which they promised not to seek as recently as 2010 when they convinced Metro and St. Matthews to pay for a red light at Frankfort Ave. They publicly stated at that time that the red light would resolve their stacking issues. Again, please notice the pattern. They make agreements to get what they want and they break them later and no one holds them accountable.

The numbers Masonic Homes is proposing for employees and residents today is in the hundreds, which is overwhelming on these small streets. But that is today's numbers. They have plans to continue their expansion and these numbers will continue to grow. Is anyone looking at their future plans for growth and the greater numbers of cars that will be driving down our streets in future years? According to CSX, there are 19 trains in a 24 hour period running through this area, not the 50 as reported by Masonic Homes. Masonic Homes of KY, Inc. is not presenting a full and accurate picture to you of the situation now or in the future.

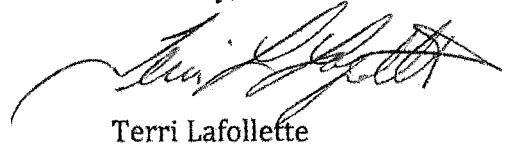
Please hold Masonic Homes of KY, Inc. accountable to their agreements, in summary

- This is all for convenience as they have emergency (and limo) access already
- They voluntarily sold their property with alternate access from the railroad tracks for millions
- They knew they were limiting their vehicular access to Frankfort Ave. only when they sold their property and made their agreements
- They agreed to legally binding elements to protect our neighborhoods
- Masonic Homes has publicly stated on record that they would not seek to open these streets when trying to obtain approval for growth, rezoning, and a traffic light **as recently as 2010**
- They did not deliver to Washington Square a nice gate and landscaping as promised, therefore we can't take their word on any future promises or agreements such as employees and residents only, a nice gate, or landscaping

- The end of Ormond Road is covered with trees today and is lovely (see pics below), changing this along with added traffic and cars on this narrow little street will greatly reduce the desirability of living on Ormond which will reduce property values and quality of living
- How will residents get in and out of our streets who's only access is via Chenoweth Lane when Masonic Homes' employees are blocking our streets trying to make left turns? They will have alternate access, but we do not
- Do not punish the residents of St. Matthews to reward Masonic Homes for their poor decisions simply for the sake of their convenience
- Hold Masonic Homes accountable to their agreements for the public good

**Keeping these streets as they are today is for the greater good of the community, anything else is for the CONVENIENCE of a select few associated with Masonic Homes.** Please see photos and additional info on following pages.

Sincerely,



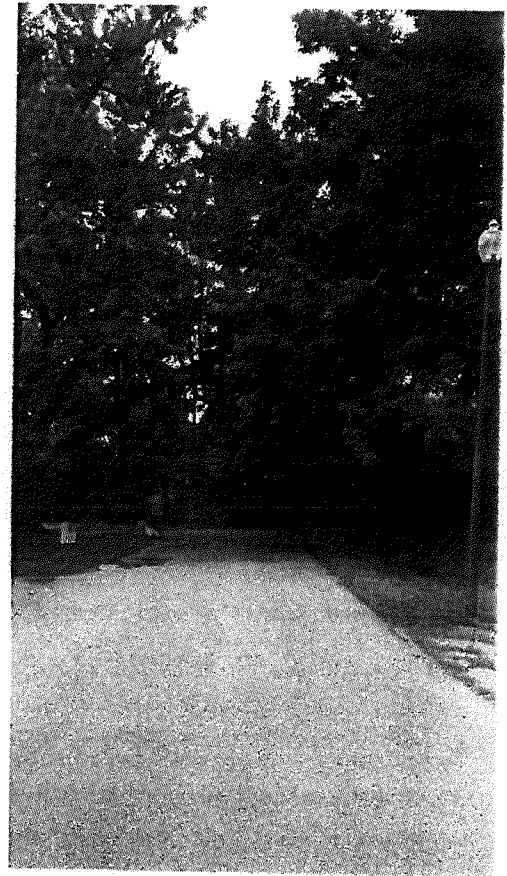
Terri Lafollette

Here's a photo taken 6/11/14 of the emergency/limo entrance gate to the Masonic Homes property on Washington Square. **Remember, Masonic Homes agreed to put up a nice gate and landscaping, but they did not do as promised and no one held them accountable. Why should we believe anything they say? Had this been what I saw when I turned down Ormond Rd. nine years ago, I NEVER would have bought a house on Ormond Rd.**

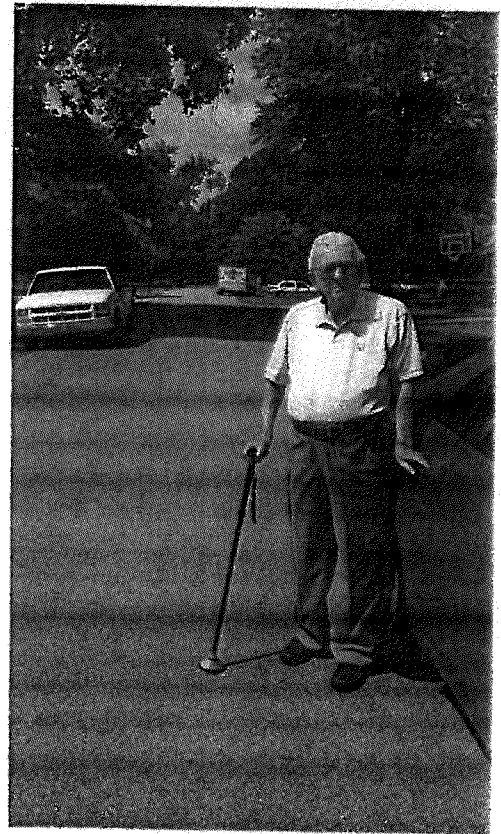


This is what you see when you look down Ormond Road today (photo taken 6/12/14). Compare this to the previous photo of Washington Square.

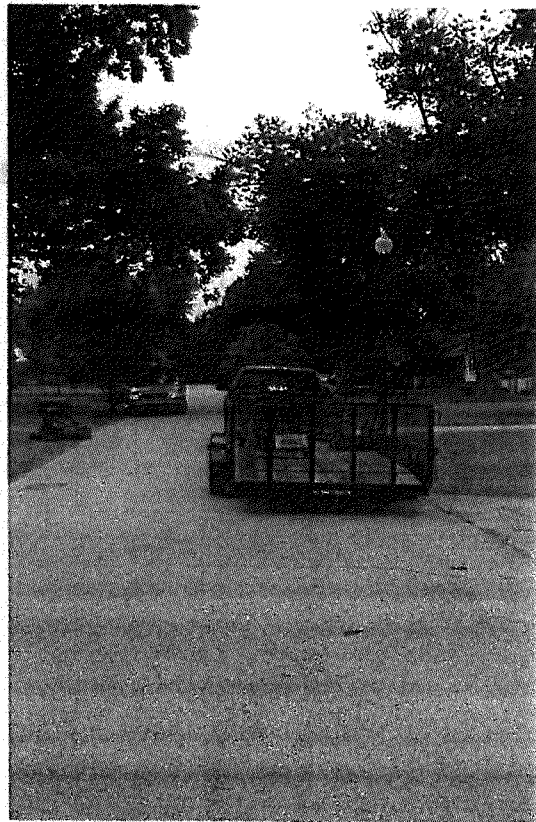
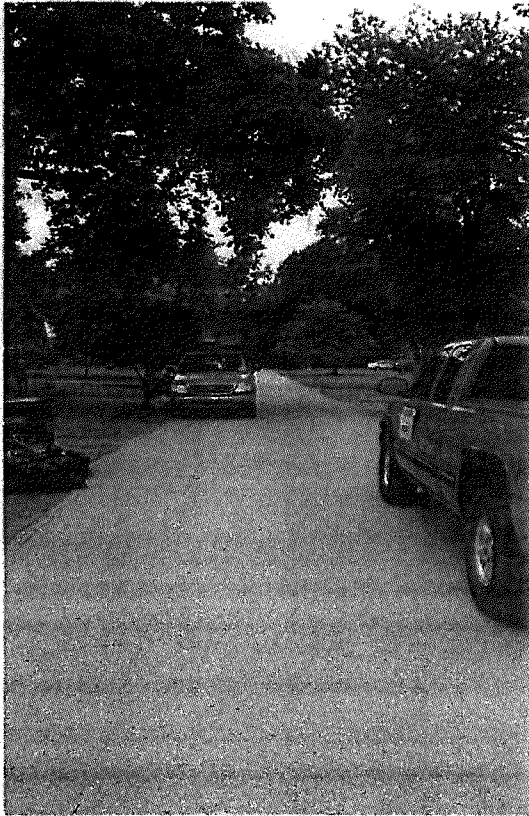
**Imagine the large, mature trees removed, an unsightly gate installed, and cars lined up to scan their cards and access a parking garage, particularly at shift change times. This will greatly impact our property values in addition to our safety and quality of life.**



There are 40 single-family homes on Ormond Rd, including 14 residents who are retired. This is Mr. John Hussung, he lives at 3817 Ormond Rd. He turns 90 on June 23, 2014. He wants to be able to continue to safely enjoy his street along with the other 9 residents who are over the age of 80 living independently on Ormond.



A typical day maneuvering narrow Ormond Rd....



Other way to help the people at the  
Masonic Home so that my friend  
and their neighbors won't suffer.

Thank you,

Luz D. Stebbins  
6848 Glen Meadows  
Louisville, Ky. 40207

# 14MOD 1000

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JUL 01 2014  
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To: Metro Planning and Design  
Board

This letter concerns the proposal to use four streets off of Chenoweth Lane as exits and entrances for the Masonic Home - Of course I'm concerned about the needs of the Masonic Home because it is very important to the community. But I do have serious concerns for the people on those streets. I have a friend who lives on Edinwood Ave. and I visit there, so I know that there are children and elderly people living on that street and also a number of elderly people who live on Washington Square - My friend is very concerned about their quality of life if this plan goes through. I hope that there is some



Robert M. Durham  
3811 Ormond Rd.  
Louisville, Ky 40207

July 1, 2014

Mr. Christopher Brown  
Metro Louisville Planning Commission  
444 S. Fifth St. Ste 300  
Louisville, Ky 40202

Dear Mr. Brown,

I am writing you today to voice my opposition to the Masonic Homes of Kentucky, Inc. proposal for additional entrances to their Frankfort Avenue campus.

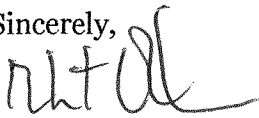
Along with so many of my neighbors, my first concern is the increased AMOUNT of traffic on our neighborhood streets. But even more concerning are the increased TYPES of traffic that these entrances would create.

Certain types of VEHICLES (Trucks, Buses, Vans, Taxis, Ambulances.....) are causes of annoyance and, as "through" traffic, present a hazard that residential traffic does not.

Certain types of DRIVERS (Commercial, Delivery, Chauffer, Elderly, Out-of-Town) are not familiar with our neighborhoods and pose a danger to residents as they use our residential streets simply to "pass-through" to their destination.

PLEASE PROTECT OUR NEIGHBORHOODS.

Increased AMOUNTS and TYPES of traffic will greatly reduce pedestrian and social street activities, will lead to resident turnover and neighborhood instability, and may also reduce residents' incentive to maintain and/or improve their property.

Sincerely,  
  
Robert Durham

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June 23, 2014

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JUN 25 2014

PLANNING &  
DESIGN SERVICES

Planning Commission  
444 South Fifth St. Ste 300  
Louisville, KY 40202

This letter is about Reference Case #14MOD1000

Dear Commissioners,

I'm 84 years old. I've lived here 62 years. This street is not big enough to hold lots of traffic. We have children. There are a lot of older people on this street.

Our street has always been dead end. When I first moved in, Elmwood Ave was a dirt road. We put rock down. Then we graduated to paving it. We were getting dust from the rock, so we paved it. I was 19 years old when I moved here. The older women took me right in. This has always been a friendly street and people have always helped each other. That's because it was a dead end.

It's ~~always~~ <sup>always</sup> been a quiet street. If you get cars running up and down this street you won't have that. Masonic Home should have went out on Baronsboro Rd., not pick a short street to run down.

Lea J. Bardwell  
3819 Elmwood Ave.  
Louisville, Ky 40207

July 14, 2014

Subject Property: 3701 Frankfort Ave.  
Reference Case: #14MOD1000

Dear Mr. Brown,

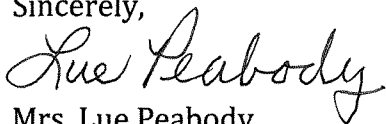
I am writing to oppose the proposal by Masonic Homes of Kentucky Inc. to the Metro Planning Commission to create gated access to Chenoweth Lane through Elmwood Ave. Washington Square, Leland and Ormond Roads.

My husband and I purchased a condo, 3820-3 Washington Square, with my aunt in August, 2010,. We spent months looking for a condo that would meet with her satisfaction and met her needs. At the time she was 85 years old. We purchased the condo for the following reasons:

- My husband and I live in St. Matthews and it was close to our home. We visit her daily frequently visiting with her, and taking food and groceries and household supplies.
- It was a dead end street and it was our understanding that the gate at the end of the street that joins the Masonic Home property would only be open in emergency situations. We also understood that after a previous proposal from Masonic Holmes to open the adjacent streets, which was denied, the attorneys for the Masonic Homes said they would never ask again.
- My aunt is very healthy and likes to take walks. She is proud of the fact that she gets 10,000 steps daily. While walking she enjoys seeing and saying hello to other residents who like to walk.
- The street is quiet, very little traffic and most of the residents are elderly.
- The condo is on the first floor, spacious, 1600 square feet, and is easy to access from the front of rear exit.

I strongly feel that if this proposal is approved, it will have a negative impact on the quality of life, property values and will create safety issues for the residents. Since there are no sidewalks, residence will not longer be able to take walks as the street will be unsafe. The increase of cars will create noise, nuisances and promote cutting through residents' property (e.g alleys and driveways). It is already difficult to turn onto Chenoweth Lane, the increase in the number of cars will create lines on the streets and make it more difficult for residents to leave or reach their residents. The effects of quality of life, safety and traffic issues will decrease the value of the property and will cause residents to move to seek property that attracted them to Washington Square.

Please do not approve the Masonic Homes proposal to allow access to Chenoweth Lane.  
Sincerely,



Mrs. Lue Peabody  
3244 Beals Branch Rd.  
Louisville, KY 40206

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JUL 16 2014  
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## Brown, Christopher

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**From:** Mike L <mjlococo@hotmail.com>  
**Sent:** Wednesday, July 16, 2014 12:40 AM  
**To:** Brown, Christopher; Ward-Pugh, Tina; Fleming, Ken; Monohan, John S;  
rtonini@stmatthews.org; tweiter@twc.com  
**Subject:** CASE# 14MOD1000 - Masonic Homes east side access

### **Please Stand-up for Our Neighborhoods and Your Older Constituents**

As we all know there is no going back on these type decisions when it is guised under the term progress for all - which in this case is B.S.

Let's keep neighborhoods as neighborhoods and not ruin it for those who have lived and made a life for their families in the mentioned affected areas. Plus, many in these areas are older or retired individuals.

Masonic Homes did not have a problem back in 1983 when profit was involved. They gave up access rights in other areas - **so, why should their mistakes become their current neighbors problems.** Also, why on their EAST side neighbors - they have three other sides of neighbors to try and push this on - could it be the cost to them, or they want the path of least neighbors' resistance -- I do believe so.

**We on Leland Rd and other EAST side neighbors of Masonic Homes, 'Strongly Oppose' their problems being thrust upon us.**

Thank You,  
On behalf of Leland Rd and surrounding area elderly residents

MJL  
3810 Leland Rd  
40207

Mike Lococo [mjlococo@hotmail.com](mailto:mjlococo@hotmail.com)

**Brown, Christopher**

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**From:** Ann Flint <alfotrl@yahoo.com>  
**Sent:** Tuesday, July 15, 2014 9:20 PM  
**To:** Brown, Christopher  
**Subject:** Objections to 14MOD1000

Reference Case Number 14MOD1000

I have several reasons to oppose making Ormond Road an entrance or exit to the Masonic Home property.

I have medical problems that include respiratory allergies and multiple chemical sensitivities. Living on a dead end street there is less pollution than living on a through street. I don't need more air pollution on my street.

Our street is so narrow with poor drainage, at shift change an ambulance will not be able to get down of street to answer a medical emergency. I have called EMS for my parents 3 times in 3 years. When they came for my dad, they had 2 fire trucks, an ambulance and a SUV for the paramedic. We have many elderly people on our street, not just my family.

We use our street for walking, bike riding and for children to play ball on the street. All of the people who live on our street enjoy the kids playing and are careful about watching for others. Some of our elderly walk with walkers on the street since we have no sidewalks.

I pay St. Matthews city tax for upkeep on our road. No one at the Masonic Home or the Masonic Home, Inc. is going to help pay for the maintenance of our road. The only times I have ever been on the Masonic Home property was when they used to have the Orphans & Widows Picnic and when my father was in the Masonic Home for care. I do not use it for my personal use or walking. It is in a different jurisdiction just as my street is in a different jurisdiction to the Masonic Home.

If the Masonic Home needs more entrances, they can be built on Frankfort Avenue. The trains are on a regular schedule that we all know living in this neighborhood. I strongly oppose the use of my dead end street for the Masonic Home's convenience.

Sincerely yours,  
Ann Flint  
3819 Ormond Road  
Louisville, KY 40207-1902  
502.727.9402

## **Brown, Christopher**

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**From:** Ralphkilby@aol.com  
**Sent:** Monday, July 14, 2014 11:51 PM  
**To:** Brown, Christopher  
**Subject:** Additional Access To Mosonic Homes Louisville Campus. Case No. 14mod1000

This E-mail is to voice my opposition to the plan to open street access from the Masonic Home Campus on to Elmwood ave, Washington Square, Leland Rd and Ormond Rd.

This plan would greatly increase traffic on narrow residential streets that do not have sidewalks. Elmwood and Ormond are home to many young families with small children. because of when these neighbor hoods were developed these homes have narrow driveways which means that a lot of cars are parked on the streets, that in combination of not having sidewalks would present a huge safety concern.

Washington Square and Leland road consist of Condos and apt. which are home to many elderly residents who would be greatly effected by the increased traffic.

I received a Letter from the Masonic Home telling my that the city of St. Matthews and the state are going to be widening Chenoweth Lane in an effort to handle the increased traffic. As as long time resident of Chenoweth Lane I have never heard anything about plans to Widen my street.

Since the Masonic Home Sold the Northern Half of the campus to the developers of Mockingbird Gardens at what I'm sure was a Great deal of money, I don't think it's fair to ask us to pay for their decision to sell of their access from the North and West.

Please consider how this plan would forever change our neighborhood and our quality of life.

Ralph Kilby  
262 Chenoweth Lane.  
St. Matthews Kentucky 40207  
[Ralphkilby@aol.com](mailto:Ralphkilby@aol.com)

## **Brown, Christopher**

---

**From:** Liu, Emily  
**Sent:** Monday, July 14, 2014 8:32 PM  
**To:** 'marsha\_dunlavy@hotmail.com'  
**Cc:** Brown, Christopher  
**Subject:** Re: Masonic Homes reference case# 14MOD1000

Marsha, thank you for letting us know your concern. I will ask the case manager Chris Brown to forward your email to the Planning Commission.

Emily Liu  
Planning and Design Services

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**From:** Marsha Dunlavy [[mailto:marsha\\_dunlavy@hotmail.com](mailto:marsha_dunlavy@hotmail.com)]  
**Sent:** Monday, July 14, 2014 07:31 PM  
**To:** Liu, Emily  
**Subject:** Masonic Homes reference case# 14MOD1000

To whom it may concern:

I am writing to express my strong disapproval of the Masonic Homes request to open up my street as an extra entrance/ exit to their property. I have lived on Ormond Road for 18 years. My initial attraction to this street was the fact that it was a dead end street. At the end of the street was a beautiful green space where kids from this street would play games in the evenings, and adults could go for long walks. It has been a wonderful location for those purposes. However, the green space has been slowly disappearing with the unchecked growth taking place there.

Ormond Road is an exceptionally narrow road with no sidewalks. It is often impossible for two cars to pass each other on the street. Street parking is used for many families with more than two cars or when visitors are present. This further narrows the street, frequently making delivery, emergency, or sanitation vehicles have difficulty getting down the street. I have had to knock on neighbors doors before to ask them to move a car to allow for access to my street.

The plan to increase traffic on this street for the Masonic Homes convience would be a disaster for our streets. It would disrupt the lifestyle of the families that have spent many years and thousands of dollars to maintain and improve properties on this quiet street. It would also make our street less desirable for new potential property owners. Recently, I was asked some questions by a realtor and interested buyers in a house next door to me. When the interested parities heard the plan of the Masonic Homes, they withdrew their interest. They did not want to live on a "cut through street."

None of the residents of the four streets targeted for access, want to live on a "cut through street." In addition, neighbors on adjoining streets are concerned about extra traffic on Chenoweth Lane and adjoining streets.

When people moved onto the Masonic Homes campus, or when they accepted employment on the campus, they understood where the entrance is. Please do not penalize the people on the streets of St. Mathews for the continued growth plans of the Masonic Homes. This plan is only for their convenience and will be a burden to the people of our quiet streets.

I feel sure that when the planning commission is presented with the facts, of the impact it will have on our streets, they will make the right decision and keep the binding agreement to not open our streets for access.

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July 13, 2014

Planning Commission  
444 South Fifth Street, Ste. 300  
Louisville, Ky 40202

RE: Case # 14MOD1000

Dear Mr. Brown,

I was recently made aware of the Masonic Homes seeking proposal to create gated access to it's St. Matthews Campus via our street, Washington Square off of Chenoweth Lane.

My daughter and her husband purchased the unit where I have lived for seven years. They and I find it a very quiet, peaceful neighborhood with very little traffic. I have health problems which require peace and quiet for a good quality of life.

If this proposal goes thru, it will permanently damage our property values and the enjoyment and safety of our neighborhood.

In addition, it will create even more traffic on Chenoweth Lane, which is already heavily congested, and often takes along time to make a turn onto in order to exit our street.

As my daughter and her husband are local taxpayers, not Masonic Homes, that will shoulder the financial burden of

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infrastructure infrastructure maintenance and  
repairs that will be necessary with  
such an increase in traffic.

For these reasons, we strongly oppose  
Masonic Homes proposal to create  
access to their St. Matthews campus  
via our street of Washington Square.  
We thank you for attention and  
consideration of this matter.

Respectfully,

Shawn Y. Braddus



John S. Leake  
3804 Elmwood Avenue  
Louisville, KY 40207  
July 16, 2014

Planning Commission  
Att: Christopher Brown  
444 South Fifth Street, Ste. 300  
Louisville, KY 40202

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JUL 17 2014

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Dear Commissioners:

My name is John Leake. My wife Julie Leake and I own and reside at 3804 Elmwood Avenue immediately adjacent to the Masonic Home campus. I am writing this letter to express and explain my opposition to case #14MOD1000. The original binding element #3 was made in 1983 with the stated intention of protecting the surrounding neighborhoods from the significant impact of the large development being undertaken by the Masonic Homes. This is according to William Buckaway, attorney and spokesperson for Masonic Homes at the Planning and Zoning hearing to obtain R5Apartment zoning.

I have two main objections to the proposed amendment of this binding element. First, the impact would be very negative for the street and neighborhood. Second, the personal and financial hardship on my wife and me as immediately adjacent owners would be great as well.

I've been reading a bit about dead-end or cul-de-sac streets compared to two way open-ended streets. Cul-de-sacs have the advantage of privacy, safety, and minimal traffic. Two way open-ended streets have the advantage of greater connectivity to other streets. It seems that individuals and families weigh these advantages in making their decision about where to make their home. Twelve out of twenty-four households on Elmwood have senior and/or handicapped adult residents. These folks are retired and enjoy spending time in their neighborhood, their yards and their homes. There are three households raising young children. They can be seen playing outside with their children and taking them for bicycle rides or stroller walks as they relax together with their family at the end of a busy day. Many homes have single occupants who lead quiet private lives and go about their daily routines as students of higher education or young professionals establishing their careers. Residents on Elmwood seem willing to have chosen less connectivity in exchange for privacy, safety, and minimal traffic. If restricted access were granted for 570 drivers who registered vehicles with Masonic Homes campus security only to enter the dead end of the street through a gate activated by electronic means and proceed down the length of the street to access Chenoweth Lane, the advantages of a dead-end street – privacy, security, and minimal traffic – would be lost. However, the advantage of connectivity offered by a two way open-ended street would not replace that loss. In fact, connectivity would become more difficult as residents would compete with exiting cars to access Elmwood as well as add time to their access onto Chenoweth Lane due to the number of additional cars also seeking that access. Masonic Homes has publicly stated plans for additional building – lots more! With the additional density which would come with Masonic Homes future development plans, would come compounded loss of advantage and addition of hardship.

My wife and I have worked very hard to make our home suited to our needs during our retirement years. Due to a progressive neurological condition, I have lost my ability to walk and am now dependent on a wheelchair. I have a van with a side-loading ramp and specially adapted hand controls for driving. Our home has been adapted outside for my needs with the addition of a ramp

14MOD1000

and covered deck for transfer to a mobility scooter for my independent excursions and for daily walks with my wife for exercise and socialization in the neighborhood and community. The inside of our home has had extensive adaptations as well. We have had to relocate our living quarters from the master bedroom upstairs to the downstairs. We added a room to replace the eat-in feature of our kitchen and for gathering with extended family and friends. Remember that most people's homes are not adapted for handicapped accessibility – so this was essential for maintaining our social connectivity! We gave up our eat-in kitchen in exchange for a configuration of space conducive to use from a wheelchair so that I can assist in meal prep and clean-up as well as independently prepare a simple meal for myself. Our doorways have been widened, sacrificing closet space, and our bathroom has been reconfigured to allow for wheelchair usage, including a roll-under sink and adapted shower/bath.

We invested in the adaptation of our home for our life needs – not for financial investment or resale value, as there clearly would be little or none for this kind of change. We counted on having the protected dead-end street for use of the side-loading van when necessary, and for Tarc 3 as well. We rely on the street for alternative mobility when loading into a vehicle for short errands and excursions is cumbersome and inefficient, but there are cars parked on each side of the street. Not so good in a wheelchair! Although we have built a driveway which can accommodate our cars, we depend on street parking for our guests and family members who come to share time with us in celebrations, playing cards, enjoying a meal and evening of socialization, etc.

Should proposal #14MOD1000 be approved, we would have to sacrifice much of the freedom and independence we have invested and worked to maintain. Relocating would be difficult as we would have to start all over with adapting a home for special needs, plus we would take quite a loss on what we have invested in our home. Staying here under the potential traffic increase would limit our ability to use the street for our mobility needs or for parking of our friends and family who adapt plans to include us! In 2010, James Lobb, attorney and spokesperson for Masonic Homes said, "Masonic Homes has met, on numerous occasions, with its neighbors at Elmwood and Washington Square and we have heard them loud and clear that they do not want these roads open. We will not come back asking for that and we don't expect to come back asking for it in the future." We assumed he was being honest with his words, and in October of 2010, we began our renovations. In making your decision about this proposal, I ask that you realize that people make decisions about their lives based on publicly agreed upon and recorded agreements called *Binding* elements.

Sincerely,



John S. Leake

To: Metro Planning and Design  
Re : Case number 14MOD1000

July, 16, 2014  
Date: ~~May 11, 2014~~

My name is Sandra Campbell Giles. I grew up at 3806 Elmwood Avenue, the family home (since 1965) where my father still resides.

My father is Roger Campbell. He is 78 years old and wants to continue living in his home because that is what is familiar and comfortable to him. We have helped him maintain a small garden – something he had always enjoyed when he was younger, and he has enjoyed walks on the street to speak to neighbors and get exercise to help control one of his disease states. Because of multiple health problems and a significant hearing loss, he depends on the street for safe walking. My two brothers and two sisters and I visit his home daily to check on him, take him to appointments, care for his pet, and take care of his meals. Family gatherings are often held at his house for holidays, birthdays, or just a get-together. We depend on being able to park safely on the street during these times. The neighborhood always works together to make the limited parking we have work out.

My siblings and I are adamant about maintaining binding element number 3 to keep Elmwood Ave. closed. Even though this is a dead-end street, the age of the residents create extra traffic as extended family help their senior family members and more service vehicles come to provide services that they once could do themselves.

As a child I was struck by a car approaching the stop sign near the end of the Elmwood. There was significantly less traffic then, and more traffic on Elmwood would certainly increase the danger for children, especially those who catch or get off of school buses at that point. Increasing traffic on the street will also cause back-up on the street because there are too many things going every which way in the area of that stop sign, which will lead to more confusion for drivers trying to enter or exit.

For the safety of Elmwood Ave. residents, their caretakers and service providers, and their children or grandchildren, do not add Masonic Home traffic to Elmwood Avenue.

Sincerely,

*Sandra Giles*

Sandra Campbell Giles

10113 Spring Gate Dr.  
Louisville Ky, 40241

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JUL 17 2014  
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14MOD1000

5/18/14

Reference Case # 14MOD1000

Planning Commission  
444 S. Fifth Street, Ste 300  
Louisville, Ky 40202

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To whom it may concern

I am a resident on Ormond Rd. for over 10 yrs. We moved onto this road because my son was 4 1/2, riding his bike for the 1st time, and needed a safe place to grow up.

I am opposed to opening up Ormond Rd for Masonic home to use as an access entrance. Our road is one lane, there are no sidewalks and no room for cars to park on the street. Residents have to have a parking place in front of their home or park on their lawn. I cannot imagine service vehicles or employees barreling down to their destination under such circumstances.

Masonic Home has not been welcoming to our street in any way. They have sealed up the pedestrian access at the end of our street several times. Now they want to use our sweet neighborhood as a services drive.

I oppose Masonic Home using any of the side streets off Chenoweth. Chenoweth is 2 lane with deep ditches on either side, no turning lane. It is already difficult to get onto Chenoweth + across Frankfort

14MOD1000

in the AM on the way to work. It is a sweet residential area & this is how I want it to stay. Chenoweth is not designed to handle the extra traffic, business traffic.

March 2011

In summary I am opposed to Masonic Home using Ormond Rd as a service drive/access entrance. I am opposed to Masonic Home using any of the streets off Chenoweth. Chenoweth & Ormond Roads are residential areas, & not designed for the additional volume of service vehicles & cars.

Thank you  
~~Janette M. Wolak~~  
Janette M. Wolak  
3829 Ormond Rd  
Louisville, Ky 40207  
502-526-3840

Also: My street is so narrow, I have to back my van into the drive way. There is not enough room to back out. I run in to my neighbors cars parked in their paved parking space.

12/20/2011

# 1410 D1000

May 19, 2014

Planning Commission

444 S. 5<sup>th</sup> Street, Suite 300

Louisville, KY 40202

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To Planning Commission:

I have been fortunate to live on Ormond Road for more than fifty years. Our four children grew up here and enjoyed playing with so many other children who lived on the street. Because it was a dead-end street, they were able to play games, shoot baskets at basketball goals, roller skate and move freely up and down the street. There has always been a minimum of traffic. Adults still can walk on the street, some of us with walkers or canes now. We do not have city sidewalks.

It is very quiet at night, and I have felt thankful to live here. My children loved Ormond Road, and now I enjoy seeing young families with children who also appreciate the minimal traffic and quality of life on Ormond Road. Bikes, scooters and strollers are safe on the street.

What is now such a safe, quiet neighborhood would become noisy and less safe or desirable if the Masonic Home is allowed access to our street. And I understand that they would continue to lock us out. I have talked with several friends on the street and they are all very much opposed to the Masonic Home's plan. It would be a disaster for us!

Sincerely,



Juanita Aldridge

3812 Ormond Road

Louisville, KY 40207

14MOD1000



**ILAM SMITH**  
ATTORNEY

May 13, 2014

Planning and Development  
444 S. 5<sup>th</sup> Street  
Louisville, KY 40202

RE: **CASE No. 14MOD1000**  
**Project Name: Masonic Homes of Kentucky**  
**Request: Binding Element Amendment**

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MAY 13 2014  
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### INTRODUCTION

This is a letter of opposition submitted on behalf of Betty F. Smith, 3818 Washington Square, No. 7, William Stites and Mildred Stites, 3818 Washington Square No. 9, Frank Jordan and Nancy Smith, 3829 Washington Square No. 4, and John and Julie Leake, 3804 Elmwood Avenue, to the pending application in the case referenced above. The foregoing are collectively referred to herein as "the Opponents".

The Opponents each have residences on one of the dead end roads mentioned above and are likely subject to local taxes for the maintenance of those roads, unlike Applicant. They are senior citizens who purchased the property relying on the quiet, tranquil character of a residential neighborhood with a dead end road, including the statements of record, by the Applicant that it would not seek access. This was further significant to them given there were no sidewalks for walking, and the dead end made daily through traffic onto Applicant's property impossible, with one exception for emergencies.

Applicant seeks to modify the dead end roads mentioned above so that they allow through traffic onto its property for the sole benefit of the residents at Applicant's site and hundreds of the Applicant's employees, who have available ingress and egress onto Frankfort Avenue. Previously, Applicant represented to this agency, that the installation of the traffic light at Frankfort Avenue was the change that made its application for increased density possible without need for access to these dead end roads. To be sure, the Applicant previously stated on record when it was seeking to significantly expand its density, that it would not come back to this administrative body and seek the very relief which it is now asking---which alone is grounds for denying the relief. The lack of the Applicant's sincerity could not be better illustrated. Furthermore, the Applicant sold off its land to the north with access rights to Brownsboro Road for millions of dollars to a developer and didn't retain access there or to the west when the latter was part of a binding element, and thereby created the hemmed in situation about which it complains.

Phone: (502) 561-3434 | Mobile: (502) 314-6861 | [ilam@ilamsmith.com](mailto:ilam@ilamsmith.com)  
7th & Main Streets - 101 N. 7th Street | Louisville, KY 40202

MAY 13 2014

PLANNING &  
DESIGN SERVICES

Notice about the upcoming public hearing sought by Applicant apparently was not mailed before April 28, 2014. Instead, it appears to have been timed to arrive during the hussle and bussle of the Kentucky Derby. The hearing was set just 2 weeks down the road for May 14, 2014, in the middle of a work day at 1:00p.m., which of course did not allow but in fact purposefully foreclosed Opponents from any opportunity to file a petition with 300 signatures to change the time and place of the hearing as allowed. Under Planning Commission rules, such petitions have to be filed within 15 days before a hearing, given the Applicant's timing of its notice, was impossible.

### ARGUMENT

The Opponents' argument in opposition to the relief sought by the Applicant is along several grounds.

First, any decision by this agency/committee on the pending application is void as a result of failure to provide procedural due process. Opponents were foreclosed from filing a petition within 15 days before the May 14, 2014 hearing to change the place and time of the hearing, due to the late notice given by Applicant dated April 28, 2014. As a result, the application should be rejected and new notice should be required, or the hearing should be rescheduled in the evening either at St. Matthews City Hall or in Middletown, if St. Matthews City Hall cannot accommodate the hearing. Furthermore, Opponent, Julie Leake was never given any written notice by the Applicant as required.

Second, before this committee/administrative agency could possibly grant the relief sought by the Applicant, it must have the authority to alter or open the dead end roads, in question, which are county roads, and are not maintained by the City of Louisville. Opponents contend this committee/agency does not have such authority or power to do so.

Third, even if a source of authority existed, Opponents contend this committee/agency does not have such authority or power to do so simply upon receipt of an application for amendment of a binding element, and as a result it cannot provide the relief requested by Applicant. The Applicant cannot skirt other legal requirements which apply and circumvent the more difficult and onerous burden required by law, by characterizing the issues as just seeking an amendment of a binding element. Applicant has no immunity from the other legal requirements, merely because of the existence of the 1983 binding element, especially in light of its conduct where it has previously sought to convince the public of its "sincerity" in its earlier submissions by representing it would not seek access to the dead end roads in question.

The General Assembly in KRS 178.080 has specifically addressed the circumstances which allow for alteration of public roads and procedure to be followed. Among those, are the requirement for the appointment of 2 viewers who together with the County Engineer shall first report the "*DISADVANTAGES*" which will result "*TO THE PUBLIC*" by the proposal. That has not occurred in this case, nor has the remainder of



the statute been complied with. In fact, there has never been any resolution adopted deeming it in the best interest of the county to "open" or "alter" any of the dead end streets at issue, which is required under KRS 178.115.

Fourth, assuming the above law was not on the books, Applicant has failed to comply or otherwise obtain the "Approval Required" under Chapter 6 Part 1 subsection 2 of the Land Development Code, if one assumes the Land Development Code grants this agency/committee authority to alter or open dead end county roads and this section otherwise applies. LDC 6.1.2 requires "review of plans and receipt of the necessary permits from the Director of Works or the Kentucky Transportation Cabinet...(and) compliance with the Access Management Design Manual."

LDC 6.1.2 is operative not just with new developments but where an "existing structure or parking lot is expanded by 20% or more beyond the size existing at the effective date of this regulation(incremental changes that cumulatively increase the size by 20% fall within the regulated activities of this paragraph)..."

According to the Applicant, prior to its 2010 expansion, it had only 150 dwelling units, but in 2010 it expanded far in excess of the aforementioned 20%, taking the number of units far above 200 and closer to 300 units-----however, Applicant did not then seek to alter or open these dead end roads. Instead, to reiterate, Applicant represented that it didn't need the access, and that the traffic light along Frankfort Avenue allowed for the increased density. Assuming LDC 6.1.2 applies, then Applicant cannot circumvent its requirements and the need for the blessing of the Department of Works or Transportation Cabinet and required permits. Furthermore, under Appendix 6E of the LDC, the Department of Works would have to consider the need for a traffic impact study, and consideration of an air quality impact study would also need to be made. None of this has happened yet that Opponents can see from the record, yet the situation is just the same as it was back in 2010 when Applicant massively expanded from 150 dwelling units up to close to more than 250 units, with the only difference being now that Applicant has reneged on its earlier promise that it would not seek to open or alter these dead end roads. By merely asking for an amendment to a binding element, the Applicant has attempted an impermissible end run around all the foregoing laws. Given there has not yet been submission to the Department of Works, and that none of the other considerations mentioned above has been made, including a traffic impact study, the relief sought is not authorized.

Having failed to comply with the above laws, Applicant's only citation to the LDC for support for its application is to LDC 6.1.3 which, on its face, is limited to "(W)hen a residential subdivision is proposed that abuts an arterial or collector roadway.." However, nothing within LDC 6.1.3 provides Applicant with an exemption to getting the approval required by LDC 6.1.2, nor does LDC 6.1.3 authorize any opening up or altering of a dead end county road. In 2010, Applicant represented that the traffic light was the change Applicant needed for its expansion, and the relief sought now was not required because of that change in circumstances. The traffic light on Frankfort Avenue is still where it was in 2010. The only thing that has changed is Applicant has

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reneged on its promise, which does not allow them to evade the approval required under LDC 6.1.2. Furthermore, the Opponents contend Applicant, unlike most residential subdivisions, is making "*commercial use*" of its property as those terms are defined under the LDC. Applicant has 425 employees (plus another 30 PRN employees) some of whom come to offices, some of whom come to temporary outpatient or other healthcare facilities, some of whom come to a Bistro (the Olmstead), and others, who are outpatients or otherwise not on the property with an intention to make it their permanent domicile. Unquestionably, there is significant buying and selling of commodities and services on Applicant's property. Thus, this is not purely "*residential use*".

Fifth, even if Applicant had the approval required under LDC 6.1.2, which it does not, and even if the only criteria which Applicants had to satisfy were the considerations relating to the amendments of binding elements in the LDC, the Applicant has failed to demonstrate what provisions exist for "*safe and efficient vehicular and pedestrian transportation...within the community*"---if these dead end roads were altered as Applicant requests. Applicant's representation that Chenoweth Lane will have an additional turn lane added soon is pure speculation. Funding for that has not even occurred and no one knows when, or if, it will ever happen. In fact, it is submitted it will never happen, or that such an outcome is as likely as the one advocated by Applicant. Applicant has provided no backup to support a conclusion that it will occur or that it will resolve any traffic issues now existing or created by the relief requested by Applicant. Similarly, there is nothing that supports the statement of 50 trains a day along Frankfort Avenue, or 1 every 28 minutes. Opponents contend the number of trains per day is closer to 20 and some of are between 9p.m. and daybreak. In any event, Applicant's numbers have no backup.

Furthermore, Applicant has not filed its survey supposedly conducted with its employees and residents for these Opponents to see, evaluate and challenge. Thus, there is no backup for those numbers. There are no credible grounds for Applicant's self serving conclusions about how many residents and employees would use these dead end roads. All that is known is that every employee and every resident would be able to use the dead end roads in question, as would future employees and residents. Thus the worst case scenarios would be at least one daily trip for each existing resident and each employee. The record is bereft of any scientific analysis by a competent person with empirical backup which shows what the traffic pattern will be like at any time along Chenoweth Lane or any of the dead end roads with the increased traffic proposed by Applicant, and Applicant's statements on that subject amount to nothing more than unsupported conjecture. Applicant for this reason characterizes the impact as "*MINIMAL*" for Chenoweth Lane when this is purely speculation. Applicant completely fails to discuss what congestion the increased traffic would create on each of the dead end roads. For sure though, the steady stream of employees expected when shifts turn over, which are in the morning and evening rush hours will create a steady queue of incoming and outgoing traffic along the effected roads and out onto Chenoweth Lane. This will obviously amount to a significant change in the character of these dead end roads. Given there are no traffic lights where any of these dead end roads intersect with Chenoweth Lane, the length of time to get onto Chenoweth will undoubtedly be delayed for all

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residents. In that regard, Applicant has not even identified to this agency how many residents live along each of the affected dead end roads. Applicant has not demonstrated that the impact will be negligible, nor can it even try without commissioning a traffic impact study. The Applicant instead takes the easy way out and merely concludes that opening up the dead end roads would *"be helpful and provide safe means on AND OFF campus...."* The glaring lack of evidence required to make any kind of intelligent analysis of the impact opening these dead end roads up will have on *"safe and efficient vehicular and pedestrian transportation...within the community"* is contrasted to the very "substantial evidence" which is required as a matter of law for an authorized agency to make required findings of fact and conclusions to allow the relief sought by the Applicant. The application's gross shortcomings in this regard, is grounds alone for rejecting the application. Not once do they even concede or discuss that there is not a single sidewalk along these dead end roads. Not once do they concede or discuss the risk and hazard that these elderly residents and others along these roads will face ambulating along them. Not once do they discuss the hazards or how much more difficult it will be for residents to access these roads from their properties when the above mentioned streams of employees are filing into or out of work at Masonic Home, or the Home's residents are coming or going from the campus. The Applicant is only concerned about elderly people who defray their corporate salaries and other services, and could care less about other elderly people in the community along these dead end roads.

For any or all of the above reasons, as well as those additional reasons given at any hearing to come in this matter, the Applicant's application should be denied.

Sincerely,

A handwritten signature in black ink, appearing to be 'Ilam E. Smith', with a stylized, cursive script.

Ilam E. Smith

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