

St. Germain, Dante

From: Brenda Howland <lawfilly@aol.com>
Sent: Thursday, March 25, 2021 12:27 PM
To: St. Germain, Dante
Subject: 520 Unit Development at 2020 Herr Lane

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email came from outside of Louisville Metro. Do not click links or open attachments unless you recognize the sender and know the content is safe

I am totally against added a 520 unit development at 2020 Herr Lane. This area is already over crowded with traffic and the proposed VA Hospital less than a mile away makes this development totally out of control.

**Brenda Howland
2417 Hayward Road
Louisville, Kentucky 40242**

St. Germain, Dante

From: Jack Carter <Jack@cartercentral.org>
Sent: Thursday, March 25, 2021 10:23 AM
To: St. Germain, Dante
Subject: Herr Lane apartment project

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email came from outside of Louisville Metro. Do not click links or open attachments unless you recognize the sender and know the content is safe

I cannot argue against building housing on the 19 acres but, 500+ apartments exceeds anything close to practical. Herr Lane was a two lane gravel farm road with potato farms on both sides in the early 1900's. (I know this because my family were some of those potato farmers.) Today Herr Lane has been paved, but it is still a two lane road with subdivisions on both sides. Herr Lane cannot handle the current traffic load much less the approximately 1000+ additional vehicles which that number of apartments would bring twice a day. Couple that with the new VA hospital and it's traffic component two blocks away plus Ballard High School, Kammerer Middle and Wilder Elementary just across the street this projects destiny is traffic gridlock.

Unless our government is ready and able to step up, prior to authorizing any denser housing, and make major improvements to the surrounding infrastructure this project should be vetoed. In all honesty no matter what is finally approved for those 19 acres we (the people living in this area) deserve improved roadways. The Zoning Commission approves expansion, which is needed but, rarely makes sure the roads are subject to the same expansion.

Jack Carter
6345 Limewood Circle
[502/423-1312](tel:5024231312)
Sent from iPad

Sent from iPad

Sent from iPad

St. Germain, Dante

From: Beverly Nelson <escapea@att.net>
Sent: Thursday, March 25, 2021 2:55 PM
To: St. Germain, Dante
Subject: 2020 Herr Lane

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email came from outside of Louisville Metro. Do not click links or open attachments unless you recognize the sender and know the content is safe

Dear Mrs. St. Germain,

I am writing in response to the proposed development at 2020 Herr Lane.

This would be a disasterous development for those of us who daily use Herr Lane, Westport Rd, 22 and 42.

There will be gridlock when Ballard and Wilder are having children enter and leave their schools. Herr Ln is already to the point where we cannot make a left turn. Now, an Office Building is under construction across from Graymoor Ln. Add the VA Hospital to that and it will be a receipe for more accidents possibly including the children riding busses, walking, riding bikes, and being picked up and dropped off by their parents. We don't know the effect of that on the Herr Ln. traffic.

We do not know how the drainage will effect our Graymoor/Devondale from the office building and the VA Hospital. We have nice, peaceful, family oriented neighborhoods, which we paid a good amount for. These apartments will lessen this atmosphere. It will bring crime, pollution, and transients.

I realize that these apartments will bring tax dollars but there are things like peace and safety that are worth more than tax dollars.

There are many other construction types that could be built that would not cause this tremendous assault on our neighborhoods and others who regularly use these roads. This is not fair to anyone except the people who will be making money off of what is being away from everyone who opposes this development.

This is just plain sad.

Please consider all of facts and many more that I have not mentioned, like a traffic Study for Herr Lane and all surrounding streets that feed into and out of Herr Lane.

Sincerely,

Beverly Nelson
7010 Graymoor Rd
40222
502.494.8424

[Sent from AT&T Yahoo Mail on Android](#)

St. Germain, Dante

From: Rachel <rachelgroth.rr@gmail.com>
Sent: Thursday, March 25, 2021 6:33 PM
To: St. Germain, Dante
Subject: Herr lane apartments

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email came from outside of Louisville Metro. Do not click links or open attachments unless you recognize the sender and know the content is safe

I strongly object to to the building of the apartments on Herr Lane since this will add more congestion to the two lane road that presently exists. As well as add to the low water table problems. With the possible construction of the VA hospital near by this will continue to disrupt the safety of the area with the number of cars traveling on Herr Lane.

Keeping a green space and possibly a park area there is needed for our community. Let us do what is right for our society.

Rachel G Roth
6368 Limewood Circle
Louisville Ky 40222

RGR

St. Germain, Dante

From: Jennifer C. Whitfield <jennifer whitfield@gmail.com>
Sent: Thursday, March 25, 2021 7:26 PM
To: St. Germain, Dante
Subject: 2020 Herr Lane Hearing case 20-DDP-0045

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email came from outside of Louisville Metro. Do not click links or open attachments unless you recognize the sender and know the content is safe

Dear Dante,

I am writing to express my thoughts and concerns over the property and its projected 520 plus luxury apartments being built at 2020 Herr Lane and its request from the builders to have it approved.

I am against this project. It goes against the original plan that was proposed many years ago for offices, cafes, coffee shops and shopping. The proposal of 520 apartments brings not only an intense uptake in traffic in an already highly congested area but also concerns for all of the workings of MSD.

First the traffic, I have voiced my issues with traffic many times over the years, I was told the city/county was aware of the traffic problems and concerns confirmed by numerous traffic studies, but it could not be fixed, there was no money to fix it and would not be fixed and was basically told to mind my business. What has changed that would accommodate the influx of traffic and congestion. We already have 4 schools, 2 within Wilder Estates and Ballard is just 1/4 of a mile away. St Albert the GREAT is across the road from Wilder Estates and very close to the property at 2020 Herr Lane. The addition of 520 households brings at minimum 520 -1200 cars on Herr Lane, depending on how many people in each of those households have cars and then of course, office staff, maintenance, deliveries et al.

It's my understanding anything to do with MSD in this area is severely dated, including the MSD systems under Ballard High School, which would be a concern to all of us in this area, especially those of Thornhill, leaving it to be a flood hazard by sewage. I do believe a resident Thornhill has been in communications both with MSD and the city as well as with Hagan.

The VA Hospital has gotten its approval, it will be going up soon and will be bringing its own traffic to the area with its patients, employees, medical staff, visitors and vendors.

I am concerned for the high density of the project, its 27.3 units per acre, vs his other properties which have a lower ratio making them less dense. For example the property at his Sawyer property is 14.2 units per acre. The Paddock at Eastpoint is 15.15 per acre.

Also they are calling 4 stories to be built and there's nothing in the neighborhood that is 3 or 4 stories along either side of the 1.15 mile road between Herr Lane between Brownsboro and Westport Road.

All previous waivers et al need to be reviewed again, so much has changed over the years.

SINCERELY
Jennifer C. Whitfield
2010 Lynn Way

40222
502-777-5726

St. Germain, Dante

From: phil ardery <pardery@bellsouth.net>
Sent: Monday, March 29, 2021 11:15 AM
To: St. Germain, Dante
Subject: Request a Requirement in Approval of Herr Lane Project -- 20-DDP-0045

CAUTION: This email came from outside of Louisville Metro. Do not click links or open attachments unless you recognize the sender and know the content is safe

Dear Ms. St. Germain:

Regarding Case 20-DDP-0045, the proposal to build 520 apartment units on Herr Lane near KY 22, I ask that the Planning Commission require the applicants to include a significant affordable housing component in their development plan. Mayor Greg Fischer has touted Louisville's Build Back Better, Together (B3T) initiative, and 20-DDP-0045 presents opportunities the Planning Commission can and should seize. Ballard High School, Kammerer Middle School, and Wilder Elementary School all are within walking distance of the 19-acre property. Ensuring that lease holders include significant numbers of lower-income families can enable all three schools to achieve student diversity goals with a lower reliance on busing. (Reduced busing also will ease traffic concerns for the Herr Lane / KY 22 corridor.) Having lower-income families as nearby residents can make possible more diversity in each school's PTA board -- a plus for school administrators.

Aside from the immediate impact supporting B3T, significant affordable housing can improve service delivery by the new Veterans Hospital, to be built less than 1/4 mile from the Herr Lane site. Perhaps the vetting process for selecting candidates to receive subsidies for their housing at the site could give preferential consideration to low-income senior citizen veterans.

Thank you for your consideration.

Phil Ardery
7404 Greenlawn Rd
Louisville, KY 40222
502.974.8829

P.S. - I anticipate that caregiving responsibilities with grandchildren will prevent me from participating in the April 1 public meeting.

St. Germain, Dante

From: Bob & Cheryl Schaefer <bobcheryl.schaefer@gmail.com>
Sent: Tuesday, March 30, 2021 7:23 AM
To: St. Germain, Dante
Subject: Case # 20-DDP-0045

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email came from outside of Louisville Metro. Do not click links or open attachments unless you recognize the sender and know the content is safe

Good Morning,

A "Notice of Public Hearing" was recently posted on several stop signs in our neighborhood indicating that there will be an on-line meeting on April 1st to discuss a proposal to build a 500+ unit apartment complex on the property at 2020 Herr Lane. While we will not be able to attend that meeting, let me state unequivocally that my wife and I are STRONGLY opposed to this proposal. Within a half mile of that site there is a high school and 3 elementary schools. The new VA hospital will be built adjacent to the site in the next few years. The addition of 500+ apartments in that area will only exacerbate the already excessive congestion that exists in that traffic corridor. Traffic is already snarled every morning and afternoon when school is in session, and I can't even imagine what it will be like if the VA hospital (which is primarily an outpatient oriented campus) and 500 more apartments are jam packed into the that area.

Respectfully,

Bob and Cheryl Schaefer
7416 Greenlawn Rd. 40222

St. Germain, Dante

From: Cody Cobb <cococobb@gmail.com>
Sent: Tuesday, March 30, 2021 4:06 PM
To: St. Germain, Dante
Subject: Objection to Virtual Meeting on Providence Point Development (20-DDP-0045)

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email came from outside of Louisville Metro. Do not click links or open attachments unless you recognize the sender and know the content is safe

Hi Dante,

I'm writing as a citizen of Graymoor-Devondale to say that case: 20-DDP-0045, Project Name: Providence Point should not be acted upon at a virtual meeting. This meeting should be held at a later date when citizens can attend in person.

- Holding the meeting virtually excludes many citizens from taking part as they do not know how to participate in a WebEx meeting.
- Holding the meeting during the workday, between 9am and 5pm, excludes working citizens from taking part in the meeting. The meeting should be held outside of working hours so that more citizens can attend and participate.
- A great number of the citizens that will be affected by this potential development have not received notice that a meeting is taking place. This will affect surrounding cities, in addition to the residents along Herr Lane. Thornhill, Northfield and Windy Hills should have been put on notice as this development will affect them too.

Thank you,

--

Cody Cobb
270.302.6379
cococobb@gmail.com

St. Germain, Dante

From: Rachel Fagerberg <rachelfagerberg@gmail.com>
Sent: Tuesday, March 30, 2021 4:22 PM
To: St. Germain, Dante
Subject: Oppose 520 new Apartments on Herr Lane

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email came from outside of Louisville Metro. Do not click links or open attachments unless you recognize the sender and know the content is safe

This case should **not** be acted upon at a virtual meeting.

This meeting should be held at a later date when citizens can attend in person.

As a neighbor, parent, motorist and cyclist impacted by this proposal - I want to attend in person to voice the concerns I have as a parent whose children cross Herr Lane to go to Ballard and Kammerer.

The review of the application should be delayed to a non-virtual meeting because:

-Holding the meeting virtually excludes many citizens from taking part as they do not know how to participate in a WebEx meeting.

-Holding the meeting during the workday, between 9am and 5pm, excludes working citizens from taking part in the meeting. The meeting should be held outside work hours so that more citizens can attend and participate.

-A great number of the citizens that will be affected by this potential development have not received notice that a meeting is taking place.

Thanks! - Rachel Fagerberg
502-314-3343
Sent from my iPhone

St. Germain, Dante

From: Davis, Brian
Sent: Wednesday, March 31, 2021 7:02 AM
To: St. Germain, Dante
Cc: Haberman, Joseph E
Subject: FW: Public Hearing Item Comment Form [#70]


Follow Up Flag: Follow up
Flag Status: Flagged

FYI, for the file.

Thanks,
Brian

Brian Davis, AICP
Planning Manager
Planning & Design Services
(502) 574-5160
brian.davis@louisvilleky.gov

From: Louisville Metro <no-reply@wufoo.com>
Sent: Tuesday, March 30, 2021 8:36 PM
To: Haberman, Joseph E <Joseph.Haberman@louisvilleky.gov>
Cc: Davis, Brian <Brian.Davis@louisvilleky.gov>
Subject: Public Hearing Item Comment Form [#70]

| | |
|--|---|
| Name * | Tammy Kmetz |
| Address * |  5915 Brittany Valley Road Louisville, KY 40222 United States |
| Email | kmetzklan@gmail.com |
| Phone Number | (502) 648-2131 |
| What is the case number of the development application? * | 160 515 6896 |
| Comments * | Adding a 520 unit apartment complex. to an already congested area on Herr Lane and Hwy 22 will create more traffic problems in an already congested area, create safety concerns for the high school students who |

attend Ballard High School across the street and drainage problems for the entire area. A retail development was vetoed for the same area a few years ago so can't imagine how such a large apartment complex can be approved now. Please do not allow this development to overburden an already stressed area that will become more of a problem when the VA hospital construction begins.

Would you like the Louisville Metro case manager to contact you to discuss your comments? *

Yes

St. Germain, Dante

From: brykb3@aol.com
Sent: Wednesday, March 31, 2021 6:30 AM
To: St. Germain, Dante
Subject: Providence Pointe Development/ Herr Lane

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email came from outside of Louisville Metro. Do not click links or open attachments unless you recognize the sender and know the content is safe

Good morning, Dante

I would like my concerns over this project to go on record. They are the following:

-this case should not be acted upon at a virtual meeting

-this meeting should be held at a later date when citizens can attend in person

-Holding the meeting virtually excludes many citizens from taking part as they do not know how to participate in a WebEx meeting

-Holding the meeting during the workday, [between 9am and 5pm](#), excludes working citizens from taking part in the meeting. The meeting should be held outside work hours so that more citizens can attend and participate.

-A great number of the citizens that will be affected by this potential development have not received notice that a meeting is taking place.

Regards,
Bryan Berman
7501 Greenlawn Rd
Louisville KY. 40242

Sent from my iPhone

St. Germain, Dante

From: Paula <paulaesterle@gmail.com>
Sent: Tuesday, March 30, 2021 11:52 PM
Cc: St. Germain, Dante
Subject: FW: Mike I am sending this to planning commission

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email came from outside of Louisville Metro. Do not click links or open attachments unless you recognize the sender and know the content is safe

- Dear Sirs and Madames,

I am writing in reference to the review of the application for the Providence Point Project.

There has not been sufficient, or really any proper notice of the meeting to the nearby public who will be affected. Holding the meeting during the weekday prevents us from attending as it should be in person in the evening or on a weekend. Also, during the pandemic is a horrible time to cram folks in a meeting room and the virtual meetings have extreme limitations. In a few months, that situation will likely improve so pls postpone. Many of our neighbors are elderly and are not proficient with the use of the internet conferencing.

The entire overblown project requires those to be impacted to beg for sanity and the reduction in the size. Over 500 units is ridiculous compared to the neighboring properties unless you stand to profit as the developer etc. This overbuild will contribute to urban blight and the long term reduction in property tax values for far more properties nearby.

There is a limit to the number of vehicles which can efficiently travel during the busiest times of the day. It is nearly impossible for us to exit our street turning left from Crossmoor Lane already for several hours daily so we are vehemently opposed to the density for this Herr Lane location.

Sincerely,
Paula Esterle
1803 Girard Dr
40222

St. Germain, Dante

From: Zac Ruppert <zac.ruppert@gmail.com>
Sent: Tuesday, March 30, 2021 7:52 PM
To: St. Germain, Dante
Subject: Planning commission meeting for 4/1

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email came from outside of Louisville Metro. Do not click links or open attachments unless you recognize the sender and know the content is safe

Holding this meeting at 1 on a work day is a blatant attempt to decrease attendance by preventing working individuals from attending. This meeting needs to be after business hours and should be delayed until an in-person meeting is possible. Too many questions and concerns arise with this proposal to handle in an online format. I have plenty of neighbors that will be unable to figure out how to attend. There is no way you can handle all questions over the phone. Will this be recorded and provided to the public as I will not be able to attend? Please provide answers to the following questions:

Have you studied traffic impact on herr In?

Can the already overwhelmed intersection at herr and Westport handle additional traffic?

How will rain water be handled? Can MSD handle the increase? Will this put MSD into further debt that gets passed on to residents like me?

Will section 8 be allowed?

Will additional crosswalks be added on herr to prevent fatalities?

How will you handle the increase in crime that correlates with rental housing?

Is graymoor-devondale police department equipped to handle?

Will additional taxes be charged to pay for new officers?

What benefits would there be to existing residents in the area?

How far will buildings be from the road?

Will our taxes be affected in any way?

Will our taxes be used to fund any of this development or required infrastructure?

Please provide these answers.

I am disappointed in the manner this is being handled. Have some respect for those paying your salaries. Delay the meeting.

Zachary Ruppert
1510 Ocala Road 40222
502-526-8200

Sent from my iPhone

St. Germain, Dante

From: Sarah Orr Aten <s.e.o.aten@gmail.com>
Sent: Tuesday, March 30, 2021 5:19 PM
To: St. Germain, Dante
Subject: Providence Point

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email came from outside of Louisville Metro. Do not click links or open attachments unless you recognize the sender and know the content is safe

Good Afternoon,

I'm writing about 20-DDP-0045, Project Name: Providence Point. I have a few concerns about how this project is progressing. Firstly, I don't believe it's wise to act upon at a virtual meeting; as this project will have a significant impact on our community, this meeting should be held at a later date when citizens can attend in person. Holding the meeting virtually excludes many citizens from taking part as they do not know how to participate in a WebEx meeting. Webex is used primarily in the workplace, and it's not as user friendly as Zoom or Google Meet, which more people are familiar with now. Holding the meeting during the workday, between 9am and 5pm, excludes working citizens from taking part in the meeting. The meeting should be held outside work hours so that more citizens can attend and participate. Finally, a great number of the citizens that will be affected by this potential development have not received notice that a meeting is taking place.

Thanks!
Sarah Aten

St. Germain, Dante

From: Angela Hook <amhook04@gmail.com>
Sent: Tuesday, March 30, 2021 4:31 PM
To: St. Germain, Dante
Subject: Providence Point Project 20-DDP-0045

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email came from outside of Louisville Metro. Do not click links or open attachments unless you recognize the sender and know the content is safe

In regards to the Providence Point Apartments proposal to construct a 520 unit apartment complex next to Ballard High School (case# 20-DDP-0045), I'm concerned with the nature of this proposal and lack of neighborhood engagement or consultation. As a neighbor and longtime resident of the area, this development is too dense and out of character with the surrounding neighborhoods. A development of this size will mean additional traffic on an already locally arterial road beaming with traffic, making it dangerous for the current residents as well as the multiple schools and their students. While I'm aware of the proposed Herr lane expansion and surrounding changes that Angela Leet has initiated, the additional traffic will jeopardize any surrounding neighborhood children walking to school requiring even more driving to ensure that our children arrive at school safely. This alone should concern any councilmember working to ensure equitable access to our future generations that they can arrive at school safely, can cross roads without fear of accident, and not contributing to additional unneeded greenhouse gases and further climate impacts.

Furthermore, there are better residential alternatives to build on that property that would better suit the area, like single family homes which are highly desirable in this area, or a less dense development that incorporates both single family and smaller multifamily housing options.

Lastly, as a nearby resident of the proposed property, I am highly concerned at the lack of transparency or ability for others to add their voice during this virtual meeting that is being held during normal business hours. This excludes working adults that cannot take off for this meeting, as well as any resident that is not tech savvy. This meeting should be done so that ALL neighbors have the opportunity to attend.

Sincerely,

Angela Coan

St. Germain, Dante

From: Katie Albright <bruceandkatie23@gmail.com>
Sent: Wednesday, March 31, 2021 12:33 PM
To: St. Germain, Dante
Subject: 2020 Herr lane Comment

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email came from outside of Louisville Metro. Do not click links or open attachments unless you recognize the sender and know the content is safe

To whom it may concern:

I wanted to write to you to beg you not to pass the build of this apartment complex at 2020 HERR lane case number - 20-DDP-0045 .

Not only does it break my heart to think that the city can't let a little piece of land just stay a little piece of land but even more importantly— I believe with my whole heart that the building of this complex will drastically effect the infrastructure of Herr Lane and the surrounding neighborhood streets. I witness daily people flying down Wesboro road- ignorantly disobeying speed limits. My fear as a mother on this street is that increasing Herr Lane traffic will increase Wesboro Rd and Greenlawn etc- becoming even more of a cut through for heavy traffic conditions. It gives me a pit in my stomach to think about the increase of this already critical issue as the city won't put in speed humps on Wesboro Rd due to school bus transit. It's shocking .

I beg you not to build this apartment complex for the safety of countless children's coming from Ballard, Kammerer, Wilder and my own children. This neighborhood cannot handle any more traffic and this mother cannot handle the thought of a child being hit by even more unruly travelers which would directly result in your build.

Thank you for hearing my perspective

Katie Albright
Sent from my iPhone

St. Germain, Dante

From: Cathy Johnson <cejohnson28@yahoo.com>
Sent: Wednesday, March 31, 2021 12:43 PM
To: St. Germain, Dante
Subject: 520 Project Herr Lane Meeting Thurs 4/1/2021

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email came from outside of Louisville Metro. Do not click links or open attachments unless you recognize the sender and know the content is safe

Dear Mr. St. Germain,

I would like to request a change in the time and structure for the proposed apartment complex on Herr Lane opposite Ballard High School. This meeting is during the day when people are otherwise occupied and it is being held via the internet which will present technical issues for some residents in the area. This almost seems like it was done on purpose. Since this apartment complex in addition to the VA Hospital will completely alter the way of life for most residents in the area it would only seem fair to have the meeting at a large venue (Ballard HS) and in the evening hours. Thank you for your consideration in this matter.

Sincerely

Cathy Johnson
6706 Bedford Lane
Graymoor-Devondale, KY 40222

St. Germain, Dante

From: Bob Langan <rtlangan@gmail.com>
Sent: Wednesday, March 31, 2021 1:10 PM
To: St. Germain, Dante
Cc: Councilwoman Paula McCraney
Subject: Case: 20-DDP-0045, Project Name: Providence Point

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email came from outside of Louisville Metro. Do not click links or open attachments unless you recognize the sender and know the content is safe

Dear Dante St

This case should not be acted upon at a virtual meeting.

This meeting should be held at a later date when citizens can attend in person:

-Holding the meeting virtually excludes many citizens from taking part as they do not know how to participate in a WebEx meeting.

-Holding the meeting during the workday, between 9am and 5pm, excludes working citizens from taking part in the meeting. The meeting should be held outside work hours so that more citizens can attend and participate. Many of the citizens that drive to work everyday and pass by this property will be affected by the increased traffic.

-A great number of the citizens that will be affected by this potential development have not received adequate notice that there will be a meeting tomorrow.

This property already has a long history of broken promises and behind our backs approvals of zoning changes.

The proposed Veterans Hospital project will greatly increase the traffic on HWY 22 to which the Providence Point project traffic will also increase.

The corner of Herr Lane and Hwy 22 is already a dangerous intersection especially right before and after school, with many students crossing at that intersection to get to and from the TARC Bus Stop.

Thank you for your consideration.

Sincerely,
Robert and Nancy Langan
6702 Crossmoor, Louisville, Ky 40222

St. Germain, Dante

From: Brennen Sneed <brennensneed@gmail.com>
Sent: Wednesday, March 31, 2021 2:03 PM
To: St. Germain, Dante
Subject: Case 20-DDP-0045

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email came from outside of Louisville Metro. Do not click links or open attachments unless you recognize the sender and know the content is safe

I strongly oppose the District Development Plan for multi-family development. I looked through the traffic study and don't believe it is accurate, the congestion in the area is already too much. As a home owner in the area I'm worried about the prices of housing falling from the high rise living moving in. Mostly, the area is in no need of more office space or retail space. There are empty and open offices at Westport village and around northfield. This seems like a hasty plan that doesn't make sense for the area.

Brennen Sneed

St. Germain, Dante

From: Carolyn Fegenbush <crfegenbush@att.net>
Sent: Wednesday, March 31, 2021 1:48 PM
To: St. Germain, Dante
Subject: 20-DDP-0045 Providence Point project

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email came from outside of Louisville Metro. Do not click links or open attachments unless you recognize the sender and know the content is safe

I live on Crossmoor lane off Herr Lane. I strongly oppose a large apartment complex proposed for Herr Lane. I also disagree with having a virtual meeting during work day hours. This will exclude many citizens who may wish to participate in the decision.

Thank you,

Carolyn Fegenbush
6801 Crossmoor Lane
Louisville Ky 40222
Sent from [Mail](#) for Windows 10



Virus-free. www.avast.com

St. Germain, Dante

From: The Walkers <Alan.Walker@twc.com>
Sent: Wednesday, March 31, 2021 3:11 PM
To: St. Germain, Dante
Subject: Webx meeting regarding Herr Ln apartment project

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email came from outside of Louisville Metro. Do not click links or open attachments unless you recognize the sender and know the content is safe

PLEASE delay the 4/1 meeting, or make sure that another meeting with proper specifications is held. A project of this density and impact on the neighbors requires a democratic process with fair input from those who will live with it. The following are proper democratic procedures:

- Widespread and adequate public notification. Residents within a half-mile radius should receive postcard mailings
- This project has time to wait for an in-person meeting to be held. Could a public meeting at BHS football stadium be considered?
- A hearing for a project of this enormity and impact deserves a time outside of normal daytime work hours for optimal participation.

Those are fair and reasonable citizen requests. Please honor the citizens you serve.

Thank you,
Janet Walker
6823 Crossmoor Lane
609-1973

St. Germain, Dante

From: Davis, Brian
Sent: Wednesday, March 31, 2021 3:26 PM
To: St. Germain, Dante
Cc: Haberman, Joseph E
Subject: FW: Public Hearing Item Comment Form [#71]


Follow Up Flag: Follow up
Flag Status: Flagged

Another public comment.

Brian Davis, AICP
Planning Manager
Planning & Design Services
(502) 574-5160
brian.davis@louisvilleky.gov

From: Louisville Metro <no-reply@wufoo.com>
Sent: Wednesday, March 31, 2021 3:07 PM
To: Haberman, Joseph E <Joseph.Haberman@louisvilleky.gov>
Cc: Davis, Brian <Brian.Davis@louisvilleky.gov>
Subject: Public Hearing Item Comment Form [#71]

Name * Derek Manz

Address * 
7101 Wesboro Road
Louisville, Ky 40222
United States

Email derekrmanz@gmail.com

Phone (502) 303-4654
Number

What is the 20-DDP-0045
case number
of the
development
application?

*

Comments *

Attention to Dante:

Hello and I plan to attend the online meeting on Thursday April 1 at 1:00pm per the note card received by mail. And I just wanted to be sure that there would be an opportunity to discuss these general questions about the project along with some specific questions as it relates to my property.

1 – Are there plans to extend (expand) the existing right-of-way along the Louisville Tennis Club / Ballard High School side of Herr Lane from Wesboro Road to SR 22 ?

2 – Are there plans to widen Herr Lane to 3 lanes from Wesboro Road to SR 22 ?

3 – Are there plans to widen Herr Lane to 3 lanes from Wesboro Road to Westport Road ?

4 – Are there plans to expand (add lanes) to SR 22 from the new VA Hospital project to Herr Lane ?

5 – When will construction begin on this project, and will this coordinate with the VA Hospital project construction ?

Thank you. Derek Manz

Would you No
like the
Louisville
Metro case
manager to
contact you
to discuss
your
comments? *

St. Germain, Dante

From: mthicks@twc.com
Sent: Wednesday, March 31, 2021 3:37 PM
To: St. Germain, Dante
Subject: Subject Property: 2020 Herr Lane; Case Number: 20-DDP-0045

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email came from outside of Louisville Metro. Do not click links or open attachments unless you recognize the sender and know the content is safe

I am writing to express my concerns about the proposed Providence Point Apartments project on Herr Lane. I live at 4924 Grantham Place in the City of Crossgate on Brownsboro Road. My main concerns about this proposed project are: (1) increased traffic without adequate changes to roadways which will result in increase safety risks and gridlock; and (2) the height of some of the buildings. I think this proposed project is too dense and will result in increased traffic.

The roads in this area can't handle the current volume of traffic. How will the roads handle the anticipated traffic for this development? The City of Crossgate is U-shaped with ingress and egress ONLY to Brownsboro Road via Crossgate Lane or Warrington Way. It is already hard to get in and out of my neighborhood because of the volume of traffic going both ways on Brownsboro Road. I think it would be much worse if the development of Providence Point with 520 apartment units is approved. This is in addition to the traffic that will result from the VA Hospital on the Midlands property.

While it is my understanding that the proposal includes adding a lane to Herr Lane, it is also my understanding that this would only be a small portion of Herr Lane. Plus it does not address handling the traffic on Brownsboro Road. Brownsboro Road from Herr Lane to US 42 is three-lane but we call that middle lane the "suicide lane" because people fly into it to turn without realizing or caring that a car may be coming from the other direction to turn. Or they get in the middle lane way ahead of the turn. That lane is also used as a merge lane for people trying to get on the road. It can be a dangerous situation that will only be made worse from traffic from the proposed Providence Point development.

I am also concerned about the proposal of some three-story and four-story buildings. These will not be in keeping with the surrounding areas of single-family homes that are only one-story or two-stories tall. If the proposal were reduced to one-story and two-story buildings, it would reduce the visual impact to the surrounding areas. It would also reduce the density and thereby reduce the impact on traffic.

For these reasons, I think that the proposed use at the Providence Point property is too dense and will result in traffic problems and increased risk of accidents for all using the surrounding roads. I request that this be considered carefully before the final decision is made.

Sincerely yours,

Marsha Theiss Hicks
4924 Grantham Place
Louisville, KY 40222-6414
502-494-7836

St. Germain, Dante

From: Sydney Travis <sydney.travis@me.com>
Sent: Wednesday, March 31, 2021 3:29 PM
To: St. Germain, Dante
Cc: Jon Travis
Subject: 20-DDP-0045, Project Name: Providence Point

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email came from outside of Louisville Metro. Do not click links or open attachments unless you recognize the sender and know the content is safe

As a resident of Graymoor-Devondale, I would kindly request change this virtual public hearing to an in-person hearing at a later date. The major reason for requesting an in-person hearing would be more opportunity for public comment and involvement. Additionally, I request that the current time for holding the meeting from 9:00 am to 5:00 pm excludes many working individuals-such as myself. Please reconsider the virtual option to an in person option.

Thank you.

Sydney Travis

Sent from my iPhone

St. Germain, Dante

From: John Hicks <johnhicks@outlook.com>
Sent: Wednesday, March 31, 2021 3:49 PM
To: St. Germain, Dante
Subject: Case Number 20-DDP-0045

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email came from outside of Louisville Metro. Do not click links or open attachments unless you recognize the sender and know the content is safe

March 31, 2021

Subject Property 2020 Her Lane
Case Number: 20-DDP-0045
Case Manager: Dante St. Germain

Project Description: Providence Point Apartments – 520 rental apartment units on 19.45 acres

I am writing to express my concerns about the proposed Providence Point Apartments project on Herr Lane. I live at 4924 Grantham Place in the City of Crossgate on Brownsboro Road. My main concerns about this proposed project are: (1) increased traffic without adequate changes to roadways which will result in increase safety risks and gridlock; the density of the project; and (2) the height of some of the buildings. I think this proposed project is too dense and will result in increased traffic that cannot be alleviated by the proposed road improvements.

The roads in this area can't handle the current volume of traffic. How will the roads handle the anticipated traffic for this development? There are several businesses and residential properties with ingress and egress ONLY to Brownsboro Road near the intersection of Herr Lane. It is already hard to get onto Brownsboro Road from any of these properties and the traffic plan does not address this problem. I think it would be much worse if the development of Providence Point with 520 apartment units is approved, very likely adding at least an additional 2000 daily trips onto Herr Lane and probably half of that number using Brownsboro Road. This is in addition to the traffic that will result from the VA Hospital on the Midlands property.

While it is my understanding that the proposal includes adding a lane to Herr Lane, it is also my understanding that this would only be a small portion of Herr Lane. Plus it does not address handling the traffic on Brownsboro Road. Brownsboro Road from Herr Lane to US 42 is three-lane but we call that middle lane the "suicide lane" because people fly into it to turn without realizing or caring that a car may be coming from the other direction to turn. Or they get in the middle lane way ahead of the turn. That lane is also used as a merge lane for people trying to get on the road. It can be a dangerous situation that will only be made worse from traffic from the proposed Providence Point development. Again, there is no provision in the development plant to address these possibly dangerous conditions.

I am also concerned about the proposal of some three-story and four-story buildings. These will not be in keeping with the surrounding areas of single-family homes that are only one-story or two-stories tall. If the proposal were reduced to one-story and two-story buildings, it would reduce the visual impact to the surrounding areas. It would also reduce the density and thereby reduce the impact on traffic.

For these reasons, I think that the proposed use at the Providence Point property is too dense and will result in traffic problems and increased risk of accidents for all using the surrounding roads. I request that this be considered carefully before the final decision is made. Obviously, something will be developed on this property. A development with about half of the density of this project, about 250 condos or apartments, would be much more reasonable and meet with much less resistance.

Thank you,

John Hicks
4924 Grantham Place
Louisville, KY 40222-6414

John Hicks

St. Germain, Dante

From: sarah2837@aol.com
Sent: Wednesday, March 31, 2021 3:55 PM
To: St. Germain, Dante
Subject: 2020 Herr Lane development--opposition to case #20-DDP-0054

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email came from outside of Louisville Metro. Do not click links or open attachments unless you recognize the sender and know the content is safe

Hello Mr. St. Germain,

I live on Wesboro Rd., right off of Herr Lane, and I and my neighbors are opposed to the proposed development of the field at 2020 Herr Lane (case #20-DDP-0054). We are concerned about how such a large development would affect traffic. I want to be able to drive on Herr Lane without increased risk; at heavy traffic times, it is already quite busy as it is. Further development will make the area much less safe.

A much smaller concern, but still a concern, is that the such a development would be an eyesore. My family recently moved to this neighborhood in part because of the lack of development in the area, and the field there is part of what makes the area so appealing. Allowing the project to go forward would be detrimental to the surrounding community.

Thank you for hearing my concern.

Sincerely,

Sarah Brestel

Subject: Memo Against the Providence Point Development (case:20-DDP-0045)

Name: Jacqueline Gedrose

To Whom It May Concern:

I am a long time resident of Wesboro Road and am very concerned about the effect this development will have on traffic and all the residents of the various neighborhoods along the 1.15 mile Herr Lane corridor between Brownsboro Road (KY 22) and Westport Road (KY 1447).

The proposed development of Providence Point will be on this 1.15 mile long corridor of Herr Lane. This stretch of Herr Lane contains 53 driveways, nine (9) local roads, five (5) commercial access points, and an access point to Ballard High School. (referenced p.4 of Herr Lane Corridor Transportation Plan Final Report of August 2017). There are also two (2) access points to Wilder Elementary. This development will have a large impact on Crossmoor and the city of Graymoor-Devondale west of Herr Lane to I-264 and residences east of Herr Lane to Devondale Drive and to the city of Bancroft.

In 2006, a RDDDP(Revised Detailed District Development Plan) was approved for the property for mixed use of office, retail and residential. At that time traffic was heavier on Herr Lane because the Westport Rd interchange with I-264 had not been constructed. It is true that the volume of traffic on Herr Lane may now be down with the opening of the Westport interchange in 2010. However, citing page 5 of the Herr Lane Corridor Study,

“Historically, traffic volumes on Herr Lane have been higher than those listed. Between 1997 and 2009 – a year before the opening of the Westport Road/I-264 interchange – the average daily volume was 15,600. Prior to the availability of the interchange, I-264-bound traffic is assumed to have used Herr Lane to access I-264 at Brownsboro Road. While this decrease in total traffic on Herr Lane is welcomed by the residents and users of this corridor, a consequence has been a significant increase in traffic on Westport Road that backs up traffic on Herr Lane. Traffic volumes on Westport Road between

Herr Lane and I-264, went from 19,600 vpd (vehicles per day) in 2008 to 36,000 in 2011-a 16,400 or 84% increase.”

The level of service(LOS) is already at an “F” during AM Peak Hour(8:00-9:00 AM) heading west out of Ballard H.S. , west out of Greenlawn Road and south towards Westport Road(Table 1: 2017 AM Peak Turning Movement Volumes, page 6 of Herr Lane Corridor Study). During the PM Peak Hour(4:45-5:45 PM) the LOS approaching Westport Road southward is also an “F”. (Table 3, page 7 of the Herr Lane Corridor Study).

The Traffic Impact Study for Providence Point dated July 31, 2020 was thorough for the small section of Herr Lane from Brownsboro Road to Wesboro Road including the Herr Lane/Brownsboro Road intersection. The widening of Herr Lane along the length of the Providence Point property and installing a traffic light at the main entrance to Providence Point, which is directly across from the entrance to Ballard, are binding elements for any development to the property at 2020 Herr Lane. It will help to mitigate the additional traffic in this section of Herr Lane by providing a left turn into Ballard and into Wesboro Road. However, this study did not mention the impact that the addition traffic from 520 proposed units will have on the longer portion of Herr Lane south of Wesboro Rd and the intersection of Herr Lane and Westport Road that already has a LOS of “F”.

From the Herr Lane Corridor Study, the public’s most often suggestion for the improvement of the Herr Lane/Westport Road intersection was re-timing the traffic signal. Citing from page 19 of the Herr Lane Corridor Study:

“Unfortunately for the drivers on southbound Herr Lane, no changes to the signal timing can be made due to the significant traffic volume on Westport Road and the length of time required for pedestrians to cross Westport Road. Prior to this study, the signal has been studied by Louisville Metro and the Kentucky Engineering Center at the University of Kentucky, both of which concluded the signal is operating as efficiently as possible for the high volume of vehicles through the intersection. For this Corridor Study, the 2017 traffic data was provided to Louisville Metro Public Work’s Traffic Division for use in revisiting the issues. It was again concluded that changes to the signal timing could not be made.”

Table 4 on page 14 of the Corridor Study shows Existing plus Future Traffic on Herr Lane South of Wesboro Road during peak hours.

| | AM | AM | PM | PM | | |
|--|-----|-----|-----|-----|--|--|
| | NB | SB | NB | SB | | |
| Existing Peak Hour Volumes (from Tables 1 and 3) | 569 | 309 | 460 | 621 | | |
| Future from Providence Point * | 126 | 92 | 101 | 117 | | |
| Future from Midlands/VA hospital | 26 | 16 | 9 | 63 | | |
| Total New Future Scenario | 152 | 108 | 110 | 180 | | |
| Future Peak Hour Volumes | 721 | 417 | 570 | 801 | | |
| % Increase | 30% | AM | 27% | PM | | |

“These forecasts represent an average 28% growth in traffic during the peak hours, and are assumed to be through traffic to Westport Road. These volumes would exacerbate the existing peak-hour congestion for traffic turning onto Herr Lane from the side streets, and the traffic approaching the Westport Road signalized intersection.”

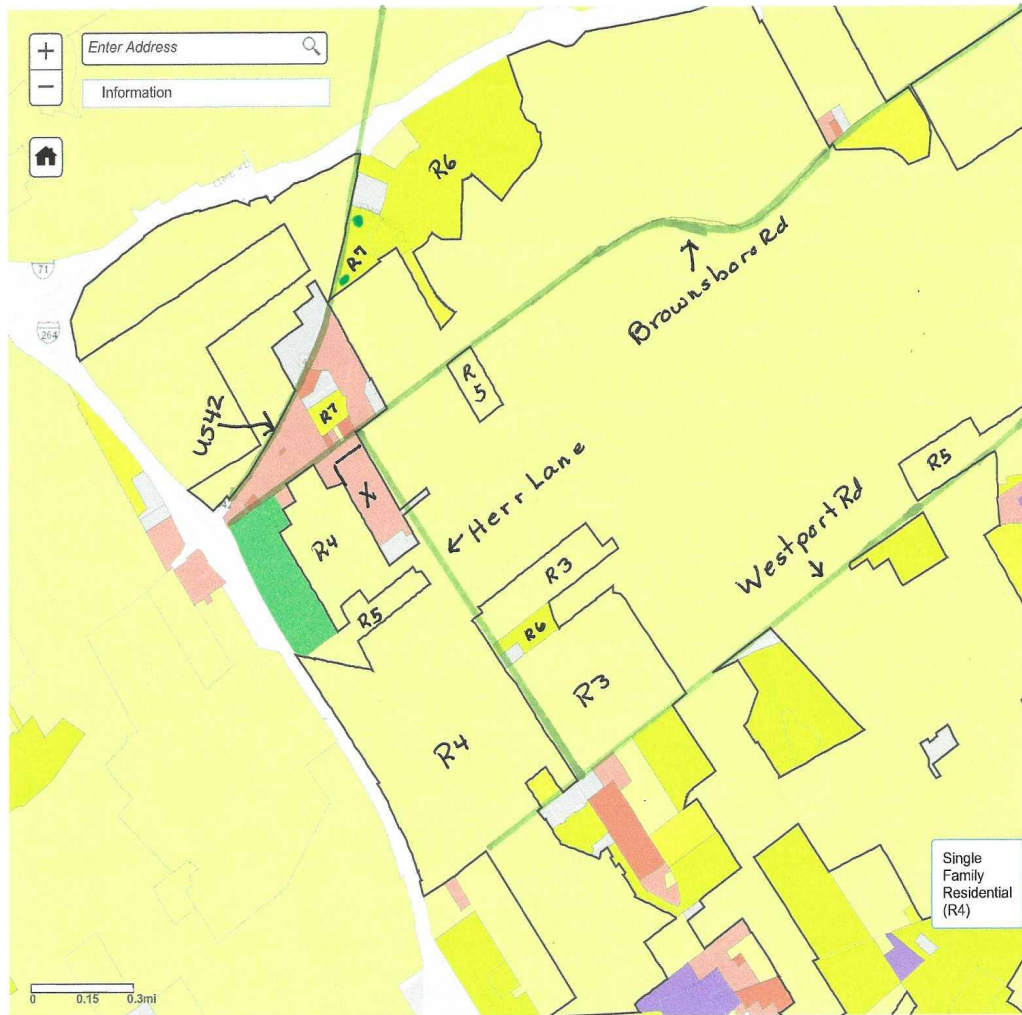
The proposed development is for a high density apartment community of 520 units in three and four story buildings on 19.04 acres yielding a density of 27.3 units per acre. The property was bought in 1948 by the Stallings family and was deeded R4 and that designation could only be rescinded by Mr. Stallings. It was rescinded in 2000 and sold to Providence Point Commercial LLC in 2006 by a Special Warranty Deed.

In the Statement of Compliance, from Bardenwerper, Talbott & Roberts, PLLC, there is no mention of the neighboring residential properties that line both sides of the rest of Herr Lane south of Wesboro Road to Westport Road. In reality, the Herr Lane Corridor from Brownsboro Road to Westport Road, with one exception, is classified by Louisville Metro as a “Neighborhood” Form District. The exception is the currently vacant land west of Ballard H.S. (Providence Point), which is within a “Town Center” Form District.

To illustrate the relationship of Providence Point to the rest of the Town Center Form District and the surrounding residential areas, I submit the following.

3/30/2021

Louisville Zoning Districts



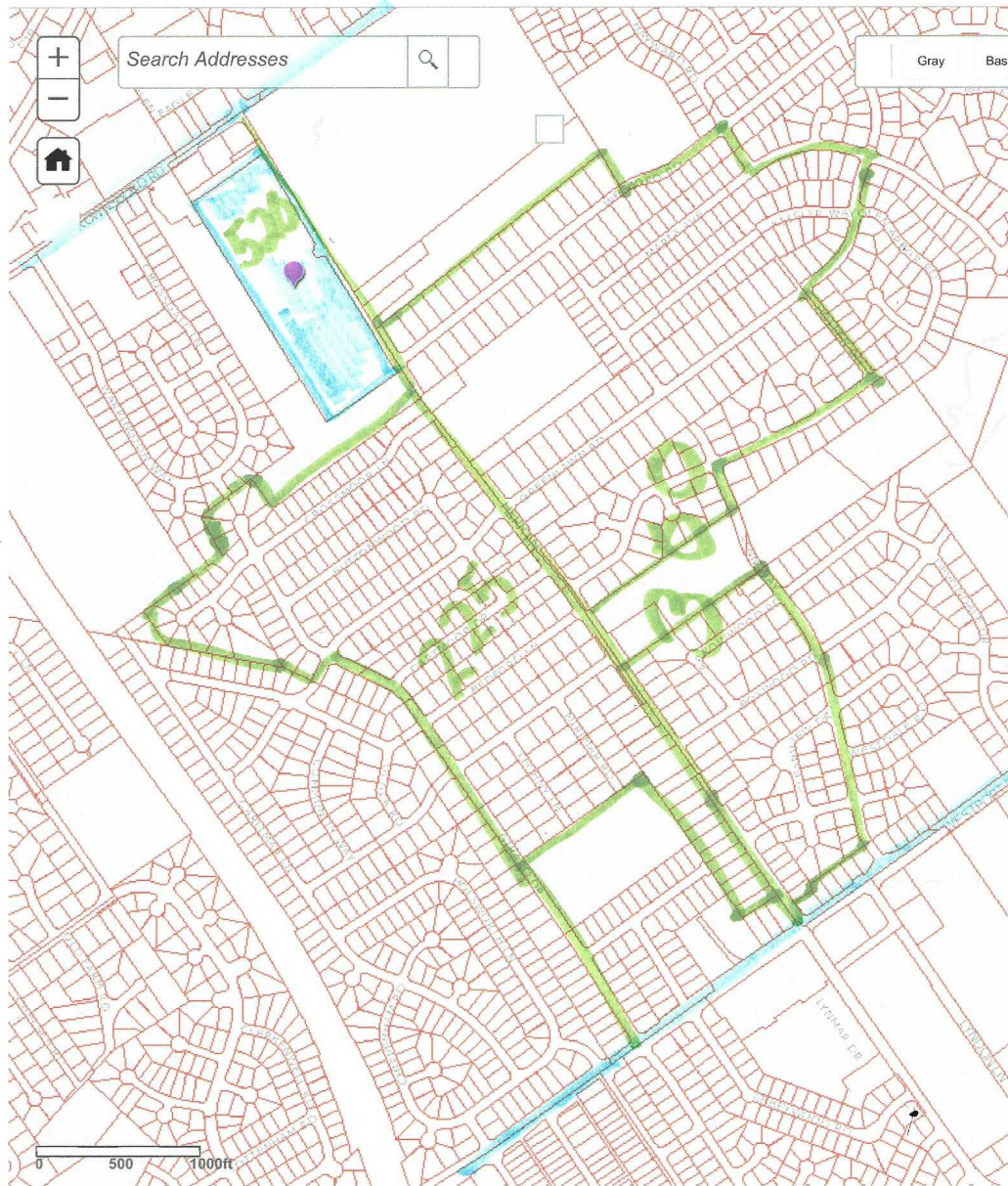
X = Providence Point

● = 12 story condo units on US42
Glenview access onto US42
The George, access onto Seminary Dr.

To show the contrast between 520 Providence Point units and 525 units along the Herr Lane corridor, I am presenting the following LOJIC map:

3/29/2021

LOJIC Online



As visible from the drawing, there are many more living units affected by the density, and therefore the additional traffic from Providence Point.

The Introduction in the Statement of Compliance refers to previous projects being high quality apartments with quality design in major east end corridors. That is not disputed. Using information compiled from the Hagan Properties website, I present the following chart.

| Type of Asset | Name | # units | # acres | units/acre |
|----------------------|----------------------|----------------|----------------|-------------------|
| Past | 9910 Sawyer | 356 | 25 | 14.24 |
| Past | Paddock at Eastpoint | 500 | 33 | 15.15 |
| Current | Victory Knoll | 470 | 35 | 13.43 |
| | | | | |
| Proposed | Providence Point | 520 | 19.05 | 27.3 |

It is acknowledged that Providence Point is in a Town Center Form District and as such is allowed to be high density. Quoting from the Herr Lane Corridor Study, again “With one exception, Louisville Metro classifies the area as a “Neighborhood” Form District. The exception is the currently vacant land west of Ballard H.S.(Providence Point). It would be nice if Hagan Properties would take into consideration the whole neighborhood they are a part of. If you applied the average of the three assets listed above, 14.28 units/acre to 19.05 acres, you would have 272 units which would be much more palatable to the neighborhood and traffic in the area. Just because you can put 520 units on this small parcel of land, does not mean you should!

Reference:

<https://louisvilleky.gov/document/herlanecorridorstudyreport09062017pdf>



a Unitarian Universalist Congregation

All Peoples
4936 Brownsboro Rd
Louisville, KY 40222

March 23, 2021

TO: Ms. Dante St. Germain, Case Manager
Louisville Metro Planning and Design Services

FR: Ms. Deborah Potts Novgorodoff, President
All Peoples Board of Trustees

RE: **20-DDP-0045**

Dear Ms. St. Germain –

All Peoples, formerly known as Thomas Jefferson Unitarian Church, is located at 4936 Brownsboro Road. Our property adjoins the subject property, Providence Point, sharing much of its northern boundary. Representatives of All Peoples have reviewed the proposed Revised Detailed District Development (RDDDP) and met with the developer, Hagan Properties to discuss the proposal.

All Peoples has entered into a private agreement with Hagan Properties which outlines general design considerations including screening/buffering elements associated with our common property line, many of which are now reflected on the RDDDP. Based on the considerations agreed to by the developer, All Peoples Board of Trustees has voted, on behalf of the church, to not oppose the Revised Detailed District Development Plan as submitted.

Respectfully submitted,

Deborah Potts Novgorodoff, President
All Peoples Board of Trustees

Subject: Memo Against the Providence Point Development (2020 Herr Lane)
Name: Jacqueline Hersh, Esq.
Date Submitted: March 28, 2021

To Whom It May Concern:

The field at 2020 Herr Lane (hereinafter referred to as “the Property”) has been there since before I can remember. I have always admired Louisville’s efforts to preserve its green spaces, and the field is no exception. In my childhood, I can remember driving past the Property each day. I have always appreciated being able to see a large tract of natural land in the middle of an area that has seen substantial growth and construction in the past three decades.

I was alarmed and disappointed upon hearing that the Property was being threatened by development by Hagan Properties. My first concern was the ecosystem of the Property and the surrounding area. Upon further research, I found that there are several endangered species of wildlife in the area and a designated wetland across from the Property at Ballard High School. My concern is that even if Hagan Properties were to follow the appropriate regulations and obtain the proper permits, there is no practicable way to prevent severe and lasting damage to the Property and surrounding area’s ecosystem.

The wetlands across from the Property (hereinafter referred to as “the Riverine”), into which runoff water and soil from the Property drain, runs all the way through Thornhill Subdivision and behind the condominium building The George, situated on U.S. Hwy. 42. It is classified as a Riverine (Classification Code: R4SBC - U.S. Fish and Wildlife Department). A Riverine System includes all wetlands and deepwater habitats contained within a channel, with two exceptions: (1) wetlands dominated by trees, shrubs, persistent emergents, emergent mosses, or lichens, and (2) habitats with water containing ocean-derived salts of 0.5 ppt or greater. A channel is an open conduit either naturally or artificially created which periodically or continuously contains moving water, or which forms a connecting link between two bodies of standing water. The classification of Stream Bed (SB) includes all wetlands contained within the Intermittent Subsystem of the Riverine System and all channels of the Estuarine System or of the Tidal Subsystem of the Riverine System that are completely dewatered at low tide.

The Clean Water Act (CWA) (33 U.S.C. §1251 et seq) provides the structure for regulation of United States waters. It prohibits the discharge of any dredged or

fill material in “waters of the United States,” including wetlands, without a permit. (*Id.*) Wetlands are regulated under CWA §404, which is administered by the U.S. Army Corps of Engineers with oversight by the U.S. Environmental Protection Agency (EPA). Section 404 essentially stipulates that no discharge shall be permitted if:

1. A practicable alternative exists that is less damaging to the aquatic environment, or
2. The discharge would cause the nation’s waters to be significantly degraded.

The United States Courts have also defined these requirements in a test established by the CWA. In 2007, Mike and Chantell Sackett filled a portion of their previously undeveloped Property without a §404 CWA permit. The EPA determined that the fill violated the CWA because the parcel contained a jurisdictional wetland and issued an administrative compliance order requiring the Sacketts to remove the fill and restore the parcel to its original condition. The Supreme Court determined whether pre-enforcement review is available for EPA administrative orders other than Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) orders. “Pre-enforcement review” refers to the ability of a defendant to obtain judicial review of an administrative compliance order without having to wait to be sued by the EPA in an enforcement action. CERCLA has an express provision prohibiting pre-enforcement review. The CWA, the Clean Air Act, and RCRA do not. The EPA has long made the argument that these statutes contain an “implied bar” to such challenges and most courts have agreed. (132 S.Ct. 1367 (2012)).

In *Sackett v. EPA*, the Court was clear that in order for a construction or development project to be permitted, it must be demonstrated that, to the extent practicable: steps have been taken to avoid impacts to wetlands and other aquatic resources, potential impacts have been minimized, and compensation will be provided for any remaining unavoidable impacts. This process is commonly referred to as the “mitigation sequencing requirement” of the CWA §404 regulatory program. The four standards are:

1. The prohibition against discharging dredged or fill material without a permit, if there is a practicable alternative;
2. The prohibition against discharging dredged or fill material if it will violate state water quality standards, toxic effluent standards, or jeopardize a species listed under the Endangered Species Act;

3. The antidegradation rule; and
4. The requirement to minimize impacts

In a 9-0 decision, Justice Antonin Scalia wrote the majority opinion holding that the EPA's compliance order is a final agency action, and there was no other remedy for the Sacketts other than judicial review.

The state of Kentucky also regulates activities or modifications that would interfere with wetland areas. KRS 150.015 states that the declared purpose of Acts 1952, ch. 200, and the policy of the Commonwealth of Kentucky, is to protect and conserve the wildlife of this Commonwealth. The Department for Environmental Protection's (DEP) Division of Water (DOW) regulates wetlands under the state's water quality statutes and regulations. The DOW has statutory authority over wetlands pursuant to Title 18, Chapter 224 of the Kentucky Revised Statutes and the agency's regulations are found at Title 401 in the state's administrative regulations. The majority of DOW's wetland regulations concern water quality.

The DOW applies similar mitigation measures as the test found in the CWA. The DOW and the Kentucky Department of Fish and Wildlife have prepared wetland mitigation guidelines with representatives from the Louisville District Corps of Engineers that consist of the following:

1. Compensation is required when unavoidable adverse impacts still exist after all practicable efforts to minimize their effect are exhausted;
2. Individual permit applications may include wetland compensation measures to offset unavoidable wetland impacts;
3. Nationwide permit applications may include a compensatory mitigation and monitoring plan for any permit requiring notification procedures;
4. Mitigation banking happens before development actions when compensation is not beneficial or cannot occur at the development site.

The DEP's water quality regulations prohibit persons from constructing, modifying, or operating a facility in state waters without first obtaining a permit from the Cabinet. Persons also cannot directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run, or otherwise discharged into such waters any pollutant, or substance that would cause or contribute to the pollution of waters.

Locally, the Louisville and Jefferson County Environmental Trust protects land for future generations through voluntary cooperative programs. Created in 1997, the Trust helps to implement the goals of Louisville Metro's Comprehensive

Plan, Plan 2040, that relate to parks and natural areas, greenways, historic sites and farmland. The Trust's nine-member Oversight Board consists of five citizens and four members who represent government agencies responsible for public land.

Additionally, the Land Development Code for Louisville-Jefferson County Kentucky, in Chapter 4, Part 8, requires that "strong consideration should be given to preserving areas with environmental constraints or limitations such as steep slopes, dense vegetation, natural streams and drainage courses, sinkholes, floodplains, wetlands, or other significant natural features as natural open spaces." Prohibited activities include engaging in any activity that shall disturb, remove, fill, drain, dredge, clear, destroy, or alter any area, including vegetation, within a wetlands that falls in the jurisdiction of the federal government and its agencies, except as may be expressly allowed under applicable federal laws or regulations.

Hagan Properties plans to build a 520-unit apartment complex directly across from the Riverine at Ballard High School. How they will manage to mitigate measures to prevent the occupants of their complex to indirectly, throw, drain, run or otherwise discharge into the Riverine, or cause, permit, or suffer to be thrown, drained, run, or otherwise discharged into it is beyond my comprehension. The construction process alone is undoubtedly a threat to these protected waters. Furthermore, how will Hagan Properties ensure the prohibition against discharging dredged or fill material running into the Riverine, or present a practicable alternative to the introduction of pollutants into the water? The results of the developing Providence Point will be a certain increase in runoff and drainage that would empty pollutants directly into the Riverine and other areas.

Another concern is the wildlife and plant species that are undoubtedly supported by the thus far unaltered Property and Riverine. Certain wildlife and plant species are provided protections under the Endangered Species Act of 1973 because of declining populations, loss of habitat, and inadequate conservation. Much of the information I can rely on derives from the Final Environmental Impact Statement of the Replacement Robley Rex VA Hospital (hereinafter referred to as "the Report"). The VA Hospital has been approved to be constructed close to the Property. The two sites share similar characteristics in that they both are remnant cultivated fields now covered predominantly by various grasses, clover, and alfalfa, with brush and deciduous trees. They are both in close proximity to each other and therefore share the same environmental features.

A species that is being considered for protection as either endangered or threatened is described as “proposed” if a proposed regulation has been published in the Federal Register, or “candidate” if a proposed regulation has not been published. The Endangered Species Act (ESA) is administered by the Department of the Interior’s Fish and Wildlife Service (FWS). Section 4 of the ESA addresses the listing and recovery of species and designation of critical habitat, which is a defined geographic that contains features essential to conserving a threatened or endangered species. Section 7 requires all federal agencies to ensure that any action they authorize, fund, or implement is not likely to jeopardize the continued existence of a federally protected species or result in destruction or adverse modification of its designated critical habitat. Section 9 prohibits the unauthorized “take” of federally protected species, which includes harassment, harm, pursuit, hunting, shooting, wounding, killing, trapping, capture, or collection of a protected species, or the attempt to engage in any such conduct.

In 2011, according to the aforementioned Report, Kentucky Fish and Wildlife Services stated that wildlife and plant species that are currently federally listed as threatened or endangered have the potential to occur in the area: Indiana bat, running buffalo clover, and Kentucky glade cress. We can assume the Property at issue would also have these species. Not endangered, but integral to our ecosystem, are other plant species, deer, coyote, fox, raccoon, skunk, rodents, birds, reptiles and amphibians. The Riverine which would be affected by construction on the Property undoubtedly has many amphibious species within its waters, including invertebrates.

As previously discussed, riverine wetlands are systems that are contained within a channel (e.g. river, creek or waterway) and their associated streamside vegetation. They can be natural or artificial and may connect to lacustrine, palustrine, estuarine and marine wetlands. According to the Wiley Online Library (<https://onlinelibrary.wiley.com/doi/abs/10.1046/j.1365-2427.2002.00921.x>), riverine landscapes are heterogeneous in space (complex mosaic of habitat types) and time (expansion and contraction cycles, landscape legacies). They are inhabited by a diverse and abundant fauna of aquatic, terrestrial and amphibious species. The migration of many species, aquatic and terrestrial, is tightly coupled with the temporal and spatial dynamics of the shifting landscape mosaic. Alternation of landscape use by terrestrial and aquatic fauna corresponds to the rise and fall of the flood. Complex ecological processes inherent to intact riverine landscapes are reflected in their biodiversity, with important implications for the restoration and management of river corridors. (*Id.*)

With the aforementioned regulatory laws in mind, it would stand to reason that Hagan Properties would follow all such applicable criteria before beginning construction on Providence Point. In the alternative, and assuming all proper permits are obtained, Hagan Properties could consider not constructing Providence Point at all, or minimizing the number of dwellings on the Property in order to ensure less damage to the surrounding ecosystem. There is literally no way that the development of Providence Point would not alter the ecosystem and surrounding landscape, in most likely a detrimental manner that results in damage to our natural waters and wildlife.

Finally, although not all choose to appreciate the aesthetic appeal of nature, there is the simple argument that humans benefit from natural surroundings. The smells, sights, and sounds of nature are oftentimes subconsciously enjoyed by many, until they do not have access to it. The construction of Providence Point would certainly create harmful and lasting effects on not only the wildlife and wetlands, but the people who inhabit this area. In the words of Walt Whitman, "This is what you shall do; Love the earth and sun and the animals, [and] despise riches ..."

In closing, thank you in advance for your time and attention to this matter.

SECOND
DRAFT

3/30/21

MIKE, et. NEIGHBORS

There are many valid objections to proposed 500 plus Apartment Development on Herr Ln. across from Ballard H.S.

The area is heavily loaded with noise, traffic congestion & pollution from 5 schools (in & out)

Kroger-Shopping Center, small stores, restaurants.

Also, the ingress & egress to property, the on/off to Watterson Xway - US. 42 - Brownsboro Rd is already difficult many times a day.

The sewer system is marginal now - couldn't hold more.

We residents are strained to the limit now!

These proposed apartments with 1-2 cars per apartment would aggravate the matter. There already are

issues - apartments Bardstown Rd, Westport Rd

Brownsboro Rd. (Vacancy rates - tenant issues - maintenance et

And this proposal saddles current property owners

with more taxes, quality of tenants, more police calls & related issues, nothing positive here.

Please review a different land use here

NOT ONLY IS ALL OF THIS TRUE/VALID,
BUT IT DOESN'T MENTION THE
VA. HOSPITAL GOING IN... !!

Comments? Ron Kemper
314.9684

MICHAEL WINN
262-8105

NAME

ADDRESS

Michael Winn
MICHAEL J. WINN

2504 HAYWARD RD.

Sherry Russell
SHERRY & MICHAEL RUSSELL

2506 HAYWARD RD, 40242

Jamie Morgan (backst)
Joseph Prim
Brenda Julien

2503 Hayward Rd.

2505 Hayward Rd.

2502 Hayward Rd.

For: Hearing - review

2020 Herr Ln.

April 1, 2021 11:00 p.m

3-31-21

There are many valid objections to proposed 500 plus Apartment Development on Herr Ln. across from Ballard H.S.

The area is heavily loaded with noise, traffic congestion & pollution from 5 schools (in & out) Kroger - Shopping Center, small stores, restaurants. Also, the ingress & egress to property, the heard off to Watterson Xway - US. 42 - Brownsboro Rd is already difficult many times a day.

The sewer system is marginal now - couldn't hold more.

We residents are strained to the limit now!

These proposed apartments with 1-2 cars per ^{apartment} ~~apartment~~ would aggravate the matter. There are already are issues - apartments Bardstown Rd, Westport Rd

Brownsboro Rd. (Vacancy rates - tenant issues - maintenance etc)

And this proposal saddles current property owners with more taxes, quality of tenants, more police calls & related issues, nothing positive here.

Please review a different land use here, Herr Ln, at a later date.

Sincerely,

Ron Kemper
Ron Kemper

2505 Paulcrest Ct.
Louisville, KY 40242