

Binding Element Amendment Justification:

In order to justify approval of any amendments to binding elements, the Planning Commission considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

1. **Are there any natural resources on the property, including trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites? And are these natural resources being preserved?** No. See attached letter.
2. **Is safe and efficient vehicular and pedestrian transportation provided both within the development and the community?** Yes, this application does not bear on those questions. See attached letter.
3. **Is sufficient open space (scenic and recreational) to meet the needs of the proposed development being provided?** Yes, this application does not bear on those questions. See attached letter.
4. **Are provisions for adequate drainage facilities provided on the subject site in order to prevent drainage problems from occurring on the subject site or within the community?** Yes, this application does not bear on those questions. See attached letter.
5. **Is the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses compatible with the existing and projected future development of the area?** Yes, this application does not bear on those questions. See attached letter.
6. **Is the proposal in conformance with the Comprehensive Plan and Land Development Code?** Yes, this application does not bear on those questions. See attached letter. Furthermore, none of the original findings of fact justifying the rezoning and detailed district development plan are compromised or violated by this binding element amendment.

RECEIVED

FEB 24 2014

PLANNING &
DESIGN SERVICES

BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG • 1000 N. HURSTBOURNE PARKWAY • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223
(502) 426-6688 • WWW.BARDLAW.NET

William B. Bardenwerper
Direct dial: 426-0388, ext. 135
Email: WBB@BARDLAW.NET

February 24, 2014

Case Manager
Louisville Metro Planning & Design Services
444 S. Fifth Street
Louisville, KY 40202

Re: Amendment to Binding Element #26, formerly Docket No. 9-65-05, Villages of English Station

Dear Case Manager,

We are herewith filing the enclosed Amendment to Binding Element under the above referenced previous Docket No. The applicants are requesting that Binding Element #26 be eliminated.

The reason for this application is because the signature entrance wall that is the subject of this binding element was never part of the plan for the Villages of English Station development on the west side of S. English Station Road. Rather, it was originally a design conception of the original developer of what is generically known as Landis Lakes which is mostly on the east side of S. English Station Road.

It is my recollection that, out of frustration with the fact that the wall was not being built, former Councilman Hal Heiner imposed this binding element on this lot and this owner, which in our view is inappropriate.

There are also technical questions involved in the easement underlying this signature entrance wall as to whether these applicants even have the ability to construct this wall were they inclined to do so.

Furthermore, the wall opposite this site in the southeast quadrant of Shelbyville Road and S. English Station Road has essentially become a large monument sign identifying various retail tenants. Were this wall to be built on the southwest quadrant of Shelbyville Road and S. English Station Road, then it is fair to say that it would probably take on the same appearance.

In conclusion, we do not believe that this wall should be the responsibility of these applicants/property owners or that it will serve any greater good.

We look forward to being docketed at the earliest possible Planning Commission committee meeting. Many thanks for your assistance with this matter.

Sincerely,



William B. Bardenwerper

Cc: Hon. Jerry Miller, Metro Councilman
Bill Carpenter
Mike Leonard

RECEIVED

FEB 24 2014

PLANNING &
DESIGN SERVICES