

Dock, Joel

From: Nick Pregliasco <nrp@bardlaw.net>
Sent: Wednesday, June 8, 2022 2:37 PM
To: Dock, Joel
Cc: sleroy@2nds.biz; 'Paul Baggett'; 'Kelli Jones'; Anna Martinez Tomes; Nanci Dively; Christian Miller
Subject: FW: 2612 S. English Station
Attachments: 21-ZONE-0095_Plan_022522.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

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Joel: Per our conversation just now, here is the email from the Parklands' counsel. Nick

From: Jennifer M. Barbour <jbarbour@MiddletonLaw.com>
Sent: Thursday, March 17, 2022 2:04 PM
To: Nick Pregliasco <nrp@bardlaw.net>
Cc: Kelli Jones <kelli.jones@swlinc.com>
Subject: 2612 S. English Station

Hi Nick and Kelli,

Parklands has asked that I reach out concerning a revised site plan Beth Stuber with Metro provided. The plan is attached for your reference. This revised plan addresses the Parklands' concern of having a single entrance aligned with Echo Trail and removes the existing curb cut. Based on this formal resubmitted plan, Parklands has asked that I communicate it does not oppose this use of the property as submitted on the plan. While the Parklands will not go on public record in support of the plan, Parklands will not voice any opposition to it with the single entrance aligned with Echo Trail and the removal of the existing curb cut.

If you have any questions or concerns, please feel free to contact me.

Thanks,



Jennifer M. Barbour
Attorney
Direct: 502.625.2787 Fax: 502.588.1917
401 South Fourth Street, Suite 2600, Louisville, KY 40202
jbarbour@middletonlaw.com

Dock, Joel

From: Sheila Mead <naturesm6@gmail.com>
Sent: Tuesday, June 7, 2022 4:21 PM
To: Dock, Joel
Subject: Home Emporium

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Joel,

I am in opposition to a change in zoning.

I do not understand how property is purchased and then an attempt is made to rezone. Shouldn't this be reversed?

The road is not equipped to handle semi traffic let alone other vehicle traffic, plus there are walkers and bicyclists close to the road. This situation is unsafe.

It near to the Parklands.

The proposed rezoning is not in alignment with the Floyds Fork Area Vision Plan already approved by the Metro Council.

Floyds Fork needs to be protected, a business should not be close to the Fork.

I am a member of Fisherville Area Neighborhood Association and agree with their opposition.

Please post on LD&T's website and share with committee members.

Thank you.

Sheila Mead



Floyds Fork Environmental Association – founded 1991

6-8-22

Hello LDT Commissioners and Planning Commissioners and Planner Joel Dock,

Re: Docket #21-ZONE-0095 Request: Change in zoning from RR to C-2 with detailed district development plan in Floyds Fork Review Overlay and variance and waivers Project Name: 2nds in Building Materials Location: 2612 S. English Station Road Owner: 2nds in Building Materials Applicant: 2nds in Building Materials Representative: Bardenwerper, Talbott, & Roberts, PLLC Jurisdiction: Louisville Metro Council District: 20 - Stuart Benson Case Manager: Joel Dock, AICP, Planning Coordinator

Floyds Fork Environmental Association (FFEA) was founded in 1991 to Protect, Conserve and Preserve Floyds Fork Creek and its Watershed.

FFEA has spent countless hours since 1991 in taskforces, comprehensive land use plans, zoning cases, legal cases, etc. and in more recent years, service on the Floyds Fork Vision Plan, some might not be aware of the history of the FF DRO.

Early in 1991, FFEA was involved to initiate the process for the FF DRO and we attended all meetings allowed. We were part of the 60 member task force lead by Planning Staff and this took one and a half years of many meetings with development interests. Next, two public hearings were held in Eastwood Fire Dept. with standing room only and then at Highland Park First Baptist Church on Billtown Road was packed; over 600 attended these public hearings.

Not only the Planning & Zoning and Planning Commissioners passed the FF DRO but 17 small cities passed the plan as well as A,B,C District Commissioners and Judge/Executive - thus no small feat to finally pass the FF DRO in 1993. It was a lengthy process of about 2 years.

It was Jefferson County Judge/Executive **David L. Armstrong** who said *"Floyds Fork is a natural treasure....it is one of our last remaining natural streams, and we will never be able to recreate its ecology if we lose it now."*

FFEA worked with volunteers and County Commissioners (later on, with Metro Council Districts annually the first Saturday in June – especially District 20; adding 22 and 19 later on) to remove some **250 TONS** of trash and debris in canoes, kayaks and on foot from Floyds Fork Creek and its banks. It was no small feat but COVID stopped this work as well as not being able to use the John Floyd Fields Community Building (rented by Parklands to a canoe livery) 3-4 years ago.

Certainly, each of you have read the 2-page letter from the Parkland's law firm sent some time ago in opposition to this change. Please see the attachment.

FFEA opposes the change in zoning from the FF DRO R-R (Rural Residential of 1 house per 5 acres) to C-2 for this Home Goods Store to sell seconds.

FFEA requests a PUBLIC HEARING be held by the Planning Commission.

A more appropriate location might be in an **Industrial Park** but certainly not near the Parklands and Floyds Fork Creek. Many vehicles will have pollutants that can reach the main stem of Floyds Fork Creek to result in potential loss of fish, wildlife, and aquatic lifeforms either by perking underground or over-ground to reach Floyds Fork Creek which flows under Echo Trail at English Station Road. This happened some years ago when a **gasoline recovery company** had a valve left open to come across the Railroad Tracks underground and in the small stream of the family who were outside to swing their children only to smell fumes and had to close their windows. Dead frogs were floating belly up! By morning, MSD had to be called to the site where absorbent materials were put atop Floyds Fork Creek to soak up some of the spill.

C-2 zoning is inappropriate in this location. The change to C-2 doesn't conform with the 2040 Comprehensive Land Use Plan and development policies.

The major change in this area has been for **land conservation and recreation to help residents become healthier** in a less polluted environment – away from a lot of Volatile Organic Compounds, Particulates, Pollutants, etc. and to breathe cleaner air.

Conservation of land using **\$39 million federal funds from U.S. Senator McConnell involves federal land purchased for this purpose** and within in the Parklands. C-2 does not conform with the major conservation effort by JCET, Future Fund, KY Heritage Land Conservation Fund, and that of land owners giving their land for conservation and preservation – even LWC and MSD properties.

This is a nonconforming use in a Neighborhood Form District. There is no main road or expressway here. The scale of this proposal is huge and nonconforming to the area or current land use.

Please ask for and look at a karst mapping by USGS or KGS because karst does not have to be above ground. Changes could have occurred on this site so that limestone out-croppings (could have been removed by bulldozers), or other possible features might not be so visible today. Again, FFEA concerns for underground water in aquifers which flow into Floyds Fork Creek which is down slope from this site. Just one quart of oil can contaminate up to a quarter MILLION gallons of drinking water or cause an oil slick almost 2 acres in size. In fact, the oil from just one oil change can pollute up to a million gallons of water. Used motor oil is the largest single source of oil pollution in lakes, streams and rivers and can kill fish, wildlife and plants.

Services of sewers and water are not on the site; extension is not already in planning for these agencies. Letting development decide the extension of services is not good planning; agencies like MSD have plans to go by and should not show favoritism or to cause other areas/residents to not get infrastructure needs that were already decided and in ink. Especially, since all agencies are reviewing DEI (Diversity, Equity and Inclusion), the focus should be followed to not harm minorities.

Thank you for your consideration of these remarks and requests.

Sincerely,

Geena Halby

Teena Halbig
Co-Founder, Clean Water Chair
Floyds Fork Environmental Association
6505 Echo Trail, Louisville, KY 40299
502 267-6883, TeenaHal@aol.com

Cc: Sheron Lear, FFEA President
Ray Ehlers, FFEA Vice President
Ed Halbig, FFEA Member



June 7, 2022

Land Development & Transportation Committee Members
Louisville Metro Planning Commission
444 South 5th Street, Suite 300
Louisville, Kentucky 40202

Joel Dock
Louisville Metro Planning & Design Services
444 South 5th Street, Suite 300
Louisville, Kentucky 40202

**Re: Opposition to Applications for Zone Map Amendment,
Variance, Two Waivers, and DDDP approval
Case No. 21ZONE0095
2612 S. English Station Road
Project Name: 2nds in Building Materials**

Dear Louisville Metro Planning Commission and Planning Staff:

This firm represents Jeff Frank and Friends of Floyds Fork LLC (collectively "Friends"). Friends have advocated at the Planning Commission over the past 20 years to protect the Floyds Fork watershed. These applications are no different. Friends are strongly opposed to the proposed 2nds in Building Materials project, including the requests for a zone map amendment, variance, two waivers, and a detailed district development plan approval.

These applications are not ready to be heard by the full Planning Commission. The proposed development is in the protected Development Review Overlay District for the Floyds Fork Watershed, where the LDC delineates strict guidelines for development. The Applicant proposes a zone change from R-R to C-2 completely within the DRO. This is unprecedented and is not in compliance with the Cornerstone 2040 Plan, the LDC, and especially the Floyds Fork DRO. The LDC and the DRO regulations requires the Planning Commission to:

review proposed regulated activities to determine impact on environmental characteristics, including but not limited to impacts on water quality, the floodplain, wetlands, natural drainage ways, steep slopes, soils, forestation and scenic vistas. The Commission will consult with the Director of Works and the Metropolitan Sewer District in the course of this review process. **The applicant will provide adequate information to allow the Commission to determine impacts of the proposal and compliance with the guidelines established in paragraph 7 below.**

LDC 3.1-2. No such review is possible because the applicant has failed to provide the

relevant information to allow such a review. This is even more prescient because the developer is requesting waivers and variances that are meant to protect the watershed from further harm with buffer and setback requirements. Without the necessary environmental information, the public, Planning Commission, and the Metro Council will not have the necessary information to make an informed decision on whether this project complies with the Floyds Fork DRO regulations. These applications are not ready for review by the full Planning Commission until the necessary information for which the Floyds Fork DRO regulations requires are provided by the Applicant.

The Floyds Fork watershed is collapsing. Water quality is almost beyond repair. The U.S. EPA Region IV and the Kentucky Division of Water are working to mitigate the harm to the watershed from multiple sources, but it the job of the Planning Commission and Metro Council to do so from the local level. This Planning Commission and its committees have an obligation to conduct a detailed and adequate environmental review and protect water quality and the conservation value of this community under the Cornerstone 2040 Plan, the LDC, and the Floyds Fork DRO regulations. Until the Applicant provides the requisite information to conduct the review, the Planning Commission cannot complete its obligation.

A zone map amendment can be granted if the proposed map amendment complies with the Cornerstone 2040 Plan. KRS 100.213. The proposed amendment clearly is not. If the proposed zone map amendment is not in agreement with the Cornerstone 2040 Plan, then (1) the existing zoning classification given to the property must be inappropriate and the proposed zoning classification is appropriate or (2) there must have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted Cornerstone 2040 plan and which have substantially altered the basic character of such area. KRS 100.213.

A zone map amendment from R-R to C-2 would be difficult in any part of Jefferson County, let alone in the Floyds Fork DRO. This property is in the DRO, and it is currently zoned RR. It is located adjacent to one of the premier natural areas and parks in the country. These applications will only exacerbate the water quality and environmental issues in the Floyds Fork DRO, not mitigate or improve them. It is the applicant's obligation to provide substantial evidence to satisfy the provisions of KRS 100.213. They have failed to do so or to even provide the information needed for the Planning Commission to decide these issues. Until the applicant demonstrates otherwise, these applications should not be heard by the full Planning Commission.

The Metro Council is also considering the adoption of a resolution that requiring the following:

Planning Commission and its staff shall undertake a review of the Floyds Fork Special District in Chapter 3, Part 1 of the LDC, with such review to include

a review of the recommendations contained in the Vision Plan as well as to consider whether a development review overlay committee, consisting of environmental experts and community members, should be established to work in concert with the Planning Commission and Staff in order to better review environmental issues relating to development within the Floyds Fork DRO, and develop recommendations thereto to the Council.

See Louisville Metro Government File NO. R-073-22.¹ Any decisions related to development in the Floyds Fork DRO should be delayed until the Metro Council considers the above resolution.

If this case advances to the full Planning Commission, we will submit more detailed and extensive comments. We hope staff and Commission members will review them carefully.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Randy Strobo', with a long horizontal line extending to the right.

Randy Strobo
Clay Barkley

¹ Available at
<https://louisville.legistar.com/View.ashx?M=F&ID=10926350&GUID=E36423C4-2CEE-4954-A435-D62AB3FA2353>.

Dock, Joel

From: Andrew Hartmans <andrew.hartmans@gmail.com>
Sent: Tuesday, June 7, 2022 9:21 AM
To: Dock, Joel
Subject: Fwd: Home Emporium, LDT meeting June 9

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Home Emporium LTD - Meeting June 9, 2022

For the record:

I am opposed to the change in zoning from RR (rural residential) to C-2 commercial as this site is in the Floyds Fork District Review Overlay (FFDRO) directly adjacent to Floyds Fork. This location is just so wrong for the current neighborhood and natural setting. The parklands is such a beautiful addition to our community, and this business would sit right at the front entrance of the park. Additionally, so many pedestrians and bikers travel through this intersection. What a tragedy if someone were hurt needlessly by the additional traffic, including delivery trucks, that will most certainly be coming and going from this commercial enterprise. Is there not a better place to put such a business in all of Louisville? It just seems to me like the last place where one would place such a retail operation. This is not just bad for our neighborhood. It will likely also be bad for the business owner. I see a closed, boarded up, useless building in 5 years. How can they hope to make a profit in such an out-of-the-way place?

Andrew Hartmans
15905 Taylorsville Road, Fisherville, KY 40023

Dock, Joel

From: Harrell Hurst <harrell.hurst@gmail.com>
Sent: Monday, June 6, 2022 4:50 PM
To: Dock, Joel
Subject: Case #21-ZONE-0095

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Joel Dock
Case Manager

Dear Mr. Dock,

I am writing in opposition to the proposed rezoning of the property at 2612 S. English Station Road, Case #21-ZONE-0095.

If approved, such a drastic change from RR rural residential to C-2 commercial will violate the intent of the Floyds Fork District Overlay approved by Metro Council 30 years ago to protect Floyds Fork. The site is adjacent to the Parklands of Floyds Fork, with over three million visits each year. In fact, walkers, runners, and riders on the Louisville Loop will have to cross the entrance to this business. A large retail commercial business at this site is incompatible with the South Floyds Fork Vision Plan, which was developed over two years with Metro and community involvement, and then approved by Metro Council as a part of Plan 2040.

More specifically, The Fisherville Area Neighborhood Association objects to this rezoning proposal because:

- It doesn't adhere to principles of the Metro Comprehensive Plan 2040.
- It doesn't follow guidance in the South Floyds Fork Area Vision Plan approved by Metro Council and included in Plan 2040.
- It is inconsistent with provisions of the Floyds Fork District Review Overlay in the Land Development Code to protect Floyds Fork.
- It is incompatible with surrounding residential land and the adjoining Parklands of Floyds Fork.
- The Louisville Loop passes through the site. Tractor trailer truck deliveries and commercial traffic would present a hazard to runners, walkers, and bikers using the Loop.

With growth in this part of Jefferson County, it is essential that land use development follows guidance of Metro and community planning. Such a proposed change from the least intensive RR to commercial C-2 zoning is entirely inappropriate at this site, which is less than 300 feet from the waters of Floyds Fork.

I strongly urge you to deny this rezoning application.

Sincerely,

Harrell Hurst, Chair
Fisherville Area Neighborhood Association
16200 Taylorsville Road
Fisherville, KY 40023

Dock, Joel

From: stpinlou@aol.com
Sent: Monday, June 6, 2022 12:40 AM
To: Dock, Joel
Subject: Case No. 21-ZONE-0095

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Joel,
I represent the Fisherville Area Neighborhood Association, which is strongly opposed to the proposed rezoning of the property at 2612 S. English Station Road. That property was zoned RR for a reason. To allow a retail commercial outlet on that site would be a major violation of many principles found in the Comp Plan 2040 as well as violative of the Floyds Fork DRO, the South Floyds Fork Vision Plan and the sanctity of the adjacent Parklands. The proximity to Floyds Fork would create just one more detriment to the health of that stream, our last pure, living stream in Jefferson County. In addition, the requested waivers in the application show that neither the existing or proposed buildings are suitable at this location.

I will attend the LD&T meeting Thursday to express the FANA opposition. It is our opinion that because of the above violations, waivers and dangers to Floyds Fork, the application should not even get a public hearing.

Steve Porter

Stephen T. Porter
Attorney at Law
2406 Tucker Station Road
Louisville, KY 40299
502-905-9991
stpinlou@aol.com

Dock, Joel

From: Dock, Joel
Sent: Tuesday, May 24, 2022 9:29 AM
To: 'jbarbour@middletonlaw.com'
Subject: 21-ZONE-0095 2612 S. English Station Rd
Attachments: 21-ZONE-0095_LDT Notice_060922.pdf

Attached is a public meeting notice for 21-zone-0095 at 2612 S. English Station Road.

Joel P. Dock, AICP
Planning Coordinator
Planning & Design Services
Department of Develop Louisville
LOUISVILLE FORWARD
444 South Fifth Street, Suite 300
Louisville, KY 40202
502-574-5860
<https://louisvilleky.gov/government/planning-design>



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Dock, Joel

From: Carla C. Dixon <carladixon00@gmail.com>
Sent: Sunday, May 29, 2022 12:22 AM
To: Dock, Joel
Subject: 2612 S. English Station Road

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Joel, I was made aware that this property that is zoned as Residential is possibly being changed to Commercial. As a resident of this area, I don't think this is the right thing to do. The property is rural and connects to our beautiful Floyd's Fork Parklands.

Using this property for an expansive commercial development is wrong for many reasons. It is out of place, not near other commercial properties and on a two lane country road.

Please vote against this zoning change. Generations after ours will wonder what was Jefferson County thinking to be so irresponsible with the few precious natural resources.

Kind regards, Carla Dixon

Sent from [Mail](#) for Windows

Dock, Joel

From: Harrington, Scott
Sent: Tuesday, May 31, 2022 4:27 PM
To: diane.harcourt@gmail.com
Cc: Dock, Joel
Subject: FW: Contact Councilman Kevin Kramer [#2019]
Attachments: 21-ZONE-0095_LDT_Notice_060922.pdf

Ms. Harcourt,

The proposed development at 2612 S. English Station Road is a re-zoning case that will go before Metro Council for final action. Since councilmembers vote on zoning changes, they can't participate in off record conversations. They can only base their decisions on testimony entered into the public record. To do so otherwise, may face a court challenge.

Your comments can be part of the official record that Councilman Kramer will be reviewing by either participating in the public hearings or sending your comments to the case manager, Joel Dock, who I've included on this email. His email address is joel.dock@louisvilleky.gov and his phone number is 574-5860.

Zoning decisions are based on testimony provided and what is allowed under the Land Development Code. The Planning Commissioners will hear from the applicant and residents and then send their recommendation to the Metro Council. Once it comes before the Council, members review the case to ensure the process was followed, not rather a member likes a development or not. Commissioners and the Council must use the code to justify their vote on facts or evidence presented in the hearings.

This case will go before the LD&T (Land, Development & Transportation) Committee on June 9th. Attached is the notice.

Residents and HOAs can organize and even hire a legal representative to participate in the zoning process on their behalf.

I do encourage you to participate in the zoning process by attending and speaking at the June 9th LD&T meeting to share your concerns with commissioners.

Please let me know if you have any questions regarding the zoning process. If you have questions about the proposed development, it's best to ask the case manager.

Thank you!

Scott

paradise and put up a parking lot." There is ample retail available in Middletown and large home stores within minutes at Westport Road, Taylorsville Road, and at Blankenbaker. We simply do not need more! Once the green space is gone, it's gone forever!

Thank you for your time.

▪

Dock, Joel

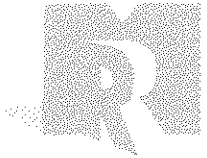
From: Marti Foster <martifoster1010@gmail.com>
Sent: Thursday, May 26, 2022 10:24 AM
To: Dock, Joel
Subject: Case# 21-ZONE-0095 2612 S. English Station Road

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Currently, the Zoning & Planning Commission has given approval or in process of approving zoning changes for over approximately 3,500 apartment buildings built, under construction or in process of rezoning in our 5-8 mile radius area around South English Station Road. (My figures are estimates but very close).

I have just received the notice from Kevin Kramer about this property and the use of such property. I am writing to voice my concerns about having a 25,000 square foot Home Goods Store built on appx 7 acres at 2612 So. English Station Road. Case# 21-ZONE-0095 This area is rural residential and should not be rezoned to commercial.

- * our area has been inundated with over building of apartments, condos, single family homes
- * we are very concerned about the additional traffic that a store of this magnitude would create
- * we are very concerned about the private/public safety in our area
- * we are very concerned about the loss of green space/tree canopy.....the encroachment on Floyds Fork. The encroachment on scenic areas (Variances/Waivers)
- * we are very concerned about our lovely Parklands and how a store of this size with traffic issues/safety issues etc. would affect the Parklands



MIDDLETON
REUTLINGER

401 South Fourth Street
Suite 2600
Louisville, KY 40202
www.middletonlaw.com

Jennifer M. Barbour
Main: 502.584.1135
Direct: 502.625.2787
jbarbour@middletonlaw.com

September 23, 2021

Kelli Jones, RLA
Sabak, Wilson & Lingo, Inc.
608 S. Third Street
Louisville, Kentucky 40202

RE: 2612 S. English Station Road Zone Change

Dear Kelli:

We have been retained to represent 21st Century Parks, Inc. d/b/a The Parklands of Floyds Fork ("21st Century Parks") regarding the above-referenced matter. Initially, thank you for your September 15, 2021 correspondence to 21st Century Parks, as well as taking the time to meet with them regarding the above-referenced zoning change. After reviewing the development plans, the proposed zoning changes, and your letter concerning entrances to the site, I unfortunately write to inform you that 21st Century Parks has strong objections and intends to oppose the zoning change and the planned development.

As an initial matter, the proposed changes and development plan do not keep with the rural nature of the current state of the property and surrounding area. Initially, the most recent detailed development plan indicates an additional 25,000 sq. ft. of building space will be added to the property site. In addition, an additional 95,720 sq. ft. of concrete and/or asphalt impervious area is planned to be added to the site. That more than doubles the existing impervious area on the site, and will remove significant portions of the rolling fields which currently characterize the property. The plans indicate the additional impervious area will largely accommodate a significant increase in parking for the proposed retail space and the creation of a "loading area" for semi-trucks to make deliveries to the proposed development.

This additional impervious area poses two concerns. Initially, due to the proximity of this property to Floyds Fork, any significant increase of impervious areas like those contained within the development plan, as well as runoff of rainwater from additional roofing area, such as the additional 25,000 sq. ft. building, pose a concern for the Floyds Fork. The proposed plan will create additional rainwater runoff from the property, which in turn may cause flooding or water pooling that are not currently created by the property's use.

The second area of concern caused by the plan's increase in impervious areas relates to the volume and nature of traffic the retail business is expected to bring to the area by your own letter's admission. At present, there is minimal semi-truck traffic on this segment of S. English Station Road because the commercial developments on S.

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English Station Road are located further south on the road. Indeed, the commercial and non-rural section of S. English Station Road exists further south on the roadway, prior to the bend in the roadway where the area becomes definitely more rural in nature. Your letter and the plans substantiate that the proposed development will introduce a significant increase in commercial vehicle traffic onto this section of S. English Station Road. That increase will be not only in the nature of additional passenger vehicles with patrons of the retail business, but also larger commercial vehicles for deliveries of stock and/or purchased items.

This brings me to an additional basis for objecting to the proposed development plan and rezoning. In its current use, the property has minimal traffic and parking. Your plans indicate the site is likely to experience a significant increase in both passenger vehicle and commercial vehicle traffic. The recent plan indicates 100 parking spaces will be available on the property, which is more than a 200% increase in parking on the site.

In addition, the recent development plan includes creation of a second entrance on the property directly across from the intersection of Echo Trail with S. English Station Road. Both of these changes in the property create a major traffic and safety concern for pedestrians, cyclists, and passenger traffic that utilize S. English Station Road and Echo Trail. Pedestrians, cyclists and traffic will now have an additional entrance onto S. English Station Road to monitor for turning vehicles, and will also experience an increase in overall volume of traffic to be aware of while traversing the road or trail.

In addition, the proposed second entrance is likely to cause traffic congestion and create the potential for accidents with the introduction of another source of traffic at this intersection. It is proposed to be located directly across from the intersection of Echo Trail with S. English Station Road. The new entrance will introduce an additional point of entering and turning traffic at this intersection. Further, for vehicles heading north west on S. English Station Road, they will be rounding the bend and immediately encountering vehicles that are now stopped to yield in executing their left turn into the new proposed entrance. This will require drivers to quickly slow and/or stop depending on the length of time necessary for the turning vehicle to safely perform the turn.

Finally, 21st Century Parks enjoys the benefit of certain easement rights, which are reflected upon the recent development plans. The proposed development plans will impact those easement rights significantly. For instance, 21st Century Park maintains the easement area and trail corridor granted within the Grant of Easement Agreement. The development plan indicates a significant increase in heavy equipment and traffic will occur across the easement, including across the trail corridor of 21st Century Park. That increase in traffic (both in volume and weight) is likely to cause damage and/or increase wear and tear on the trail corridor and pedestrian/bike trail constructed within

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the easement. Recognizing this potential, the Grant of Easement Agreement required the erection of a fence to discourage members of the general public from gaining access to the Property. Additionally, to minimize the traffic across the easement, a gate was to be installed at the sole point of access to the Property to minimize and restrict access to the property across the easement. It is 21st Century Parks' belief that the proposed development also will unreasonably interfere with the utilization of the Trail Corridor by the general public in accordance with the Easement Agreement due to the significant increase in traffic the proposed development will bring to the area.

In summary, 21st Century Parks intends to vehemently oppose the proposed rezoning and development plans. Additionally, due to the impact the proposed development has on 21st Century Parks' easement rights, we intend to take all necessary steps to protect those rights.

Sincerely,



Jennifer M. Barbour

Enclosures: Kelli Jones' Letter; Site Plan

cc: Jeff O'Brien
Beth Stuber
Jeff Brown
Nicholas R. Preliasco
Councilman Anthony Piagentini
Councilman Stuart Benson

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SABAK, WILSON & LINGO, INC.
 ENGINEERS, LANDSCAPE ARCHITECTS & PLANNERS
 THE HENRY CLAY • 608 S. THIRD STREET
 LOUISVILLE, KY 40202
 PHONE : (502) 584-6271 • FAX : (502) 584-6292

September 15, 2021

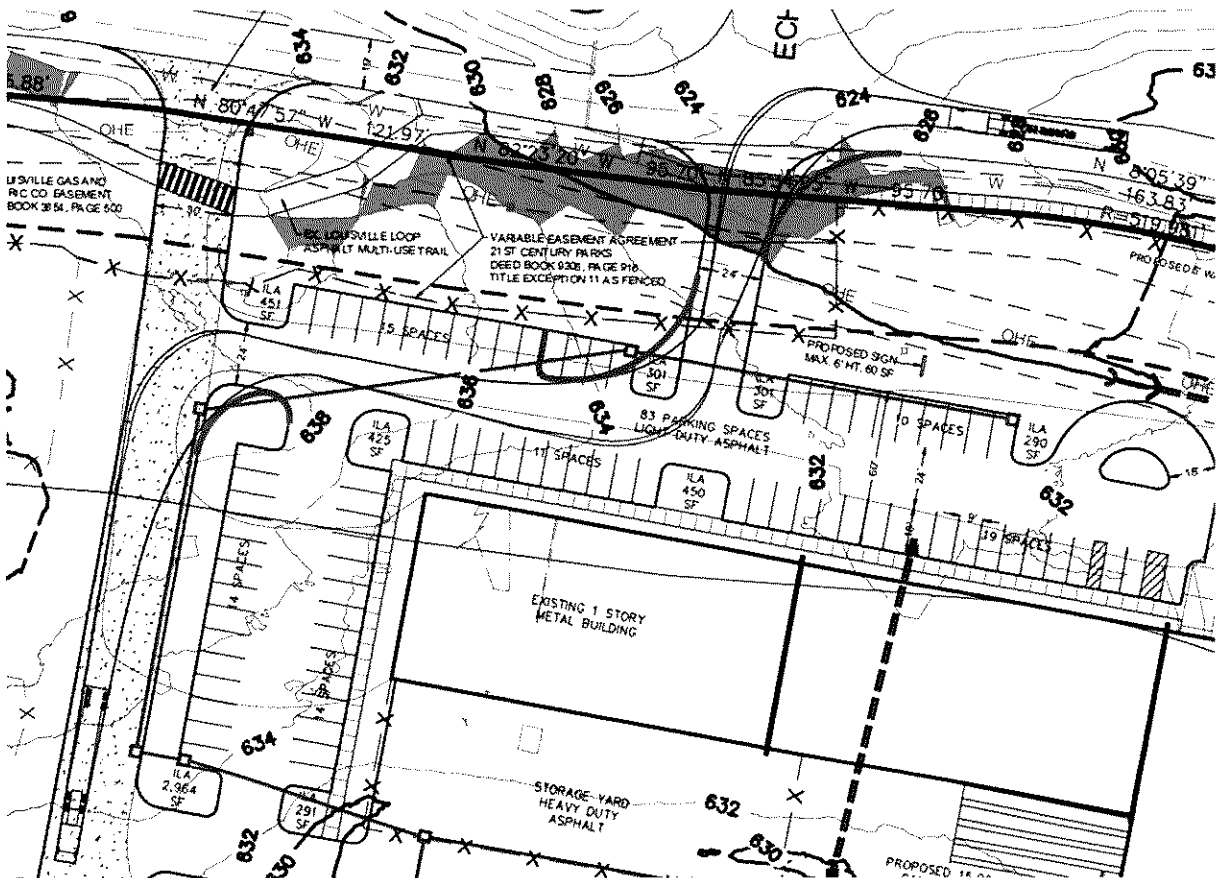
21st Century Parks, Inc.
 471 W. Main St., Ste. 202
 Louisville, KY 40202

Re: 2612 S. English Station Road Zone Change

Dear David:

Once again, thank you for taking the time to meet with us. We understand and share your concerns for the safety of the users of the Louisville Loop and The Parklands. We want to assure you that we are committed to developing a solution that is safe for all users, including visitors to the subject site.

As you can see on the most recent version of the plan (pasted below), we added an entrance to the site that aligns with Echo Trail for the passenger car parking area. This entrance would be the primary ingress and egress for the site.



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The ability for tractor-trailer traffic at this new entrance is a little more complicated. As discussed on the call, we would need to make significant modifications to the front parking lot to allow a truck to make 3-90 degree turns back-to-back. (See red lines on the above image) This would make the front of the site far more industrial looking, which goes against the owner's desire to maintain the rural character of the property. To further complicate things, due to the topography of the existing site at the intersection of Echo Trail and S. English Station Road, we will have a fairly steep slope coming down from the street to the parking lot which further complicates truck maneuvering. (An 8% grade should be no issue for a passenger car or pickup truck.)

We also looked at constructing a new truck entrance further south on S. English Station Road, toward the other industrial users. However, sight distance in this location is poor. You can't see traffic coming around the curve and the existing topography in that area further complicates matters. This scenario would also require us to rezone more of the property than currently shown because you can't have commercial access through a residential zoning district, and the additional impervious surface required would go against the Floyds Fork Development Review Guidelines.

What we are proposing is to keep the existing entrance for the prior horse riding business as a truck only entrance that will remain gated when not in use. After the initial stocking of the facility, it is anticipated that there will only be 3 trucks a week (or less) in and out of the site. This will be significantly less than the number of horse trailers that previously used that entrance. The applicant's trucks are likely to arrive in the evening and leave in the morning (which we will address below in the proposed draft binding elements). Because the trucks will be coming from the warehouse in Tennessee they will know when the trucks are scheduled to arrive so they can be prepared to implement any agreed upon safety measures prior to their arrival. Disruptions to the path will be minimal and only for a few minutes at a time as the truck enters, and then again as the truck leaves. In addition, the existing entrance location is in the best spot on the property as far as sight distance is concerned.

In order to address what is set forth above and to mitigate the concerns, we propose the following binding element on the development plan that will run with the land and be enforceable by the City of Louisville. Below is our suggested language:

"The truck entrance shall be gated. After initial stocking of the store inventory, semi-trucks ("trucks") will be limited to a maximum of 3 trucks per week. Trucks will enter the gated entrance after 6:00 AM and depart the subject site before 9:00 AM. The gates will remain closed except during Truck access. The applicant agrees to the following additional safety measures with regard to the Louisville Loop:

- 1. The applicant will install permanent crosswalk striping on the entry pavement where the Louisville Loop crosses the existing access.***
- 2. The applicant will install "Truck Entrance" signs on the Louisville Loop, 10' before it crosses the Truck entrance.***
- 3. The applicant will install "Pedestrian Crossing" signs 10' before the Louisville Loop crosses the Truck entrance.***

I want to reiterate that if this were a new development and the site could be designed with a blank slate, it would be much easier to bring all the traffic in at Echo Trail. However, because we are trying to adaptively reuse the existing building and limit site impacts to preserve the rural nature of the area, we have unusual constraints.


Kelli Jones, RLA

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