

## St. Germain, Dante

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**From:** St. Germain, Dante  
**Sent:** Monday, August 22, 2022 10:33 AM  
**To:** Powell, Brian; Paul Whitty  
**Cc:** Holton Stewart, Amy; Nick Pregliasco; Rafael Dapello  
**Subject:** RE: 5437 New Cut Road - Binding Element Proposed

Thank you, I will add this to the record. It is too late to update the LD&T staff report with the new proposed binding element, but I will include that with the Planning Commission staff report.

**Dante St. Germain, AICP**  
Planner II  
Planning & Design Services  
Department of Develop Louisville  
*LOUISVILLE FORWARD*  
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**From:** Powell, Brian <Brian.Powell@louisvilleky.gov>  
**Sent:** Monday, August 22, 2022 10:29 AM  
**To:** Paul Whitty <paul@bardlaw.net>; St. Germain, Dante <Dante.St.Germain@louisvilleky.gov>  
**Cc:** Holton Stewart, Amy <Amy.HoltonStewart@louisvilleky.gov>; Nick Pregliasco <npr@bardlaw.net>; Rafael Dapello <rafaeldapello@hotmail.com>  
**Subject:** Re: 5437 New Cut Road - Binding Element Proposed

Paul,

Following up before this Thursday's LD&T meeting.

Thank you again for agreeing to bind out:

- Smoke/Cigarette/Cigar shop
- Vaping Store
- Pay Day Loan
- Adult Entertainment
- 

Amy hopes you will reconsider binding out package liquor stores as well due to the proximity to the church, school and funeral home. Councilwoman Holton Stewart strongly believes liquor sales are a bad fit for that corner.

Dante,

Please see Councilwoman Holton Stewart's office's communications with Paul Whitty regarding 5437 New Cut Road's proposed rezoning. Please add these comments to the record.

Thank you,



## Brian Powell

Legislative Assistant  
Councilwoman Amy Holton Stewart  
District 25  
601 West Jefferson St, 2nd floor  
Louisville, KY 40202  
Email: [brian.powell@louisvilleky.gov](mailto:brian.powell@louisvilleky.gov)  
Office: (502) 574-1125

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**From:** Powell, Brian <[Brian.Powell@louisvilleky.gov](mailto:Brian.Powell@louisvilleky.gov)>  
**Sent:** Wednesday, July 13, 2022 6:15 PM  
**To:** Paul Whitty <[paul@bardlaw.net](mailto:paul@bardlaw.net)>  
**Cc:** Holton Stewart, Amy <[Amy.HoltonStewart@louisvilleky.gov](mailto:Amy.HoltonStewart@louisvilleky.gov)>; Nick Pregliasco <[nrp@bardlaw.net](mailto:nrp@bardlaw.net)>; Rafael Dapello <[rafaeldapello@hotmail.com](mailto:rafaeldapello@hotmail.com)>  
**Subject:** Re: 5437 New Cut Road - Binding Element Proposed

Paul,

Thank you for your response. Thank you for agreeing to bind out:

- Smoke/Cigarette/Cigar shop
- Vaping Store
- Pay Day Loan
- Adult Entertainment

Amy hopes you will reconsider binding out package liquor stores as well due to the proximity to the church, school and funeral home. Councilwoman Holton Stewart strongly believes liquor sales are a bad fit for that corner.

Thank you for your help and communication.

Thank you,



## Brian Powell

Legislative Assistant  
Councilwoman Amy Holton Stewart  
District 25  
601 West Jefferson St, 2nd floor  
Louisville, KY 40202  
Email: [brian.powell@louisvilleky.gov](mailto:brian.powell@louisvilleky.gov)  
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**From:** Paul Whitty <[paul@bardlaw.net](mailto:paul@bardlaw.net)>  
**Sent:** Tuesday, July 12, 2022 9:53 AM  
**To:** Powell, Brian <[Brian.Powell@louisvilleky.gov](mailto:Brian.Powell@louisvilleky.gov)>  
**Cc:** Holton Stewart, Amy <[Amy.HoltonStewart@louisvilleky.gov](mailto:Amy.HoltonStewart@louisvilleky.gov)>; Nick Pregliasco <[nrp@bardlaw.net](mailto:nrp@bardlaw.net)>; Rafael Dapello <[rafaeldapello@hotmail.com](mailto:rafaeldapello@hotmail.com)>  
**Subject:** RE: 5437 New Cut Road - Binding Element Proposed

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Brian

We are willing to bind out all of the list you provided with the exception of package liquor. That is a very valuable tenant although I think the prospects of getting a liquor store tenant with an existing liquor store immediately adjacent is unlikely. Please let me know your thoughts as I hope we can hold on to your support. Although I have not discussed the following idea with my client, perhaps we can agree that any liquor store would be on the back of the property accessed by New Cut Road rather than the front accessed by Southside Drive and across the street from the church. Thank you for your interest in this case which I believe will be a needed improvement for that location.



Land Law

Paul B. Whitty

Bardenwerper Talbott & Roberts, PLLC

502-426-6688 (W)

502-459-2001 (M)

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**From:** Powell, Brian <[Brian.Powell@louisvilleky.gov](mailto:Brian.Powell@louisvilleky.gov)>  
**Sent:** Friday, June 10, 2022 6:58 PM  
**To:** Paul Whitty <[paul@bardlaw.net](mailto:paul@bardlaw.net)>  
**Cc:** Holton Stewart, Amy <[Amy.HoltonStewart@louisvilleky.gov](mailto:Amy.HoltonStewart@louisvilleky.gov)>  
**Subject:** 5437 New Cut Road - Binding Element Proposed

Paul,

Thank you for calling! I have spoken with Amy and here is the list of uses Amy would like to add into a binding element on 5437 New Cut Road.

- Package Liquor Store
- Smoke/Cigarette/Cigar shop
- Vaping Store
- Pay Day Loan
- Adult Entertainment

Thank you for being proactive and reaching out to us. We look forward to hearing back. Have a great weekend.

Thank you,



## Brian Powell

Legislative Assistant  
Councilwoman Amy Holton Stewart  
District 25  
601 West Jefferson St, 2nd floor  
Louisville, KY 40202  
Email: [brian.powell@louisvilleky.gov](mailto:brian.powell@louisvilleky.gov)  
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## St. Germain, Dante

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**From:** Maureen Welch <maureen.welch1222@yahoo.com>  
**Sent:** Sunday, August 28, 2022 12:32 PM  
**To:** St. Germain, Dante  
**Subject:** Case 22-ZONE-0068  
**Attachments:** 5347 New Cut by Rattermans Letter.docx

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Dante,

I hope you're doing well. I'm forwarding you my comments from the meeting this past week regarding the piece of property next to Ratterman's on Southside. I would appreciate if you would add them to the file.

Thanks so much.

Best regards,

Maureen Welch  
7101 Venetian Way  
Louisville, KY 40214  
(502) 693-8526

## **Maureen Welch's comments delivered August 25, 2022, before the Land Development and Transportation (LD&T) Committee**

The Southside Drive Rezoning involves a site located north of the New Cut Road / Southside Drive intersection. On one parcel that the applicant owns there's a Carali's Restaurant and a laundry mat. The applicant wants to construct a new 6,000 square foot retail structure on an adjacent small parking lot that is long, narrow, and irregularly shaped. To do this the applicant is requesting a zoning change from R-5 Single Family Residential to C-1 Commercial, a variance, and 4 waivers to squeeze the building on the site. The applicant is trying to fit a square peg into a round hole, but the applicant's vision of this commercial development doesn't fit the physical size and shape of the property they own.

As a result of Cornerstone 2020 and Plan 2040 this site is in the Town Center Form District where buildings are generally close to and oriented toward the street to strengthen the community focal point. The applicant, however, is requesting a variance to allow the buildings to exceed the 15-foot maximum front setback and infill requirements noting that the aesthetics, Cornerstone 2020, and Plan 2040 don't matter, but they do. The variance is needed because of the unusually long and narrow configuration of the lot. Without this variance and I quote "the applicant wouldn't be able to provide parking adjacent to Southside Drive which would make this a commercially viable site". Sounds like the applicant is trying to fit a square peg into a round hole.

The variance would work in tandem with the Waiver 1 to allow parking in front of the building facing Southside Drive which is across from Our Lady of Mt. Carmel's rectory and the church and school's driveway. Mt. Carmel was established 65 years ago in 1957 along with the single-family homes and multi-family apartments around this time. Ratterman's was established 45 years ago in 1977. I don't understand the support rational that the waiver will not, and I quote "adversely affect adjacent property owners because they are commercial users and multi-family that have far less in common with either Cornerstone 2020 Land Development Code or Plan 2040...because they were developed before the area was designated a Town Center Form District." Waiver 1 is needed because the project is not commercially viable without parking next to Southside Drive which is counter to the Town Center Form District code.

Waiver 2 requests pedestrian and vehicular connections to the abutting properties be waived because the connection wouldn't serve any purpose and would affect available parking on site which is in cooperation with Ratterman's for overflow parking during large funeral events. I question this. At the neighborhood meeting the relationship between the two businesses appeared contentious. The applicant had apparently threatened to tow cars of bereaved family and friends attending visitations at Ratterman's. Consequently, Ratterman's doesn't recommend bereaved individuals frequent the applicant's Carali's Restaurant. As such, if this waiver is considered, it should be contingent on review of an executed contractual agreement between the two adjacent landowners regarding the use of additional parking space which is discussed

as part of this waiver. The feasibility of Ratterman's being able to purchase the site is greater if it remains zoned residential rather than commercial. The Applicant has Ratterman's between a rock and a hard place in my opinion.

Waiver 3 requests omission of a masonry wall along the vehicle use area adjacent to the street in part because of the expense, because it would deprive the Applicant of a reasonable use of the land, and because it's just an aesthetic code requirement. I don't understand why this would be waived, and I'm not sure what street it is.

Waiver 4 is needed to allow the proposed building, dumpster enclosure, and parking to encroach 10 feet or 50% into the 20-foot LBA (Landscape Buffer Area) adjacent to Ratterman's because the lot is only 75 feet wide in total and without it I quote "it would make the current proposed layout impossible and result in a building too narrow for retail purposes and the entire project infeasible." It sounds like the lot isn't big enough.

To summarize the applicant owns a long, narrow piece of property zoned residential but wants to construct a commercial building. Rezoning, a variance, and 4 waivers are needed for this project to be commercially viable. A square peg doesn't fit into a round hole. In my opinion the applicant should find a more suitable location to build a retail structure. This committee should deny the zoning change and as a result the 4 waiver requests and the variance because the site is not big enough for what is proposed.

Thank you. I appreciate the opportunity to speak before this committee.