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August 16, 2021

Dante St. Germain, Case Manager
Louisville Metro Planning & Design Services
444 S. 5th Street, 3rd Floor
Louisville, KY 40202

Re: Amendment to Binding Element #4 (c) in Docket No. 20-ZONE-0056, property located at 1007 S. English Station Road

Dear Dante:

We are herewith filing an Amendment to Binding Element in Docket No. 20-ZONE-0056. The applicant is requesting that binding element #4 (c) be amended as follows:

(c) A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument. Said instrument shall state, in addition to other provisions, that occupants of Tract 1 shall be permitted to utilize the open space amenities of Tract 2 and vice versa, **excluding the proposed pool and clubhouse on Tract 2.**

Our reason for this request is that the applicant never intended that the owner of the apartment complex would grant free use of the pool and clubhouse to owners of the patio home condominiums. The occupants of both tracts will have access to the described open space, per this binding element. However, as set forth in this proposed amended binding element, condo owners will not be entitled to use the apartment owned pool and clubhouse unless they choose to later pay for it. That will be a separate private determination between the apartment and condo owners in the future and over time; and that was always our client's intention.

Please schedule this request for the September 1, 2021 DRC hearing. We look forward to answering any questions you may have regarding this request.

Many thanks.

Sincerely,



William B. Bardenwerper