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January 15, 2020

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

Re: Binding Element Amendment in addition to the previously filed Revised Detailed District Development Plan (RDDP) for case number 19-DDP-0069, property located at 9400 Clubview Drive (Lots 2 & 3 Glenmary Village)

Dear Lacey:

As part of the previously filed RDDDP application for the above referenced case number for Lots 2 and 3 of Glenmary Village, the applicant requests to amend Binding Element #24, in the original Planning Commission hearing in docket no. 9-36-00VDRO. This letter sets forth the applicant's justifications for this requested Binding Element amendment.

My law partner, Bill Bardenwerper, represented the applicant 20 years ago on the rezoning of this overall development and the approval of the General District Development Plan in docket no. 9-36-00VDRO. By way of background, the original case contained a lot of back and forth with neighbors about impact mitigation, including preservation of certain environmentally sensitive property and the protection of Floyds Fork, etc. However, the best we can recall, the affordable housing Binding Element #24 was not one of those agreements with the neighbors. Instead, the affordable housing Binding Element #24 was one, like many others that occurred during the period where Jack Dulworth was the Chair of the Planning Commission, that was insisted upon by the Planning Commission for all cases. The reason this is important is this case is just like the other cases during the same period that have subsequently had Binding Element amendments to remove the affordable housing requirement. The basis for doing so in many of those other cases was there was not a consistent application of the requirement, ie., for cases before or after that time period, or for all cases during that time period.

The two sections of the overall development under consideration in the current RDDDPs (Gardens II of Glenmary Village in 2010 and the Overlook at Glenmary Village in 2011), with only two buildings in each section constructed. The property transferred back to the bank, now Limestone Bank, who has searched for a purchaser to finish out these developments for the last 10 years to no avail. The applicant is willing to purchase the developer rights to finish out these two condominium regimes, but cannot do so financially with Binding Element #24.

Also, the approved General District Development Plan in docket no. 9-36-00VDRO has a handwritten note (Note #31) on the face of the approved plan "Indicates Affordable Housing Units". The buildings noted in handwriting with "See Note #31" are all in a different section of

the overall development. At a minimum, this would support that the PC at the time thought the affordable housing units were to be located in a different section of the overall development.

Also, the best we can tell, none of the other sections of the overall development complied with this affordable housing Binding Element when those were constructed and completed. As such, to impose the Binding Element only on these last two sections would create an undue hardship for the application and Limestone Bank, as the owner of the developer's rights to complete the condominium regimes.

Many thanks for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'N. Pregliasco', with a long horizontal stroke extending to the right.

Nicholas R. Pregliasco