

April 21, 2016

TO: YU "EMILY" LIU, AICP  
Director, Office of Planning and Design Services

I was told by Ms. Laura Mattingly-Humphrey that I needed to send you a formal statement to appeal the ruling made in a Revised Detailed District Development Plan and Landscape Waiver Public Meeting held on April 20, 2016 at 514 W. Liberty Street, Louisville KY. I understand this appeal will be reviewed by the Legislative Body of the Planning Commission. I will also copy Metro Council President David Yates and his Legislative Assistant, Brian Bowles on this matter.

My complaint is twofold: First, it involves the use of religion by a planning and zoning official to approve a development plan which that employee favored. In doing so, he violated my rights to have a fair and impartial ruling free from religious coercion. I was made to feel like an "outsider" because I objected to his ruling. Secondly, it involves using an expired development plan as a means to get a new plan approved without neighborhood input.

#### The Specifics:

(1) The "Establishment Clause" of the First Amendment was intended to prevent any governmental endorsement or support of religion. It also established "a wall of separation" between church and state.

This law was violated during the "approval phase" of the Planning and Development Public Meeting (case # 16DEVPLAN1035) by one of the men who approved the development (*his name is unknown to me but he was the third person to approve the plan – the recordings can be checked*). This man talked about his own religion (Catholic) and his knowledge that Buddhists were also "good" people therefore he was going to endorse this development plan. When I attempted to object to the insertion of religion into the approval process, I was told "**You Are Out Of Order!!!**"

As a neighboring resident to this development, I have a right to **Due Process** in these proceedings – Due Process includes having an unbiased panel of planning and zoning representatives to rule on this case. My initial objections on this development had nothing to do with Buddhists being "*good people*". I was not there to endorse or object to any religious beliefs – whether it was Buddhism, Catholicism, Muslim, or even Atheist. I certainly wasn't there to be lectured to about how this representative was Catholic and knew how good the Buddhist people are. Quite the contrary, my objections were based solely upon the design plan regarding the number and style of condominiums and how they fit in with the Temple and the surrounding neighborhood. That was all we needed to discuss!

My First and Fourteenth Amendment rights were violated when this planning and zoning employee used his religion as an endorsement as to why the buildings in this development plan should be constructed without consideration to the neighborhood surroundings while he chose to ignore the condominium issues. Instead, his statements implied that his personal religious convictions gave him the knowledge that **all** Buddhists were "*good people*" therefore; I was cast as a "*bad person*" because I opposed their proposal.

(2) My initial objections were based on this plan (#16DEVPLAN1035) using a neighborhood approval from ten years ago as a means not to have any further neighborhood input into this current plan.

The original development plan was approved by the Neighborhood Association in 2005/2006 for the design of a cohesive group of retail buildings and condominiums to be constructed at 7748 Third Street Road, Louisville Kentucky. That original plan would have never been accepted by the neighborhood had this new design (16DEVPLAN1035) been presented. I was part of the Neighborhood Association who approved the original plan – and we **do not** approve this plan, as it is, at this time.

The current developer and owner bypassed having any neighborhood meetings for input into this new plan, and then chose to ignore the recommendations and/or objections current neighbors and the Neighborhood Association had regarding this new development.

I discussed this concern with the developer, John Addington, prior to the meeting date and again at this meeting. All of my efforts to reach a compromise were dismissed by this developer and then ignored by the planning and zoning employees in attendance on this date. The planning and zoning employee then used his personal religious conceptions to influence the decision to have this plan approved.

Sincerely,

A handwritten signature in cursive script, appearing to read "Nelson Lemmon".

Nelson Lemmon

8000 Manslick Road

Louisville, KY 40214