

## Dock, Joel

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**From:** stpinlou@aol.com  
**Sent:** Monday, September 24, 2018 4:42 PM  
**To:** Dock, Joel  
**Subject:** Topgolf, Part 1

Joel,

I want to follow up on our previous conversation. First, we will be arguing a number of 2020 violations at the hearing, mainly in the area of compatibility, but I wanted to document for you what we believe are serious violations of the Land Development Code.

First, LDC 4.1.3.A says "The purpose of the regulation is to reduce the effects of light trespass and glare. We do not believe this proposal meets that standard/

Next, LDC 4.1.3.B.2.a, Control of glare, says "All luminaires shall be aimed such as to not cause direct light from the luminaire to be directed toward residential uses...on adjacent or nearby parcels, or to create glare perceptible to persons operating motor vehicles on public streets...." That is not the case in this proposal. That light fixtures that light the playing field point directly at a residential neighborhood, directly at an adjacent parcel, and directly at persons operating vehicles on Christian Way.

Next, LDC 4.1.3B.2.b.i., Mounting Height, states, for a Regional Center, "any luminaire with a lamp or lamps that emit more than 1800 lumens shall be at 30 feet or less." The seventeen lamps in this proposal that light the playing field emit 58,000 lumens **EACH** at heights of approximately 50 and 40 feet. This is a direct and very serious violation of the Code and a huge problem for neighbors.

Next, LDC 4.1.3.B.2.e., Shielding, states " All fixtures in all form districts that emit more than 3500 lumens shall be fully-shielded luminaires." The luminaires in this case do not meet the Code definition of fully-shielded and they are far, far brighter than 3500 lumens each.

Next, LDC 4.1.3.B.5.a., Canopy, pavilion, states that lights in a canopy shall be fully shielded and utilize flat lenses. Not the case here, and, since the driving bays are open to the outside, they are canopies.

Next, LDC 4.1.3.B.6.a.i., recreational Facilities, states " All fixtures used for recreational facilities lighting within 500 feet of any residential use shall be fully-shielded. These are within 500 feet of residential property and are not fully shielded.\7next, LDC 4.1.3.B.6.a.ii., states" Illumination of any playing field... located within 500 feet of any residential use shall not be permitted after 11:00 PM. Every Topgolf in the country keeps its lights on beyond 11:00 PM.

More in the next e-mail

Steve Porter

**Stephen T. Porter**  
**Attorney at Law**  
**2406 Tucker Station Road**  
**Louisville, KY 40299**  
**502-905-9991**  
[stpinlou@aol.com](mailto:stpinlou@aol.com)

## Dock, Joel

---

**From:** Steve Porter <stpinlou@aol.com>  
**Sent:** Monday, September 24, 2018 12:45 AM  
**To:** Dock, Joel  
**Subject:** Topgolf, part 2

Next, LDC 5.3.3, Regional Center, states "District standards are designed to ensure compatibility with adjacent form districts...and to promote high quality design." Anyone who looks at the Topgolf building and the 175 foot towers knows it is not compatible with the surrounding form district and is certainly not high quality design.

Next, LDC5.3.3.B. Says a proposal should "promote high quality design and a more visually attractive environment." Nobody could possibly conclude the Topgolf building and towers and screens are visually attractive.

Next, LDC 5.3.3.C.2.c.limits the height to 150 feet. Although the applicant has asked for a variance, there is no comparison between, say, a 150 or even. 175 foot office building where the users go home at 6:00 and turn all the lights out and a Topgolf that stays open late every night with loud music and noise, extreme lighting, and heavy traffic.

Next, LDC 4.2.58, re: a CUP for a golf driving range says the netting shall observe the height requirements for the district (150 feet) and the driving directions shall be away from any street or residential area. This proposal directs the drives toward both.

Finally, and very importantly, LDC 1.1.5, Legislative Purpose and Intent,states

"The provisions of this code are intended to be the minimum requirements... to protect the character and maintain the stability of residential...areas..." and

"...this code is intended...to divide the planning unit into form districts to ensure appropriate site and community design to protect the character of neighborhood and shopping areas and ensure compatible development."

This long and well-established residential area adjacent to this proposal will not be protected by this proposal. It is not compatible in any way with the surrounding residential or even the commercial uses.

Thanks for your consideration of these issues.

Steve Porter

Sent from my iPad

## Dock, Joel

---

**From:** Dock, Joel  
**Sent:** Monday, September 10, 2018 10:16 AM  
**To:** 'stpinlou@aol.com'  
**Subject:** RE: light fixture

Steve,

The golf driving range component qualifies as a recreational facility for purposes of LDC 4.1.3. A recreational facility is defined as "any premises (whether public or private) where the principal use is the provision of outdoor amusements, sports, games, athletic facilities, or other outdoor recreational facilities and/ or services except golf courses." Staff has reached out to the applicant for additional information regarding the mounting height and other aspects of the light fixture provided in the Technical Guide on 9/5/18 and Lighting Report. I will address the Lighting Report and any other information regarding the lighting within the Technical Review of the Staff Report.

Thank you,

**Joel P. Dock, AICP**  
Planner II  
Planning & Design Services  
Department of Develop Louisville  
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**From:** [stpinlou@aol.com](mailto:stpinlou@aol.com) [<mailto:stpinlou@aol.com>]  
**Sent:** Thursday, September 6, 2018 12:34 AM  
**To:** Dock, Joel  
**Subject:** Fwd: light fixture

Joel,  
Please note that the light fixtures attached to the building and shining out towards the field (and toward Christian Way and the residential area to the east) have a lumen output each of 58,000 lumens and are mounted just under the roof of the building's third level canopy (at an approximate height of 50') and second level canopy (at an approximate height of 35'). These light fixtures are not fully shielded.

Is an outdoor golf driving range considered a "recreational facility"?

Steve Porter

**Stephen T. Porter**  
**Attorney at Law**

2406 Tucker Station Road  
Louisville, KY 40299  
502-905-9991  
[stpinlou@aol.com](mailto:stpinlou@aol.com)

---

From: [Clifford.Ashburner@DINSMORE.COM](mailto:Clifford.Ashburner@DINSMORE.COM)  
To: [stpinlou@aol.com](mailto:stpinlou@aol.com)  
Cc: [Joel.Dock@louisvilleky.gov](mailto:Joel.Dock@louisvilleky.gov)  
Sent: 9/5/2018 5:59:55 PM Eastern Standard Time  
Subject: light fixture

Steve:

Attached is information regarding the field lighting proposed for Topgolf at Oxmoor. The Gamechanger 500 is the proposed fixture. As for the two locations you requested additional information about, I haven't been able to track it down. I think we've provided you enough locations with the new lighting system for you to send your lighting expert out to review them.

While we're sharing information, please provide the names of your experts and any studies as soon as possible.

Thanks,

Cliff

**Dinsm<sup>o</sup>re**

**Clifford H. Ashburner**  
Partner

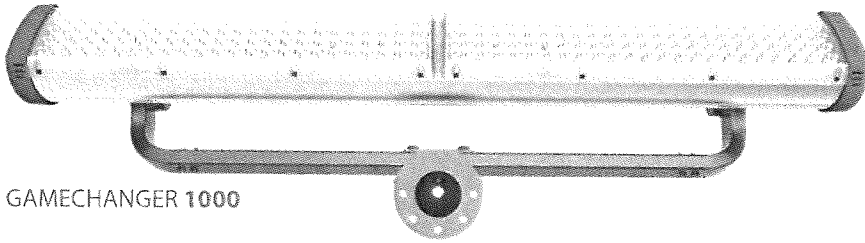
Dinsmore & Shohl LLP • Legal Counsel  
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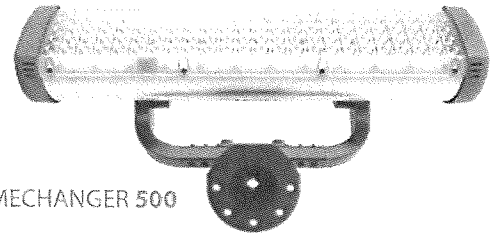
E [clifford.ashburner@dinsmore.com](mailto:clifford.ashburner@dinsmore.com) • [dinsmore.com](http://dinsmore.com)

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GAMECHANGER 1000



GAMECHANGER 500

GAMECHANGER™ Electrical Detail	GAMECHANGER™ 1000	GAMECHANGER™ 500
Input Watts	1000w	500w
Kw Draw	1.04	0.52
*Lumen Output	115,000	58,000
Lumens/Watts	115	115
CCT	5,700	5,700
CRI	>80	>80
Weight	51 lbs.	27 lbs.
<b>CURRENT</b>	<i>Amps</i>	<i>Amps</i>
277v	3.75	1.88
240v	4.33	2.17
208v	5	2.5
120v	8.67	4.33

### APPLICATIONS

Outdoor sports fields at all levels, general area lighting

### RATINGS

IP66, -40°C to 55°C

### INPUT POWER

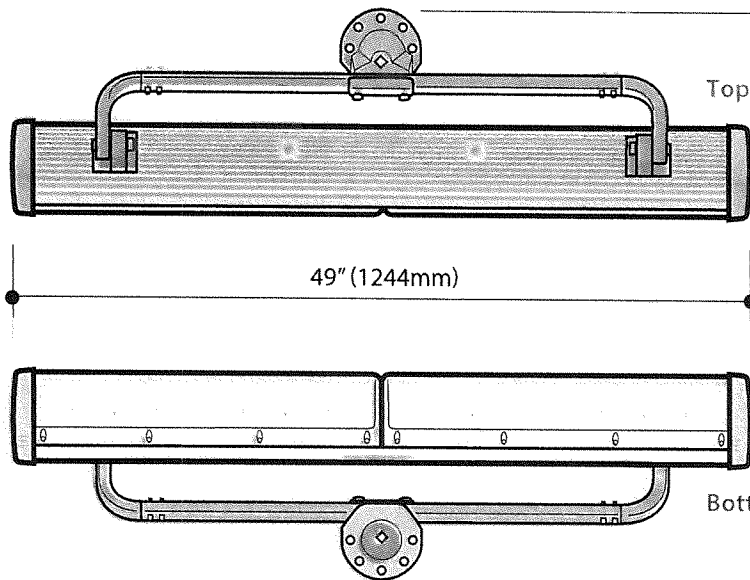
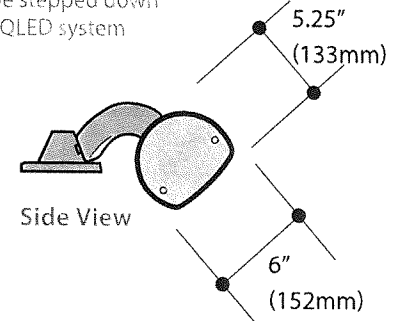
100v - 240v auto sensing  
 200v - 300v auto sensing  
 480v with neutral can be split into 277v  
 480v w/o neutral can be stepped down via transformer within QLED system

\* The specifications listed were obtained under optimal testing conditions. Please note that changes in options, features and conditions may result in slightly different performance specifications among fixtures.

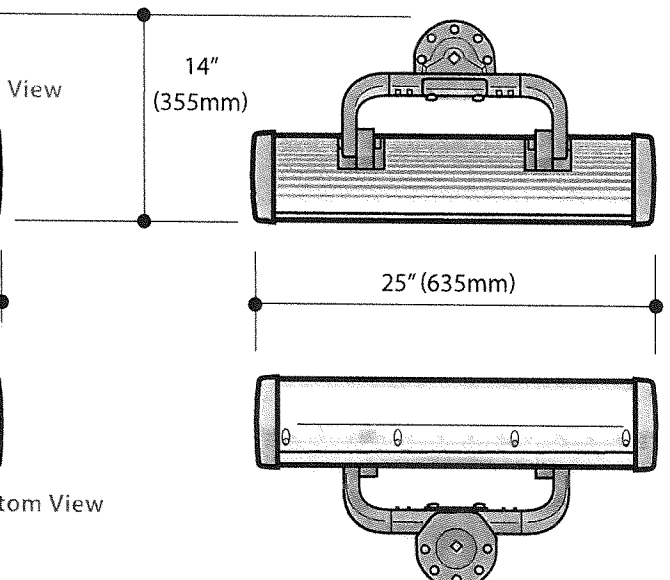
Amps are based on single Phase.  
 3 Phase systems will be balanced per pole.  
 480 and 347V - Will be stepped down to 277V.

### OPTICS

Various symmetrical and asymmetrical rectangular and round patterns with built in glare control utilizing TIR lens technology.



GAMECHANGER 1000



GAMECHANGER 500

## Dock, Joel

---

**From:** Ashburner, Clifford <Clifford.Ashburner@DINSMORE.COM>  
**Sent:** Wednesday, September 5, 2018 5:59 PM  
**To:** stpinlou@aol.com  
**Cc:** Dock, Joel  
**Subject:** light fixture  
**Attachments:** 13267319\_1.pdf

Steve:

Attached is information regarding the field lighting proposed for Topgolf at Oxmoor. The Gamechanger 500 is the proposed fixture. As for the two locations you requested additional information about, I haven't been able to track it down. I think we've provided you enough locations with the new lighting system for you to send your lighting expert out to review them.

While we're sharing information, please provide the names of your experts and any studies as soon as possible.

Thanks,

Cliff

Dinsm<sup>o</sup>re

Clifford H. Ashburner

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## Dock, Joel

---

**From:** stpinlou@aol.com  
**Sent:** Tuesday, September 4, 2018 10:16 PM  
**To:** clifford.ashburner@dinsmore.com  
**Cc:** Dock, Joel  
**Subject:** Fwd: Topgolf

Cliff,  
Can you get the information on the lighting in my previous e-mail?  
Also, Do Huntsville, AL and Edison, NJ have the new lighting system? Any others besides those and the four you sent before? Thanks.

Steve

**Stephen T. Porter**  
**Attorney at Law**  
**2406 Tucker Station Road**  
**Louisville, KY 40299**  
**502-905-9991**  
[stpinlou@aol.com](mailto:stpinlou@aol.com)

---

**From:** [stpinlou@aol.com](mailto:stpinlou@aol.com)  
**To:** [sheri.werling@dinsmore.com](mailto:sheri.werling@dinsmore.com)  
**Sent:** 8/29/2018 11:04:07 PM Eastern Standard Time  
**Subject:** Fwd: Topgolf

Sheri,  
Since Cliff is unavailable for a while, can you help us get these specifications on the light fixtures that light the field and that light the bays.Thanks.

Steve Porter

**Stephen T. Porter**  
**Attorney at Law**  
**2406 Tucker Station Road**  
**Louisville, KY 40299**  
**502-905-9991**  
[stpinlou@aol.com](mailto:stpinlou@aol.com)

---

**From:** [stpinlou@aol.com](mailto:stpinlou@aol.com)  
**To:** [Clifford.Ashburner@DINSMORE.COM](mailto:Clifford.Ashburner@DINSMORE.COM)  
**Cc:** [joel.dock@louisvilleky.gov](mailto:joel.dock@louisvilleky.gov)  
**Sent:** 8/23/2018 2:09:22 AM Eastern Standard Time  
**Subject:** Re: Topgolf

Cliff,  
I am waiting for a list. Thanks.  
In addition, can you provide the specifications on the lighting fixtures that light the field, including the number of lumens emitted for each lamp? I would like the same information on the horizontal light fixtures at each bay. Thanks.



Steve Porter

In a message dated 8/15/2018 12:41:30 PM Eastern Standard Time,  
[Clifford.Ashburner@DINSMORE.COM](mailto:Clifford.Ashburner@DINSMORE.COM) writes:

Steve:

I'm working on a list.

Cliff

**From:** [stpinlou@aol.com](mailto:stpinlou@aol.com) [<mailto:stpinlou@aol.com>]  
**Sent:** Tuesday, August 14, 2018 1:27 AM  
**To:** Ashburner, Clifford  
**Subject:** Topgolf

Cliff,

Can you get your clients to tell us any other locations where a new lighting system has been used instead of the rooftop system? Thanks.

Steve

**Stephen T. Porter**

**Attorney at Law**

**2406 Tucker Station Road**

**Louisville, KY 40299**

**502-905-9991**

**[stpinlou@aol.com](mailto:stpinlou@aol.com)**

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## Dock, Joel

---

**From:** Ashburner, Clifford <Clifford.Ashburner@DINSMORE.COM>  
**Sent:** Thursday, August 9, 2018 12:23 PM  
**To:** stpinlou@aol.com; Liu, Emily  
**Cc:** Dock, Joel; Davis, Brian  
**Subject:** RE: Scheduling a Night Hearing for Top Golf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Steve:

Our revised plan, sound and light studies have been available at [www.topgolflouisville.com](http://www.topgolflouisville.com) for at least two months. Upon posting, a mailer was sent to everyone in Hurstbourne and a post on Facebook alerted people to their existence. There has been plenty of time for an examination of the plan and our assertions about it.

If you all were to file a petition, which I don't believe you have, the Commission would have to have the night hearing within 15 days of the regularly scheduled date, so the November date is not a realistic date. See you in a few.

Cliff

# Dinsmôre

**Clifford H. Ashburner**

Partner

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**From:** stpinlou@aol.com [mailto:stpinlou@aol.com]  
**Sent:** Thursday, August 09, 2018 11:52 AM  
**To:** Ashburner, Clifford; emily.liu@louisvilleky.gov  
**Cc:** Joel.Dock@louisvilleky.gov; Brian.Davis@louisvilleky.gov  
**Subject:** Re: Scheduling a Night Hearing for Top Golf

Cliff et al.,

Aug. 27 is way too soon for us. That is only 18 days away. I have another big night hearing on the 22nd. to prepare for. Because of the claims made by your clients that the changes they have made will make the project acceptable (changes which your clients would not explain in a neighborhood meeting), my clients have been doing further research to determine what this development is really going to look like and how it will affect their neighborhood. My clients will be paying almost \$1,000 for this room. They should have some say in when the hearing is held. The public should be given at least equal status here in picking a date (if not priority status). My clients are the citizens who may have to live with this project for the next decades. Another month is not going to seriously delay your client's plans but it gives the affected

residents time to prepare their opposition presentation. My clients have requested me to argue for a late October or November hearing. I think Oct. 1 is a good compromise.

Steve

**Stephen T. Porter**  
**Attorney at Law**  
**2406 Tucker Station Road**  
**Louisville, KY 40299**  
**502-905-9991**

[stpinlou@aol.com](mailto:stpinlou@aol.com)

In a message dated 8/9/2018 11:33:11 AM Eastern Standard Time, [Clifford.Ashburner@DINSMORE.COM](mailto:Clifford.Ashburner@DINSMORE.COM) writes:

The room is available August 27, and the Planning Commission has a quorum that night. Why not just get it done?

**From:** [stpinlou@aol.com](mailto:stpinlou@aol.com) [mailto:[stpinlou@aol.com](mailto:stpinlou@aol.com)]  
**Sent:** Thursday, August 09, 2018 11:23 AM  
**To:** [emily.liu@louisvilleky.gov](mailto:emily.liu@louisvilleky.gov); Ashburner, Clifford  
**Cc:** [Joel.Dock@louisvilleky.gov](mailto:Joel.Dock@louisvilleky.gov); [Brian.Davis@louisvilleky.gov](mailto:Brian.Davis@louisvilleky.gov)  
**Subject:** Re: Scheduling a Night Hearing for Top Golf

Emily, Cliff et al.,

What about Monday, Oct. 1? The big room at U. of L. Shelby Campus is available that night, but not available on the 2nd, 8th or 9th.

Steve

In a message dated 8/9/2018 11:15:19 AM Eastern Standard Time, [emily.liu@louisvilleky.gov](mailto:emily.liu@louisvilleky.gov) writes:

Cliff and Steve, I have provided to both of you a list of dates that work for the Planning Commission (8/27, 9/25, 10/2, 10/8,/10/9). Please work together to find a date that you can both agree upon. Also, you need to secure the facility at your own cost.

I would be happy to discuss with you both at the beginning of the LD&T this afternoon if needed. Let me know.

Thanks!

Emily

Yu "Emily" Liu, AICP

Director

Planning & Design Services

Department of Develop Louisville

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## **Dock, Joel**

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**From:** stpinlou@aol.com  
**Sent:** Wednesday, August 22, 2018 11:26 AM  
**To:** Liu, Emily; Dock, Joel  
**Subject:** Topgolf 18ZONE1014  
**Attachments:** Atty-Topgolf-Huntsville Lights.jpg

Emily and Joel,

My clients feel it is vitally important that representatives of the Planning Commission and/or staff take the opportunity to view an active Topgolf establishment before the Oct. 1 public hearing. It is impossible to grasp the impact of this structure and its accompanying lighting, noise, traffic and activity just by looking at pictures. I know that Emily has viewed the one just outside St. Louis, but am not sure whether she viewed it at night. A night viewing is necessary to fully appreciate the impact the lights have on surrounding land and residences, if any. Actually, in almost every Topgolf we have studied, there are no residences anywhere close.

The two closest Topgolf structures to Louisville that have the "new" lighting system are St. Louis/Chesterfield and Huntsville, AL. St. Louis is a 5-hr drive but Huntsville is only 4 hours. The Huntsville facility is slightly smaller but is still three levels (equivalent to about six stories) high. It has the same new lighting system, just fewer light fixtures (see the attached picture taken recently). There are no residences within miles of the lighting pattern at the Huntsville facility, only commercial and highway interchange. The lights you see are visible for miles along that highway.

Thank you for your continuing work on this very controversial application.

Steve Porter

**Stephen T. Porter**  
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**502-905-9991**  
[stpinlou@aol.com](mailto:stpinlou@aol.com)

## Dock, Joel

---

**From:** Dock, Joel  
**Sent:** Friday, July 27, 2018 8:55 AM  
**To:** stpinlou@aol.com  
**Subject:** 18ZONE1014 - TOP GOLF

Steve,

I wanted to inform you that 18ZONE1014 for Top Golf at Oxmoor Center has been scheduled for LD&T on August 9, 2018. Notification via USPS was either mailed late yesterday afternoon or will be going out this morning (applicant responsibility). Electronic notice via our GovDelivery system went out yesterday afternoon to registered users signed up to receive notice for District 18.

The digital record includes interested party comments and material received up to Wednesday July 26.

**Joel P. Dock, AICP**

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## Dock, Joel

---

**From:** Dock, Joel  
**Sent:** Wednesday, June 13, 2018 2:34 PM  
**To:** 'stpinlou@aol.com'  
**Cc:** clifford.ashburner@dinsmore.com; Whitty, Paul B  
**Subject:** RE: 18ZONE1014 Topgolf

Planning and Design Services staff will not be requiring the applicant or their representatives to hold additional neighborhood meetings. Any meetings held outside of a hearing/meeting of the Planning Commission or designee will be at the discretion of the applicant and their representatives.

**Joel P. Dock, AICP**

Planner II

Planning & Design Services

Department of Develop Louisville

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**From:** stpinlou@aol.com [mailto:stpinlou@aol.com]  
**Sent:** Wednesday, June 13, 2018 2:24 PM  
**To:** Dock, Joel  
**Cc:** clifford.ashburner@dinsmore.com; Whitty, Paul B  
**Subject:** Re: 18ZONE1014 Topgolf

Joel,

I hate to be picky here, but the LDC is there for a reason and needs to be complied with. I disagree with your conclusions for the following reasons:

1. In the letter to neighbors announcing a neighborhood meeting, there was no mention of a golf driving range and no mention of a need for a CUP, only a rezoning.
2. The term "Top Golf facility - "Driving Range" " was never used in the notice or even in the minutes. It does not appear on any of their letters or applications, except the recent pre-app for a CUP.
3. In its pre-application, the proposed use is "Entertainment".
4. In the pre-application, in its lists of "following entitlements will be required", there is no mention of a CUP or a golf driving range, just a mention of "a commercial recreation and sports complex", a use that is not even listed under CUPs.
5. Topgolf has submitted a pre-application for a CUP, an application that requires a neighborhood meeting before a formal application according to the LDC.



It is our strong belief that the public in the form of neighbors are entitled to strict compliance with the LDC and to an opportunity to hear more about the golf driving range and its affects on the neighborhood.

I would ask for an opinion of the Jefferson County Attorney's office on this issue. Thanks.  
Steve Porter

**Stephen T. Porter**  
**Attorney at Law**  
**2406 Tucker Station Road**  
**Louisville, KY 40299**  
**502-905-9991**  
[stpinlou@aol.com](mailto:stpinlou@aol.com)

In a message dated 6/13/2018 1:45:37 PM Eastern Standard Time, [Joel.Dock@louisvilleky.gov](mailto:Joel.Dock@louisvilleky.gov) writes:

The neighborhood meeting requirements were fulfilled by the meeting held on March 12, 2018. As is the case from time to time, a pre-application for a zoning change reveals the need for a conditional use permit. This does not necessitate the need to submit a separate pre-application for a CUP as the comprehensive plan review provided in the pre-app staff report encompasses the totality of the specific use which is the basis for needing a conditional use permit, and covers the development plan and zoning district. The specific use (Top Golf facility – “Driving Range”) was addressed at the neighborhood meeting on the 12<sup>th</sup> of March. In reviewing the pre-application, staff only needs a basic working plan to conduct a comprehensive plan review. Although staff may not be able to fully address certain policies due to the nature of the plan, a plan satisfactory to staff was provided. Plans submitted at the time of formal application can deviate from the initial plan, but it is imperative that the general area of the comprehensive plan review remains substantially the same. The plan area does not substantially deviate from that area considered by staff at the pre-app.

Any additional meetings held with neighbors will be at the discretion of the applicant and their representative.

**Joel P. Dock, AICP**

Planner II

Planning & Design Services

Department of Develop Louisville

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**DEVELOP  
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**From:** [stpinlou@aol.com](mailto:stpinlou@aol.com) [mailto:[stpinlou@aol.com](mailto:stpinlou@aol.com)]

**Sent:** Wednesday, June 13, 2018 12:10 PM

**To:** Dock, Joel

**Cc:** [clifford.ashburner@dinsmore.com](mailto:clifford.ashburner@dinsmore.com)

**Subject:** 18ZONE1014 Topgolf

Joel,

As you know, I represent the City of Hurstbourne and the interests of thousands of neighbors in opposition to the proposed Topgolf at Oxmoor. We see they have filed formal application for the zoning change and a pre-application for the CUP. Because they claim the plan for the zoning change has substantial changes and because a neighborhood meeting is required for the CUP, we suggest that a neighborhood meeting for both issues be scheduled. This would give Topgolf an opportunity to explain its changes to the neighbors. We would ask that all processing of the applications be on hold until after the neighborhood meeting and a report on what happens there. Thanks.

Steve Porter

**Stephen T. Porter**

**Attorney at Law**

**2406 Tucker Station Road**

**Louisville, KY 40299**

**502-905-9991**

[stpinlou@aol.com](mailto:stpinlou@aol.com)

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**Dock, Joel**

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**From:** Ashburner, Clifford <Clifford.Ashburner@DINSMORE.COM>  
**Sent:** Wednesday, June 13, 2018 12:28 PM  
**To:** stpinlou@aol.com; Dock, Joel  
**Subject:** RE: 18ZONE1014 Topgolf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Steve and Joel:

On behalf of our client, Topgolf, we disagree that the applications should be delayed in consideration in any way. Our initial neighborhood meeting provided notice of the proposal and an opportunity for neighborhood concerns to be expressed. The plan modifications were made in response to those concerns. I will happily sit down with you, Steve, and a small number of your clients, to discuss any additional concerns you or they may still have. However, I do not believe another large gathering is required or will help bring the parties together.

In the meantime, visit [www.topgolflouisville.com](http://www.topgolflouisville.com) to see the most up to date information about the plan.

Best,

Cliff

**From:** [stpinlou@aol.com](mailto:stpinlou@aol.com) [<mailto:stpinlou@aol.com>]  
**Sent:** Wednesday, June 13, 2018 12:10 PM  
**To:** [joel.dock@louisvilleky.gov](mailto:joel.dock@louisvilleky.gov)  
**Cc:** Ashburner, Clifford  
**Subject:** 18ZONE1014 Topgolf

Joel,

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Steve Porter

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