

Davis, Brian

From: Steve Hardin <stevehardin@camtera.com>
Sent: Monday, April 20, 2015 10:51 AM
To: Markert, Tammy O
Cc: Davis, Brian; Liu, Emily
Subject: Re: Case: 15subdiv1003 Ball Homes Development on Factory
Attachments: StJoeProperty.pdf

Categories: Red Category

Hi Tammy,

Thanks for your response last week. Widening the road to 3 lanes (2 lanes with a center / turning lane) along the entire development seems prudent and necessary. From your response below, it appears that the city will only be asking the developer to widen the road to 3 lanes for only a portion of their property along Factory Lane.

I'm asking for the same configuration that exists along the frontage of the nearby Paddock Apartments. Hogan Properties was required to improve and widen this area of road to 3 lanes several years ago.

Also, the circumstances surrounding the land are unique. The land was donated to the St. Joe's Orphanage circa 1993, restricted to open green space by the donor. As you may know, St. Joe's protested to a Jefferson County court on this restriction and subsequently, the court agreed to change the will of the deceased benefactor.

Considering the facts of this case, it now seems fair Metro Louisville require St. Joe's and their buyer to improve the road for the safety of current and future residents. If the land was kept as it was earmarked (a park and open space), we would not be asking St. Joe's for this assistance.

I'm attaching an article from the Courier-Journal that provides more background on the land and the original restrictions.

I appreciate your consideration and research into this issue.

Regards,
Steve Hardin
3903 Woodmont Park Lane
Louisville KY 40245

On 4/15/15 8:52 AM, Markert, Tammy O wrote:

Steve,
Julie's last day is today and I have this case. I just saw the Subdivision plan on Monday and comments are due next Wednesday. The Developer will be doing road improvements to create a dedicated left turn in. I don't believe the generation - taken from the ITE Trip Generation Manual 9th Edition from the site itself will constitute road improvements to the network outside of the dedicated left in but I will be sure to check in with a Professional Traffic Operations Engineer to make sure.

I will also be looking at distribution, which I believe is more even than the study suggested. It would be better to that it is more even, especially with the Old Henry Road improvements. I have ran accident history from the last 5 years for all of Factory Ln and have already reviewed that.

From: Steve Hardin [<mailto:stevehardin@camtera.com>]
Sent: Tuesday, April 14, 2015 3:09 PM
To: Payton, Julie
Cc: Davis, Brian
Subject: Re: Case: 15subdiv1003 Ball Homes Development on Factory

Hi Julie,

Can you earmark some time in the coming week or so to discuss the road plan for the Ball Homes development? The city has required the other developers in the area to improve the road, and I don't want to miss an opportunity for Ball Homes to fund or partially fund needed road improvements. My suggestion is below. Thank you, Steve

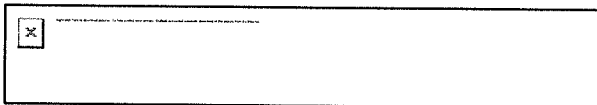
Factory Lane St. Joesph's Development - Ball Homes - 120 Acres
Proposed Transportation Binding Element
Case: 15subdiv1003

Provide details of a comprehensive traffic study and impacts including any and all changes to traffic patterns as a result of any and all planned development in the vicinity of this development for all roadways connected to Factory Lane

Provide funding to Widen Factory Lane to at least three lanes from the Paddock Apartments to the eastern edge of the development to comply with current regulations and requirements regarding width, utility and drainage systems (one lane in both directions with a paved center for turn) prior to any development. The developer and/or land owner shall absorb the cost of these improvements or secure such funding from government entities.

Steve Hardin
iPhone & Android Mobile Development
Web: camtera.com
Cell: 502.291.9503
Main: 800.499.7930

 Follow @jstevhardin



On 3/23/15 2:17 PM, Payton, Julie wrote:

Steve,
We have not had a formal filing for this subdivision yet. We have no plan to look at or review. I will keep your email on my desk and as soon as we have information to go over with you I will give you a call and we can set up a meeting.
Thanks,

Julie Payton
Engineer II

Transportation Planning
Louisville Metro Planning & Design Services
(502) 574-5542



**DEVELOP
LOUISVILLE**
LOUISVILLE FORWARD

From: Steve Hardin [<mailto:stevehardin@camtera.com>]
Sent: Monday, March 23, 2015 11:19 AM
To: Payton, Julie
Cc: Davis, Brian
Subject: Ball Homes Development on Factory

Hi Ms. Payton,

I understand that you are the Traffic Staff Engineer for the proposed Ball Homes development on Factory Lane.

As a member of the community who oversees development in the Old Henry area, I'm representing our Old Henry neighborhood in the effort to push for necessary road improvements to Factory Lane, with the costs absorbed by the current land owner St. Joesph and developer Ball Homes.

When the Paddock Apartments on Factory Lane was built, the developers widened the road to 3 lanes. The community will be lobbying Planning and Design to again prepare a binding element to increase the roadway to 3 lanes beginning from the Paddock Apartments to the eastern edge of the proposed Ball Homes neighborhood, aligning with the existing 3-lane roadway.

The traffic study (attached) provided by the developer provides no conclusion, and seems to be a data dump. The study provided is incomplete.

Along this proposed development, Factory Lane is a narrow, dangerous roadway. If a driver is speeding or inattentive, they might run off the roadway and strike a nearby utility pole (10 inches from road edge) or another vehicle, causing fatal or crippling injuries. There is also a dangerous, hazardous curve along the proposed development where the drivers view is obstructed by berms and vegetation. The design and construction of the roadway was never intended to handle this amount of traffic, and widening the road to 3 lanes while relocating the utilities will resolve these hazards.

I hope to sit down with you in the coming weeks as you review this development and discuss the improvements needed to Factory Lane.

Best regards,
Steve Hardin
3903 Woodmont Park Lane
Louisville KY 40245

cc: Brian Davis

--

Steve Hardin

iPhone & Android Mobile Development

Web: camtera.com

Cell: 502.291.9503

Main: 800.499.7930

 Follow @jstevhardin



Woman's will won't keep land undeveloped

By SCOTT WADE, The Courier-Journal | April 28, 1999

For 86 years, Edith Klemenz lived on 220 acres of rolling pastures and woods straddling Factory Lane in eastern Jefferson County.

She wanted it to stay that way and said so in her will before she died in 1993, ultimately leaving the property to St. Joseph Home for Children on Frankfort Avenue.

But now it seems certain that the property, prime development land just outside the Gene Snyder Freeway sandwiched between the Forest Springs and Lake Forest subdivisions and the Eastpoint Business Center, won't be farmland at all.

Despite the will, a Jefferson Circuit judge ruled in St. Joseph's favor in 1996 after the home, with the cooperation of one of Klemenz's nephews, asked the court to erase the will's restrictions on the use of the land.

"It won't be a farm," said Bernie Bowling, a board member of St. Joseph who has been involved in the land deal. "But frankly, we don't know what we'll do with it."

Nothing will happen to it for a while. Edith Klemenz stipulated in her will that her nephew, Louis Klemenz Jr. will hold a life trust on the land, but that St. Joseph which already holds the deed, will eventually take control. Louis Klemenz is 61.

Klemenz said in an interview at the farm that he agreed to cooperate in contesting the restriction in the will after leaders at St. Joseph approached him to explain that they weren't equipped to get into the farming business.

Under their agreement, he said, the land won't be sold unless both sides agree to the plan. If he dies before an agreement is reached, St. Joseph can do as it pleases, within the law.

Dennis Davis, St. Joseph director, said that in the past [St. Joseph] inherited land to help pay for the care of abused and neglected children.

Although the future of the land is uncertain, it is important to county planners, who will hold a public meeting Monday to discuss land-use concepts for the area that included the Klementz property.

Discussions about the area were triggered this year after the Old Henry Road interchange at the Snyder Freeway opened. Businessman Carl Ray proposed 120-acre development of offices, warehouses, commercial space, condominiums, apartments and hotels nearby.

At Monday's meeting, the second public session includes to discuss the area, county planners will offer three alternatives for development and listen to citizen comment in June, they plan to have a final draft for public viewing before it is sent to Fiscal Court for review.

When a resident asked about the Klementz farm, representation of the Jefferson County Department of Planning and Environmental management knew about Edith Klemenz's will, but not about the Circuit Court case, said David Hoch, a planner included in the project.

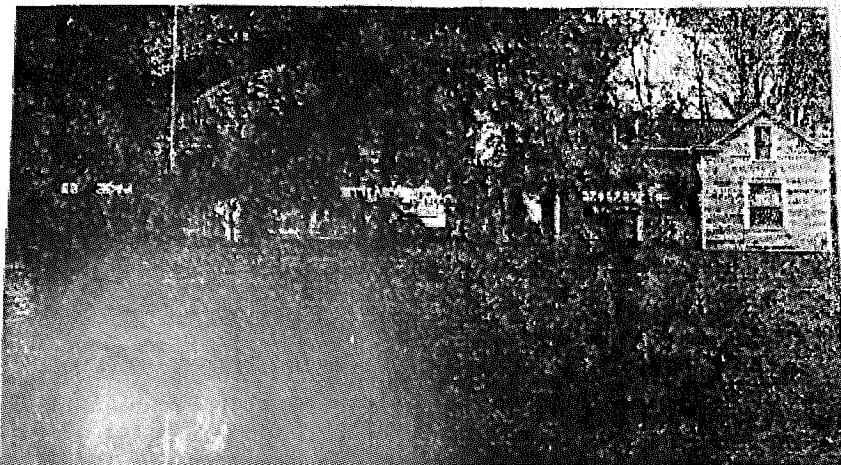
After learning of the court decision, Hoch said it is important because it means the land could be the site of hundreds of homes, and it will make a difference in the need for roads, grocery stores and gas stations.

On the other hand, Hosh said, it's likely that public officials will one day ask St. Joseph to agree that part of the land be used for a park, recreation areas; school or other public facility.

Edith Klemenz had known for 40 years that she was going to give the land to St. Joseph, said Louis Klemenz. But St. Joseph leaders say they knew nothing of the gift until an attorney for Klemenz called after she died.

B 2
THE COURIER-JOURNAL
WEDNESDAY, APRIL 28, 1998
EDITOR: JEAN POWERS
PHONE: 562-4244 FAX: 562-7080

Neighbor



Edith Klemenz wanted her land on Factory Lane to remain a farm, but a Jefferson Circuit judge said the restriction in her will could be erased.

EASTERN JEFFERSON

Woman's will won't keep land undeveloped

By SUZY WAGE
The Courier-Journal

For 40 years, Edith Klemenz lived on 300 acres of rolling pastures and woods straddling Factory Lane in eastern Jefferson County. She wanted it to stay that way and said so in her will before she died in 1958, with money leaving the property to St. Joseph Home for Children on Franklin Avenue. But now it seems certain that the property, prime development land just outside the Gene Snyder Freeway, developed between the Forest Springs and Lake Forest subdivisions and the Harrison Business Center, won't be farmland at all. Despite the will, a Jefferson Circuit judge ruled in St. Joseph's favor in 1995 after the home, with the cooperation of one of Klemenz's nephews, asked the court to erase the will's restrictions on the use of the land. "It was like a bomb," said Bernie Hooping, a board member of St. Joseph who has been involved in the land deal. "But frankly, we don't know what we'll do with it."



Nothing will happen to it for a while. Edith Klemenz stipulated in her will that her nephew, Louis Klemenz Jr., will hold a life tenant on the land, but that St. Joseph, which already holds the deed, will eventually take control, Louis Klemenz Jr. said. Klemenz said he was very view at the farm that he agreed to cooperate in contesting the restriction in the will after leaders at St. Joseph approached him to re-

plain that they weren't supposed to get into the territory. Under their agreement, he said, the land won't be sold unless both sides agree to the plan. If no deal before an agreement is reached, St. Joseph can do as it pleases with the land. Dennis Davis, St. Joseph director, said that is the plan. He said the home is a charitable and to help pay for the care of abused and neglected children. Although the future of the land is uncertain, it is important to county planners, who will hold a public meeting Monday to discuss land use options in the area. The area is a 100-acre development of offices, restaurants, commercial stores, condominiums, apartments and hotels nearby. At Monday's meeting, a board will consider the plan. The area's future plans were set after three alterna-



The Klemenz farm will ultimately become the property of St. Joseph Home for Children.

tives for development and listen to citizen comments. In June, they plan to have a final draft for public viewing before it is sent to the Joint Planning Commission. When a resident asked about the future of the Klemenz farm at the first meeting, representatives of the Jefferson County Department of Planning and Transportation's management group about Edith Klemenz's will, but not about the Circuit Court case, said David Hoch, a planner with the group. After learning of the court decision, Hoch said it is important because it means the

land could be the site of hundreds of homes, and it will make a difference in the need for roads, grocery stores and gas stations. On the other hand, Hoch said, it's likely that public officials will one day ask St. Joseph to agree that part of the land be used for a park, recreation area, school or other public facility. Edith Klemenz's last known wish was to give the land to St. Joseph, said Louis Klemenz. But St. Joseph leaders say they knew nothing of the gift until an attorney for Klemenz called after she died.

Davis, Brian

From: Richard Phillips <r.m.phillips25@gmail.com>
Sent: Tuesday, June 30, 2015 7:15 PM
To: Davis, Brian
Subject: Concern about the Factory Lane Subdivision by Ball Homes

Categories: Red Category

Hi Brian,

I was given your information from Karen Bertocci. I reviewed the transmittal letter for this development and I have a few concerns. For item 12 under Metro Public Works I am concerned that the letter just states "We recieved no fire department comments." I think it would be best to require the fire department to submit an official statement on letterhead stating that there will be no negative impact to their ability to ensure the safety of the residents in and around this new development. Allowing the developer to get by with the blanket statement does not sit well with me. Even if the fire department has no comment, I believe it is their responsibility to officially state that, as well as it is the developers responsibility to wait before moving forward without confirming the safety of the impacted residents.

I have similar concerns with item 10 regarding the KTC. I believe that it should be required that there is an official letter from the KTC stating that the KTC has no comments, signed by someone at KTC. This would force someone from the KTC to be responsible.

Thank you for your time, if you have any comments or questions please do not hesitate to reach out to me.

Richard Phillips
240-620-6529

Intentionally Blank

Davis, Brian

From: Sharon Kuhl <sharonskuhl@gmail.com>
Sent: Thursday, June 18, 2015 12:02 AM
To: Davis, Brian
Subject: Ball development concerns

Categories: Red Category

Mr. Davis, I currently live in the Woodmont neighborhood and am writing to you because of serious concerns regarding the Ball homes development.

My husband and I moved to the Woodmont area seven years ago for various reasons. One reason was that we were sick and tired of fighting traffic in the St. Regis/St. Matthews/Hurstbourne Ln. area. We were tired of being in such a 'closed in' area. Too much development, too much traffic, too much noise!!! We discovered Woodmont and found a much quieter place, much less traffic, much, much, more green space!!!! We were very happy.

Slowly the traffic has grown, developments are growing and now commute time in our area has grown dramatically. Or rather I should say 'hurry up to wait' time is crazy. Times to get from point A to point B is now doubled. Not fun.

On top of all the recent growth in this area we hear of the Ball Development plan. This is a very disturbing story. First a will was overturned by a judge in order for this development to happen. What? A will should be a legally binding document and should be upheld. Period. The former owners of the farm did not want the land sold and that is what they documented in their will. And a judge can just through out the will? That is ridiculous.

The Ball development idea is a really bad idea. There are so many red flags with this proposed development. The first is the overturning of the will. Second, traffic. I came home (or tried to come home) this evening and was so frustrated with traffic congestion. First Shelbyville rd. is a nightmare in the afternoon especially during rush hour and even more so when school is in session. I avoid it at all costs. But then I-265 is crazy too. I try to avoid that as well. This evening once I finally got to Old Henry Road I was stopped at Arnold Palmer Blvd. Traffic was backed up from the three way stop (at Old Henry, Old Henry and Factory Ln) to Arnold Palmer. Unbelievable. As I inched my way to the three way stop intersection I could not imagine what 500 additional homes would do to the traffic issues already experienced in this area. (Five hundred homes =1000-1300 cars??!!) I realize that Old Henry is on the books for a 'remake' but to allow that many more homes into the area is completely unreasonable. We like our green spaces, our rural feel inside the city and do not want massive road improvements in order to cram 500 more houses and condos into the area. And the over 1000 cars! My family just moved from an area like that. We escaped to a more rural are and would like the area to continue to be undeveloped.

Another red flag in this Ball plan is the amount of blasting that will inevitably go on. Homes in the area are destined to have blasting damage and with the history of homes and blasting damages and construction companies I know this is a nightmare for home owners who suffer damage to their homes.

Another red flag, environmental issues. The wildlife in our area and the farm is nothing to ignore. They were in the area first. It is their home and their environment should remain intact.

Storm drainage is another issue. I can not imagine the nightmare of adding 500 dwellings to the area. Our current drainage system is 'adequate' during most storms. Added volume of the housing would certainly cause unfair pressure on the current system and cause unknown drainage issues for the entire area.

Another red flag---with increased number of residents where are all the children going to be attending schools? I can not imagine the increased demand for quality schools for hundreds of school age kids. How will that impact the school system and our local schools?

Another red flag. The density and quality of the housing. It is too many houses and townhouses. The quality of the proposed houses are not compatible with the area. The current home values are in the \$400k-\$500k value. Build a \$200k house next to our homes and watch our home values plummet. That is a devastating thing to happen. Pay \$450,000 for a beautiful home and turn around and struggle to not only resell it but take a big loss. We paid a good amount of money for our home and expect our home value to rise. We are counting on it and do not expect the whim of a developer to diminish the value of our home. Period.

A big red flag is the history of Ball Homes. Ask any realtor and they steer you away from a Ball home. Ball homes has no morale character, no ethical standards. They are a corporation who loves money and will cut any corner, avoid the rules to make the almighty dollar. Their houses are substandard and quite honestly we do not need the crappy Ball homes in our area.

I understand that St. Joe's needs money but to overturn a will and cram 500 homes into an area that will have severe consequences on the current residences is simply not a good idea. The farm was meant to be a farm. Our area can not tolerate any more traffic or congestion. The Ball plan needs to be turned down and a more peaceful use can be found for the farm. Please, please do not just rubber stamp this horrible Ball plan. It would ruin a wonderful environment, our peaceful community.

I appreciate you reading this long but very important email. Put yourself in our place and please help us stop this development. Thank you.

-Sharon Kuhl

Davis, Brian

From: Personal <nicole1wilcox@gmail.com>
Sent: Wednesday, June 17, 2015 7:11 PM
To: Davis, Brian
Subject: Case 15SUBDIV1003

Categories: Red Category

Good Evening Mr. Davis,

As a tax payer and Louisville resident, I would like to express concerns related to the potential Ball Homes Development off of Factory Lane.

I'm asking you to ensure that all aspects of the Land Development Code are followed. I also have many concerns related to the increase in traffic in that area, as well as, any blasting. Please ensure these things are considered heavily before appropriate decisions are made.

Thank you for your time.

Sincerely,
Nicole Wilcox

Intentionally Blank

Davis, Brian

From: Kim Strong <ktstrong@aol.com>
Sent: Wednesday, June 17, 2015 10:04 PM
To: Davis, Brian
Subject: concerns over proposed development of Factory Lane

Categories: Red Category

Hi Brian,
I'm writing about the proposed Factory Lane Development in Easter Jefferson County. I have concerns about this development for many reasons and are counting on you to enforce all aspects of the Land Development Code. Items of particular concern include blasting, storm drainage, increased traffic, ability of the roads and infrastructure to handle this size development in this area, school enrollment and environmental issues.
Thanks for your support and attention to this matter.

Kim Strong
Forest Spring Resident

Intentionally Blank

Davis, Brian

From: Kim Philpot <kimwlee@gmail.com>
Sent: Wednesday, June 17, 2015 10:36 PM
To: Davis, Brian
Subject: Ball homes construction site

Categories: Red Category

Brian

This is Kim Philpot. I live in Fox Run which does not back up to the new proposal, but I have great concern over the construction of over 1000 homes on factory lane.

Being in real estate for 25 years I have always been in favor of progress that will help our community. Unfortunately I am not seeing this particular development an asset for this community.

We have very few places left for wildlife sanctuaries This is not a huge area, but at least a place our wildlife can continue to thrive which is why this property was left to St Joes.

I find it such a shame that someone can have good intentions leaving their land only to find money and greed take over once they have passed away.

This is a wonderful learning ground for children. It could be used as a day camp or weekly camp for children to learn the benefits of wildlife and gardening. Maybe this does not seem important, but somewhere we need to make a place for something other than money and greed.

On another note, I do not understand where all of this new traffic that will be generated is going to go.

Both areas are overwhelmed with rush hour traffic. Old Henry was backed up all the way to lake forest yesterday. That road is also narrow and in very bad condition. People swerve to the middle of the road to avoid bad areas where the road is caving in. This road is extremely dangerous already. How will this work when all of these homes have been built. Forest springs and hwy 146 also has very heavy traffic.

The entrance and exit from the proposed area is also in a blind curve.

With all of the subdivision developments I have been a part of I cannot imagine this one. If it does go through we are going to see MAJOR road issues and people going crazy wanting it addressed.

Please help the current residents and wildlife in this area and find a better fit for such a large development.

Thank you

Kim Philpot

Sent from my iPhone

Intentionally Blank

Davis, Brian

From: Judy Teller <judy.factorylane@gmail.com>
Sent: Monday, May 04, 2015 2:37 PM
To: Davis, Brian
Subject: 15SUBDIV1003

Hi Brian!!

Hope this finds you recovered from Derby!!

I wanted to check in and see if there have been any updates regarding the Ball Development on Factory Lane.

I have checked the online system and it does not appear that Ball has submitted any plan revisions as of today's date. If this is not the case could you please let me know - thanks!

I did have a couple of additional questions regarding some of the revision comments currently available online:

PDS comments:

1) How do we get access to the results of each of your requests? Will they be posted on line?

MSD comments:

- 1) How can we access what MSD is discussing regarding the detention basin locations with Ball engineers?
- 2) How can we access the downstream Facilities capacity request and the results of such?
- 3) Who and how are the pre-developed peak flows for 2, 10 and 100 year storms or to the capacity of the down stream system determined?
- 4) USACOE approval is required prior to construction plan approval - does this mean that USACOE approval is required PRIOR to planning and zoning commission approval of the development or AFTER P+Z approval?
- 5) Will all the requested results be posted online?
- 6) Why has the comments due date for MSD been pushed out to 5/13/2015?

DPW comments:

- 1) They request Fire Department review. I was under the impression that Middletown Fire would be submitting their own review independent of DPW. Who submits the Fire Department review?
- 2) Will the KTC review comments requested by DPW be made available through the DPW comments or under a separate comment section?
- 3) It appears from the comments that there will be a road widening at the entrance(s). Will this be at both required entrances or just one? Who will pay for this road widening - the developer or the taxpayer? Will a stoplight be required at one or both entrances due to the high volume of traffic on that road?
- 4) Has anyone been assigned to review and complete an analysis regarding the BLIND CURVE adjacent the main entrance? Safety hazards seem likely to exist for single automobiles, school buses and emergency vehicles of all kinds due to the current road configuration.
- 5) As was mentioned in our meeting on 4/13/2015 the Ford plant is finishing an extremely large addition to their facilities less than 1 mile from the proposed Ball Development. Factory Lane is frequently used by a large

number of current, and consequently due to their addition an additional greater number of new, future Ford employees as an alternative to the extremely congested LaGrange and Westport 265 exits. We have been made aware by Tom Hall, P.E. D5 Planning Section Supervisor, that KYTC is currently completing an expansion study of the Old Henry exit, due to the Ford traffic, current and future, and additional residential and business traffic growth reasons. I do not believe that he is aware of the Ball proposed development which would greatly impact their study. Reversely, their findings SHOULD impact how road development and traffic will be required to be handled by Ball.

6) I also mentioned during our meeting that I believe a traffic study should include the scheduled train stops to service the Ford plant, at times 20+ minutes at length, at the LaGrange and Chamberlain Road intersection. Traffic backs up in every direction while the trains maneuver in and out, loading and unloading. There are many times that the traffic backs up to a stop for great lengths of time in front of the Middletown Fire Station. With the increased Ford traffic and traffic from the Ball development and additional areas this will only get worse creating a tremendous safety risk should Fire and EMT vehicles be unable to exit due to dead stop traffic.

5) How do we get access to the results of each of the additional DPW comment requests? Will the requested results be posted online?

Why were Metrosafe, TARC and LWC comments waived?

During my visit on 4/13/2015, I understood comments to be required of the following additional agencies:

LG&E

TPR

E-911

JCPS

Landmarks

Parks

NRCS

Are comments required from these agencies regarding this development? Are there any other agencies that we should be aware of that have not yet made comments?

Just to make sure I understand the process, when Ball presents a revised plan will there be additional time for each agency to comment and send back to Ball again for additional revisions if they are required prior to going before the Planning and zoning commission?

In conclusion, is there information of any kind that is contained in the physical file at Planning and Zoning that is not available online?

Sorry Brian for all the questions, still working on the huge learning curve involved! I hope you have some sugary confection and caffeine available to help see you through this checklist of questions!

Respectfully,

Judith Teller

Factory Lane Development Awareness Group

502-365-2399

217-899-5650

judy.factorylane@gmail.com

Davis, Brian

From: Dumoulin, Mark Alan [OMP] <MDumouli@its.jnj.com>
Sent: Thursday, April 16, 2015 5:44 PM
To: Davis, Brian
Cc: Judith Teller; bob.perkins@amec.com; Dumoulin, Mark Alan [OMP]
Subject: Ball homes@ st joe orphanage site

Categories: Red Category

Brian,

Thank you for taking my call today. I wanted to put in writing my concern over the proposed subdivision!

My concern is of the density of the conversation subdivision as it relates to my property. The current proposal design has such density that my property alone could be adjacent to five homes in the Ball design, and have site line view to as many as 12-15 properties.

My property line is ~250 feet long. This is unacceptable as "conservation" in one area, negatively impacts others in a different area.

I am requesting that the proposed plan be redraw to give all adjacent home owners more protection to the density of the new subdivision.

At the very least, I am requesting a properly constructed 4 board black fence and situated in the middle of the 30foot buffer zone to protect my property. I am also requesting appropriate spaced Norway Spruce evergreens along this property. I would like these requests submitted into "binding elements" of the Metro Louisville approval plans.

Thank you in advance.

Mark And Wendy Dumoulin
3901 Forest Crest Way
Forest springs subdivision
502-419-5727

Intentionally Blank

Davis, Brian

From: Karen Bertocci <klfrost@mac.com>
Sent: Wednesday, April 15, 2015 9:15 AM
To: Davis, Brian
Cc: k.bertocci@louisville.edu; Reverman, Joe
Subject: 15SUBDIV1003 - with attachment
Attachments: Review of 15SUBDIV1003_Plan_04_09_15.docx

Brian & Joe,

Both Gina & I appreciate the time you took to answer our questions regarding the proposed Factory Lane Development referenced above. As we expressed, our interest is in ensuring due diligence throughout the planning, review and approval process with equal consideration given to residents whose property abuts the proposed development.

Attached for the record is a copy of the concerns we expressed during our meeting. Some of our primary concerns include:

1. The designation of Primary Conservation Area (PCA) as shown on the preliminary plot plan fails to include significant portions of land defined as PCA per 7-11.14.A. of the LDC. (pre-Jan 31st version).
2. Traffic management - the preliminary assessment (both no# trips & distribution) provided by the developer does not reflect true conditions, nor anticipate the increasingly congested choke point at the intersection of Factory Lane & LaGrange Road.
3. Noncompliance with 7-11.6.A.5. with calls for a 100 ft. setback for wetland areas located in a conservation subdivision.
4. The blasting required to develop this land may result in significant damage to many homes in the existing, abutting neighborhoods.

We were surprised to learn that the developer did not provide all of the required documents per the Preliminary Plan Application, given that your department must review and provide comments on this plan by 4/22/15. As we indicated, we would like to obtain copies of the remainder of the Preliminary Plan Application items, specifically the Redwing report, given that this development will require an individual permit from the Army Corp of Engineers. Brian, you said you would ask for this report - we appreciate you looking into this and look forward to hearing back from you. You also stated you would ask colleagues for clarification of regarding the PCA issue, and inform us of any memorandums of understanding regarding interpretation of PCA. We appreciate your willingness to follow up with us on these issues.

Thanks again for meeting us, listening to our concerns, and educating us on the process. We understand from our meeting that several of our concerns have already been identified by P&Z and will be included in the comment to the developer and incorporated in future plot plans/drawings; namely the absence of a stub road, inclusion of setbacks along all property boundaries, compliance w/R4 & 7-11 zoning requirements regarding max number of attached dwellings, and assessment of traffic management. Please thank Tammy for us as well (I do not have her email).

Karen Bertocci

On Apr 14, 2015, at 3:37 PM, Davis, Brian <Brian.Davis@louisvilleky.gov> wrote:

Karen,

It was very nice to meet you and Gina this afternoon. As promised, here is the link to where the agency comments will be available.

<http://portal.louisvilleky.gov/codesandregs/mainsearch>

Again, the due date for comments is Wednesday, April 22. I will continue looking into the other issues we discussed today. If you have any questions feel free to contact me.

Thanks,
Brian Davis

Brian Davis, AICP
Planning & Design Supervisor (Zoning)
Louisville Metro Planning & Design Services
444. South Fifth Street, Suite 300
Louisville, KY 40202
(502) 574-5160
brian.davis@louisvilleky.gov
<http://www.louisvilleky.gov/PlanningDesign/>

<image001.jpg>

<image002.jpg><image003.jpg>[Sign up to receive notices of developments in your Metro Council District!](#)

Karen L. Frost Bertocci, PhD, MBA
Assistant Professor
Bioengineering
iRAP Laboratory
University of Louisville
Room 110, Instructional Bldg.
500 South Preston Street
Louisville, KY 40202

Tele: 502.645.4734
Lab: 502.852.0279
Dept:502.852.6356
Fax: 502.716-6159
Email: k.bertocci@louisville.edu

"Obstacles are what we see when we take our eye off the goal"

13605 & 13615 FACTORY LANE DEVELOPMENT REVIEW OF CONSERVATION SUBDIVISION PLAN

SUMMARY FINDINGS

- All calculations shown on the plan meet the requirements of the Land Development Code (LDC) requirements for Conservation Areas per Chapter 7 Part 11. Specifically, the calculations for:
 - Proposed number of lots (408)
 - Percent Conservation Areas (both primary, secondary & 50% of secondary)
 - Number of attached dwellings permitted (81)
 - Calculated average lot size
- The devil is in the details. It all comes down to defining what is Primary Conservation Area (PCA) because only PCA is included in the calculation for determining how many lots can be developed.
- It is critical that we all become familiar with Chapter 7-11 of the LDC, as these are the technical specs we can use to assert the plan is inaccurate, requires additional study, etc.

Site Data, Lot Requirement (Density) Calculations

- First a primer on the relevant definitions:
 - PCAs** –most severely constrained land where development is typically limited: protected waterways (perennial streams & 100 ft buffer areas on each side), wetlands, karst features (sinkholes), slopes $\geq 30\%$ on average w/site area $>5K$ sq ft, alluvial or unstable soil areas, habitats for endangered/threatened species.
 - SCAs** –undeveloped, unconstrained buildable land and protected, constrained & buildable land; farmlands, woodlands and landscape buffers, historic/archaeological sites, passive recreational areas & active recreation facilities NOTE: only 50% of ‘active recreation areas’ & facilities may be counted as towards the total Conservation Area calculation
- Conservation Area (CA) must comprise $\geq 30\%$ of total land area (gross acreage).

$$CA = \text{Primary Conservation Area (PCA)} + \text{Secondary Conservation Area (SCA)}$$

 - If the designated PCA $< 30\%$, the balance of the Conservation Area can be comprised of SCA.
 - SCA includes SCA + a subset of SCA referred to as “50% SCA”, which is active recreation area (graded areas for leisure activities, e.g. landscaped areas near townhomes) that is permitted to be counted if it can be used for leisure activities (passive recreation).
- **The Density Calculation to determine the max number of lots permitted only includes the square footage of the PCA, NOT the SCAs.** Therefore it is in the interest of the developer to minimize the PCA and maximize the SCA, since the SCA is not included in the numerator:

Fig 1. Density Calculation (LDC; 7.11-14)

$$MLP = \frac{TA - PCA - IA}{\text{Zoning District Min. Lot Area}^*}$$

MLP = Maximum Lots Permitted

TA = Total Land Area

PCA = Primary Conservation Area

IA = Infrastructure Area (10% of TA)

*R4 zone min. lot area=9,000 sq ft

Where: TA=122.03 acs (5,315,626 sq ft) **[Gross area, not net]**
 PCA=18.53 acs (807,096 sq ft)
 IA=10% of TA (531,562 sq ft)
 1 acre (acs)=43,560 sq ft

- Use of the gross area versus net area benefits the developer
- Use of PCA versus total CA (PCA + SCA) benefits the developer
- Per the submitted Plan, the determination of 408 lots is accurate.

13605 & 13615 FACTORY LANE DEVELOPMENT REVIEW OF CONSERVATION SUBDIVISION PLAN

- **IF the total conservation area (CA) was used in the above calculation, then the total number of lots allowed would be 367; IF net area (excluding right-of-way) & PCA used, lots=311.**
- The calculated average lot size is approx. 6,565 SF for 408 dwellings which is > than the required minimum average lot size of 5,500 SF.

Inconsistencies/Issues

- Area designated 409 is untouched & should be designated PCA, not a combination of PCA & SCA.
- Some of the math is slightly off, and it's off by more than rounding – however these inconsistencies benefit us, not the builder.
- Wetlands must be PCA and given a 100 ft perimeter buffer. The depicted wetland is not included as PCA, nor is it drawn w/a 100 ft buffer. If treated correctly, a minimum of 8 lots would be eliminated.
- Lot 408 is listed at 5,987 sq ft but plan map shows it includes the 30 sq ft setback area.
- Detention area for storm water drainage was counted towards conservation area; this is permissible under 7.11-6C3 if approved for passive recreation (birding, walking, hiking, etc.)
- The proposed Detention Area shown in the SCA has a $\geq 30\%$ grade, therefore should be designated as PCA.
- No setback is provided on the western and eastern side of the townhomes (including the single row of houses located north of these townhomes).
- Area 409 indicates TPCA*=1,473,139 sq ft on topo map; but is listed as 1,517,266 sq ft in open space lot size (bottom left of plan), possibly implying that at some point the entire undeveloped portion of the plan was considered as Primary Conservation Area (PCA).
- Plan states no Karst found (per landscape architect Kelli Jones), but application states Karst.
- Development does not maintain “compatibility” with Woodmont.

Questions Outstanding

1. Per the LDC, specifically 7-11.6.A (“PCA”), are all categories of land mandated as PCA, or may the developer select 30% of land within the site that meets these categories to designate as CA?
2. Per 7-11.6.C.3, improvements made for storm drainage may be located in CAs but shall not count towards the minimum requirements for CA unless the land remains appropriate for passive recreation (walking, hiking, birding, etc) – what is criteria/who determines whether or not the Detention Areas are appropriate for passive recreation?
3. Comprehensive plan of storm water management and impact with Woodmont storm water plan is needed (7-11.5.C.2)
4. Are there additional wetlands on the property?
5. What is the required distance of the road right-of-way?
6. Open spaces at front of plan near townhomes are counted in SCA – is this permissible since they are adjacent to the road right-of-way?
7. Four rows of townhomes violate the LDC, which permits a max of 8 contiguous attached units in R4/R5 zones (7.11.9-B (Table 1)).
8. Lots 101, 102, 90 & townhomes 326-338 are built on $\geq 30\%$ grade.
9. Roadway infrastructure overload – Ball Homes has not addressed road improvements.
10. Trip generation report provided on behalf of Ball Homes makes unreasonable assumptions regarding both anticipated number of trips and direction of travel upon exit from development.
11. Soils report indicates blasting will be required; expected damage to existing homes in Woodmont.
12. Is Kelli Jones qualified (as a LA) to make an official determination regarding Karst?
13. Wildlife assessment was limited in scope; RedWing given very specific guidelines regarding what to assess.

Davis, Brian

From: Karen Bertocci <karen.factorylane@gmail.com>
Sent: Monday, September 14, 2015 10:37 PM
To: Liu, Emily; Davis, Brian
Cc: Carroll, John G.; Baker, Jonathan; Gina.factorylane@gmail.com; Judy Teller
Subject: 15SUBDIV1003 - Outstanding Issues per FL DAG
Attachments: Outstanding Issues_15SUBDIV1003_09_14_15.docx; Binding Elements_Factory Lane Development Awareness Group.pdf

Emily and Brian,

Per my earlier email, attached please find a list of outstanding/unresolved items regarding the above subdivision. Clearly this subdivision plan does not comply with the LDC dated January 2015, and therefore should not advance to the next stage of the review process.

In addition to the list, we are attaching our previously submitted list of binding elements.

Sincerely,

Karen

Factory Lane Development Awareness Group

Karen Bertocci
Tel: 502.645.4734
Fax: 502.716.6159
karen.factorylane@gmail.com

"Those who contemplate the beauty of the earth find reserves of strength that will endure as long as life lasts" Rachel Carson

Intentionally Blank

1. REFERENCE DOCUMENTS

Agency Comment Response
June 22, 2015

Signator: Kelli Jones
Sabak, Wilson & Lingo, Inc.

Planning and Design Services
15SUBDIV1003 Case Documents

Permit Detail Data Portal
Problem Comments, Various Agencies

Email communications between Karen & Gina Bertocci and
Brian Davis and/or Emily Liu, including attached documents

Bertocci meeting notes (7/16/15,

2. OUTSTANDING ITEMSConservation Subdivision Plan dated 7/17/2015

1. A current plan incorporating all required changes per various metro agencies is required. The most recent plan is dated 7/17/15, however portal documents indicate recent updates (9/2/15 or later).
2. Three rows of townhomes violate the LDC, which permits a maximum of 8 contiguous attached units in R4/R5 zones (7.11.9-B (Table 1).
3. Lots 101, 102, 90 & townhomes 326-338 are built on $\geq 30\%$ grade (defined as PCA); have not received official interpretation of LDC Chapter 7.11 with respect to whether or not this is considered PCA.
4. No setback is provided on the western and eastern side of the townhomes (including the single row of houses located north of these townhomes). Developer has denoted rear yard footage, but does not include a setback.
5. MSD comments dated 7/22/15 and 8/31/15 – MSD access to proposed detention basin is not shown.
6. PDS comments dated 7/27/15:
 - i) Sq ft area of detention basin is not listed on plan, nor included under title.
 - ii) Conservation calculations have not been updated to exclude proposed sediment basin & detention area (note: this is an allowed use, but the area of use cannot be counted towards the conservation calculations).
 - iii) Wetland -100 ft perimeter buffer around wetland in Open Space 412 is neither shown, labeled or included in PCA calculation.
7. METRO DPW comments dated 7/23/15:
 - i) Traffic lanes at main entrance to be labeled (east/west/left) and drawing improved to show full lanes
 - ii) KYTC comments regarding compatibility w/Old Henry Road re-alignment have not been received.
8. Site Data calculations must be adjusted and checked for accuracy. Per our 7/16/15 meeting there was a consensus that the proposed sediment basin & detention area is an allowed use in a conservation subdivision; however, the area cannot be counted towards the conservation area. Specifically, the detention basin is improperly included by the applicant as SCA 50% credit. Furthermore, the LDC excludes landscaped buffers from counting towards SCA 50% credit. When eliminating these areas from the SCA 50% credit, the applicant falls short of the required 30% CA.
9. Are sidewalk widths compliant, and have adjustments to sidewalk widths been incorporated in the latest calculations? Sidewalks are considered infrastructure area and infrastructure area must be deducted from gross area to determine maximum lots permitted. Thus any change in sidewalk width will change the maximum number of lots permitted.

Applicant and Agency Comments, and FLDAG Issues

10. Per Brian Davis (7/16/15), Fire Department comments were received and would be forwarded (the Fire Dept commented on the tight turning radius at the front of the plan). We have not received these comments, nor can we locate them on the Portal. Brian, would you please forward these comments?

11. Letter of Explanation (LOE). During our 7/16/15 meeting between FLDAG and Emily Liu and Brian Davis (and via email communication between Judy Teller & Brian Davis dated 5/21/15), there was a consensus that the LOE was insufficient on many points and that the applicant needed to “step up their explanations and elaborate” beyond current responses. Brian agreed to request more explanation regarding many of the issues discussed. Brian, was this request made and would you kindly forward a copy of any addendum or additional letter?
- Specific concerns we have regarding the LOE include (as documented via email 8/2/15):
- i) The absence of a description of how existing natural features of the site are being preserved & incorporated into the layout.
 - ii) Lack of an explanation of how clustering dwelling units will:
 - minimize disturbances to woodlands, wetlands, grasslands, mature trees and steep slopes.
 - prevent downstream impact due to runoff through storm water techniques, bioswales, etc.
 - iii) There is no explanation of how the design & location of buildable lots will ensure compatibility with existing adjacent developments. The FLDAG contends that the current density of homes is incompatible with existing homes on adjacent properties, and will result in Woodmont/Forest Springs property owners abutting 3-5 Ball Homes, and having a site line view of up to 12-15 properties.
12. Given the current incompatibility between subdivisions, members of the FLDAG request construction of a raised, landscaped, berm or buffer zone as detailed in the Binding Elements document dated 8/2/15 (please see attached).
13. Redwing Complete Environmental Report. Redwing has stated that their submitted report is limited to a summary of water/wetlands delineation and does not constitute a complete environmental report (telephone communication, 6/2015). The only Redwing report produced thus far is dated 11/20/14 and was limited in scope at the direction of Ball Homes. Nonetheless, Redwing’s 11/20/14 report identified a) ~4 acres of suitable summer roosting habitat for the federally protected Indiana bat (including maternity bats), and b) summer habitat (including 43 trees) suitable for both the Indiana bat and northern long-eared bat on this site (including maternity bats). Additionally per the NRCS letter (3/19/15), a management plan and commitment to address the invasive species plants (Bush Honeysuckle, Privet, Multiflora Rose & Oriental Bittersweet should be employed). Brian committed to looking into this further and getting back to us. We have not received a response or the complete Redwing Report.
14. Applicant has not addressed Chapter 10 of the LDC with respect to tree canopy area, tree inventory, etc. The FLDAG has identified and provided pictures and map coordinates (8/2/15 email to Brian Davis and Emily Liu) of several mature trees (per LDC guidelines, estimated ≥ 100 yrs old) in non-TCPA areas that should be protected given the status of the proposed development as a Conservation Subdivision. We have subsequently identified 3 additional trees along the current entry road that are estimated >100 yrs old and also located in non-TCPA areas. Given our past and current findings, a comprehensive tree survey should be conducted throughout all non-TCPA areas to identify mature trees and address their preservation, given the status of the proposed development as a Conservation Subdivision. Has a tree inventory been completed – the current plan does not indicate the presence of mature trees located in non-TCPA areas.
15. During our 7/16/15 meeting, we conveyed our disagreement with the applicant’s statement that “there is no practical reason to have a conservation break or intersection” on roads C & D. We suggested that a series of 3 open spaces running perpendicular to streets B & C, C & D and D & E, would result in an extended open corridor linking open spaces #411 and #410, providing a safe and protected play space for children and pets. Emily stated that the developer must justify their response further, as merely writing “no practical reason” is not a sufficient. To-date, no addendum or modification to the LOE has been posted on the web portal. Where is the developer’s response to the additional inquiries Brian committed to requesting? Would you please forward any additional data regarding updated responses to the LOE?

16. Lots 328 to 408 - applicant has not reduced the number of contiguous connected units to 8. Additionally, applicant needs to verify feasibility of constructing townhomes on lots 328-336 given front and rear setbacks. Visual review suggests these dwellings would be substantially smaller than nearby properties. Brian, during our 7/16/15 meeting you indicated the developer is planning to include a break between buildings to comply with the LDC requirement. However, the plan does not reflect this modification. Additionally, the townhomes located on the east and west boundaries now show a 25' rear yard located within the area that should be the setback.
17. We have yet to understand how Cardno's geotechnical report addresses the disturbance of >30% slopes and how this issue was resolved per PDS' 6/30/15 status note. Brain committed to looking into this further and getting back to us; we have not heard from anyone regarding this concern.
18. The soils report indicates blasting will be required. Given documented violations of blasting regulations and home damage due to blasting in the Louisville region, third party oversight of blasting is required as a binding element. Brian committed to inquiring about a 'third party oversight' binding element for blasting. Has this been done?
19. Lack of emergency access road via street "I" (proposed stub road in northeast corner). The plan as presented is for 405 buildable lots, which requires an emergency access road to reach the rear of the plan. At this time, the adjoining property needed to complete the stub road has not been acquired by the applicant. Thus, the maximum number of buildable lots must be limited to 200. Without this emergency access road the subdivision should be approved for no more than 200 buildable lots to assure the safety of subdivision residents.

Intentionally Blank

**FACTORY LANE DEVELOPMENT AWARENESS GROUP
15SUBDIV1003 – CONSERVATION SUBDIVISION – BALL HOMES
BINDING ELEMENTS REQUIREMENTS**

1. Provide a landscape buffer bordering LOT NUMBERS 96 - 84 that consists of the following:

a. Earth berm barrier running parallel to property line that is 10 ft. in height bordering the above-mentioned lots. Maximum side slope shall be 2:1. The earth berm should be constructed such that it provides an 8 ft. wide buffer strip atop the berm for plantings described in item (b). Provide a swale adjacent to lot number 96-84 property lines to appropriately direct and control storm water runoff. Also provide berm erosion control.

b. The landscape buffer must provide a year round visual screen. Atop the earth berm provide a high density of clustered, diverse plantings including mature trees, shrubs and bushes to provide a visually opaque buffer. Plantings shall include deciduous trees and evergreens, along with shrubs between trees so as to provide ground cover. Rocks and boulders may also be used to enhance the landscape buffer. An example of an acceptable landscape buffer is shown in photos below (photos from The Falls on Old Henry). Trees of at least eight (8) ft. in height shall be produced within three (3) growing seasons. All plantings shall be installed according to accepted horticultural standards.

Note: as a minimum the earth berm and landscape buffer shall be provided bordering LOT NUMBERS 96-90.





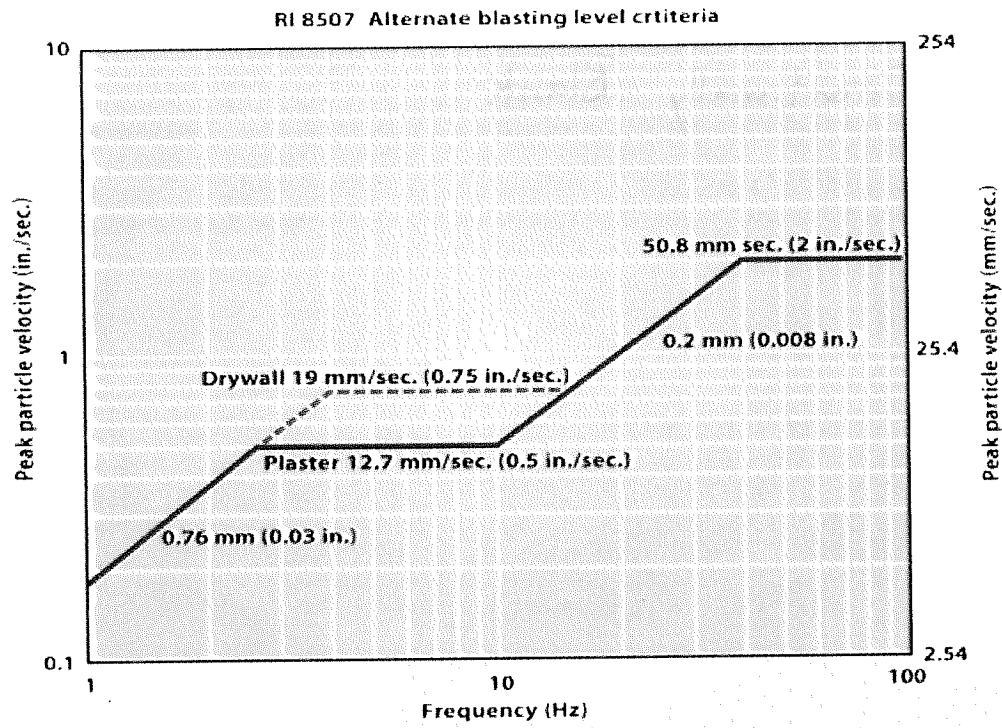
2. Maintain all mature trees which have a caliper (measured at chest height) of at >12 inches for Type A species, >8 inches for Type B species, and >6 inches for Type C species. Protective barriers or tree wells shall be installed around each plant and/or group of plants that are to remain on the site. Protective barriers must be outside of the drip line. A sampling of existing mature trees on the existing St. Joe's Orphanage property and their measurements is attached.

3. Prior to blasting, conduct a *pre-blast inspection/pre-blast survey* of adjacent property owners to document the existing condition of buildings and sensitive structures (swimming pools), building components or contents susceptible to vibration-induced damage. The site conditions and the inspection information must be employed to design the blast to minimize effects to property. This pre-blast survey must consist of photos and videos provided to property owners and Factory Lane Development Awareness Group.

4. Provide a 3rd party, independent blast monitoring inspector to oversee all blasting. This independent blast monitor shall assure that charges do not exceed US Bureau of Mines regulation (USBM RI 8507, "Structure Response and Damage Produced by Ground Vibration From Surface Mine Blasting"). The independent blast monitor shall provide signed reports documenting each blast event, including data described in item (5) below.

5. The 3rd party independent blast monitor shall provide blasting seismographs located on the properties of Gina Bertocci and Karen Bertocci Living Trust and William and Judith Teller to assess ground and air vibration, and assure compliance with US Bureau of Mines regulations. The seismograph shall consist of a 3-axis velocity transducer, an air over-pressure transducer, and a data acquisition and storage device. Blasting analysis software must provide graphical output of waveforms in each of the three axes of the measured peak particle velocities and frequency, as well as air pressure. Additionally, reports comparing standards developed by the U.S. Bureau of Mines (USBM RI 8507) to those associated with each blast event (graphical output of peak particle velocity waveforms and air pressure) must be included in a report from the independent blast monitor provided to the Factory Lane Development Awareness Group.

As measured by seismographs located on the Bertocci Living Trusts and Teller properties, blasts must not exceed air vibrations of 133 decibels (dB) and ground vibrations as shown in the US Bureau of Mines graph below. At frequencies up to 10 Hz, peak particle velocity must not exceed 0.5 inches per second (in./sec.). Above 10 Hz, peak particle velocity must not exceed the blasting criteria set forth in the US Bureau of Mines, RI 8507 (graph below) and at 40 Hz and above must not exceed 2.0 in./sec.



Gina Bertocci *Karen L Bertocci*
Gina Bertocci, PhD, PE and Karen L Bertocci, PhD, MBA
3806 Cressington Place
Louisville, KY 40245

Intentionally Blank