

## St. Germain, Dante

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**From:** Stephanie Stidham <slsmaill@bellsouth.net>  
**Sent:** Tuesday, April 6, 2021 6:47 PM  
**To:** St. Germain, Dante  
**Subject:** Providence Point

**Follow Up Flag:** Follow up  
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I live in Crossgate near the proposed Providence Point development and am adamantly opposed to the size of this development. Traffic and water runoff, despite what the developers are telling the public, are huge issues. Local and state government have indicated there is and will not be any funds to help with traffic for the VA nor would I expect help for this development. The size MUST be scaled back substantially (hundreds of apartments less). With the schools and neighborhoods nearby it is imperative that we think of car and pedestrian traffic. I see when schools are in person children jaywalking and illegally crossing both Herr Lane and 22 regularly. This won't stop and having so much more traffic and children and cars trying to beat the traffic will result in tragedies. There are also water issues now in the surrounding neighborhoods and with the VA it will only get worse. We can't control the federal VA project but the planning commission can control the local developments. Please. The small area where all these projects are planned can only handle so much. Please carefully and conservatively make decisions. Take control and manage what you can knowing and taking into account a huge development that is planned for which we have no control. Please side with the residents and the neighbors and severely restrict this development. Decisions made in the past that keep getting referenced regarding prior plan approvals were before the inevitability of the VA nearby. Please help those who live here now. Listen to the small city Mayors and representatives.

Stephanie Stidham.

Hon. Daniella Havens-Lastarria, Mayor  
2405 Chadford Way  
City of Thornhill, Kentucky 40222

August 18, 2018

Hon. Greg Fischer  
527 W. Jefferson Street  
4th Floor  
Louisville, KY 40202

Cyndi Caudill, Board Chair  
Louisville MSD  
700 W Liberty St.  
Louisville, KY 40203

### **NOTICE OF VIOLATION of KRS 151.250 TO CITY OF THORNHILL**

The undersigned herewith provides notice to the City of Thornhill, Mayor and Commissioners of its duty to enforce and report violations of the Kentucky Dam Safety Act under KRS 151.320.

1. Pursuant to 401 KAR 4:050, Section 1, the Ballard Regional Detention Basin located at Brownsboro Road and Herr Lane is a water impounding structure that has cause severe damage to residential property and endangers life in peak storms. MSD has never obtained an exemption from the permitting and inspection requirements of KRS 151.250.

401 KAR 4:050. Construction exemptions.  
RELATES TO: KRS 151.110, 151.250, 151.310  
STATUTORY AUTHORITY: KRS 151.230, 151.250  
NECESSITY, FUNCTION, AND CONFORMITY:

In the course of regulating construction in or along streams pursuant to KRS 151.250, the Environmental and Public Protection Cabinet frequently encounters actions or proposed actions which are of such nature or location as to have little potential for damage or such that any damage which would occur is limited in extent to the immediate vicinity of the action. This administrative regulation exempts construction of this type from the provisions of KRS 151.250.

Section 1. A construction permit pursuant to KRS 151.250 shall not be required for construction in or along a stream whose watershed is less than one (1) square mile, except for the construction of dams as defined by KRS 151.100 or other water impounding structures **or for any construction that does or may endanger life or cause severe damage to residential or commercial property.**

2. As such the impoundment is not exempt from the requirements of KRS 151.250(2).

(2) No person, city, county or other political subdivision of the state shall commence the filling of any area with earth, debris, or any other material, or raise the level of any area in any manner, or place a building, barrier or obstruction of any sort on any area located adjacent to a river or stream or in the floodway of the stream so that such filling, raising or obstruction will in any way affect the flow of water in the channel or in the floodway of the stream unless plans and specifications for such work have been submitted to and approved by the cabinet and a permit issued as required in subsection (1) above.

3. No plans for the Ballard Basin have ever been submitted by MSD or JCPS to the cabinet and no permit has ever issued and the Ballard Basin is not inspected by the cabinet and does not have an approved permit.

4. The excess release of stormwater from Ballard basin has resulted in severe property damage in tens of thousands of dollars to residents of City of Thornhill in September 2006 and July 2015. This damage is well documented and known to the Mayor and Commissioners.

5. No agency or entity has moved to enforce the permit and inspection requirements of the Kentucky Dam Safety Act that Ballard Basin has no exemption for. Therefore the City of Thornhill has a statutory duty to enforce the act under KRS 151.320.

KRS 151.320 Officers required to enforce law.

(1) The mayor or chief executive officer of each city and the county judge/executive of each county, shall have the concurrent duty of enforcing with the cabinet, within their respective cities and counties, the provisions of KRS 151.250, 151.280 and 151.310 and rules and regulations issued thereunder.

(2) When a violation of KRS 151.250, 151.280 or 151.310 within his jurisdiction is brought to the attention of a mayor or chief executive officer of a city or a county judge/executive, he shall immediately notify the cabinet of the location and details of such violation.

6. Pursuant to KRS 151.320(2) this is notice and demand that the Mayor and Commissioners immediately notify the cabinet of the said violations and enforce the provisions of the Dam Safety Act against the Ballard Regional Basin, its owners and operators.

7. The Ballard Regional Detention Basin has injured City of Thornhill residents and will do so again because it is defectively designed without compliance with generally accepted practices and standards adopted by MSD and other agencies for construction of detention basins. In particular the basin stores 2.7 acre feet in the 100 year 24 hour storm event, where the standard is generally to store 8 acre feet or more. MSD originally sought to store 8 acre feet but was prevented by JCPS easement restrictions. The basin has approximately half the storage called for by engineering standards. This is a demand for Cabinet inspection, formal risk analysis for downstream flooding and sharing with the affected public of the information obtained.

8. Pursuant to KRS 151.297(1),

"whenever the cabinet determines that life or property are or may be endangered by the failure or incapacity of any dam, reservoir, levee, embankment, or other water barrier, or by any other cause related to a dam or reservoir, levee, embankment, or other water barrier irrespective of any condition or the lack thereof in the certificate of inspection for said dam or reservoir, or in those instances where no certificate is required on the levee, embankment or other water barrier, the cabinet shall order the owner thereof to take such action as is necessary to render the dam, reservoir, levee, embankment, or other water barrier safe."

the undersigned hereby demand that the City of Thornhill report the unsafe condition to the cabinet and seek an order by the cabinet that the owner take such action as necessary to make the Ballard Regional Detention Basin safe.

Attached are the 2007 and 2015 letters of the City of Thornhill Mayors reporting residential damage.

Respectfully submitted,

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Dennis Dolan  
2400 Chadford Way  
City of Thornhill

Prepared by:

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Clarence H. Hixson  
Attorney at Law  
1336 Hepburn Avenue  
Louisville, KY 40204  
(502) 758-0936  
budhix@iglou.com



COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
OFFICE OF ADMINISTRATIVE HEARINGS  
DIVISION OF WATER  
FILE NO. DOW-21-1-0099  
Agency Interest: 167341

ENVIRONMENTAL ADMIN. HEARING OFFICER  
VIRGINIA BAKER GORLEY

DENNIS J. DOLAN and  
ESTATE of SUSAN DOLAN

PETITIONERS

v.

**PETITIONER'S RESPONSE MEMORANDUM  
TO MSD'S MOTION FOR SUMMARY DISPOSITION**

ENERGY AND ENVIRONMENT CABINET  
GLEN ALEXANDER, PE  
MARILYN THOMAS, P.E.  
JEFFERSON COUNTY SCHOOL DISTRICT FINANCE CORP.  
LOUISVILLE/JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT  
and  
BOARD OF EDUCATION OF JEFFERSON COUNTY

RESPONDENTS

\* \* \* \* \*

NOTICE TO: Respondents by counsel: Liz Natter, counsel for the Energy and Environment Cabinet, Glen Alexander and ; Hon. Kyle W. Ray, counsel for KYTC; Hon. Lester I. Adams, Jr. counsel for MSD; Christie A. Moore and Amanda L. Dohn, counsels for City of Thornhill; Hon. William A. Hoback, counsel for JCPS.

Comes now the Petitioner and pursuant to 400 KAR 1:090, Section 12(3) serves this Response Memorandum, Exhibit and Order, opposing the MSD Motion for Summary Dismissal served on April 2, 2021.

**I. Running of the time to file Petition was not triggered on August 27, 2018.**

MSD's Motion for Dismissal is solely based on the claim Petitioners missed the thirty day (30) limit for filing a Petition as provided by KRS 151.182(2):

(2) Except as provided in KRS 151.297 regarding emergency situations, any person not previously heard in connection with the *issuance of any order or the making of any final determination* by which he considers himself aggrieved may file with the cabinet a petition alleging that the order or final determination is contrary to law or fact and is injurious to

him, alleging the grounds and reasons therefor, and demand a hearing. *An order or final determination includes*, but is not limited to, the issuance, denial, modification, or revocation of a permit, but *does not include* the issuance of a notice of violation, the issuance of a letter identifying deficiencies in an application for a permit, a registration or a certification, or other *nonfinal determinations*. Unless the cabinet considers that the petition is frivolous, it shall serve written notice of the petition on each person named therein and shall schedule a hearing before the cabinet not less than thirty (30) days after the date of such notice, or unless the person complained against waives in writing the thirty (30) day period. The right to demand a hearing pursuant to this section shall be limited to a period of thirty (30) days after the petitioner has had actual notice of the order or final determination complained of, or could reasonably have had such notice. [italics added].

Petitioners attached **Exhibit 12** to the Petition, being a field report authored by field inspector Marilyn Thomas, PE, issued to Glen Alexander, PE, Supervisor, Dam Safety & Floodplain Compliance Section. MSD does not dispute Petitioner's claim he was never served and never received any actual notice of this report or its site findings contents.

An examination of the document and its history shows it was an internal report made to the Dam Safety Supervisor and was never 'issued', served or distributed to the public formally or informally. The language of the August 27, 2018 report doesn't include any 'final determination' language, nor does Marilyn Thomas PE identify any capacity or office she holds to make a final determination that triggered a right to file a petition. Thomas' findings are limited to:

Lidar shows the roadway embankment is approximately 8 feet high from the downstream toe. The volume of the basin is stated to be 2.7 acre-feet in the complaint. The combined crest width of the detention basin embankment and the highway embankment is approximately 90 feet. The drainage area is approximately 0.3 square mile.

Again, Ballard Regional Detention Basin does not endanger human life or property from failure of the embankment.

On January 13, 2021, Counsel received a signed letter from Dam Safety Section Supervisor Glen Alexander, that announced a final determination *by the Division*, that the Commonwealth would not enforce the Dam Safety Act in regard to the Ballard Basin:

The Energy and Environment Cabinet, Division of Water (Division) has received your complaint dated December 20, 2020 regarding the above referenced facility. The Division conducted an onsite inspection of the facility on August 24, 2018 and has reviewed available information regarding the

facility. The Division has determined the structure does not exceed the thresholds specified in KRS 151.100 to be regulated as a dam under Kentucky law. Therefore, the structure falls under the jurisdiction of the Louisville-Jefferson County Metropolitan Sewer District for regulation as a storm water detention facility.

"The Division" identified that after the inspection by Thomas, 'available information was reviewed' and the Division then made its determination--not Marilyn Thomas, PE. When Glen Alexander notified Petitioner of the final determination of the Division, a petition was timely filed within 30 days. The inter-office memo of August 27, 2018 that was never noticed to Petitioner was only a preliminary field inspection and not a final determination by the Division, and did not trigger the running of time under KRS 151.182(2). MSD 's error is conflating a preliminary report of site findings by a field inspector with a formal, final determination by an officer of the Division of Water.

## **II. The Division of Water is required by law to issue a notice of violation to MSD**

Mr. Dolan sought a copy of the type of formal notice required by KRS 151.182(1):

(1) Whenever the cabinet has reason to believe that a violation of any of the provisions of this chapter or any regulation promulgated pursuant thereto has occurred, it may ***issue and serve upon the person complained against*** a written notice of the provision of this chapter or the regulation alleged to have been violated and the facts alleged to constitute the violation thereof. Further, this notice shall require the person so complained against to answer the charges set out in the notice at a hearing before the cabinet at a time not less than thirty (30) days after the date of notice unless the person complained against waives in writing the thirty (30) day period.

Petitioner has shown that KRS 151.291(1) requires Energy and Environment Cabinet enforcement of The Kentucky Dam Safety Act against MSD and JCPS/Commonwealth because the Ballard Regional Detention Basin is sited on land owned by the Commonwealth.

"The cabinet shall enforce compliance with all applicable laws and regulations of all dams, reservoirs, levees, embankments, or other water barriers owned by the Commonwealth."

A formal notice of violation under KRS 151.182(1) is long overdue in response to Petitioner's various letters demanding enforcement. The penalties under KRS 151.991 apply and

an injunction should issue to MSD to bring the basin into compliance with applicable law.

### **III. KRS 151.320 establishes a procedure that was not followed.**

On or about August 18, 2018, Dennis Dolan by Counsel served:

#### **NOTICE OF VIOLATION of KRS 151.250 TO CITY OF THORNHILL**

letter to the Mayor of Thornhill and copied to the Louisville Metro Mayor and the Board Chair of MSD. In part it demanded compliance with the Dam Safety Act:

Pursuant to KRS 151.297(1),

"whenever the cabinet determines that life or property are or may be endangered by the failure or incapacity of any dam, reservoir, levee, embankment, or other water barrier, or ***by any other cause*** related to a dam or reservoir, levee, embankment, or other water barrier irrespective of any condition or the lack thereof in the certificate of inspection for said dam or reservoir, or in those instances where no certificate is required on the levee, embankment or other water barrier, the cabinet shall order the owner thereof to take such action as is necessary to render the dam, reservoir, levee, embankment, or other water barrier safe."

the undersigned hereby demand that the City of Thornhill report the unsafe condition to the cabinet and seek an order by the cabinet that the owner take such action as necessary to make the Ballard Regional Detention Basin safe.

...

Pursuant to KRS 151.320(2) this is notice and demand that the Mayor and Commissioners immediately notify the cabinet of the said violations and enforce the provisions of the Dam Safety Act against the Ballard Regional Basin, its owners and operators.

Notice of Violation attached as Exhibit A.

Regardless of the findings of Marilyn Thomas, PE, KRS 151.291 requires the Commonwealth Division of Water to, "order the owner thereof to take such action as is necessary to render the dam, reservoir, levee, embankment, or other water barrier safe."

No Mayor with enforcement duties ever gave any notice to Dennis Dolan that they had contacted the Cabinet pursuant to KRS 151.320(2). Evidently, contact with the Cabinet did occur

and the Division responded with a site inspection. Petitioner filed an Open Records Act request for such documents but received none prior to filing the Petition.

#### **IV. The Petitioner would be denied procedural due process**

If the Cabinet grants the Motion for Dismissal on the grounds alleged by MSD it would deny Petitioner's procedural due process. The Commonwealth gave no written notice or actual notice of a final determination and did not issue any findings or enforcement letter.

The Kentucky Dam Safety Act as codified, the MSD Storm water Design Manual, Chapter 10 as adopted, and the Kentucky Administrative regulations, including 401 KAR 4:030 are designed to protect Kentucky resident's property and lives from bad engineering including, the poorly engineered and under capacity Ballard Regional Detention Basin.

The Division of Water regulations authorize the Commonwealth to enforce against the MSD engineers, to prevent arbitrary and retaliatory acts against Dennis Dolan. These include promoting even more discharge into the basin from the pending Providence Point project without requiring hydraulic studies and operating the under-capacity basin without a permit.

Dennis Dolan's protected property injuries are directly caused by MSD's failure to conform to the law, failure to manage a reasonable storm water system in the Thornhill Creek watershed, by granting developers exemptions from meeting design requirements, and by accumulating and accelerating drainage into the head of Thornhill creek. Petitioner alleges in the Jefferson Circuit Court lawsuit MSD manipulated the engineering study performed by Heritage Engineering LLC in 2012 to conceal its liability for flooding injuries.

Mr. Dolans August 2018 Notice of Violation was an attempt to follow the law and protect his constitutionally protected property interests from further flooding injury. Mr. Dolan's home has been inundated three times since he located there in 1979, but only after MSD approved

multiple developments. Kentucky law provides a procedure to invoke enforcement of the Kentucky Dam Safety Act, which he followed. The Commonwealth has continued to ignore its duty to enforce the Act relevant to the Commonwealth-owned Ballard Regional Basin.

No alternative procedure is provided and MSD's engineers have arbitrarily sought to use engineered projects such as the floodwall erected in the creek next to Mr. Dolan's property to increase the likely damage to Mr. Dolan's property. MSD's adopted storm water design regulations are being ignored and planning and protection under MSD is inadequate to prevent further injury.

Practically no fiscal or administrative burdens are imposed on the Commonwealth to follow its own laws and order MSD to make appropriate studies and construct reasonable facilities to protect downstream property owners. Petitioner was entitled to actual notice in response to his letters and is entitled to a hearing, and MSD's Motion should be denied.

[O]ur prior decisions indicate that identification of the specific dictates of due process generally requires consideration of three distinct factors: first, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and, finally, the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail. *See, e.g., Goldberg v. Kelly, supra* at 263-271.

*Mathews v. Eldridge*, 424 U.S. 319, 333, 96 S.Ct. 893, 47 L.Ed.2d 18 (1976).

The fundamental requirement of due process is the opportunity to be heard "at a meaningful time and in a meaningful manner." *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965). *See Grannis v. Ordean*, 234 U.S. 385, 394 (1914).

Regarding procedural due process, it has oft been said, " [o]rdinarily, notice and an opportunity to be heard are the basic requirements of due process." *Storm v. Mullins*, 199 S.W.3d 156, 162 (Ky. 2006).

...  
Fundamentally, the hallmarks of procedural due process are notice and an opportunity to be heard. *See Hilltop Basic Resources, Inc. v. County of Boone*, 180 S.W.3d 464, 469 (Ky. 2005) (" The fundamental requirement of procedural due process is simply that all affected

parties be given 'the opportunity to be heard at a meaningful time and in a meaningful manner.'" ) (quoting *Mathews v. Eldridge*, 424 U.S. 319, 333, 96 S.Ct. 893, 47 L.Ed.2d 18 (1976).

Hampson v. Boone County Planning Comm'n, 460 S.W.3d 912, 917 (2014).

MSD cites to no case law supporting its argument that KRS 151.182(2) is a legislative intent to eliminate the states duty to notify residents of final decisions affecting their safety and property rights. The language, "could reasonably have had such notice" would apply to published notice in a newspaper or perhaps on-site posting of such a final determination.

The Division of Water must issue a written notice to MSD and JCPS that it is operating the Ballard Basin without a permit and its basin design and performance violates multiple applicable laws and rules. Dennis Dolan and other property owners have been flooded due to the Commonwealth's dereliction of its duties. MSD's Motion for Summary Dismissal is wrong on the law and the facts and should be denied.

Respectfully submitted,

s/ Clarence H Hixson  
1336 Hepburn Avenue, Apt. 4  
Louisville, KY 40204  
phone: (502) 758-0936  
email: budhix@iglou.com

**Certificate of Service**

The undersigned attorney for Petitioner certifies that a true copy of the foregoing Response Memorandum to MSD Motion for Summary Dismissal has been served by email and Notice of Filing in CourtNet efile Jefferson Circuit Court Case No. 17-CI-006803 on the parties listed below this 5th day of April, 2021.

ENERGY AND ENVIRONMENT CABINET OFFICE OF ADMINISTRATIVE HEARINGS  
EECOAHFILINGS@KY.GOV

Elizabeth U. Natter  
Executive Director/General Counsel  
Energy and Environmental Cabinet  
300 Sower Blvd, 3rd Floor  
Frankfort, KY 40601

Hon. Kenneth L. Finley  
Reminger Co., L.P.A.  
333 West Vine Street, Suite 1670  
Lexington, KY 40507  
*Counsel for William Sanders, PE*

Christie A. Moore  
Amanda L. Dohn  
DENTONS GREENEBAUM DOLL LLP  
3500 PNC Tower  
101 South Fifth Street  
Louisville, Kentucky 40202  
*Counsel for City of Thornhill*

Hon. William A. Hoback  
Hon. Mark S. Fenzel  
MIDDLETON REUTLINGER  
401 S. Fourth Street, Suite 2600  
Louisville, Kentucky 40202  
*Counsel Jefferson County Public Schools*  
Marty Pollio, Ed.D., Board Chair Chris Brady

Hon. Kyle W. Ray  
800 Newtown Court  
Lexington, KY 40511  
*Counsel for Ky Transportation  
Cabinet*

Anne Trout  
Jacquelyn Quarles  
*Counsel for Louisville/Jefferson  
County Metropolitan Sewer District  
Counsel for Louisville Metro  
Sewer District*  
700 West Liberty Street  
Louisville KY 40203-1911

GLEN ALEXANDER, PE  
Supervisor, Dam Safety Section  
300 Sower Blvd.  
Frankfort, KY 40601  
and

MARILYN THOMAS, P.E.  
Dam Safety & Floodplain  
Compliance Section  
300 Sower Blvd.  
Frankfort, KY 40601

/S/ Clarence H. Hixson



## St. Germain, Dante

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**From:** Tyler Flatt <tylerflatt@gmail.com>  
**Sent:** Wednesday, March 31, 2021 9:51 PM  
**To:** St. Germain, Dante  
**Subject:** 2020 Herr Lane Development

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

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Dear Mr. St. Germain,

I live on Greenlawn Road, just off Herr Lane in Lyndon. My wife and I are very concerned about the massive influx of new traffic that a large new apartment complex will inevitably bring to Herr Lane, which is already seriously congested at peak times in the morning and afternoon. There are only two ways into and out of our neighborhood, and the other leads in entirely the opposite direction—meaning that it is impossible for us (and others who live in our neighborhood) to bypass Herr Lane without going very far out of our way. A major increase in traffic on Herr Lane will affect our daily commutes severely, which will have knock-on effects on our working and family lives. We are strongly opposed to this development unless the city can ensure some means of traffic mitigation or an increase in the capacity of existing routes.

Sincerely,

Tyler Flatt

## St. Germain, Dante

---

**From:** Donna Hart <donna@hart@aol.com>  
**Sent:** Wednesday, March 31, 2021 6:28 PM  
**To:** St. Germain, Dante  
**Subject:** Herr Lane Proposal

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Mr. St. Germain:

As a Greymoor-Devondale neighbor of this proposed complex, I would like to request that this case not be acted upon at a virtual meeting but rather be held at a later date when citizens can attend in person

Holding the meeting virtually excludes many citizens from taking part as they do not know how to participate in a WebEx meeting, including me who has lived in this community for 20 years.

Additionally, holding the meeting during the workday, [between 9am and 5pm](#), excludes working citizens from taking part in the meeting. The meeting should be held outside work hours so that more citizens can attend and participate.

Lastly, I would ask to be put on your mailing list related to this proposal as I only found out about it by social media. A great number of the citizens that will be affected by this potential development have not received notice that a meeting is taking place.

Thank you for your consideration.

Donna Hart  
[7206 Arrowwood Road](#)  
[Louisville, KY 40222](#)  
[502-648-6408](#)

Sent from my iPhone

## St. Germain, Dante

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**From:** Kim <kshellhart@gmail.com>  
**Sent:** Wednesday, March 31, 2021 6:20 PM  
**To:** St. Germain, Dante  
**Subject:** Proposed Herr Lane Apartments

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Mr. St. Germain:

As a Greymoor-Devondale neighbor of this proposed complex, I would like to request that this case not be acted upon at a virtual meeting but rather be held at a later date when citizens can attend in person

Holding the meeting virtually excludes many citizens from taking part as they do not know how to participate in a WebEx meeting, including my mother who has lived in this community for 20 years.

Additionally, holding the meeting during the workday, between 9am and 5pm, excludes working citizens like me and my husband from taking part in the meeting. The meeting should be held outside work hours so that more citizens can attend and participate.

Lastly, I would ask that we be put on your mailing list related to this proposal as we only found out about it by social media. A great number of the citizens that will be affected by this potential development have not received notice that a meeting is taking place.

Thank you for your consideration.

Kim Shellhart  
7206 Arrowwood Road  
Louisville, KY 40222  
502-472-9057

Sent from my iPhone

## St. Germain, Dante

---

**From:** sylbrestel@aol.com  
**Sent:** Wednesday, March 31, 2021 4:51 PM  
**To:** St. Germain, Dante  
**Subject:** 2020 Herr Lane development: Opposition to Case #20-DDP-0054

**Follow Up Flag:** Follow up  
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Mr. St. Germain,

I am writing to express my concern regarding the proposed development of the field at 2020 Herr Lane (case #20-DDP-0054). My family and others I have heard from are strongly opposed to such a development.

Safety is one concern primary concern. The positioning of the surrounding homes to Herr Lane would lead to a serious increased risk of traffic problems, as well as risk of accidents. With the children I see around the area, this is especially concerning. I have family who live very close by there, with young children, and it worries me how this development will impact their safety near their home. Traffic on Herr Lane at that point is already very heavy several times a day. I would sincerely hope that any changes made would be to decrease the traffic in the area, rather than such a choice to increase it.

In addition, this positioning of the many homes there would mean that with the development, an increase in noise pollution from these changes would be inevitable, leading the area to feel much less like the cozy neighborhood it currently is, in turn detracting from the fondness many have for the schools in the area.

The area is already becoming increasingly crowded, and having the field there provides needed relief from the many other buildings and homes clustered together. It also adds some much-needed green to the area and adds greatly to its appeal. If the field were to be developed as per this plan, it would alter the safety and the appeal of the area entirely.

If the field at 2020 Herr Lane were to be developed in another manner, a park, tree-planting project, or other such development based on preservation would be immensely more beneficial to the surrounding community. A park or other such use of the land would beautify the neighborhood and make Louisville an even better place to live.

Please stand with us in opposing this development in order to help keep our city safe and a beautiful place to live and work. Please help us protect our neighborhood and its residents.

Thank you for your time and consideration on this important matter.

Sincerely,

Laura Brestel

## St. Germain, Dante

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**From:** Lynn Greene <lynn@oxybaric.com>  
**Sent:** Wednesday, March 31, 2021 4:16 PM  
**To:** St. Germain, Dante  
**Subject:** new apt by Ballard

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I have been trying to reach you all day to postpone this meeting until we can meet in person.

I personally know 5 of my neighbors are not technology adept and would not be able to attend the meeting.

Please advise

lynn greene 1605 herr ln 40222  
502.299.3038

If the meeting is going forward I would like to speak.

--

Lynn Greene  
Chief Oxygenator  
Oxybaric, LLC  
[www.oxybaric.com](http://www.oxybaric.com)

## St. Germain, Dante

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**From:** Yong Qiang Pan <yqpan1@gmail.com>  
**Sent:** Wednesday, March 31, 2021 4:07 PM  
**To:** St. Germain, Dante  
**Subject:** Opposition to case 20-DDP-0054: field at 2020 Herr Lane Development

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Hi, Mr. St. Germain,

I moved into the neighborhood near Herr Lane a few months ago and am opposed to the proposed development of the field at 2020 Herr Lane (case #20-DDP-0054). Herr Lane is already really busy and adding more traffic will make it worse. I'm concerned for the safety of my family and neighbors.

Thank you.

Sincerely,

Yong Pan

## St. Germain, Dante

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**From:** Jackie T. Gedrose <jgedrose@bellsouth.net>  
**Sent:** Friday, April 2, 2021 12:21 PM  
**To:** St. Germain, Dante  
**Subject:** 20-DDP-0045 and April 1st Planning meeting

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Ms. St. Germain,

First , I want to thank you and the commissioners for staying over 3 hours, until after 8:00 PM to let the neighbors along Herr Lane have their voices heard. Although the previous project on this property with its waivers and variances was approved in 2007, much has changed that affects the 1.15 mile length of Herr Lane between Brownsboro Road and Westport Rd. Our concerns continue that Hagan Properties totally ignores any of the impact that their densely proposed development, 27.3 units/acre, has on the southern portion of Herr Lane and especially the Herr Lane/Westport Road intersection.

I also want to acknowledge that there are two(2) typos on page three (3) of my letter opposing the development. When I spoke on April 1<sup>st</sup>, I made the corrections, however I want them in the permanent record. In the paragraph after the quote, the acreage should be 19.05 acres and Mr. Stallings rescinded the R4 requirement on the deed in 1991, not 2000.

Thank you,  
Jackie Gedrose

Sent from [Mail](#) for Windows 10

## St. Germain, Dante

---

**From:** JERRY LINDSEY <golferib1@att.net>  
**Sent:** Saturday, April 3, 2021 7:31 PM  
**To:** St. Germain, Dante  
**Cc:** Christine R. Lindsey  
**Subject:** Case 20-DDP-0045 Providence Point

**CAUTION: This email came from outside of Louisville Metro. Do not click links or open attachments unless you recognize the sender and know the content is safe**

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In regards to case DDP-0045 Providence Point:

This case should not be acted upon at a virtual meeting;

This meeting should be held at a later date when citizens can attend in person

The review of the application should be delayed to a non-virtual meeting.

The reasons being:

1. Holding the meeting virtually excludes many citizens from taking part as they do not know how to participate in a WebEx meeting.
2. Holding the meeting during the workday, between 9am and 5pm, excludes working citizens from taking part in the meeting. The meeting should be held outside work hours so that more citizens can attend and participate.
3. A great number of the citizens that will be affected by this potential development have not received notice that a meeting is taking place.

Sincerely

Jerry Lindsey  
Graymoor Devondale resident



## St. Germain, Dante

---

**From:** Jennifer C. Whitfield <jennifer whitfield@gmail.com>  
**Sent:** Monday, April 5, 2021 6:06 PM  
**To:** Davis, Brian; St. Germain, Dante; McCraney, Paula D.; Jackie Gedrose; Jaqueline Hersh  
**Subject:** complaint on Thursdays meeting for 2020 Herr Lane

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

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Dear Brian,

I am writing today to voice concerns and a complaint about the meeting for 2020 Herr Lane last Thursday. There was way too many cases for that day and ours was the biggest and to be tacked on to the end of the day was absurd. It didnt start til 5:30 PM. Many of the commissioners left and I dont feel like the opposing views were heard by enough of the commissioners to make a legitimate and informed vote. There were 2 commissioners who looked like they were playing games on their cell phones, perhaps they were not, but it didnt seem like we had their undivided attention.

I thought Dante would read or atleast summate the 29 opposing emails and other opposing documents she had rather than just give a number... those views were important to their authors which is why I messaged you to speak since my concerns weren't voiced.

There was one BOT member from the Thomas Jefferson Unit. Church on the meeting, who wasnt so sure that the letter was still valid that Bill P presented, stating TJUC was in full support, because it was from the old plan, not this new monstrosity. Thus I am concerned of the validity of anything he might have said or presented.

Many of us went through our concerns at mach speed so others could talk, only to find many had left because it was dinner time, children, work and life responsibilities. ( Side bar, I left after I spoke, I had a medical emergency during my talk and left right after by ambulance, I am ok, a side affect from the vax).

Bill P got to make his full stance without worrying about time constraints and we did not.

I'd like the planning board to reconsider re-holding this hearing by itself. My council woman was not able to be there, I'd like for her to be. There's alot at stake here for all the surrounding neighborhoods.

Today, I heard again this widening of HERR Lane, from another neighbor. It was Jeff Brown on a meeting with this same committee who told me he knew the traffic out here was bad, infact he said horrid, but it was what it was and there was no money to fix it. We were in the county and the county just doesnt have the funds and there's not way to widen it if it there was funding.

I've spoken to realtors who tell me there's no demand for luxury apartments. Another neighbor who has kids at Ballard, said that mysteriously Ballard got its funding for a new stadium and that there'd been a petition going around at the school in support of the apartments ... I mean... this is just concerning. We need answers. We need the truth.

Sincerely  
Jennifer Whitfield

## **St. Germain, Dante**

---

**From:** Brenda Howland <lawfilly@aol.com>  
**Sent:** Thursday, March 25, 2021 12:27 PM  
**To:** St. Germain, Dante  
**Subject:** 520 Unit Development at 2020 Herr Lane

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

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**I am totally against added a 520 unit development at 2020 Herr Lane. This area is already over crowded with traffic and the proposed VA Hospital less than a mile away makes this development totally out of control.**

**Brenda Howland  
2417 Hayward Road  
Louisville, Kentucky 40242**

## St. Germain, Dante

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**From:** Jack Carter <Jack@cartercentral.org>  
**Sent:** Thursday, March 25, 2021 10:23 AM  
**To:** St. Germain, Dante  
**Subject:** Herr Lane apartment project

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

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I cannot argue against building housing on the 19 acres but, 500+ apartments exceeds anything close to practical. Herr Lane was a two lane gravel farm road with potato farms on both sides in the early 1900's. (I know this because my family were some of those potato farmers.) Today Herr Lane has been paved, but it is still a two lane road with subdivisions on both sides. Herr Lane cannot handle the current traffic load much less the approximately 1000+ additional vehicles which that number of apartments would bring twice a day. Couple that with the new VA hospital and it's traffic component two blocks away plus Ballard High School, Kammerer Middle and Wilder Elementary just across the street this projects destiny is traffic gridlock.

Unless our government is ready and able to step up, prior to authorizing any denser housing, and make major improvements to the surrounding infrastructure this project should be vetoed. In all honesty no matter what is finally approved for those 19 acres we (the people living in this area) deserve improved roadways. The Zoning Commission approves expansion, which is needed but, rarely makes sure the roads are subject to the same expansion.

Jack Carter  
6345 Limewood Circle  
[502/423-1312](tel:5024231312)  
Sent from iPad

Sent from iPad

Sent from iPad

## St. Germain, Dante

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**From:** Beverly Nelson <escapea@att.net>  
**Sent:** Thursday, March 25, 2021 2:55 PM  
**To:** St. Germain, Dante  
**Subject:** 2020 Herr Lane

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

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Dear Mrs. St. Germain,

I am writing in response to the proposed development at 2020 Herr Lane.

This would be a disasterous development for those of us who daily use Herr Lane, Westport Rd, 22 and 42.

There will be gridlock when Ballard and Wilder are having children enter and leave their schools. Herr Ln is already to the point where we cannot make a left turn. Now, an Office Building is under construction across from Graymoor Ln. Add the VA Hospital to that and it will be a receipe for more accidents possibly including the children riding busses, walking, riding bikes, and being picked up and dropped off by their parents. We don't know the effect of that on the Herr Ln. traffic.

We do not know how the drainage will effect our Graymoor/Devondale from the office building and the VA Hospital. We have nice, peaceful, family oriented neighborhoods, which we paid a good amount for. These apartments will lessen this atmosphere. It will bring crime, pollution, and transients.

I realize that these apartments will bring tax dollars but there are things like peace and safety that are worth more than tax dollars.

There are many other construction types that could be built that would not cause this tremendous assault on our neighborhoods and others who regularly use these roads. This is not fair to anyone except the people who will be making money off of what is being away from everyone who opposes this development.

This is just plain sad.

Please consider all of facts and many more that I have not mentioned, like a traffic Study for Herr Lane and all surrounding streets that feed into and out of Herr Lane.

Sincerely,

Beverly Nelson  
7010 Graymoor Rd  
40222  
502.494.8424

[Sent from AT&T Yahoo Mail on Android](#)

## St. Germain, Dante

---

**From:** Rachel <rachelgroth.rr@gmail.com>  
**Sent:** Thursday, March 25, 2021 6:33 PM  
**To:** St. Germain, Dante  
**Subject:** Herr lane apartments

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

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I strongly object to to the building of the apartments on Herr Lane since this will add more congestion to the two lane road that presently exists. As well as add to the low water table problems.  
With the possible construction of the VA hospital near by this will continue to disrupt the safety of the area with the number of cars traveling on Herr Lane.

Keeping a green space and possibly a park area there is needed for our community.  
Let us do what is right for our society.

Rachel G Roth  
6368 Limewood Circle  
Louisville Ky 40222

RGR

## St. Germain, Dante

---

**From:** Jennifer C. Whitfield <jennifercwhitfield@gmail.com>  
**Sent:** Thursday, March 25, 2021 7:26 PM  
**To:** St. Germain, Dante  
**Subject:** 2020 Herr Lane Hearing case 20-DDP-0045

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

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Dear Dante,

I am writing to express my thoughts and concerns over the property and its projected 520 plus luxury apartments being built at 2020 Herr Lane and its request from the builders to have it approved.

I am against this project. It goes against the original plan that was proposed many years ago for offices, cafes, coffee shops and shopping. The proposal of 520 apartments brings not only an intense uptake in traffic in an already highly congested area but also concerns for all of the workings of MSD.

First the traffic, I have voiced my issues with traffic many times over the years, I was told the city/county was aware of the traffic problems and concerns confirmed by numerous traffic studies, but it could not be fixed, there was no money to fix it and would not be fixed and was basically told to mind my business. What has changed that would accommodate the influx of traffic and congestion. We already have 4 schools, 2 within Wilder Estates and Ballard is just 1/4 of a mile away. St Albert the GREAT is across the road from Wilder Estates and very close to the property at 2020 Herr Lane. The addition of 520 households brings at minimum 520 -1200 cars on Herr Lane, depending on how many people in each of those households have cars and then of course, office staff, maintenance, deliveries et al.

It's my understanding anything to do with MSD in this area is severely dated, including the MSD systems under Ballard High School, which would be a concern to all of us in this area, especially those of Thornhill, leaving it to be a flood hazard by sewage. I do believe a resident Thornhill has been in communications both with MSD and the city as well as with Hagan.

The VA Hospital has gotten its approval, it will be going up soon and will be bringing its own traffic to the area with its patients, employees, medical staff, visitors and vendors.

I am concerned for the high density of the project, its 27.3 units per acre, vs his other properties which have a lower ratio making them less dense. For example the property at his Sawyer property is 14.2 units per acre. The Paddock at Eastpoint is 15.15 per acre.

Also they are calling 4 stories to be built and there's nothing in the neighborhood that is 3 or 4 stories along either side of the 1.15 mile road between Herr Lane between Brownsboro and Westport Road.

All previous waivers et al need to be reviewed again, so much has changed over the years.

SINCERELY  
Jennifer C. Whitfield  
2010 Lynn Way

40222  
502-777-5726



## St. Germain, Dante

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**From:** phil ardery <pardery@bellsouth.net>  
**Sent:** Monday, March 29, 2021 11:15 AM  
**To:** St. Germain, Dante  
**Subject:** Request a Requirement in Approval of Herr Lane Project -- 20-DDP-0045

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Dear Ms. St. Germain:

Regarding Case 20-DDP-0045, the proposal to build 520 apartment units on Herr Lane near KY 22, I ask that the Planning Commission require the applicants to include a significant affordable housing component in their development plan. Mayor Greg Fischer has touted Louisville's Build Back Better, Together (B3T) initiative, and 20-DDP-0045 presents opportunities the Planning Commission can and should seize. Ballard High School, Kammerer Middle School, and Wilder Elementary School all are within walking distance of the 19-acre property. Ensuring that lease holders include significant numbers of lower-income families can enable all three schools to achieve student diversity goals with a lower reliance on busing. (Reduced busing also will ease traffic concerns for the Herr Lane / KY 22 corridor.) Having lower-income families as nearby residents can make possible more diversity in each school's PTA board -- a plus for school administrators.

Aside from the immediate impact supporting B3T, significant affordable housing can improve service delivery by the new Veterans Hospital, to be built less than 1/4 mile from the Herr Lane site. Perhaps the vetting process for selecting candidates to receive subsidies for their housing at the site could give preferential consideration to low-income senior citizen veterans.

Thank you for your consideration.

Phil Ardery  
7404 Greenlawn Rd  
Louisville, KY 40222  
502.974.8829

P.S. - I anticipate that caregiving responsibilities with grandchildren will prevent me from participating in the April 1 public meeting.

## St. Germain, Dante

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**From:** Bob & Cheryl Schaefer <bobcheryl.schaefer@gmail.com>  
**Sent:** Tuesday, March 30, 2021 7:23 AM  
**To:** St. Germain, Dante  
**Subject:** Case # 20-DDP-0045

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

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Good Morning,

A "Notice of Public Hearing" was recently posted on several stop signs in our neighborhood indicating that there will be an on-line meeting on April 1st to discuss a proposal to build a 500+ unit apartment complex on the property at 2020 Herr Lane. While we will not be able to attend that meeting, let me state unequivocally that my wife and I are STRONGLY opposed to this proposal. Within a half mile of that site there is a high school and 3 elementary schools. The new VA hospital will be built adjacent to the site in the next few years. The addition of 500+ apartments in that area will only exacerbate the already excessive congestion that exists in that traffic corridor. Traffic is already snarled every morning and afternoon when school is in session, and I can't even imagine what it will be like if the VA hospital (which is primarily an outpatient oriented campus) and 500 more apartments are jam packed into the that area.

Respectfully,

Bob and Cheryl Schaefer  
7416 Greenlawn Rd. 40222

## St. Germain, Dante

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**From:** Cody Cobb <cococobb@gmail.com>  
**Sent:** Tuesday, March 30, 2021 4:06 PM  
**To:** St. Germain, Dante  
**Subject:** Objection to Virtual Meeting on Providence Point Development (20-DDP-0045)

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

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Hi Dante,

I'm writing as a citizen of Graymoor-Devondale to say that case: 20-DDP-0045, Project Name: Providence Point should not be acted upon at a virtual meeting. This meeting should be held at a later date when citizens can attend in person.

- Holding the meeting virtually excludes many citizens from taking part as they do not know how to participate in a WebEx meeting.
- Holding the meeting during the workday, between 9am and 5pm, excludes working citizens from taking part in the meeting. The meeting should be held outside of working hours so that more citizens can attend and participate.
- A great number of the citizens that will be affected by this potential development have not received notice that a meeting is taking place. This will affect surrounding cities, in addition to the residents along Herr Lane. Thornhill, Northfield and Windy Hills should have been put on notice as this development will affect them too.

Thank you,

--

Cody Cobb  
270.302.6379  
[cococobb@gmail.com](mailto:cococobb@gmail.com)

## St. Germain, Dante

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**From:** Rachel Fagerberg <rachelfagerberg@gmail.com>  
**Sent:** Tuesday, March 30, 2021 4:22 PM  
**To:** St. Germain, Dante  
**Subject:** Oppose 520 new Apartments on Herr Lane

**Follow Up Flag:** Follow up  
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This case should \*not\* be acted upon at a virtual meeting.

This meeting should be held at a later date when citizens can attend in person.

As a neighbor, parent, motorist and cyclist impacted by this proposal - I want to attend in person to voice the concerns I have as a parent whose children cross Herr Lane to go to Ballard and Kammerer.

The review of the application should be delayed to a non-virtual meeting because:

-Holding the meeting virtually excludes many citizens from taking part as they do not know how to participate in a WebEx meeting.

-Holding the meeting during the workday, between 9am and 5pm, excludes working citizens from taking part in the meeting. The meeting should be held outside work hours so that more citizens can attend and participate.

-A great number of the citizens that will be affected by this potential development have not received notice that a meeting is taking place.

Thanks! - Rachel Fagerberg  
502-314-3343  
Sent from my iPhone

## St. Germain, Dante

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**From:** Davis, Brian  
**Sent:** Wednesday, March 31, 2021 7:02 AM  
**To:** St. Germain, Dante  
**Cc:** Haberman, Joseph E  
**Subject:** FW: Public Hearing Item Comment Form [#70]

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


FYI, for the file.

Thanks,  
Brian

**Brian Davis, AICP**  
**Planning Manager**  
**Planning & Design Services**  
**(502) 574-5160**  
[brian.davis@louisvilleky.gov](mailto:brian.davis@louisvilleky.gov)

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**From:** Louisville Metro <no-reply@wufoo.com>  
**Sent:** Tuesday, March 30, 2021 8:36 PM  
**To:** Haberman, Joseph E <Joseph.Haberman@louisvilleky.gov>  
**Cc:** Davis, Brian <Brian.Davis@louisvilleky.gov>  
**Subject:** Public Hearing Item Comment Form [#70]

Name *	Tammy Kmetz
Address *	 5915 Brittany Valley Road Louisville, KY 40222 United States
Email	<a href="mailto:kmetzklan@gmail.com">kmetzklan@gmail.com</a>
Phone Number	(502) 648-2131
What is the case number of the development application? *	160 515 6896
Comments *	Adding a 520 unit apartment complex. to an already congested area on Herr Lane and Hwy 22 will create more traffic problems in an already congested area, create safety concerns for the high school students who

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attend Ballard High School across the street and drainage problems for the entire area. A retail development was vetoed for the same area a few years ago so can't imagine how such a large apartment complex can be approved now. Please do not allow this development to overburden an already stressed area that will become more of a problem when the VA hospital construction begins.

**Would you like the Louisville Metro case manager to contact you to discuss your comments? \***

Yes

## St. Germain, Dante

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**From:** brykb3@aol.com  
**Sent:** Wednesday, March 31, 2021 6:30 AM  
**To:** St. Germain, Dante  
**Subject:** Providence Pointe Development/ Herr Lane

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

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Good morning, Dante

I would like my concerns over this project to go on record. They are the following:

- this case should not be acted upon at a virtual meeting
- this meeting should be held at a later date when citizens can attend in person
- Holding the meeting virtually excludes many citizens from taking part as they do not know how to participate in a WebEx meeting
- Holding the meeting during the workday, [between 9am and 5pm](#), excludes working citizens from taking part in the meeting. The meeting should be held outside work hours so that more citizens can attend and participate.
- A great number of the citizens that will be affected by this potential development have not received notice that a meeting is taking place.

Regards,  
Bryan Berman  
7501 Greenlawn Rd  
Louisville KY. 40242

Sent from my iPhone

## St. Germain, Dante

---

**From:** Paula <paulaesterle@gmail.com>  
**Sent:** Tuesday, March 30, 2021 11:52 PM  
**Cc:** St. Germain, Dante  
**Subject:** FW: Mike I am sending this to planning commission

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

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- Dear Sirs and Madames,

I am writing in reference to the review of the application for the Providence Point Project.

There has not been sufficient, or really any proper notice of the meeting to the nearby public who will be affected. Holding the meeting during the weekday prevents us from attending as it should be in person in the evening or on a weekend. Also, during the pandemic is a horrible time to cram folks in a meeting room and the virtual meetings have extreme limitations. In a few months, that situation will likely improve so pls postpone. Many of our neighbors are elderly and are not proficient with the use of the internet conferencing.

The entire overblown project requires those to be impacted to beg for sanity and the reduction in the size. Over 500 units is ridiculous compared to the neighboring properties unless you stand to profit as the developer etc. This overbuild will contribute to urban blight and the long term reduction in property tax values for far more properties nearby.

There is a limit to the number of vehicles which can efficiently travel during the busiest times of the day. It is nearly impossible for us to exit our street turning left from Crossmoor Lane already for several hours daily so we are vehemently opposed to the density for this Herr Lane location.

Sincerely,  
Paula Esterle  
1803 Girard Dr  
40222



## St. Germain, Dante

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**From:** Zac Ruppert <zac.ruppert@gmail.com>  
**Sent:** Tuesday, March 30, 2021 7:52 PM  
**To:** St. Germain, Dante  
**Subject:** Planning commission meeting for 4/1

**Follow Up Flag:** Follow up  
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Holding this meeting at 1 on a work day is a blatant attempt to decrease attendance by preventing working individuals from attending. This meeting needs to be after business hours and should be delayed until an in-person meeting is possible. Too many questions and concerns arise with this proposal to handle in an online format. I have plenty of neighbors that will be unable to figure out how to attend. There is no way you can handle all questions over the phone. Will this be recorded and provided to the public as I will not be able to attend? Please provide answers to the following questions:

Have you studied traffic impact on herr ln?

Can the already overwhelmed intersection at herr and Westport handle additional traffic?

How will rain water be handled? Can MSD handle the increase? Will this put MSD into further debt that gets passed on to residents like me?

Will section 8 be allowed?

Will additional crosswalks be added on herr to prevent fatalities?

How will you handle the increase in crime that correlates with rental housing?

Is graymoor-devondale police department equipped to handle?

Will additional taxes be charged to pay for new officers?

What benefits would there be to existing residents in the area?

How far will buildings be from the road?

Will our taxes be affected in any way?

Will our taxes be used to fund any of this development or required infrastructure?

Please provide these answers.

I am disappointed in the manner this is being handled. Have some respect for those paying your salaries. Delay the meeting.

Zachary Ruppert  
1510 Ocala Road 40222  
502-526-8200

Sent from my iPhone

## St. Germain, Dante

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**From:** Sarah Orr Aten <s.e.o.aten@gmail.com>  
**Sent:** Tuesday, March 30, 2021 5:19 PM  
**To:** St. Germain, Dante  
**Subject:** Providence Point

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

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Good Afternoon,

I'm writing about 20-DDP-0045, Project Name: Providence Point. I have a few concerns about how this project is progressing. Firstly, I don't believe it's wise to act upon at a virtual meeting; as this project will have a significant impact on our community, this meeting should be held at a later date when citizens can attend in person. Holding the meeting virtually excludes many citizens from taking part as they do not know how to participate in a WebEx meeting. Webex is used primarily in the workplace, and it's not as user friendly as Zoom or Google Meet, which more people are familiar with now. Holding the meeting during the workday, between 9am and 5pm, excludes working citizens from taking part in the meeting. The meeting should be held outside work hours so that more citizens can attend and participate. Finally, a great number of the citizens that will be affected by this potential development have not received notice that a meeting is taking place.

Thanks!  
Sarah Aten

## St. Germain, Dante

---

**From:** Angela Hook <amhook04@gmail.com>  
**Sent:** Tuesday, March 30, 2021 4:31 PM  
**To:** St. Germain, Dante  
**Subject:** Providence Point Project 20-DDP-0045

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

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In regards to the Providence Point Apartments proposal to construct a 520 unit apartment complex next to Ballard High School (case# 20-DDP-0045), I'm concerned with the nature of this proposal and lack of neighborhood engagement or consultation. As a neighbor and longtime resident of the area, this development is too dense and out of character with the surrounding neighborhoods. A development of this size will mean additional traffic on an already locally arterial road beaming with traffic, making it dangerous for the current residents as well as the multiple schools and their students. While I'm aware of the proposed Herr lane expansion and surrounding changes that Angela Leet has initiated, the additional traffic will jeopardize any surrounding neighborhood children walking to school requiring even more driving to ensure that our children arrive at school safely. This alone should concern any councilmember working to ensure equitable access to our future generations that they can arrive at school safely, can cross roads without fear of accident, and not contributing to additional unneeded greenhouse gases and further climate impacts.

Furthermore, there are better residential alternatives to build on that property that would better suit the area, like single family homes which are highly desirable in this area, or a less dense development that incorporates both single family and smaller multifamily housing options.

Lastly, as a nearby resident of the proposed property, I am highly concerned at the lack of transparency or ability for others to add their voice during this virtual meeting that is being held during normal business hours. This excludes working adults that cannot take off for this meeting, as well as any resident that is not tech savvy. This meeting should be done so that ALL neighbors have the opportunity to attend.

Sincerely,

Angela Coan

## St. Germain, Dante

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**From:** Katie Albright <bruceandkatie23@gmail.com>  
**Sent:** Wednesday, March 31, 2021 12:33 PM  
**To:** St. Germain, Dante  
**Subject:** 2020 Herr lane Comment

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

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To whom it may concern:

I wanted to write to you to beg you not to pass the build of this apartment complex at 2020 HERR lane case number - 20-DDP-0045 .

Not only does it break my heart to think that the city can't let a little piece of land just stay a little piece of land but even more importantly— I believe with my whole heart that the building of this complex will drastically effect the infrastructure of Herr Lane and the surrounding neighborhood streets. I witness daily people flying down Wesboro road- ignorantly disobeying speed limits. My fear as a mother on this street is that increasing Herr Lane traffic will increase Wesboro Rd and Greenlawn etc- becoming even more of a cut through for heavy traffic conditions. It gives me a pit in my stomach to think about the increase of this already critical issue as the city won't put in speed humps on Wesboro Rd due to school bus transit. It's shocking .

I beg you not to build this apartment complex for the safety of countless children's coming from Ballard, Kammerer, Wilder and my own children. This neighborhood cannot handle any more traffic and this mother cannot handle the thought of a child being hit by even more unruly travelers which would directly result in your build.

Thank you for hearing my perspective

Katie Albright  
Sent from my iPhone

## St. Germain, Dante

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**From:** Cathy Johnson <cejohnson28@yahoo.com>  
**Sent:** Wednesday, March 31, 2021 12:43 PM  
**To:** St. Germain, Dante  
**Subject:** 520 Project Herr Lane Meeting Thurs 4/1/2021

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

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Dear Mr. St. Germain,

I would like to request a change in the time and structure for the proposed apartment complex on Herr Lane opposite Ballard High School. This meeting is during the day when people are otherwise occupied and it is being held via the internet which will present technical issues for some residents in the area. This almost seems like it was done on purpose. Since this apartment complex in addition to the VA Hospital will completely alter the way of life for most residents in the area it would only seem fair to have the meeting at a large venue (Ballard HS) and in the evening hours. Thank you for your consideration in this matter.

Sincerely

Cathy Johnson  
6706 Bedford Lane  
Graymoor-Devondale, KY 40222

## St. Germain, Dante

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**From:** Bob Langan <rtlangan@gmail.com>  
**Sent:** Wednesday, March 31, 2021 1:10 PM  
**To:** St. Germain, Dante  
**Cc:** Councilwoman Paula McCraney  
**Subject:** Case: 20-DDP-0045, Project Name: Providence Point

**Follow Up Flag:** Follow up  
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Dear Dante St

This case should not be acted upon at a virtual meeting.

This meeting should be held at a later date when citizens can attend in person:

-Holding the meeting virtually excludes many citizens from taking part as they do not know how to participate in a WebEx meeting.

-Holding the meeting during the workday, between 9am and 5pm, excludes working citizens from taking part in the meeting. The meeting should be held outside work hours so that more citizens can attend and participate. Many of the citizens that drive to work everyday and pass by this property will be affected by the increased traffic.

-A great number of the citizens that will be affected by this potential development have not received adequate notice that there will be a meeting tomorrow.

This property already has a long history of broken promises and behind our backs approvals of zoning changes.

The proposed Veterans Hospital project will greatly increase the traffic on HWY 22 to which the Providence Point project traffic will also increase.

The corner of Herr Lane and Hwy 22 is already a dangerous intersection especially right before and after school, with many students crossing at that intersection to get to and from the TARC Bus Stop.

Thank you for your consideration.

Sincerely,  
Robert and Nancy Langan  
6702 Crossmoor, Louisville, Ky 40222

## St. Germain, Dante

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**From:** Brennen Sneed <brennensneed@gmail.com>  
**Sent:** Wednesday, March 31, 2021 2:03 PM  
**To:** St. Germain, Dante  
**Subject:** Case 20-DDP-0045

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I strongly oppose the District Development Plan for multi-family development. I looked through the traffic study and don't believe it is accurate, the congestion in the area is already too much. As a home owner in the area I'm worried about the prices of housing falling from the high rise living moving in. Mostly, the area is in no need of more office space or retail space. There are empty and open offices at Westport village and around northfield. This seems like a hasty plan that doesn't make sense for the area.

Brennen Sneed

## St. Germain, Dante

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**From:** Carolyn Fegenbush <crfegenbush@att.net>  
**Sent:** Wednesday, March 31, 2021 1:48 PM  
**To:** St. Germain, Dante  
**Subject:** 20-DDP-0045 Providence Point project

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I live on Crossmoor lane off Herr Lane. I strongly oppose a large apartment complex proposed for Herr Lane. I also disagree with having a virtual meeting during work day hours. This will exclude many citizens who may wish to participate in the decision.  
Thank you,

Carolyn Fegenbush  
6801 Crossmoor Lane  
Louisville Ky 40222  
Sent from [Mail](#) for Windows 10



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## St. Germain, Dante

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**From:** The Walkers <Alan.Walker@twc.com>  
**Sent:** Wednesday, March 31, 2021 3:11 PM  
**To:** St. Germain, Dante  
**Subject:** Webx meeting regarding Herr Ln apartment project

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PLEASE delay the 4/1 meeting, or make sure that another meeting with proper specifications is held. A project of this density and impact on the neighbors requires a democratic process with fair input from those who will live with it. The following are proper democratic procedures:

- Widespread and adequate public notification. Residents within a half-mile radius should receive postcard mailings
- This project has time to wait for an in-person meeting to be held. Could a public meeting at BHS football stadium be considered?
- A hearing for a project of this enormity and impact deserves a time outside of normal daytime work hours for optimal participation.

Those are fair and reasonable citizen requests. Please honor the citizens you serve.

Thank you,  
Janet Walker  
6823 Crossmoor Lane  
609-1973

## St. Germain, Dante

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**From:** Davis, Brian  
**Sent:** Wednesday, March 31, 2021 3:26 PM  
**To:** St. Germain, Dante  
**Cc:** Haberman, Joseph E  
**Subject:** FW: Public Hearing Item Comment Form [#71]

**Follow Up Flag:** Follow up  
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Another public comment.

**Brian Davis, AICP**  
**Planning Manager**  
**Planning & Design Services**  
**(502) 574-5160**  
[brian.davis@louisvilleky.gov](mailto:brian.davis@louisvilleky.gov)

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**From:** Louisville Metro <no-reply@wufoo.com>  
**Sent:** Wednesday, March 31, 2021 3:07 PM  
**To:** Haberman, Joseph E <Joseph.Haberman@louisvilleky.gov>  
**Cc:** Davis, Brian <Brian.Davis@louisvilleky.gov>  
**Subject:** Public Hearing Item Comment Form [#71]

**Name \*** Derek Manz

**Address \***   
7101 Wesboro Road  
Louisville, Ky 40222  
United States

**Email** [derekrmanz@gmail.com](mailto:derekrmanz@gmail.com)

**Phone** (502) 303-4654  
**Number**

**What is the** 20-DDP-0045  
**case number**  
**of the**  
**development**  
**application?**

\*

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## Comments \*

Attention to Dante:

Hello and I plan to attend the online meeting on Thursday April 1 at 1:00pm per the note card received by mail. And I just wanted to be sure that there would be an opportunity to discuss these general questions about the project along with some specific questions as it relates to my property.

1 – Are there plans to extend (expand) the existing right-of-way along the Louisville Tennis Club / Ballard High School side of Herr Lane from Wesboro Road to SR 22 ?

2 – Are there plans to widen Herr Lane to 3 lanes from Wesboro Road to SR 22 ?

3 – Are there plans to widen Herr Lane to 3 lanes from Wesboro Road to Westport Road ?

4 – Are there plans to expand (add lanes) to SR 22 from the new VA Hospital project to Herr Lane ?

5 – When will construction begin on this project, and will this coordinate with the VA Hospital project construction ?

Thank you. Derek Manz

Would you      No  
like the  
Louisville  
Metro case  
manager to  
contact you  
to discuss  
your  
comments? \*

## St. Germain, Dante

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**From:** mthicks@twc.com  
**Sent:** Wednesday, March 31, 2021 3:37 PM  
**To:** St. Germain, Dante  
**Subject:** Subject Property: 2020 Herr Lane; Case Number: 20-DDP-0045

**Follow Up Flag:** Follow up  
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I am writing to express my concerns about the proposed Providence Point Apartments project on Herr Lane. I live at 4924 Grantham Place in the City of Crossgate on Brownsboro Road. My main concerns about this proposed project are: (1) increased traffic without adequate changes to roadways which will result in increase safety risks and gridlock; and (2) the height of some of the buildings. I think this proposed project is too dense and will result in increased traffic.

The roads in this area can't handle the current volume of traffic. How will the roads handle the anticipated traffic for this development? The City of Crossgate is U-shaped with ingress and egress ONLY to Brownsboro Road via Crossgate Lane or Warrington Way. It is already hard to get in and out of my neighborhood because of the volume of traffic going both ways on Brownsboro Road. I think it would be much worse if the development of Providence Point with 520 apartment units is approved. This is in addition to the traffic that will result from the VA Hospital on the Midlands property.

While it is my understanding that the proposal includes adding a lane to Herr Lane, it is also my understanding that this would only be a small portion of Herr Lane. Plus it does not address handling the traffic on Brownsboro Road. Brownsboro Road from Herr Lane to US 42 is three-lane but we call that middle lane the "suicide lane" because people fly into it to turn without realizing or caring that a car may be coming from the other direction to turn. Or they get in the middle lane way ahead of the turn. That lane is also used as a merge lane for people trying to get on the road. It can be a dangerous situation that will only be made worse from traffic from the proposed Providence Point development.

I am also concerned about the proposal of some three-story and four-story buildings. These will not be in keeping with the surrounding areas of single-family homes that are only one-story or two-stories tall. If the proposal were reduced to one-story and two-story buildings, it would reduce the visual impact to the surrounding areas. It would also reduce the density and thereby reduce the impact on traffic.

For these reasons, I think that the proposed use at the Providence Point property is too dense and will result in traffic problems and increased risk of accidents for all using the surrounding roads. I request that this be considered carefully before the final decision is made.

Sincerely yours,

Marsha Theiss Hicks  
4924 Grantham Place  
Louisville, KY 40222-6414  
502-494-7836



## St. Germain, Dante

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**From:** Sydney Travis <sydney.travis@me.com>  
**Sent:** Wednesday, March 31, 2021 3:29 PM  
**To:** St. Germain, Dante  
**Cc:** Jon Travis  
**Subject:** 20-DDP-0045, Project Name: Providence Point

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As a resident of Graymoor-Devondale, I would kindly request change this virtual public hearing to an in-person hearing at a later date. The major reason for requesting an in-person hearing would be more opportunity for public comment and involvement. Additionally, I request that the current time for holding the meeting from 9:00 am to 5:00 pm excludes many working individuals-such as myself. Please reconsider the virtual option to an in person option.

Thank you.

Sydney Travis

Sent from my iPhone