

St Germain, Dante

From: Judith Schmuckie <judithschmuckie4@gmail.com>
Sent: Friday, February 24, 2023 2:37 PM
To: St Germain, Dante
Cc: Hawkins, Tammy; Deshields, Lanesha
Subject: Proposed Apartments at 5127 Terry Road

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Good afternoon. I am writing to express several concerns regarding the proposed apartment development at 5127 Terry Road.

I have been told that a traffic study was conducted for this proposed development. When and how was this done? No traffic study equipment was ever placed on Lemmah Drive (the ONLY street access in or out of Murray Heights). No traffic study equipment was ever observed on Terry Road near where the entrance/exit for this development will be. How can an accurate traffic study be conducted without accurately monitoring the volume of traffic in the impacted area? There are currently numerous apartment developments being added in this area. A large complex is planned for the old Gagel Truck Farm. There is a large development under construction behind Big Lots. The large development on Cane Run was recently added. How many more LARGE developments are going to be added in this area?

Lemmah Drive is the ONLY street in or out of Murray Heights. The proposal calls for joining onto Joy Drive and using Lemmah Drive as an access point for this development. On numerous occasions, traffic accidents at the corner of Lemmah Drive and Terry Road have closed this intersection completely - no access in or out of our subdivision. And I'm not talking about lack of access for a few minutes. It is closed while police investigations are done, wrecked cars are removed, debris is removed from the street, etc. This can be an hour or more.

Lemmah Drive is the ONLY street in or out of Murray Heights. There are 200+ homes in this subdivision. I was previously told that it was an issue with the PRP fire department to have this many homes with only 1 access point and that no other homes could be added to our subdivision with only 1 access. Now you want to add 200+ apartments to our subdivision? Has anyone considered how dangerous this is for the residents if a fire or medical emergency were to occur?

The apartment buildings were previously stated to be 35 feet high. Now a revision has been requested to 39 feet so the apartments can have taller ceilings. Why do affordable housing units need to have higher ceilings? I have standard ceilings in my home with no issues. I can tell you why - the more "luxurious" the apartments the higher the rent that can be charged.

I understand there is going to be a walking path in the rear of the development. May I ask a walking path to where? There are no sidewalks in our neighborhood.

The head of the development company publicly called the residents of Prospect racist for not wanting an affordable housing complex in their neighborhood. Not wanting this development has nothing to do with race. It's about overwhelming our existing neighborhood with traffic, not to mention impacting public services like police and fire that serve this area. I would like to know how the number of new developments in Southwest Jefferson County compares to developments in other parts of the county?

Please consider - do we need another large complex in this part of Jefferson County? I say no. Thank you for your consideration!

St Germain, Dante

From: Murray Heights <murrayheightsky@gmail.com>
Sent: Friday, February 24, 2023 12:41 PM
To: St Germain, Dante
Cc: Hawkins, Tammy; Deshields, Lanesha; Liu, Yu
Subject: Re: 22-ZONE-0050 - 5127 Terry Rd

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Dante, of course you would be included as well, so that should ensure that all interested persons have access to it. This process seems very disadvantageous to those of us adversely impacted and unskilled at navigating this process. Who is looking out for our quality of life? Please help me understand that.

I gather, in hindsight, that being able to attend the LD&T meeting would have been the best way to address the committee - but we did not know that. (Some who should have received notices, shared that they did not, but there's no recourse for that.) There is no way for an ordinary citizen to know this stuff. I want you to please help us get these requests seen and heard. LDG has been dismissive and has not budged a single inch on anything we have asked - just getting questions answered, and truthfully answered, has been a struggle.

Can we request an additional LD&T meeting?

Tina Burnell

On Fri, Feb 24, 2023 at 12:20 PM St Germain, Dante <Dante.St.Germain@louisvilleky.gov> wrote:

Whether you include the developer on the email or not, not all persons who may be interested in the case will necessarily get a copy of it. Therefore, the Commissioners cannot engage with it or consider it outside the public meeting.

If you want to notify the Commissioners of your thoughts on any case, you can email me and I will include your comments in the public record. That is the correct way to contact the Commissioners, because that is published with the staff report and all interested persons have access to it.

Dante St. Germain, AICP

Planner II

Planning & Design Services

Department of Develop Louisville

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From: Murray Heights <murrayheightsky@gmail.com>

Sent: Friday, February 24, 2023 12:08 PM

To: St Germain, Dante <Dante.St.Germain@louisvilleky.gov>; Hawkins, Tammy <Tammy.Hawkins@louisvilleky.gov>;
Deshields, Lanesha <Lanesha.Deshields@louisvilleky.gov>; Liu, Yu <emily.liu@louisvilleky.gov>

Subject: Re: 22-ZONE-0050 - 5127 Terry Rd

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We had a community meeting last night - no one understood the importance of the LD&T meeting, including myself - and we feel that has put us at a disadvantage for input - so I simply want to copy them on an email with the collective input and requests we discussed. It seems I should be able to have public officials email addresses do this. They don't have to respond or engage in discussion - and I am not asking them to do so. The developer will be included on the email.

Tina Burnell

On Fri, Feb 24, 2023 at 11:51 AM St Germain, Dante <Dante.St.Germain@louisvilleky.gov> wrote:

The only email addresses I can provide are on this page:

<https://louisville.legistar.com/DepartmentDetail.aspx?ID=23455&GUID=02555248-15FD-4CCF-88A1-EAA624D4E610>

However, I will let you know that the Planning Commission members (which include the LD&T members) cannot discuss a case with any interested party outside the public forum of the meetings.

Dante St. Germain, AICP

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From: Murray Heights <murrayheightsky@gmail.com>

Sent: Friday, February 24, 2023 11:43 AM

To: St Germain, Dante <Dante.St.Germain@louisvilleky.gov>

Subject: 22-ZONE-0050 - 5127 Terry Rd

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Hi Dante,

Can you please send me email address for the members of the LD&T committee?

Thanks,

Tina Burnell

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St Germain, Dante

From: Murray Heights <murrayheightsky@gmail.com>
Sent: Friday, February 24, 2023 1:23 PM
To: Ashburner, Clifford; Chris Dischinger; Christi Lanier-Robinson; St Germain, Dante
Cc: Amanda Bell; Dala Wolfe; Deshields, Lanesha; Gina Davis; Hawkins, Tammy; James.Mims@louisvilleky.gov; Brown, Jeffrey; Madonna.senn@yahoo.com; Melinda Hoskins; Patti Heath; Sarah Harned; Smbogard@gmail.com; Tanya Schantz; brandi2164@gmail.com; caanholder@hotmail.com; deniselet@att.net; donna.rock5; jcaulk31@outlook.com; jlvamb44@gmail.com; jm.kayse3@gmail.com; msekennell@aol.com; norm@whoever.com; theboobean@yahoo.com; tr5mill@aol.com
Subject: 22-ZONE-0050 - 5127 Terry Rd

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With the zoning meeting coming up on March 2, 2023. We want to express concern and frustration that LDG has not compromised or conceded a single inch on any of the things that the affected residents of our neighborhood have requested. We did not understand the importance of the LD&T meeting(s) - and as citizens unaccustomed to navigating this process - we have felt lost and frustrated.

LDG, in both their own "waiver request" and "variance request", attempts to justify their requests by citing "relief to the applicant" and "unnecessary hardship" to the applicant, yet they have given ZERO consideration or respect to the relief and unnecessary hardship they are creating for our community and ZERO consideration to our homes or our quality of life.

We held a community meeting last night, with a good turnout, to discuss this development - below are our collective requests. These are reasonable and fair to both parties and again we ask LDG to consider the following:

1. We ask that buildings labeled 3 & 4 remain where they are at a 50' setback but be lowered to two story instead of 3-story. The current design of a 3-story 44' tall building will absolutely TOWER over the single level ranch homes on Huberta Drive. (those levels can always be moved to buildings 7 & 8 for two 4-story units if they feel they need to maintain 216 units - otherwise in fairness to adjacent property owners, these two buildings should not be permitted at 3-stories tall. It would obliterate the adjacent homeowners sight lines and completely overshadow the single level ranch homes behind them. Not to mention the loss of any privacy in our own backyards.

2. We ask that 6' white vinyl fencing and enhanced landscaping (with trees that don't lose their leaves) be installed behind the full length of houses on Huberta Drive directly impacted by these apartments.

3. We ask that binding elements include:

- common areas maintained
- no cars up on blocks or abandoned on the property
- no vehicles being worked on for maintenance of repairs
- no towels, clothings, or other materials hanging from balconies
- garbage areas enclosed on 3 sides and kept clean at all times

Our neighborhood and our homes will be directly impacted by this development. We ask that you consider our quality of life in the final decisions.

On behalf of Murray Heights,
Tina Burnell
502-365-6949

St Germain, Dante

From: Rich Carlson (GM) <rich.carlson8001@gmail.com>
Sent: Wednesday, February 22, 2023 11:33 AM
To: 'Troy Kerr'
Cc: St Germain, Dante
Subject: RE: 5127 Terry Road Apartments

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Hi Troy-

I am copying Ms. Dante St. Germain, the case manager, on this e-mail.

Unfortunately the Land Development Code does not address the topic of “remoteness” like fire and building codes do when it comes to exits. (I wish it did.) So it becomes a matter of whether guys like us can convince the “plan approvers” that an issue exists.

I can see the scenario of a fire in buildings 2-8 and a supply line laid which effectively keeps residents from entering/leaving. And we’ve been to enough of these to know how pleasant these folks are. So there is merit to connect Harvest Drive, as unpopular as it will be with the neighbors.

I’m not seeing a divided driveway/entrance on the latest plan. The land designer school of thought is two – 9’ or 10’ driveways equals 18’ or 20’ the minimum road width. Unfortunately the designers and others don’t know when a ladder truck is set-up, the spread between the outriggers is 17’ 10”, so the narrow width doesn’t work. (I’m trying to educate, but it is slow going).

A couple of other things I’m thinking about on this case. Who will maintain Joy Drive, if it remains a private street (potholes, etc.) Also whether there is sufficient turning radii around buildings 4 & 5. (I imagine you could reach out to the land planner, Derek Triplett 426-9374, provide him with your apparatus turning specifications and ask him to layout an “Auto Turn” plan to demonstrate what they propose will work for your apparatus.

One other thing I asked about was some kind of means to access that long easement at the rear. That way if there is a field fire or some other kind of incident in that large area, fire would have an easier access and perhaps even a fire hydrant more accessible.

Here is a link to all the files I have access to:

<https://louisville.legistar.com/LegislationDetail.aspx?ID=6002541&GUID=D29DEC96-7EF9-461E-A0AF-423966065A71> This case is scheduled for a change in zoning hearing on March 2. You are welcome to attend either in person or on line and if you have additional comments, they would be most helpful.

Have a good ‘un!

Rich

From: Troy Kerr <TKerr@prpfire.org>
Sent: Wednesday, February 22, 2023 9:42 AM
To: rich.carlson8001@gmail.com
Cc: Major Allen Richard <arichard@prpfire.org>
Subject: 5127 Terry Road Apartments

I made a few phone calls inquiring about the 5127 Terry Road project and was told "He has been all over this project", he being you. The concern is the 2 entrances to the complex due to the size and if the two proposed entrances actually qualify as such being that they are in fact separate entrances but meet only a few hundred feet way and run to the rest of the complex. I was also told you are more concerned with the turn in from the proposed Joy Drive. I see that the divider could in fact pose a problem for fire equipment entering from that entrance. Any insight is welcome.



Troy V. Kerr, Fire Inspector II
Pleasure Ridge Park Fire District
Fire Prevention Bureau

Cell: 502-445-3331
Office: 502-937-2125
Fax : 502-995-7279
Email: tkerr@prpfire.org

9500 Stonestreet Road
Louisville, KY 40272

www.prpfire.org



St Germain, Dante

From: Murray Heights <murrayheightsky@gmail.com>
Sent: Tuesday, February 21, 2023 4:26 PM
To: St Germain, Dante
Subject: Re: 22-ZONE-0050 - 5127 Terry Rd

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Thank you, Dante.

Tina Burnell

On Tue, Feb 21, 2023 at 4:18 PM St Germain, Dante <Dante.St.Germain@louisvilleky.gov> wrote:

I have attached a copy of the most recent site plan received.

Dante St. Germain, AICP

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From: Murray Heights <murrayheightsky@gmail.com>

Sent: Tuesday, February 21, 2023 4:11 PM

To: St Germain, Dante <Dante.St.Germain@louisvilleky.gov>

Cc: Ackerson, Brent <Brent.Ackerson@louisvilleky.gov>; Amanda Bell <bell.amandajo@gmail.com>; Armstrong, Cassie <Cassie.Armstrong@louisvilleky.gov>; Arthur, Jecorey <Jecorey.Arthur@louisvilleky.gov>; Ashburner, Clifford <Clifford.Ashburner@dinsmore.com>; Batshon, Khalil <Khalil.Batshon@louisvilleky.gov>; Benson, Stuart <Stuart.Benson@louisvilleky.gov>; Blackwell, Rick <Rick.Blackwell@louisvilleky.gov>; Chappell, Jennifer <Jennifer.Chappell@louisvilleky.gov>; Chris Dischinger <cdischinger@ldgdevelopment.com>; Christi Lanier-Robinson <crobinson@ldgdevelopment.com>; Deshields, Lanesha <Lanesha.Deshields@louisvilleky.gov>; Engel, Robin <Robin.Engel@louisvilleky.gov>; Flood, Madonna <Madonna.Flood@louisvilleky.gov>; Fowler, Cindi <Cindi.Fowler@louisvilleky.gov>; Hawkins, Tammy <Tammy.Hawkins@louisvilleky.gov>; Hudson, Jeff <Jeff.Hudson@louisvilleky.gov>; Johnson, Shannon <Shannon.Johnson@dinsmore.com>; Kramer, Kevin <Kevin.Kramer@louisvilleky.gov>; Madonna.senn@yahoo.com; McCraney, Paula <Paula.McCraney@louisvilleky.gov>; Melinda Hoskins <melindahoskins69@gmail.com>; Mulvihill, Patrick <Patrick.Mulvihill@louisvilleky.gov>; Owen, Andrew <Andrew.Owen@louisvilleky.gov>; Parker, Marilyn <Marilyn.Parker@louisvilleky.gov>; Piagentini, Anthony <Anthony.Piagentini@louisvilleky.gov>; Purvis, Donna <Donna.Purvis@louisvilleky.gov>; Reed, Scott <Scott.Reed@louisvilleky.gov>; Ruhe, Betsy <Betsy.Ruhe@louisvilleky.gov>; Sarah Harned <inswsn@gmail.com>; Seum JR, Dan <Dan.Seum@louisvilleky.gov>; Shanklin, Barbara <Barbara.Shanklin@louisvilleky.gov>; Smbogard@gmail.com; Tanya Schantz <Hellraiser0509@gmail.com>; Winkler, Markus <Markus.Winkler@louisvilleky.gov>; brandi2164@gmail.com; dalawolfe@att.net; deniselet@att.net; grdavis2004@yahoo.com; heap8506@yahoo.com; jcaulk31@outlook.com; jm.kayse3@gmail.com; msekennell@aol.com; norm@whoever.com; theboobean@yahoo.com; tr5mill@aol.com

Subject: Re: 22-ZONE-0050 - 5127 Terry Rd

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Thank you for this information, Dante.

What we are actually wanting to see is the final design of the entire proposed complex layout including any changes that needed to be made to the Joy Drive connection or anywhere else up to this point that differs from the original plan we were presented with in March 2022.

Thank you,

Tina Burnell

On Tue, Feb 21, 2023 at 3:20 PM St Germain, Dante <Dante.St.Germain@louisvilleky.gov> wrote:

If I understand correctly, your question is regarding landscaping along a portion of the property? Landscaping final plans are made at a different stage of the process, after the zoning change is acted upon, and usually do not have neighbor input as they are made in compliance with the Land Development Code in most cases. If you have particular landscaping that you want to see the developer required to use, the time to bring that up is at the LD&T meeting or the Planning Commission public hearing, to request a binding element regarding landscaping. The Planning Commission and/or Metro Council can apply a binding element to the site regarding general landscaping, for instance, requiring the applicant to build a fence instead of using a hedge, or vice versa, or requiring a specific type of fence, etc. The exact species of trees/shrubs cannot be specified at this early stage as it is not known right now what will be available when it comes time to install landscaping, but generalizations as to the type of species to be used can be made (for instance, evergreen vs. deciduous, Type A vs. Type B or Type C trees, etc.)

Dante St. Germain, AICP

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From: Murray Heights <murrayheightsky@gmail.com>

Sent: Tuesday, February 21, 2023 11:53 AM

To: Ashburner, Clifford <Clifford.Ashburner@dinsmore.com>

Cc: Amanda Bell <bell.amandajo@gmail.com>; Chris Dischinger <cdischinger@ldgdevelopment.com>; Christi Lanier-Robinson <crobinson@ldgdevelopment.com>; Deshields, Lanesha <Lanesha.Deshields@louisvilleky.gov>; Hawkins, Tammy <Tammy.Hawkins@louisvilleky.gov>; Johnson, Shannon <Shannon.Johnson@dinsmore.com>; Madonna.senn@yahoo.com; Melinda Hoskins <melindahoskins69@gmail.com>; Sarah Harned <inswsn@gmail.com>; Smbogard@gmail.com; St Germain, Dante <Dante.St.Germain@louisvilleky.gov>; Tanya Schantz <Hellraiser0509@gmail.com>; Owen, Andrew <Andrew.Owen@louisvilleky.gov>; Piagentini, Anthony <Anthony.Piagentini@louisvilleky.gov>; Shanklin, Barbara <Barbara.Shanklin@louisvilleky.gov>; Ruhe, Betsy

<Betsy.Ruhe@louisvilleky.gov>; brandi2164@gmail.com; Ackerson, Brent <Brent.Ackerson@louisvilleky.gov>; Armstrong, Cassie <Cassie.Armstrong@louisvilleky.gov>; Fowler, Cindi <Cindi.Fowler@louisvilleky.gov>; dalawolfe@att.net; Seum JR, Dan <Dan.Seum@louisvilleky.gov>; deniselet@att.net; Purvis, Donna <Donna.Purvis@louisvilleky.gov>; grdavis2004@yahoo.com; heap8506@yahoo.com; jcaulk31@outlook.com; Arthur, Jecorey <Jecorey.Arthur@louisvilleky.gov>; Hudson, Jeff <Jeff.Hudson@louisvilleky.gov>; Chappell, Jennifer <Jennifer.Chappell@louisvilleky.gov>; jm.kayse3@gmail.com; Kramer, Kevin <Kevin.Kramer@louisvilleky.gov>; Batshon, Khalil <Khalil.Batshon@louisvilleky.gov>; Flood, Madonna <Madonna.Flood@louisvilleky.gov>; Parker, Marilyn <Marilyn.Parker@louisvilleky.gov>; Winkler, Markus <Markus.Winkler@louisvilleky.gov>; msekennell@aol.com; norm@whoever.com; Mulvihill, Patrick <Patrick.Mulvihill@louisvilleky.gov>; McCraney, Paula <Paula.McCraney@louisvilleky.gov>; Blackwell, Rick <Rick.Blackwell@louisvilleky.gov>; Engel, Robin <Robin.Engel@louisvilleky.gov>; Reed, Scott <Scott.Reed@louisvilleky.gov>; Benson, Stuart <Stuart.Benson@louisvilleky.gov>; theboobean@yahoo.com; tr5mill@aol.com
Subject: Re: 22-ZONE-0050 - 5127 Terry Rd

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Mr. Ashburner,

Again, the BOZA meeting is scheduled in two weeks - **WHEN** do you expect to have a final design to share? We should be given ample time to review the final plans of a proposed complex that will impact our homes and our neighborhood.

LDG has made several changes without notifying us, including failing to notify those who directly signed up to be kept informed - we do not want to go forward uninformed or be blindsided by last minutes changes.

Tina Burnell

On Tue, Feb 21, 2023 at 11:37 AM Ashburner, Clifford <Clifford.Ashburner@dinsmore.com> wrote:

Ms. Burnell,

When we have a final design of the area in question, I'll be sure to make sure you have a copy. As of this moment, we don't have the design finalized.

Cliff

From: Murray Heights <murrayheightsky@gmail.com>

Sent: Tuesday, February 21, 2023 11:32 AM

To: Ashburner, Clifford <Clifford.Ashburner@DINSMORE.COM>

Cc: Amanda Bell <bell.amandajo@gmail.com>; Chris Dischinger <cdischinger@ldgdevelopment.com>; Christi Lanier-Robinson <crobinson@ldgdevelopment.com>; Deshields, Lanesha <lanesha.deshields@louisvilleky.gov>; Hawkins, Tammy <tammy.hawkins@louisvilleky.gov>; Johnson, Shannon <Shannon.Johnson@DINSMORE.COM>; Madonna.senn@yahoo.com; Melinda Hoskins <melindahoskins69@gmail.com>; Sarah Harned <inswsn@gmail.com>; Smbogard@gmail.com; St Germain, Dante <dante.st.germain@louisvilleky.gov>; Tanya Schantz <Hellraiser0509@gmail.com>; andrew.owen@louisvilleky.gov; anthony.piagentini@louisvilleky.gov; barbara.shanklin@louisvilleky.gov; betsy.ruhe@louisvilleky.gov; brandi2164@gmail.com; brent.ackerson@louisvilleky.gov; cassie.armstrong@louisvilleky.gov; cindi.fowler@louisvilleky.gov; dalawolfe@att.net; dan.seum@louisvilleky.gov; deniselet@att.net; donna.purvis@louisvilleky.gov; grdavis2004@yahoo.com; heap8506@yahoo.com; jcaulk31@outlook.com; jecorey.arthur@louisvilleky.gov; jeff.hudson@louisvilleky.gov; jennifer.chappell@louisvilleky.gov; jm.kayse3@gmail.com; kevin.kramer@louisvilleky.gov; khalil.batshon@louisvilleky.gov; madonna.flood@louisvilleky.gov; marilyn.parker@louisvilleky.gov; markus.winkler@louisvilleky.gov; msekennell@aol.com; norm@whoever.com; patrick.mulvihill@louisvilleky.gov; paula.mccraney@louisvilleky.gov; rick.blackwell@louisvilleky.gov; robin.engel@louisvilleky.gov; scott.reed@louisvilleky.gov; stuart.benson@louisvilleky.gov; theboobean@yahoo.com; tr5mill@aol.com

Subject: Re: 22-ZONE-0050 - 5127 Terry Rd

4th REQUEST

Mr. Ashburner,

The BOZA meeting is in two weeks -

When will you have a final draft of the area to share? This is the 4th time I have asked for this information.

Dante, please include for the record that LDG has repeatedly failed to provide this information or reply in any way to this question.

Tina Burnell

502-365-6949

On Sat, Feb 18, 2023 at 12:33 PM Murray Heights <murrayheightsky@gmail.com> wrote:

3rd request for this information.

Mr. Ashburner,

When do you expect to have a final design of the area?

Tina Burnell

On Mon, Feb 13, 2023 at 3:43 PM Murray Heights <murrayheightsky@gmail.com> wrote:

Mr. Ashburner,

When do you expect to have a final design of the area?

Tina Burnell

On Thu, Feb 2, 2023 at 12:26 PM Murray Heights <murrayheightsky@gmail.com> wrote:

Mr. Ashburner,

Thank you for your response - including both #2's.

It seems LDG cannot/will not compromise or make any adjustments regarding the requests. Disappointing, but not at all surprising. It is evident that our concerns are of no consequence to LDG.

When do you expect to have a final design of the area?

Tina Burnell

On Mon, Jan 30, 2023 at 5:49 PM Ashburner, Clifford <Clifford.Ashburner@dinsmore.com> wrote:

Ms. Burnell:

I have some of the answers you've requested and a thought on how to find information in the future on this case.

First, all records submitted are available by going to www.louisvilleky.gov/government/planning-design and clicking on the "Search Planning Cases" link on the homepage. From there, you should be able to search by address and find information we have filed related to the Terry Road site.

Second, as to your specific questions, I've addressed them in the order presented below:

1. We do not believe we can move the buildings as requested and maintain the open space, buffering and parking areas.
2. We cannot agree to lower the height of the buildings referenced. In addition, if the buildings were lowered from 3 stories to 2 in that area, the setback requirement would be reduced from 50' to 15'. Reducing the height of those buildings would potentially result in them moving closer to your property line than proposed.
3. (addressed the second "2" in your email and 3) The screening proposed will be according to the LDC, which will include evergreens, deciduous trees, and a 6' solid screen of some kind. The screen can either be a fence or solid plantings. A final design of this area hasn't been arrived at yet. If you have suggestions on the areas where your property and the subject property touch, please feel free to pass them on.
4. There are no plans for sidewalks within the neighborhood, just the connection to the stub at Harvest.
5. The traffic study is available at the Planning Commission's site above. At the conclusion of the recent LD&T meeting, it was suggested that the proposal connect Joy and Murray through the subject property. Our team is evaluating that right now. This proposed route, demanded by Louisville Metro Public Works, may affect the traffic study and turn lanes proposed in Terry Road.
6. The current breakdown of bedrooms is: 84 1-bedroom units; 96 2-bedroom units; and 36 3-bedroom units.

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Sent: Friday, January 27, 2023 3:17 PM

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Cc: Amanda Bell <bell.amandajo@gmail.com>; Ashburner, Clifford <Clifford.Ashburner@DINSMORE.COM>; Chris Dischinger <cdischinger@ldgdevelopment.com>; Christi Lanier-Robinson <crobinson@ldgdevelopment.com>; Hawkins, Tammy <Tammy.Hawkins@louisvilleky.gov>; Johnson, Shannon <Shannon.Johnson@DINSMORE.COM>; Madonna.senn@yahoo.com; Melinda Hoskins <melindahoskins69@gmail.com>; Sarah Harned <inswsn@gmail.com>; Tanya Schantz <hellraiser0509@gmail.com>; Weathers, Chuck <Charles.Weathers@louisvilleky.gov>; brandi2164@gmail.com; dalawolfe@att.net; deniselet@att.net; grdavis2004@yahoo.com; heap8506@yahoo.com; jcaulk31@outlook.com; jm.kayse3@gmail.com; theboobean@yahoo.com; tr5mill@aol.com

Subject: Re: 22-ZONE-0050 - 5127 Terry Rd

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502-365-6949

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St Germain, Dante

From: Murray Heights <murrayheightsky@gmail.com>
Sent: Tuesday, February 21, 2023 11:53 AM
To: Ashburner, Clifford
Cc: Amanda Bell; Chris Dischinger; Christi Lanier-Robinson; Deshields, Lanesha; Hawkins, Tammy; Johnson, Shannon; Madonna.senn@yahoo.com; Melinda Hoskins; Sarah Harned; Smbogard@gmail.com; St Germain, Dante; Tanya Schantz; Owen, Andrew; Piagentini, Anthony; Shanklin, Barbara; Ruhe, Betsy; brandi2164@gmail.com; Ackerson, Brent; Armstrong, Cassie; Fowler, Cindi; dalawolfe@att.net; Seum JR, Dan; deniselet@att.net; Purvis, Donna; grdavis2004@yahoo.com; heap8506@yahoo.com; jcaulk31@outlook.com; Arthur, Jecorey; Hudson, Jeff; Chappell, Jennifer; jm.kayse3@gmail.com; Kramer, Kevin; Batshon, Khalil; Flood, Madonna; Parker, Marilyn; Winkler, Markus; msekennell@aol.com; norm@whoever.com; Mulvihill, Patrick; McCraney, Paula; Blackwell, Rick; Engel, Robin; Reed, Scott; Benson, Stuart; theboobean@yahoo.com; tr5mill@aol.com
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Mr. Ashburner,

Again, the BOZA meeting is scheduled in two weeks - **WHEN** do you expect to have a final design to share? We should be given ample time to review the final plans of a proposed complex that will impact our homes and our neighborhood.

LDG has made several changes without notifying us, including failing to notify those who directly signed up to be kept informed - we do not want to go forward uninformed or be blindsided by last minutes changes.

Tina Burnell

On Tue, Feb 21, 2023 at 11:37 AM Ashburner, Clifford <Clifford.Ashburner@dinsmore.com> wrote:

Ms. Burnell,

When we have a final design of the area in question, I'll be sure to make sure you have a copy. As of this moment, we don't have the design finalized.

Cliff

From: Murray Heights <murrayheightsky@gmail.com>

Sent: Tuesday, February 21, 2023 11:32 AM

To: Ashburner, Clifford <Clifford.Ashburner@DINSMORE.COM>

Cc: Amanda Bell <bell.amandajo@gmail.com>; Chris Dischinger <cdischinger@ldgdevelopment.com>; Christi Lanier-Robinson <crobinson@ldgdevelopment.com>; Deshields, Lanesha <lanesha.deshields@louisvilleky.gov>; Hawkins, Tammy <tammy.hawkins@louisvilleky.gov>; Johnson, Shannon <Shannon.Johnson@DINSMORE.COM>; Madonna.senn@yahoo.com; Melinda Hoskins <melindahoskins69@gmail.com>; Sarah Harned <inswsn@gmail.com>; Smbogard@gmail.com; St Germain, Dante <dante.st.germain@louisvilleky.gov>; Tanya Schantz <Hellraiser0509@gmail.com>; andrew.owen@louisvilleky.gov; anthony.piagentini@louisvilleky.gov; barbara.shanklin@louisvilleky.gov; betsy.ruhe@louisvilleky.gov; brandi2164@gmail.com; brent.ackerson@louisvilleky.gov; cassie.armstrong@louisvilleky.gov; cindi.fowler@louisvilleky.gov; dalawolfe@att.net; dan.seum@louisvilleky.gov; deniselet@att.net; donna.purvis@louisvilleky.gov; grdavis2004@yahoo.com; heap8506@yahoo.com; jcaulk31@outlook.com; jecorey.arthur@louisvilleky.gov; jeff.hudson@louisvilleky.gov; jennifer.chappell@louisvilleky.gov; jm.kayse3@gmail.com; kevin.kramer@louisvilleky.gov; khalil.batshon@louisvilleky.gov; madonna.flood@louisvilleky.gov; marilyn.parker@louisvilleky.gov; markus.winkler@louisvilleky.gov; msekennell@aol.com; norm@whoever.com; patrick.mulvihill@louisvilleky.gov; paula.mccraney@louisvilleky.gov; rick.blackwell@louisvilleky.gov; robin.engel@louisvilleky.gov; scott.reed@louisvilleky.gov; stuart.benson@louisvilleky.gov; theboobean@yahoo.com; tr5mill@aol.com

Subject: Re: 22-ZONE-0050 - 5127 Terry Rd

4th REQUEST

Mr. Ashburner,

The BOZA meeting is in two weeks -

When will you have a final draft of the area to share? This is the 4th time I have asked for this information.

Dante, please include for the record that LDG has repeatedly failed to provide this information or reply in any way to this question.

Tina Burnell

502-365-6949

On Sat, Feb 18, 2023 at 12:33 PM Murray Heights <murrayheightsky@gmail.com> wrote:

3rd request for this information.

Mr. Ashburner,

When do you expect to have a final design of the area?

Tina Burnell

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Sent: Wednesday, January 25, 2023 12:12 PM

To: St Germain, Dante <Dante.St.Germain@louisvilleky.gov>

Cc: Amanda Bell <bell.amandajo@gmail.com>; Ashburner, Clifford <Clifford.Ashburner@dinsmore.com>; Chris Dischinger <cdischinger@ldgdevelopment.com>; Christi Lanier-Robinson <crobinson@ldgdevelopment.com>; Hawkins, Tammy <Tammy.Hawkins@louisvilleky.gov>; Johnson, Shannon <Shannon.Johnson@dinsmore.com>; Madonna.senn@yahoo.com; Melinda Hoskins <melindahoskins69@gmail.com>; Murray Heights <murrayheightsky@gmail.com>; Sarah Harned <inswsn@gmail.com>; Weathers, Chuck <Charles.Weathers@louisvilleky.gov>; brandi2164@gmail.com; dalawolfe@att.net; deniselet@att.net; grdavis2004@yahoo.com; heap8506@yahoo.com; jcaulk31@outlook.com; jm.kayse3@gmail.com; theboobean@yahoo.com; tr5mill@aol.com

Subject: Re: 22-ZONE-0050 - 5127 Terry Rd

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Good afternoon all.

When can expect an update/answer to the questions submitted.

Thanks

Tanya Schantz.

On Mon, Jan 23, 2023 at 8:10 AM St Germain, Dante <Dante.St.Germain@louisvilleky.gov> wrote:

Thank you for your comments on this case. I will add them to the record.

Dante St. Germain, AICP

Planner II

Planning & Design Services

Department of Develop Louisville

LOUISVILLE FORWARD

[444 South Fifth Street, Suite 300](#)

Louisville, KY 40202

(502) 574-4388

<https://louisvilleky.gov/government/planning-design>



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<https://public.govdelivery.com/accounts/KYLOUISVILLE/subscriber/new>

From: Murray Heights <murrayheightsky@gmail.com>

Sent: Friday, January 20, 2023 6:34 PM

To: Ashburner, Clifford <Clifford.Ashburner@dinsmore.com>; Chris Dischinger <cdischinger@ldgdevelopment.com>; Christi Lanier-Robinson <crobinson@ldgdevelopment.com>; Johnson, Shannon <Shannon.Johnson@dinsmore.com>; St Germain, Dante <Dante.St.Germain@louisvilleky.gov>; Weathers, Chuck <Charles.Weathers@louisvilleky.gov>; Hawkins, Tammy <Tammy.Hawkins@louisvilleky.gov>

Cc: Amanda Bell <bell.amandajo@gmail.com>; Hellraiser0509@gmail.com; Madonna.senn@yahoo.com; Melinda Hoskins <melindahoskins69@gmail.com>; Sarah Harned <inswsn@gmail.com>; brandi2164@gmail.com; dalawolfe@att.net; deniselet@att.net; grdavis2004@yahoo.com; heap8506@yahoo.com; jcaulk31@outlook.com; jm.kayse3@gmail.com; theboobean@yahoo.com; tr5mill@aol.com

Subject: 22-ZONE-0050 - 5127 Terry Rd

CAUTION: This email came from outside of Louisville Metro. Do not click links, open attachments, or give away private information unless you recognize the sender's email address and know the content is safe.

We remain opposed to the proposed high- density apartment development.

Walmart across the street on Raggard recently closed because it was the worst in the city - theft was rampant and multiple police runs made daily. The nearby Riverport Apartments require grounds security and there are still multiple complaints made to the Council office and police dept. - not to mention the numerous online complaints

regarding maintenance issues. We have zero expectation or reason to believe this proposed complex will be any different.

With that said...

1. We ask that you consider putting more distance between the apartments and the property line beyond the proposed mere 50ft. Both complexes proposed for Prospect planned for more distance - we would appreciate the same.

2 Please consider lowering the apartments (shown on plans as #3 & #4) that run directly behind homes on Huberta from 3-story to 2-story. Those will tower over the single story houses here...and 216 units outnumber the homes than we have in the entire neighborhood.

2. Are there any plans for a fence between the complex and surrounding homes?

3 Any plans to add fast growing tall buffer trees along the property line between homes and apartments?

4. With the newly proposed pedestrian access to Harvest - are there plans for sidewalks? Harvest, Lemmah, Joy, and a portion of Huberta that are all closer to the proposed complex do not have sidewalks. Nor are there sidewalks along Terry Rd in this area.

5. Is there a report or any new information on the traffic study that was suppose to be done?

6. What is the breakdown on the number of bedrooms for the proposed units?

Tina Burnell

502-365-6949

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

NOTICE: This electronic mail transmission from the law firm of Dinsmore & Shohl may constitute an attorney-client communication that is privileged at law. It is not intended for transmission to, or receipt by, any unauthorized persons. If you have received this electronic mail transmission in error, please delete it from your system without copying it, and notify the sender by reply e-mail, so that our address record can be corrected.

St Germain, Dante

From: Cindy Holder <CAANHOLDER@hotmail.com>
Sent: Friday, February 3, 2023 10:28 PM
To: St Germain, Dante; clifford.ashburner@dinsmore.com
Cc: murrayheightsky@gmail.com
Subject: Case #22-Zone-0050 5127 Terry Rd

CAUTION: This email came from outside of Louisville Metro. Do not click links, open attachments, or give away private information unless you recognize the sender's email address and know the content is safe.

Good Evening,

I am opposed to the variance request from LDG to exceed the maximum building height requirement and strongly urge you to disapprove it. If allowed, the height of these apartment buildings would have an extremely adverse impact on the sight lines of adjacent property owners. The homes in our subdivision are mainly single level ranch style homes and these apartment buildings would tower over them.

Again, please disapprove LDG's request for variance in this matter.

Respectfully,

Cindy Holder
3213 Huberta Dr.
Louisville, KY 40216

St Germain, Dante

From: Patti Heath <heap8506@yahoo.com>
Sent: Sunday, February 5, 2023 8:46 PM
To: St Germain, Dante; Clifford Ashburner
Cc: Murray Heights
Subject: 5127 Terry Rd.

CAUTION: This email came from outside of Louisville Metro. Do not click links, open attachments, or give away private information unless you recognize the sender's email address and know the content is safe.

I am very much in opposition of the request by LDG to exceed the maximum requirement for the height of the apartment buildings from 35' to 39'. The majority of the homes in Murray Heights are single level ranch style homes that are approximately 25'tall.

LDG states the extra 4' on each building is necessary for higher ceilings. Why are higher ceilings necessary?

Why was this not added to the initial proposal? It seems to me that if LDG felt it was necessary to have taller ceilings , that would have been added in on the original blue prints.

The apartment buildings will tower over the homes in our neighborhood.

Please do not approve this request.

Thank you

David and Patti Heath

Sent from my iPhone

St Germain, Dante

From: Murray Heights <murrayheightsky@gmail.com>
Sent: Monday, February 13, 2023 3:35 PM
To: Deshields, Lanesha; Hawkins, Tammy; St Germain, Dante; Weathers, Chuck; Owen, Andrew; Piagentini, Anthony; Shanklin, Barbara; Ruhe, Betsy; Ackerson, Brent; Armstrong, Cassie; Fowler, Cindi; Seum JR, Dan; Purvis, Donna; Arthur, Jecorey; Hudson, Jeff; Chappell, Jennifer; Kramer, Kevin; Batshon, Khalil; Flood, Madonna; Parker, Marilyn; Winkler, Markus; Mulvihill, Patrick; McCraney, Paula; Blackwell, Rick; Engel, Robin; Reed, Scott; Benson, Stuart
Cc: Amanda Bell; Ashburner, Clifford; Chris Dischinger; Christi Lanier-Robinson; Dala Wolfe; Madonna.senn@yahoo.com; Melinda Hoskins; Patti Heath; RNJohnson@gannett.com; Sarah Harned; Smbogard@gmail.com; Tanya Schantz; a.stahlman@hearst.com; addie.meiners@hearst.com; assign@whas11.com; brandi2164@gmail.com; caanholder@hotmail.com; cotts@wdrb.com; deniselet@att.net; digitalteam@wdrb.com; donna.rock5; Gina Davis; investigate@wdrb.com; jcaulk31@outlook.com; jm.kayse3@gmail.com; Abner, Josh; louisville@bizjournals.com; lounews@courierjournal.com; mglowicki@courier-journal.com; mgreen@lanereport.com; mgreen@wdrb.com; newstips@wlky.com; terrymeiners@iheartmedia.com; theboobean@yahoo.com; tr5mill@aol.com; wave-newsdesk@gray.tv; wave-troubleshooting@gray.tv
Subject: Louisville Development Group - Proposed High-Density Complex 5127 Terry Rd
Attachments: image_123986672.JPG; image_123986672.JPG; Screen Shot 2023-01-30 at 12.33.56 PM.png; 277988285_4979335872161804_3349572746599241731_n.jpg

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Case #22-ZONE-0050

"A single lie discovered is enough to create doubt in every truth expressed."

Dear Metro Council,

How do you trust a developer when they knowingly present information with intent to deceive? When they knowingly present information in a misleading manner in order to gain a more favorable reception?

You don't - but that's what Louisville Development Group has done.

In March 2022, LDG held a required meeting regarding a proposed high-density affordable apartment complex at 5127 Terry Rd in which attorney Cliff Ashburner, who represented them at that meeting, was directly asked if they would connect the complex to our small neighborhood.

During the March 15, 2002 meeting at time mark 55:37, Charlotte Pence, a resident of Joy Drive, specifically asked about the complex connecting to Joy Drive.

Mr. Ashburner responded:

"Right now the plan does not show access - we do not show a connection and I think, I don't think LDG proposes a connection. Now Metro Public Works, we may get a comment that they want Joy to connect but I don't know right now that that will uh come to..."

<https://dinsmore.webex.com/recording/service/sites/dinsmore/recording/playback/7d69336886dd103ab7fd005056a8ac81>. (Recording password: XxWUBMP7)

But HE DID IN FACT KNOW. It is required by the Land Development Code (5.9.2) - LDG knew that and Cliff Ashburner knew that - which is why he stammered around the question. LDG knew it full well when they drew up initial plans to present to the affected residents in that first meeting. THEY KNEW AND ACTED PURPOSELY IN A WAY TO DECEIVE.

No reasonable person would believe that an experienced developer like LDG doesn't know the Land Development Code when they have already completed numerous developments in the city. LDG purposely deceived affected residents to facilitate a more favorable presentation of this proposed development and in an effort to minimize opposition. They prey on and take advantage of residents who don't know better. This is a pattern, not an exception. This wasn't a mistake or an oversight, it was blatant. They know they can present ONE PLAN while twisting and misrepresenting intentions, then make numerous significant changes, with NO legal requirement to notify those affected, not even those who have directly asked and signed up to be kept informed.

At last check that I initiated, not only are they going to connect Joy Drive for vehicular traffic, they are also going to open Harvest Drive up for pedestrian access from the complex to our neighborhood. Not a single affected resident was notified of these changes. (Harvest does not even have sidewalks - and Cliff Ashburner has indicated that no sidewalks are planned).

Your constituents aren't versed in Land Development Code. They don't know where and how to check for updates and changes. This leaves them uninformed and vulnerable. It leaves the door open for deceitful actions just like this where residents are misled, frustrated, and blindsided.

I directly and repeatedly invited Chris Dischinger, Christi Lanier-Robinson, and Cliff Ashburner to respond to the outlined assertion - all chose to ignore me. (*Please see attached copy of the email*) Why? Because they are not compelled to respond to questions, NOR are they compelled to be truthful. There is NOTHING in the applicant process that requires them to do so. They have made it clear that our voice does NOT matter to them, but it should matter to our elected officials.

Mr. Ashburner knowingly and purposely deceived residents when he stated in the public meeting held on March 15, 2022 that they had no plans to connect the affordable housing development to our neighborhood. They knew full well it was REQUIRED by LDC. The "waiver request" they included for "show" on the original plans presented was null and void from the start and they knew it. Check their records with Planning and Development - this isn't isolated. It's likened to a bait and switch.

In light of their refusal, I asked the case representative at Planning and Development, Dante St. Germain, to add this information to the case file, with hope that it will be considered in the Planning and Development final decision.

The lack of integrity is something that should not be overlooked or tolerated. It certainly does not build trust or confidence when a developer acts with purposeful deceit and misleads affected residents. Our elected officials should be a vocal and strong defense against this.

LDG is being permitted to build all over the city of Louisville with no accountability to affected homeowners and they utilize every loophole in the process to slight and negate residents affected by their developments. They repeatedly demonstrate disdain, indifference, and a lack of respect for those impacted by their developments.

As I have learned during this process of desperately trying to protect our small, close-knit neighborhood of about 200 single family houses - there are ZERO repercussions and ZERO LEVEL of accountability for LDG. They can LIE and they can IGNORE or DECEITFULLY respond to questions from affected residents because there are NO repercussions for their actions or lack thereof, and there is nothing in the process that protects affected residents from their indifference and unethical actions. And, we've all seen how snarky and aggressive they get when you fight back like Prospect has done.

https://www.wdrb.com/news/developers-sue-louisville-metro-council-over-rebuffed-low-income-apartments-near-prospect/article_80341e0f-6f23-561b-88d6-68e453fcde23.html

https://www.wdrb.com/news/business/prospect-sues-to-stop-low-income-apartment-development/article_e486caec-9693-11ed-8a30-bf80d619f571.html

<https://www.courier-journal.com/story/news/local/2022/12/28/louisville-veridian-prospects-edge-housing-complex-blocked-judge/69760928007/>

Let's not forget how Chris Dischinger took to the Courier Journal to malign and vilify those in Prospect who opposed his development.

<https://www.courier-journal.com/story/opinion/2019/09/26/prospect-residents-threats-racism-over-affordable-housing-plan-foul/3773522002/>

You, as representatives of your constituents, know that spending hundreds of thousands of dollars to fight them isn't practical for most areas that LDG chooses for a 'hit and run' build. Both the Veridian and Prospect Cove proposals were smaller and further from the property line than the planned 216 Units they intend to cram into nine 3-story high-density buildings from 35' - 39' in height with a mere 50ft setback from the property line on the lot at 5127 Terry Rd. The MSD ditch behind us doesn't even drain properly as it is.

Who will speak for us? Is Councilman Scott Reed the only one willing to speak against their nonsense?

LDG sure doesn't like for people to speak against them - in fact, they blocked me from their Facebook page after I left a negative review and related comments regarding their actions. (I have screenshots) This would be laughable, except for the fact that their attempt to silence my voice as they destroy the neighborhood we have lived in for 24 years is reprehensible, cowardly, and uncouth. It only strengthens my resolve to speak out.

Do you remember when Chris Dischinger's wife, Lisa Dischinger, had a supposed "female owned" business, Overlook Development, popped-up to take advantage of hundreds of thousands of dollars of tax credits at Whispering Woods and more than \$14 million in low-interest government financing? That was certainly convenient...and shady.

<https://www.wave3.com/story/20625537/developer-loses-female-owned-status-after-troubleshooter-investigation/>

Please pay attention - the history is there, the records are there. LDG operates like a band of land development tyrants - and when they don't get their way they maliciously charge their opposition with racism and socio-economic bias while presenting themselves as some sort of affordable housing savior of the poor. You can be sure their profit margin is what matters most - they have their hands out for every dollar they can get, from every source - not just from Louisville, not just from Kentucky, but from several surrounding states as well.

I am asking that this be addressed. I am asking that the code and process be amended and updated to include severe consequences for lying, misleading, and failing to respond to affected constituents in a timely and forthright manner and that there be consequences for knowingly and repeatedly filing applications that are non-compliant with LDC. These actions should disqualify an application from consideration.

After our initial meeting in March, I submitted several questions on behalf of our community. Cliff Ashburner took nearly 4 weeks to reply with laconic answers and redirection to their website. They couldn't tell us how many bedrooms per unit, failed to adequately respond to other questions submitted, then Cliff refused to provide an email for the developer upon request. His demeanor was that of indifference and an appreciable lack of respect. I finally spoke to Christi Lanier-Robinson by phone and it seemed her role was to attempt to pacify our concerns after Cliff had shown complete disregard.

Not one thing we have asked for then or since then was considered. They force all of the impact and burden upon us with zero concessions. Again, our input is completely irrelevant to them.

Perhaps they feel superior to us little people in the Southend of town? Maybe they're biased and don't feel we deserve the dignity of truth and thorough answers? Maybe we don't have a socio-economic status worthy of their time and respect? Maybe they think we are too stupid, uneducated, or beneath them?

Did you know LDG has disparaging slang for those who oppose their developments? They call us "NIMBY's" (not in my backyard). That came straight from Christi Lanier-Robinson's mouth during our conversation. Nothing like a business creating mocking, scornful nicknames for those who oppose their developments. Shameful. Indifferent.

Please don't allow LDG or any developer to take advantage of residents in this city. They are not a charity operation. LDG is highly financially incentivized by both the city and the state. (And we aren't the only state they are dipping into!) They are committed to lining their pockets and increasing their personal wealth while feigning concern for the poor and homeless as they build countless hit and run, high-density complexes across the city in the backyards of homeowners whose concerns they dismiss out of hand and treat with utter disregard. **There's no benevolence at work here.** They "give back" a small portion of what they are taking and being given through grants, tax credits, incentives, etc. to gain favor from businesses and officials in the community. It's an irony that seems to go unnoticed. This is a for-profit business with a feigned emotionally-charged philosophy that makes them millions exploiting the needs of the less fortunate. Don't be fooled into believing otherwise.

<https://www.multihousingnews.com/ldg-development-scores-40m-for-louisville-affordable-community/>

<https://louisvilleky.gov/news/ldg-multifamily-relocate-expand-headquarters-louisville>

<https://www.lanereport.com/161103/2022/11/ldg-multifamily-cuts-ribbon-at-historic-madrid-building/>

Please review this file. Look at the way it was presented and the changes they have made with zero notification to those affected. And now they are asking for a maximum building height waiver (5.3.1 of the LDC) that was filed with a false statement of justification including among several lies - erroneously claiming it will not have any adverse impact on our sight lines! That is a lie. **The entire complex will adversely impact the sight lines of adjacent property owners.** Exceeding the max height code for higher ceilings is aesthetic- it is NOT a necessity. Would you be okay if that was YOUR backyard? How many times have they repeated the same scenario? Hint: There are records.

This is not about affordable housing, it's about money to them. The Walmart across the street on Raggard was the worst in the city - the police were there daily and theft was so out of control the store eventually closed. The Riverport Family Complex on Cane Run has serious maintenance and safety issues, unsupervised kids run rampant all hours, and it requires security for the grounds. It's completely illogical to believe this development will be any different. LDG takes the money, builds the complex, then moves on - they don't care what is left in their wake or who it affects.

*I have attached a picture of the property, sight line, and wildlife that will be destroyed by this development. Several years back, our neighbors (Darrell and Ronna Martin) wanted to buy 5 acres of this same land and build a new single family home with access via Harvest Drive - that proposal was denied by this city. Why is that? Why was an individual denied access to build a home, but LDG can come in and build **NINE 3 story high-density apartment buildings** on that same*

land?? **216 UNITS outnumber the single family homes in our neighborhood.** That just doesn't make sense. This alone should raise flags.

Their proposed development affects our community, our homes, our families. We have invested here where we live. We have a reasonable expectation of timely, thorough, and truthful responses to our questions and concerns.

I implore you to investigate. Please make changes. Hold them accountable. Don't turn a blind eye to this unethical behavior. Be a voice for those you represent. Demand answers and accountability.

Tina Burnell
502-365-6949

VARIANCE JUSTIFICATION S

LDG Multifamily, LL

5127 Terry Road

The proposed variance from Section 5.3.1 of the L maximum building height to be 39 feet instead of the requi adversely affect the public health, safety or welfare. Th applicant to exceed the maximum building height by two fe this vacant property into a multi-family residential communi to provide additional volume in each of the units for higher

The proposed variance will not alter the essential cha permit the multi-family structures to exceed the maximum proposed development is located adjacent to Terry Road a between the proposed buildings and adjacent residential pro proposed density.

The proposed variance will not cause a hazard or n variance will permit the multi-family structures to exceed th The variance will not have any adverse impact on the sightli

The proposed variance will not allow an unreasonable of the zoning regulations. The applicant proposes to exceed as necessary. The proposed development will allow the appli height by only two feet to provide additional high-quality m

The proposed variance arises from special circumsta land in the vicinity of the project. The proposed developme structures, which requires a variance of only two feet



4:33



1 Did Derek Triplett know that this is a requirement of the Land Development Code?

2. Did Cliff Ashburner know that this is a requirement of the Land Development Code?

3 Did LDG and/or representatives of LDG know that this is a requirement of the Land Development Code?

4. Has LDG navigated this process for any other proposal by presenting original plans with no connectivity, only to have to subsequently modify the plans due to this same requirement of the Land Development Code?

Thank you,
Tina Burnell

...



me Jul 6, 2022



to Clifford, Chris, Christi, Shannon... ▾

Dante,

I want to note for the record that LDG and it's representative attorney, Cliff Ashburner, have refused to answer the following yes/no questions that were submitted twice.

Tina Burnell

...

4:33



Tina Burnell

...



me Jun 29, 2022



to Clifford, Chris, Christi, Shannon... ▾

I didn't see anyone answer these questions - resubmitting...

With respect to connection to the stub streets per LDC section 5.9.2 -

1 Did Derek Triplett know that this is a requirement of the Land Development Code?

2. Did Cliff Ashburner know that this is a requirement of the Land Development Code?

3 Did LDG and/or representatives of LDG know that this is a requirement of the Land Development Code?

4. Has LDG navigated this process for any other proposal by presenting original plans with no connectivity, only to have to subsequently modify the plans due to this same requirement of the Land Development Code?

Thank you,
Tina Burnell

...



me Jul 6, 2022



to Clifford, Chris, Christi, Shannon, Dante, Charles, tammy.hawkins, Amanda, Hellraiser0509, Madonna.senn, Melinda, Sarah, brandi2164@gr ▼

We remain opposed to the proposed high- density apartment development.

Walmart across the street on Raggard recently closed because it was the worst in the city - theft was rampant and multiple police runs made daily. The nearby Riverport Apartments require grounds security and there are still multiple complaints made to the Council office and police dept. - not to mention the numerous online complaints regarding maintenance issues. We have zero expectation or reason to believe this proposed complex will be any different.

With that said...

1. We ask that you consider putting more distance between the apartments and the property line beyond the proposed mere 50ft. Both complexes proposed for Prospect planned for more distance - we would appreciate the same.
- 2 Please consider lowering the apartments (shown on plans as #3 & #4) that run directly behind homes on Huberta from 3-story to 2-story. Those will tower over the single story houses here...and 216 units outnumber the homes than we have in the entire neighborhood.
2. Are there any plans for a fence between the complex and surrounding homes?
- 3 Any plans to add fast growing tall buffer trees along the property line between homes and apartments?
4. With the newly proposed pedestrian access to Harvest - are there plans for sidewalks? Harvest, Lemmah, Joy, and a portion of Huberta that are all closer to the proposed complex do not have sidewalks. Nor are there sidewalks along Terry Rd in this area.
5. Is there a report or any new information on the traffic study that was suppose to be done?
6. What is the breakdown on the number of bedrooms for the proposed units?

project (see map below). Along with being one of the nation's largest developers of affordable housing, LDG has a long history and close relationship with Louisville Metro Government and developer advocate nonprofits such as the Metropolitan Housing Coalition. LDG also shares an office address with the [Louisville Affordable Housing Trust Fund](#) in a building [owned by LDG](#), even though LDG is the [largest recipient of LAHFT subsidies](#). As part of our [Slumlord Mapping Project](#), we found that LDG owns 94 properties in Jefferson County and over 40% of those have had code violations in the last 5 years. A quick search with the [Kentucky Secretary of State](#) shows that they are connected to a host of other development interests and property management companies that also have numerous property maintenance issues.

St Germain, Dante

From: Murray Heights <murrayheightsky@gmail.com>
Sent: Monday, February 13, 2023 9:25 AM
To: St Germain, Dante
Subject: Fwd: 22-ZONE-0050 - Variance Request - 5127 Terry Rd

CAUTION: This email came from outside of Louisville Metro. Do not click links, open attachments, or give away private information unless you recognize the sender's email address and know the content is safe.

Hi Dante,

I am forwarding the email without the attachments. I'm not sure how the email can be too big unless it is the attachments of which there were only 3. Was IT more specific on that?

I will send those separately.

----- Forwarded message -----

From: Murray Heights <murrayheightsky@gmail.com>
Date: Mon, Feb 6, 2023 at 1:56 PM
Subject: 22-ZONE-0050 - Variance Request - 5127 Terry Rd
To: St. Germain, Dante <dante.st.germain@louisvilleky.gov>, Ashburner, Clifford <Clifford.Ashburner@dinsmore.com>, Hawkins, Tammy <tammy.hawkins@louisvilleky.gov>, <lanesha.deshields@louisvilleky.gov>, Chris Dischinger <cdischinger@ldgdevelopment.com>, Christi Lanier-Robinson <crobinson@ldgdevelopment.com>

Opposed to Variance Request

I am adamantly opposed to LDG's variance request from section 5.3.1 of the LDC. The entire basis for this variance request is built on false information and I am asking you to DENY this request on those grounds.

First, the justification statement inaccurately states that going from 35' to 39' feet is a two feet increase. It is a 4' increase - **that by their own statement is not justified.**

Second, LDG falsely states that maintaining the 35' maximum height requirement would create *"an unnecessary hardship as the applicant is requesting only a two foot variance from the maximum building height. Strict application of the regulations would force the applicants to redesign it's buildings to lower the ceiling in each unit"*

Again, the stated 2' is incorrect. Additionally, and most importantly, LDG is fully aware that Planning and Development has no obligation or burden to accommodate their presumptuous developments plans, thereby it DOES NOT create a hardship for LDG to create or redesign plans that our within the code. *They created plans and assumed that you would accommodate them with no true justification for doing so. **They knew the code prior to design.** There are NO special circumstances as they falsely claim in their justification statement - just expected privilege. (I am attaching that for those who have not seen the statement).*

Third, *"additional volume for higher ceilings"* in no way justifies their attempts to circumvent the development code. This is an aesthetic feature, not a necessity - thus, the request is simply not justified for that purpose. My home has 8ft ceilings and we live just fine without higher ceilings. In fact, asking for higher ceilings, thereby creating increased heating and cooling cost for an apartment complex designed to be 'affordable' makes zero sense.

And lastly, LDG erroneously claims that this variance will not have any adverse impact on the sight lines of adjacent property owners. This is plain dishonest. It will most certainly do just that. I have attached pictures of the property from my back porch - and I can truthfully assure you 39ft buildings will negatively and adversely impact our sight lines.

There is no way to justify this as a hardship need. This is an unnecessary and presumptuous attempt to circumvent the regulations.

Please enforce the code as it stands and require LDG to operate within the boundaries of Land and Development Code. This is reasonable and right.

Respectfully,
Tina and Ross Burnell
3210 Huberta Drive
502-365-6949





VARIANCE JUSTIFICATION STATEMENT

LDG Multifamily, LLC

5127 Terry Road

The proposed variance from Section 5.3.1 of the Land Development Code, to allow the maximum building height to be 39 feet instead of the required 35 foot maximum height, will not adversely affect the public health, safety or welfare. The proposed variance will permit the applicant to exceed the maximum building height by ~~two~~ ⁴ feet. The applicant proposes to develop this vacant property into a multi-family residential community. The proposed variance is necessary to provide additional volume in each of the units for higher ceilings.

*- NOT
necessary*

The proposed variance will not alter the essential character of the general vicinity as it will permit the multi-family structures to exceed the maximum building height by only two feet. The proposed development is located adjacent to Terry Road and will observe all required setbacks between the proposed buildings and adjacent residential properties. The variance will not alter the proposed density.

The proposed variance will not cause a hazard or nuisance to the public. The proposed variance will permit the multi-family structures to exceed the maximum height by only two feet. The variance will not have any adverse impact on the sightlines of adjacent property owners.

- untrue

The proposed variance will not allow an unreasonable circumvention of the requirements of the zoning regulations. The applicant proposes to exceed the height requirement as minimally as necessary. The proposed development will allow the applicant to exceed the maximum building height by only two feet to provide additional high-quality multi-family units to the area.

- untrue

The proposed variance arises from special circumstances that do not generally apply to land in the vicinity of the project. The proposed development calls for the erection of nine multi-family structures, which requires a variance of only two feet from the maximum building height.

- untrue

The strict application of the regulations would create an unnecessary hardship as the applicant is requesting only a ~~two~~ ⁴ foot variance from the maximum building height. Strict application of the regulations would force the applicant to redesign its buildings to lower the ceilings in each unit.

The circumstances are not the result of the actions taken by the applicant subsequent to the adoption of the zoning ordinance as the applicant has not yet developed or taken any action with respect to the property.

*applicant knew
code prior to
developing plans!*

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22-VARIANCE-0111

St Germain, Dante

From: Louis Brennan <louieandjoan@att.net>
Sent: Thursday, February 2, 2023 7:18 PM
To: St Germain, Dante
Subject: Case #22-Zone-0050 5127 Terry Rd

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I am opposed to the variance request from LDG to exceed the maximum building height requirement. This would negatively and adversely impact the sight lines of adjacent property owners and we ask that you do not approve this request. The homes in our subdivision are mainly single level ranch style homes and these apartment buildings will tower over them.

St Germain, Dante

From: Murray Heights <murrayheightsky@gmail.com>
Sent: Thursday, February 2, 2023 12:27 PM
To: Ashburner, Clifford
Cc: Amanda Bell; Chris Dischinger; Christi Lanier-Robinson; Hawkins, Tammy; Johnson, Shannon; Madonna.senn@yahoo.com; Madonna.senn@yahoo.con; Melinda Hoskins; Sarah Harned; Smbogard@gmail.com; St Germain, Dante; Tanya Schantz; Weathers, Chuck; brandi2164@gmail.com; dalawolfe@att.net; deniselet@att.net; grdavis2004@yahoo.com; heap8506@yahoo.com; jcaulk31@outlook.com; jm.kayse3@gmail.com; theboobean@yahoo.com; tr5mill@aol.com
Subject: Re: 22-ZONE-0050 - 5127 Terry Rd

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Mr. Ashburner,

Thank you for your response - including both #2's.

It seems LDG cannot/will not compromise or make any adjustments regarding the requests. Disappointing, but not at all surprising. It is evident that our concerns are of no consequence to LDG.

When do you expect to have a final design of the area?

Tina Burnell

On Mon, Jan 30, 2023 at 5:49 PM Ashburner, Clifford <Clifford.Ashburner@dinsmore.com> wrote:

Ms. Burnell:

I have some of the answers you've requested and a thought on how to find information in the future on this case.

First, all records submitted are available by going to www.louisvilleky.gov/government/planning-design and clicking on the "Search Planning Cases" link on the homepage. From there, you should be able to search by address and find information we have filed related to the Terry Road site.

Second, as to your specific questions, I've addressed them in the order presented below:

1. We do not believe we can move the buildings as requested and maintain the open space, buffering and parking areas.
2. We cannot agree to lower the height of the buildings referenced. In addition, if the buildings were lowered from 3 stories to 2 in that area, the setback requirement would be reduced from 50' to 15'. Reducing the height of those buildings would potentially result in them moving closer to your property line than proposed.
3. (addressed the second "2" in your email and 3) The screening proposed will be according to the LDC, which will include evergreens, deciduous trees, and a 6' solid screen of some kind. The screen can either be a fence or solid plantings. A final design of this area hasn't been arrived at yet. If you have suggestions on the areas where your property and the subject property touch, please feel free to pass them on.
4. There are no plans for sidewalks within the neighborhood, just the connection to the stub at Harvest.
5. The traffic study is available at the Planning Commission's site above. At the conclusion of the recent LD&T meeting, it was suggested that the proposal connect Joy and Murray through the subject property. Our team is evaluating that right now. This proposed route, demanded by Louisville Metro Public Works, may affect the traffic study and turn lanes proposed in Terry Road.
6. The current breakdown of bedrooms is: 84 1-bedroom units; 96 2-bedroom units; and 36 3-bedroom units.

Our next meeting with the Land Development & Transportation Committee is February 9 at 1:00. I'm happy to provide additional feedback should you have follow up questions regarding the property or the proposed development. However, I believe the best way for you to find information regarding the case is through Metro's online system (linked above).

Cliff Ashburner

From: Murray Heights <murrayheightsky@gmail.com>

Sent: Friday, January 27, 2023 3:17 PM

To: St Germain, Dante <Dante.St.Germain@louisvilleky.gov>

Cc: Amanda Bell <bell.amandajo@gmail.com>; Ashburner, Clifford <Clifford.Ashburner@DINSMORE.COM>; Chris Dischinger <cdischinger@ldgdevelopment.com>; Christi Lanier-Robinson <crobinson@ldgdevelopment.com>; Hawkins, Tammy <Tammy.Hawkins@louisvilleky.gov>; Johnson, Shannon <Shannon.Johnson@DINSMORE.COM>; Madonna.senn@yahoo.com; Melinda Hoskins <melindahoskins69@gmail.com>; Sarah Harned <inswsn@gmail.com>; Tanya Schantz <hellraiser0509@gmail.com>; Weathers, Chuck <Charles.Weathers@louisvilleky.gov>; brandi2164@gmail.com; dalawolfe@att.net; deniselet@att.net; grdavis2004@yahoo.com; heap8506@yahoo.com; jcaulk31@outlook.com; jm.kayse3@gmail.com; theboobean@yahoo.com; tr5mill@aol.com

Subject: Re: 22-ZONE-0050 - 5127 Terry Rd

It has been a week. It would be great if the applicant would address the questions submitted.

Tina Burnell

On Wed, Jan 25, 2023 at 12:15 PM St Germain, Dante <Dante.St.Germain@louisvilleky.gov> wrote:

The applicant can address any questions you may have regarding the plan.

Dante St. Germain, AICP

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<https://public.govdelivery.com/accounts/KYLOUISVILLE/subscriber/new>

From: Tanya Schantz <hellraiser0509@gmail.com>

Sent: Wednesday, January 25, 2023 12:12 PM

To: St Germain, Dante <Dante.St.Germain@louisvilleky.gov>

Cc: Amanda Bell <bell.amandajo@gmail.com>; Ashburner, Clifford <Clifford.Ashburner@dinsmore.com>; Chris Dischinger <cdischinger@ldgdevelopment.com>; Christi Lanier-Robinson <crobinson@ldgdevelopment.com>; Hawkins, Tammy <Tammy.Hawkins@louisvilleky.gov>; Johnson, Shannon <Shannon.Johnson@dinsmore.com>; Madonna.senn@yahoo.com; Melinda Hoskins <melindahoskins69@gmail.com>; Murray Heights <murrayheightsky@gmail.com>; Sarah Harned <inswsn@gmail.com>; Weathers, Chuck <Charles.Weathers@louisvilleky.gov>; brandi2164@gmail.com; dalawolfe@att.net; deniselet@att.net; grdavis2004@yahoo.com; heap8506@yahoo.com; jcaulk31@outlook.com; jm.kayse3@gmail.com; theboobean@yahoo.com; tr5mill@aol.com

Subject: Re: 22-ZONE-0050 - 5127 Terry Rd

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Good afternoon all.

When can expect an update/answer to the questions submitted.

Thanks

Tanya Schantz.

On Mon, Jan 23, 2023 at 8:10 AM St Germain, Dante <Dante.St.Germain@louisvilleky.gov> wrote:

Thank you for your comments on this case. I will add them to the record.

Dante St. Germain, AICP

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<https://public.govdelivery.com/accounts/KYLOUISVILLE/subscriber/new>

From: Murray Heights <murrayheightsky@gmail.com>

Sent: Friday, January 20, 2023 6:34 PM

To: Ashburner, Clifford <Clifford.Ashburner@dinsmore.com>; Chris Dischinger <cdischinger@ldgdevelopment.com>; Christi Lanier-Robinson <crobinson@ldgdevelopment.com>; Johnson, Shannon <Shannon.Johnson@dinsmore.com>; St Germain, Dante <Dante.St.Germain@louisvilleky.gov>; Weathers, Chuck <Charles.Weathers@louisvilleky.gov>; Hawkins, Tammy <Tammy.Hawkins@louisvilleky.gov>

Cc: Amanda Bell <bell.amandajo@gmail.com>; Hellraiser0509@gmail.com; Madonna.senn@yahoo.com; Melinda Hoskins <melindahoskins69@gmail.com>; Sarah Harned <inswsn@gmail.com>; brandi2164@gmail.com; dalawolfe@att.net; deniselet@att.net; grdavis2004@yahoo.com; heap8506@yahoo.com; jcaulk31@outlook.com; jm.kayse3@gmail.com; theboobean@yahoo.com; tr5mill@aol.com

Subject: 22-ZONE-0050 - 5127 Terry Rd

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We remain opposed to the proposed high- density apartment development.

Walmart across the street on Raggard recently closed because it was the worst in the city - theft was rampant and multiple police runs made daily. The nearby Riverport Apartments require grounds security and there are still multiple complaints made to the Council office and police dept. - not to mention the numerous online complaints regarding maintenance issues. We have zero expectation or reason to believe this proposed complex will be any different.

With that said...

1. We ask that you consider putting more distance between the apartments and the property line beyond the proposed mere 50ft. Both complexes proposed for Prospect planned for more distance - we would appreciate the same.

2 Please consider lowering the apartments (shown on plans as #3 & #4) that run directly behind homes on Huberta from 3-story to 2-story. Those will tower over the single story houses here...and 216 units outnumber the homes than we have in the entire neighborhood.

2. Are there any plans for a fence between the complex and surrounding homes?

3 Any plans to add fast growing tall buffer trees along the property line between homes and apartments?

4. With the newly proposed pedestrian access to Harvest - are there plans for sidewalks? Harvest, Lemmah, Joy, and a portion of Huberta that are all closer to the proposed complex do not have sidewalks. Nor are there sidewalks along Terry Rd in this area.

5. Is there a report or any new information on the traffic study that was suppose to be done?

6. What is the breakdown on the number of bedrooms for the proposed units?

Tina Burnell

502-365-6949

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St Germain, Dante

From: smbogard <smbogard@gmail.com>
Sent: Wednesday, February 1, 2023 6:38 PM
To: St Germain, Dante; murrayheightsky@gmail.com; clifford.ashburner@dinsmore.com; dante.st.germain@louisvillky.gov
Subject: FW: Case #22-Zone-0050 5127 Terry Rd

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I mistyped an email, so sending to everyone again.

----- Original message -----

From: smbogard <smbogard@gmail.com>
Date: 2/1/23 6:37 PM (GMT-05:00)
To: dante.st.germain@louisvillky.gov, clifford.ashburner@dinsmore.com, murrayheightsky@gmail.com
Subject: Case #22-Zone-0050 5127 Terry Rd

I am opposed to the variance request from LDG to exceed the maximum building height requirement. This would negatively and adversely impact the sight lines of adjacent property owners and we ask that you do not approve this request. The homes in our subdivision are mainly single level ranch style homes and these apartment buildings will tower over them.

Would you want to look out your window and see an apartment building instead of the beautiful fields? Consider if this was where you lived. How would you feel? This isn't just a neighborhood. It's a community. And we are speaking up.

St Germain, Dante

From: Amanda Bell <bell.amandajo@gmail.com>
Sent: Wednesday, February 1, 2023 10:57 PM
To: St Germain, Dante; clifford.ashburner@dinsmore.com; murrayheightsky@gmail.com
Subject: Case #22-Zone-0050 5127 Terry Rd

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To whom it concerns,

I am opposed to the variance request from LDG to exceed the maximum building height requirement. This would negatively and adversely impact the sight lines of adjacent property owners and we ask that you do not approve this request. The homes in our subdivision are mainly single level ranch style homes and these apartment buildings will tower over them.

This apartment proposal continues to change and is causing great stress to our neighborhood. Please consider the feelings and health of the current residents.

Amanda Bell
Murray Heights Resident

St Germain, Dante

From: Dala Wolfe <dalawolfe@att.net>
Sent: Wednesday, February 1, 2023 4:09 PM
To: St Germain, Dante; clifford.ashburner@dinsmore.com
Cc: murrayheightsky@gmail.com
Subject: Case #22-Zone-0050 5127 Terry Rd

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St Germain, Dante

From: donna.rock5 <donna.rock5@att.net>
Sent: Wednesday, February 1, 2023 2:32 PM
To: St Germain, Dante; Clifford.Ashburner@dinsmore.com
Cc: Murray Heights
Subject: Case #22 Zone 0050. 5137 Terry Rd

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All,

"I am opposed to the variance request from LDG to exceed the maximum building height requirement. This would negatively and adversely impact the sight lines of adjacent property owners and we ask that you do not approve this request. The homes in our subdivision are mainly single level ranch style homes and these apartment buildings will tower over them.

Donna Rock

St Germain, Dante

From: Brown, Carley <Carley.Brown@uoflhealth.org>
Sent: Wednesday, February 1, 2023 2:39 PM
To: St Germain, Dante; clifford.ashburner@dinsmore.com
Cc: murrayheightsky@gmail.com
Subject: CASE #22-ZONE-00505127 TERRY RD

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I am opposed to the variance request from LDG to exceed the maximum building height requirement. His would negatively and adversely impact the sight lines of adjacent property owners and we ask that you do not approve this request. The homes are mainly single level ranch style homes and these apartments will tower over them .

Carley A Brown
Payment Posting Specialist

Accounting/Finance CBO

Nucleus Building
300 E. Market Street, Suite 400 C
Louisville, Kentucky 40202
502.588.0344 office
502.588.0309 fax
Email address: carley.brown@uoflhealth.org



UofLHealth.org

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St Germain, Dante

From: Susie Stinson <susierstinson@gmail.com>
Sent: Wednesday, February 1, 2023 2:22 PM
To: St Germain, Dante; clifford.ashburner@dinsmore.com
Subject: Case #22-Zone-0050 5127 Terry Rd

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Hello,

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Susan Lange

St Germain, Dante

From: Murray Heights <murrayheightsky@gmail.com>
Sent: Tuesday, January 31, 2023 12:46 PM
To: Christi Lanier-Robinson
Cc: Amanda Bell; Ashburner, Clifford; Chris Dischinger; Hawkins, Tammy; Johnson, Shannon; Madonna.senn@yahoo.com; Melinda Hoskins; Sarah Harned; Smbogard@gmail.com; St Germain, Dante; Tanya Schantz; Weathers, Chuck; brandi2164@gmail.com; dalawolfe@att.net; deniselet@att.net; grdavis2004@yahoo.com; heap8506@yahoo.com; jcaulk31@outlook.com; jm.kayse3@gmail.com; theboobean@yahoo.com; tr5mill@aol.com
Subject: Re: 22-ZONE-0050 - 5127 Terry Rd

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I invite you to share screenshots of anything I posted that you claim is untrue.

Best NIMBY,
Tina Burnell

On Tue, Jan 31, 2023 at 12:34 PM Christi Lanier-Robinson <crobinson@ldgdevelopment.com> wrote:

We also have screenshots of your comments as well and again, they had nothing to do with this development . Your comments referenced Front gate that at the time was being proposed and has since been built (which would not have occurred if what was being claimed was true). Again, you are free to post anything on YOUR social media accounts...but we are not required no we will allow to post that type of info on ours.

Best,

Christi

Sent from my iPhone

On Jan 31, 2023, at 11:42 AM, Murray Heights <murrayheightsky@gmail.com> wrote:

Christi,

Everything I posted was true. I have screenshots of my review and my comments...and I will include links to every article that supports those remarks in my email to Metro Council and the media.

Nice try.

I assure you that your petty act only drives me to continue to speak out about your shady history and indifference to those affected by your actions. It would be laughable, except for that fact that your

development will destroy a home and neighborhood that I have loved for 24 years and you all have made it crystal clear that you have zero regard for our thoughts on the matter.

And since, it looks like I will be forced into moving because of the monstrosity of a development you are putting in my backyard - you have my full commitment to speak out against LDG.

Have a great day!

Tina Burnell

On Tue, Jan 31, 2023 at 10:32 AM Christi Lanier-Robinson <crobinson@ldgdevelopment.com> wrote:

Ms. Burnell-

As it relates to your comments regarding blocking you on Facebook, you are correct we did block you. The comments you posted had nothing to do with this project and were comments that have proven to be untrue about another development. Just as you have a right as a private citizen to block other people from posting comments on your Facebook page, we as a private company have the same right.

Have a great day Ms. Burnell.

Best,

Christi

From: Ashburner, Clifford <Clifford.Ashburner@DINSMORE.COM>

Sent: Monday, January 30, 2023 5:50 PM

To: Murray Heights <murrayheightsky@gmail.com>; St Germain, Dante <Dante.St.Germain@louisvilleky.gov>

Cc: Amanda Bell <bell.amandajo@gmail.com>; Chris Dischinger <CDischinger@ldgdevelopment.com>; Christi Lanier-Robinson <crobinson@ldgdevelopment.com>; Hawkins, Tammy <Tammy.Hawkins@louisvilleky.gov>; Johnson, Shannon <Shannon.Johnson@DINSMORE.COM>; Madonna.senn@yahoo.com; Melinda Hoskins <melindahoskins69@gmail.com>; Sarah Harned <inswsn@gmail.com>; Tanya Schantz <hellraiser0509@gmail.com>; Weathers, Chuck <Charles.Weathers@louisvilleky.gov>; brandi2164@gmail.com; dalawolfe@att.net; deniselet@att.net; grdavis2004@yahoo.com; heap8506@yahoo.com; jcaulk31@outlook.com; jm.kayse3@gmail.com; theboobean@yahoo.com; tr5mill@aol.com

Subject: RE: 22-ZONE-0050 - 5127 Terry Rd

Ms. Burnell:

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Cliff Ashburner

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Sent: Friday, January 27, 2023 3:17 PM

To: St Germain, Dante <Dante.St.Germain@louisvilleky.gov>

Cc: Amanda Bell <bell.amandajo@gmail.com>; Ashburner, Clifford <Clifford.Ashburner@DINSMORE.COM>; Chris Dischinger <cdischinger@ldgdevelopment.com>; Christi Lanier-Robinson <crobinson@ldgdevelopment.com>; Hawkins, Tammy <Tammy.Hawkins@louisvilleky.gov>; Johnson, Shannon <Shannon.Johnson@DINSMORE.COM>; Madonna.senn@yahoo.com; Melinda Hoskins <melindahoskins69@gmail.com>; Sarah Harned <inswsn@gmail.com>; Tanya Schantz <hellraiser0509@gmail.com>; Weathers, Chuck <Charles.Weathers@louisvilleky.gov>; brandi2164@gmail.com; dalawolfe@att.net; deniselet@att.net; grdavis2004@yahoo.com; heap8506@yahoo.com; jcaulk31@outlook.com; jm.kayse3@gmail.com; theboobean@yahoo.com; tr5mill@aol.com

Subject: Re: 22-ZONE-0050 - 5127 Terry Rd

It has been a week. It would be great if the applicant would address the questions submitted.

Tina Burnell

On Wed, Jan 25, 2023 at 12:15 PM St Germain, Dante <Dante.St.Germain@louisvilleky.gov> wrote:

The applicant can address any questions you may have regarding the plan.

Dante St. Germain, AICP

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Subject: Re: 22-ZONE-0050 - 5127 Terry Rd

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When can expect an update/answer to the questions submitted.

Thanks

Tanya Schantz.

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Dante St. Germain, AICP

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Sent: Friday, January 20, 2023 6:34 PM

To: Ashburner, Clifford <Clifford.Ashburner@dinsmore.com>; Chris Dischinger <cdischinger@ldgdevelopment.com>; Christi Lanier-Robinson <crobinson@ldgdevelopment.com>; Johnson, Shannon <Shannon.Johnson@dinsmore.com>; St Germain, Dante <Dante.St.Germain@louisvilleky.gov>; Weathers, Chuck <Charles.Weathers@louisvilleky.gov>; Hawkins, Tammy <Tammy.Hawkins@louisvilleky.gov>

Cc: Amanda Bell <bell.amandajo@gmail.com>; Hellraiser0509@gmail.com; Madonna.senn@yahoo.com; Melinda Hoskins <melindahoskins69@gmail.com>; Sarah Harned <inswsn@gmail.com>; brandi2164@gmail.com; dalawolfe@att.net; deniselet@att.net; grdavis2004@yahoo.com; heap8506@yahoo.com; jcaulk31@outlook.com; jm.kayse3@gmail.com; theboobean@yahoo.com; tr5mill@aol.com

Subject: 22-ZONE-0050 - 5127 Terry Rd

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We remain opposed to the proposed high- density apartment development.

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Tina Burnell

502-365-6949

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St Germain, Dante

From: Christi Lanier-Robinson <crobinson@ldgdevelopment.com>
Sent: Tuesday, January 31, 2023 12:34 PM
To: Murray Heights
Cc: Amanda Bell; Ashburner, Clifford; Chris Dischinger; Hawkins, Tammy; Johnson, Shannon; Madonna.senn@yahoo.com; Melinda Hoskins; Sarah Harned; Smbogard@gmail.com; St Germain, Dante; Tanya Schantz; Weathers, Chuck; brandi2164@gmail.com; dalawolfe@att.net; deniselet@att.net; grdavis2004@yahoo.com; heap8506@yahoo.com; jcaulk31@outlook.com; jm.kayse3@gmail.com; theboobean@yahoo.com; tr5mill@aol.com
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We also have screenshots of your comments as well and again, they had nothing to do with this development . Your comments referenced Front gate that at the time was being proposed and has since been built (which would not have occurred if what was being claimed was true). Again, you are free to post anything on YOUR social media accounts...but we are not required no we will allow to post that type of info on ours.

Best,

Christi

Sent from my iPhone

On Jan 31, 2023, at 11:42 AM, Murray Heights <murrayheightsky@gmail.com> wrote:

Christi,

Everything I posted was true. I have screenshots of my review and my comments...and I will include links to every article that supports those remarks in my email to Metro Council and the media.

Nice try.

I assure you that your petty act only drives me to continue to speak out about your shady history and indifference to those affected by your actions. It would be laughable, except for that fact that your development will destroy a home and neighborhood that I have loved for 24 years and you all have made it crystal clear that you have zero regard for our thoughts on the matter.

And since, it looks like I will be forced into moving because of the monstrosity of a development you are putting in my backyard - you have my full commitment to speak out against LDG.

Have a great day!

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Have a great day Ms. Burnell.

Best,

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Second, as to your specific questions, I've addressed them in the order presented below:

1. We do not believe we can move the buildings as requested and maintain the open space, buffering and parking areas.
1. We cannot agree to lower the height of the buildings referenced. In addition, if the buildings were lowered from 3 stories to 2 in that area, the setback requirement would be reduced from 50' to 15'. Reducing the height of those buildings would potentially result in them moving closer to your property line than proposed.
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3. There are no plans for sidewalks within the neighborhood, just the connection to the stub at Harvest.
4. The traffic study is available at the Planning Commission's site above. At the conclusion of the recent LD&T meeting, it was suggested that the proposal connect Joy and Murray through the subject property. Our team is evaluating that right now. This proposed route, demanded by Louisville Metro Public Works, may affect the traffic study and turn lanes proposed in Terry Road.
5. The current breakdown of bedrooms is: 84 1-bedroom units; 96 2-bedroom units; and 36 3-bedroom units.

Our next meeting with the Land Development & Transportation Committee is February 9 at 1:00. I'm happy to provide additional feedback should you have follow up questions regarding the property or the proposed development. However, I believe the best way for you to find information regarding the case is through Metro's online system (linked above).

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Tina Burnell

On Wed, Jan 25, 2023 at 12:15 PM St Germain, Dante <Dante.St.Germain@louisvilleky.gov> wrote:

The applicant can address any questions you may have regarding the plan.

Dante St. Germain, AICP

Planner II

Planning & Design Services

Department of Develop Louisville

LOUISVILLE FORWARD

[444 South Fifth Street, Suite 300](#)

Louisville, KY 40202

(502) 574-4388

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<image001.png>

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<image003.png>

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<https://public.govdelivery.com/accounts/KYLOUISVILLE/subscriber/new>

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Sent: Monday, January 30, 2023 5:50 PM
To: Murray Heights; St Germain, Dante
Cc: Amanda Bell; Chris Dischinger; Christi Lanier-Robinson; Hawkins, Tammy; Johnson, Shannon; Madonna.senn@yahoo.com; Melinda Hoskins; Sarah Harned; Tanya Schantz; Weathers, Chuck; brandi2164@gmail.com; dalawolfe@att.net; deniselet@att.net; grdavis2004@yahoo.com; heap8506@yahoo.com; jcaulk31@outlook.com; jm.kayse3@gmail.com; theboobean@yahoo.com; tr5mill@aol.com
Subject: RE: 22-ZONE-0050 - 5127 Terry Rd

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Ms. Burnell:

I have some of the answers you've requested and a thought on how to find information in the future on this case.

First, all records submitted are available by going to www.louisvilleky.gov/government/planning-design and clicking on the "Search Planning Cases" link on the homepage. From there, you should be able to search by address and find information we have filed related to the Terry Road site.

Second, as to your specific questions, I've addressed them in the order presented below:

1. We do not believe we can move the buildings as requested and maintain the open space, buffering and parking areas.
2. We cannot agree to lower the height of the buildings referenced. In addition, if the buildings were lowered from 3 stories to 2 in that area, the setback requirement would be reduced from 50' to 15'. Reducing the height of those buildings would potentially result in them moving closer to your property line than proposed.
3. (addressed the second "2" in your email and 3) The screening proposed will be according to the LDC, which will include evergreens, deciduous trees, and a 6' solid screen of some kind. The screen can either be a fence or solid plantings. A final design of this area hasn't been arrived at yet. If you have suggestions on the areas where your property and the subject property touch, please feel free to pass them on.
4. There are no plans for sidewalks within the neighborhood, just the connection to the stub at Harvest.
5. The traffic study is available at the Planning Commission's site above. At the conclusion of the recent LD&T meeting, it was suggested that the proposal connect Joy and Murray through the subject property. Our team is evaluating that right now. This proposed route, demanded by Louisville Metro Public Works, may affect the traffic study and turn lanes proposed in Terry Road.
6. The current breakdown of bedrooms is: 84 1-bedroom units; 96 2-bedroom units; and 36 3-bedroom units.

Our next meeting with the Land Development & Transportation Committee is February 9 at 1:00. I'm happy to provide additional feedback should you have follow up questions regarding the property or the proposed development. However, I believe the best way for you to find information regarding the case is through Metro's online system (linked above).

Cliff Ashburner

From: Murray Heights <murrayheightsky@gmail.com>

Sent: Friday, January 27, 2023 3:17 PM

To: St Germain, Dante <Dante.St.Germain@louisvilleky.gov>

Cc: Amanda Bell <bell.amandajo@gmail.com>; Ashburner, Clifford <Clifford.Ashburner@DINSMORE.COM>; Chris Dischinger <cdischinger@ldgdevelopment.com>; Christi Lanier-Robinson <crobinson@ldgdevelopment.com>; Hawkins, Tammy <Tammy.Hawkins@louisvilleky.gov>; Johnson, Shannon <Shannon.Johnson@DINSMORE.COM>; Madonna.senn@yahoo.com; Melinda Hoskins <melindahoskins69@gmail.com>; Sarah Harned <inswsn@gmail.com>; Tanya Schantz <hellraiser0509@gmail.com>; Weathers, Chuck <Charles.Weathers@louisvilleky.gov>; brandi2164@gmail.com; dalawolfe@att.net; deniselet@att.net; grdavis2004@yahoo.com; heap8506@yahoo.com; jcaulk31@outlook.com; jm.kayse3@gmail.com; theboobean@yahoo.com; tr5mill@aol.com

Subject: Re: 22-ZONE-0050 - 5127 Terry Rd

It has been a week. It would be great if the applicant would address the questions submitted.

Tina Burnell

On Wed, Jan 25, 2023 at 12:15 PM St Germain, Dante <Dante.St.Germain@louisvilleky.gov> wrote:

The applicant can address any questions you may have regarding the plan.

Dante St. Germain, AICP

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From: Tanya Schantz <hellraiser0509@gmail.com>

Sent: Wednesday, January 25, 2023 12:12 PM

To: St Germain, Dante <Dante.St.Germain@louisvilleky.gov>

Cc: Amanda Bell <bell.amandajo@gmail.com>; Ashburner, Clifford <Clifford.Ashburner@dinsmore.com>; Chris Dischinger <cdischinger@ldgdevelopment.com>; Christi Lanier-Robinson <crobinson@ldgdevelopment.com>; Hawkins, Tammy <Tammy.Hawkins@louisvilleky.gov>; Johnson, Shannon <Shannon.Johnson@dinsmore.com>; Madonna.senn@yahoo.com; Melinda Hoskins <melindahoskins69@gmail.com>; Murray Heights <murrayheightsky@gmail.com>; Sarah Harned <inswsn@gmail.com>; Weathers, Chuck <Charles.Weathers@louisvilleky.gov>; brandi2164@gmail.com; dalawolfe@att.net; deniselet@att.net; grdavis2004@yahoo.com; heap8506@yahoo.com; jcaulk31@outlook.com; jm.kayse3@gmail.com; theboobean@yahoo.com; tr5mill@aol.com

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Good afternoon all.

When can expect an update/answer to the questions submitted.

Thanks

Tanya Schantz.

On Mon, Jan 23, 2023 at 8:10 AM St Germain, Dante <Dante.St.Germain@louisvilleky.gov> wrote:

Thank you for your comments on this case. I will add them to the record.

Dante St. Germain, AICP

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Sent: Friday, January 20, 2023 6:34 PM

To: Ashburner, Clifford <Clifford.Ashburner@dinsmore.com>; Chris Dischinger <cdischinger@ldgdevelopment.com>; Christi Lanier-Robinson <crobinson@ldgdevelopment.com>; Johnson, Shannon <Shannon.Johnson@dinsmore.com>; St Germain, Dante <Dante.St.Germain@louisvilleky.gov>; Weathers, Chuck <Charles.Weathers@louisvilleky.gov>; Hawkins, Tammy <Tammy.Hawkins@louisvilleky.gov>

Cc: Amanda Bell <bell.amandajo@gmail.com>; Hellraiser0509@gmail.com; Madonna.senn@yahoo.com; Melinda Hoskins <melindahoskins69@gmail.com>; Sarah Harned <inswsn@gmail.com>; brandi2164@gmail.com; dalawolfe@att.net; deniselet@att.net; grdavis2004@yahoo.com; heap8506@yahoo.com; jcaulk31@outlook.com; jm.kayse3@gmail.com; theboobean@yahoo.com; tr5mill@aol.com

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still multiple complaints made to the Council office and police dept. - not to mention the numerous online complaints regarding maintenance issues. We have zero expectation or reason to believe this proposed complex will be any different.

With that said...

1. We ask that you consider putting more distance between the apartments and the property line beyond the proposed mere 50ft. Both complexes proposed for Prospect planned for more distance - we would appreciate the same.

2 Please consider lowering the apartments (shown on plans as #3 & #4) that run directly behind homes on Huberta from 3-story to 2-story. Those will tower over the single story houses here...and 216 units outnumber the homes than we have in the entire neighborhood.

2. Are there any plans for a fence between the complex and surrounding homes?

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4. With the newly proposed pedestrian access to Harvest - are there plans for sidewalks? Harvest, Lemmah, Joy, and a portion of Huberta that are all closer to the proposed complex do not have sidewalks. Nor are there sidewalks along Terry Rd in this area.

5. Is there a report or any new information on the traffic study that was suppose to be done?

6. What is the breakdown on the number of bedrooms for the proposed units?

Tina Burnell

502-365-6949

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St Germain, Dante

From: Murray Heights <murrayheightsky@gmail.com>
Sent: Monday, January 30, 2023 9:48 AM
To: St Germain, Dante
Cc: Clifford.Ashburner@dinsmore.com; Hawkins, Tammy; Shannon.Johnson@dinsmore.com; Weathers, Chuck; cdischinger@ldgdevelopment.com; crobinson@ldgdevelopment.com; donna.rock5
Subject: Re: 22-ZONE-0050 - 5127 Terry Rd

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The applicant was addressed in the original email and they, again, have not responded to any of the questions, nor the subsequent emails to that end.

Please let the record show their indifference, lack of response, and lack of respect for those of us in the south end of Louisville.

I will be sending an email to all of Metro Council and the local media. This is not acceptable. They have lied, they refuse to address questions, they ignored emails from several residents asking for an update, (and they also blocked me from their FB page because they don't want the truth out) - their arrogance is obvious and they clearly don't care about our concerns in the process. I guess they are bias toward people in the south end. Maybe they think we're stupid or too uneducated or unimportant to be bothered with. Sure seems that way.

Maybe a good Op-Ed to the Courier Journal is in order.

Tina Burnell

On Mon, Jan 30, 2023 at 8:52 AM St Germain, Dante <Dante.St.Germain@louisvilleky.gov> wrote:

Any questions you may have regarding this development should be directed to the applicant. I will add your comments to the record.

Dante St. Germain, AICP

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Department of Develop Louisville

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From: donna.rock5 <donna.rock5@att.net>

Sent: Friday, January 27, 2023 5:03 PM

To: Hawkins, Tammy <Tammy.Hawkins@louisvilleky.gov>; Weathers, Chuck <Charles.Weathers@louisvilleky.gov>; St Germain, Dante <Dante.St.Germain@louisvilleky.gov>; Shannon.Johnson@dinsmore.com; crobinson@ldgdevelopment.com; Clifford.Ashburner@dinsmore.com; cdischinger@ldgdevelopment.com; murrayheightsky@gmail.com

Subject: Fwd: 22-ZONE-0050 - 5127 Terry Rd

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Sent from my T-Mobile 4G LTE Device

All,

When can we expect a response regarding our request below. To date we have not received any responses to our questions.

This lack of response reflects poorly on the part of the developer and our government representatives.

As a homeowner, I am greatly affected by this proposal and would appreciate your consideration to the concerns we have.

We remain opposed to the proposed high- density apartment development.

Walmart across the street on Raggard recently closed because it was the worst in the city - theft was rampant and multiple police runs made daily. The nearby Riverport Apartments require grounds security and there are still multiple complaints made to the Council office and police dept. - not to mention the numerous online complaints regarding maintenance issues. We have zero expectation or reason to believe this proposed complex will be any different.

With that said...

1. We ask that you consider putting more distance between the apartments and the property line beyond the proposed mere 50ft. Both complexes proposed for Prospect planned for more distance - we would appreciate the same.

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5. Is there a report or any new information on the traffic study that was suppose to be done?

6. What is the breakdown on the number of
bedrooms for the proposed units?

Donna Rock

502-419-5085

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copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

St Germain, Dante

From: Patti Heath <heap8506@yahoo.com>
Sent: Friday, January 27, 2023 4:49 PM
To: Murray Heights
Cc: St Germain, Dante; Amanda Bell; Ashburner, Clifford; Chris Dischinger; Christi Lanier-Robinson; Hawkins, Tammy; Johnson, Shannon; Madonna.senn@yahoo.con; Melinda Hoskins; Sarah Harned; Tanya Schantz; Weathers, Chuck; brandi2164@gmail.com; dalawolfe@att.net; deniselet@att.net; grdavis2004@yahoo.com; jcaulk31@outlook.com; jm.kayse3@gmail.com; theboobean@yahoo.com; tr5mill@aol.com
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When can we expect a response?
Thank you
Patti Heath

Sent from my iPhone

On Jan 27, 2023, at 3:17 PM, Murray Heights <murrayheightsky@gmail.com> wrote:

It has been a week. It would be great if the applicant would address the questions submitted.

Tina Burnell

On Wed, Jan 25, 2023 at 12:15 PM St Germain, Dante <Dante.St.Germain@louisvilleky.gov> wrote:

The applicant can address any questions you may have regarding the plan.

Dante St. Germain, AICP

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Cc: Amanda Bell <bell.amandajo@gmail.com>; Ashburner, Clifford <Clifford.Ashburner@dinsmore.com>; Chris Dischinger <cdischinger@ldgdevelopment.com>; Christi Lanier-Robinson <crobinson@ldgdevelopment.com>; Hawkins, Tammy <Tammy.Hawkins@louisvilleky.gov>; Johnson, Shannon <Shannon.Johnson@dinsmore.com>; Madonna.senn@yahoo.com; Melinda Hoskins <melindahoskins69@gmail.com>; Murray Heights <murrayheightsky@gmail.com>; Sarah Harned <inswsn@gmail.com>; Weathers, Chuck <Charles.Weathers@louisvilleky.gov>; brandi2164@gmail.com; dalawolfe@att.net; deniselet@att.net; grdavis2004@yahoo.com; heap8506@yahoo.com; jcaulk31@outlook.com; jm.kayse3@gmail.com;

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Good afternoon all.

When can expect an update/answer to the questions submitted.

Thanks

Tanya Schantz.

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Cc: Amanda Bell <bell.amandajo@gmail.com>; Hellraiser0509@gmail.com; Madonna.senn@yahoo.com; Melinda Hoskins <melindahoskins69@gmail.com>; Sarah Harned <inswsn@gmail.com>; brandi2164@gmail.com; dalawolfe@att.net; deniselet@att.net; grdavis2004@yahoo.com; heap8506@yahoo.com; jcaulk31@outlook.com; jm.kayse3@gmail.com; theboobean@yahoo.com; tr5mill@aol.com

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6. What is the breakdown on the number of bedrooms for the proposed units?

Tina Burnell

502-365-6949

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St Germain, Dante

From: Tracy Miller <tr5mill@aol.com>
Sent: Friday, January 27, 2023 6:31 PM
To: Patti Heath
Cc: Murray Heights; St Germain, Dante; Amanda Bell; Ashburner, Clifford; Chris Dischinger; Christi Lanier-Robinson; Hawkins, Tammy; Johnson, Shannon; Madonna.senn@yahoo.com; Melinda Hoskins; Sarah Harned; Tanya Schantz; Weathers, Chuck; brandi2164@gmail.com; dalawolfe@att.net; deniselet@att.net; grdavis2004@yahoo.com; jcaulk31@outlook.com; jm.kayse3@gmail.com; theboobean@yahoo.com
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My concern now who has purchased the Walmart location at 7100 Raggard Road. I hear the rumor that South East Christian has purchased the location. Also will the developers still meet the requirements to get state and federal funding since the retail site is gone.

Sent from my iPhone

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Thank you
Patti Heath

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St Germain, Dante

From: donna.rock5 <donna.rock5@att.net>
Sent: Friday, January 27, 2023 5:03 PM
To: Hawkins, Tammy; Weathers, Chuck; St Germain, Dante;
Shannon.Johnson@dinsmore.com; crobinson@ldgdevelopment.com;
Clifford.Ashburner@dinsmore.com; cdischinger@ldgdevelopment.com;
murrayheightsky@gmail.com
Subject: Fwd: 22-ZONE-0050 - 5127 Terry Rd

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Sent from my T-Mobile 4G LTE Device

All,

When can we expect a response regarding our request below. To date we have not received any responses to our questions.

This lack of response reflects poorly on the part of the developer and our government representatives.

As a homeowner, I am greatly affected by this proposal and would appreciate your consideration to the concerns we have.

We remain opposed to the proposed high- density apartment development.

Walmart across the street on Raggard recently closed because it was the worst in the city - theft was rampant and multiple police runs made daily. The nearby Riverport Apartments require grounds security and there are still multiple complaints made to the Council office and police dept. - not to mention the numerous online complaints regarding maintenance issues. We have zero expectation or reason to believe this proposed complex will be any different.

With that said...

1. We ask that you consider putting more distance between the apartments and the property line beyond the proposed mere 50ft. Both complexes proposed for Prospect planned for more distance - we would appreciate the same.
- 2 Please consider lowering the apartments (shown on plans as #3 & #4) that run directly behind homes on Huberta from 3-story to 2-story. Those will tower over the single story houses here...and 216 units outnumber the homes than we have in the entire neighborhood.
2. Are there any plans for a fence between the complex and surrounding homes?

3 Any plans to add fast growing tall buffer trees along the property line between homes and apartments?

4. With the newly proposed pedestrian access to Harvest - are there plans for sidewalks? Harvest, Lemmah, Joy, and a portion of Huberta that are all closer to the proposed complex do not have sidewalks. Nor are there sidewalks along Terry Rd in this area.

5. Is there a report or any new information on the traffic study that was suppose to be done?

6. What is the breakdown on the number of bedrooms for the proposed units?

Donna Rock
502-419-5085

St Germain, Dante

From: Murray Heights <murrayheightsky@gmail.com>
Sent: Friday, January 20, 2023 6:34 PM
To: Ashburner, Clifford; Chris Dischinger; Christi Lanier-Robinson; Johnson, Shannon; St Germain, Dante; Weathers, Chuck; Hawkins, Tammy
Cc: Amanda Bell; Hellraiser0509@gmail.com; Madonna.senn@yahoo.com; Melinda Hoskins; Sarah Harned; brandi2164@gmail.com; dalawolfe@att.net; deniselet@att.net; grdavis2004@yahoo.com; heap8506@yahoo.com; jcaulk31@outlook.com; jm.kayse3@gmail.com; theboobean@yahoo.com; tr5mill@aol.com
Subject: 22-ZONE-0050 - 5127 Terry Rd

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Tina Burnell
502-365-6949

St. Germain, Dante

From: Patti Heath <heap8506@yahoo.com>
Sent: Friday, September 23, 2022 9:12 PM
To: clifford.ashburner@dinsmore.com; crobinson@ldgdevelopment.com;
shannon.johnson@dinsmore.com; St. Germain, Dante; Weathers, Charles
Subject: Fwd: 5127 Terry Rd

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Sent from my iPhone

Begin forwarded message:

From: Patti Heath <heap8506@yahoo.com>
Date: August 15, 2022 at 11:41:11 AM EDT
To: clifford.ashburner@dinsmore.com, crobinson@ldgdevelopment.com,
shannon.johnson@dinsmore.com, dante.st.germain@louisvilleky.gov
Cc: Murrayheightsky@gmail.com
Subject: 5127 Terry Rd

This email concerns the proposed apartment complex development at 5127 Terry Rd. Louisville 40216. I have lived in Murray Heights for 31 yrs. I love my neighborhood. Everyone was hoping the land at 5127 Terry rd would be developed into patio homes not more apartments.

I am very opposed to this proposal for several reasons:

1. The traffic is terrible, it sometimes takes over 5 minutes to make a turn out of our subdivision.
2. Our subdivision is very quiet, lots of families with children . There are a lot of people who walk everyday and children who ride their bikes and play outside.
3. I feel it would present a lot of problems to connect our neighborhood to this development via Joy Dr or Harvest Dr.
4. We were actually lied to about opening our neighborhood to connect with the development. It does not show good character for a developer to lie to all of the people involved just to get what they want!
5. The streets in Murray Heights and Terry Rd. we're not built for all the traffic that this development is going to present.

I am asking to be included from here on out of any and all correspondence and notices regarding the development at 5127 Terry Rd.

Thank you
Patti Heath
heap8506@yahoo.com

Sent from my iPhone

St. Germain, Dante

From: Patti Heath <heap8506@yahoo.com>
Sent: Monday, August 15, 2022 11:41 AM
To: Clifford.Ashburner@dinsmore.com; Crobinson@ldgdevelopment.com;
Shannon.Johnson@dinsmore.com; St. Germain, Dante
Cc: Murrayheightsky@gmail.com
Subject: 5127 Terry Rd

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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Thank you

Patti Heath

heap8506@yahoo.com

Sent from my iPhone

St. Germain, Dante

From: Murray Heights <murrayheightsky@gmail.com>
Sent: Friday, July 15, 2022 2:32 PM
To: Reverman, Joe
Cc: St. Germain, Dante; Weathers, Charles
Subject: Re: Information please

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Thank you for your response.

On Thu, Jul 14, 2022 at 2:09 PM Reverman, Joe <Joe.Reverman@louisvilleky.gov> wrote:

Miss Burnell, the Planning Commission meeting is designed to be the main point at which discussion takes place. As the Planning Commission is the decision making body, and keeper of the public record. The main goal is to ensure all concerned persons have their concerns made part of the record and passed on to the Planning Commission. The Planning Commission holds the public meeting and will hear from all interested parties. The neighborhood meeting is intended to provide advanced notice that a development is being proposed. You may attempt to talk with the developer or property owner, but there is no requirement for applicants or property owners to subsequently talk with, or answer questions from neighbors. You may email the case manager (Dante St. Germain) with concerns or questions which will be made part of the record, and given to the Planning Commission to consider as part of their decision making process. You may also speak directly to the Planning Commission at the public meetings.

Joe Reverman

Planning & Design Services

From: Murray Heights <murrayheightsky@gmail.com>
Sent: Wednesday, July 13, 2022 1:50 PM
To: Reverman, Joe <Joe.Reverman@louisvilleky.gov>; St. Germain, Dante <Dante.St.Germain@louisvilleky.gov>; Weathers, Charles <Charles.Weathers@louisvilleky.gov>
Subject: Re: Information please

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Thank you both for the information.

So I understand that neighbors are only notified of the initial neighborhood meeting, and no changes in-between, then notified of the final meeting? So two notifications, despite signing up to stay informed?

What is the purpose of signing up to stay informed if they aren't notified of changes to those preliminary plans along the process? Am I understanding correctly that it falls of the individuals to reach out and inquire about changes - otherwise they won't be notified?

(Please share what specific changes have been made to the plans for 5127 Terry Rd since the initial plan was presented. To the untrained eye, the plans are not easy to read and notice changes.)

When an experienced developer knowingly submits plans that will have to be changed because of the LDC (or agency input) - it seems they are either purposely being deceitful in that initial meeting or trying to circumvent the LDC - and it is clear that the latter will not be acceptable. It makes for a seemingly more favorable initial presentation to neighbors and then they blame others for changes they knew would be required.

What is the purpose of gathering input from the neighbors affected if the commissioners are usually most concerned with matters that directly relate to the appropriateness of the zoning change and the compliance of the plan with Plan 2040 and the LDC?

And lastly, I'm not sure this was clearly answered...is it correct that after the initial meeting a developer holds with affected residents - there is no **written policy** that requires them to:

a) answer questions submitted by the affected community members?

b) no means for Planning and Development to require that they communicate and answer questions in a timely manner?

c) no repercussions if they refuse to answer questions submitted?

d) no repercussions if a developer knowingly presents information with intent to deceive or in effort to lessen opposition?

Thank you,

Tina Burnell

502-365-6949

On Tue, Jul 12, 2022 at 4:14 PM Reverman, Joe <Joe.Reverman@louisvilleky.gov> wrote:

The initial plans submitted at neighborhood meetings are preliminary and early in the process. It is common for plans to change after the neighborhood meeting because they receive comments from several agencies (Planning, Public Works, MSD, KYTC, etc.), as well as comments from neighbors.

The purpose of the neighborhood meeting is to inform neighbors of the general proposal and to be on the lookout for upcoming public meetings at which they may provide comments to decision makers.

Joe Reverman, AICP

Assistant Director

Planning & Design Services

Develop Louisville

LOUISVILLE FORWARD

444 South Fifth Street, Suite 300

Louisville, KY 40202

(502) 574-6246

<https://louisvilleky.gov/government/planning-design>

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From: St. Germain, Dante <Dante.St.Germain@louisvilleky.gov>

Sent: Tuesday, July 12, 2022 4:05 PM

To: Murray Heights <murrayheightsky@gmail.com>; Reverman, Joe <Joe.Reverman@louisvilleky.gov>; Weathers, Charles <Charles.Weathers@louisvilleky.gov>

Subject: RE: Information please

I do not have an answer to that question.

Dante St. Germain, AICP

Planner II

Planning & Design Services

Department of Develop Louisville

LOUISVILLE FORWARD

444 South Fifth Street, Suite 300

Louisville, KY 40202

(502) 574-4388

<https://louisvilleky.gov/government/planning-design>



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From: Murray Heights <murrayheightsky@gmail.com>

Sent: Tuesday, July 12, 2022 4:00 PM

To: Reverman, Joe <Joe.Reverman@louisvilleky.gov>; St. Germain, Dante <Dante.St.Germain@louisvilleky.gov>;
Weathers, Charles <Charles.Weathers@louisvilleky.gov>

Subject: Re: Information please

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Thank you! I appreciate the information.

Is it a common practice for applicants to knowingly present plans that are non-compliant with the Land Development Code when they hold the initial neighborhood meeting?

Tina Burnell

On Tue, Jul 12, 2022 at 8:28 AM St. Germain, Dante <Dante.St.Germain@louisvilleky.gov> wrote:

At the public hearing, typically all groups have 25 minutes each to speak. The applicant and other supporters are allotted an initial 20 minutes for their remarks, then neutral parties get 25 minutes, and opposition parties get 25 minutes. The applicant then gets their remaining 5 minutes to address any points brought up by neutral or opposition speakers.

If you believe an applicant has misled you, you can make comments on that, ideally in advance of the meeting. Any comments received by email by me become part of the public record and are provided to the Commissioners to review. At the public meeting itself, the Commissioners will mainly want to hear how the zoning change complies or does not comply with the KRS-specified criteria for a zoning or form district change:

1. The proposed form district/rezoning change complies with the applicable guidelines and policies of Plan 2040; **OR**
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; **OR**
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Plan 2040 which have substantially altered the basic character of the area.

The Commissioners will review any comments received early prior to the meeting. They may choose to question the applicant on any matter, but KRS restricts their findings to the above, so they are usually most concerned with matters that directly relate to the appropriateness of the zoning change and the compliance of the plan with Plan 2040 and the LDC.

Dante St. Germain, AICP

Planner II

Planning & Design Services

Department of Develop Louisville

LOUISVILLE FORWARD

444 South Fifth Street, Suite 300

Louisville, KY 40202

(502) 574-4388

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<https://public.govdelivery.com/accounts/KYLOUISVILLE/subscriber/new>

From: Murray Heights <murrayheightsky@gmail.com>

Sent: Monday, July 11, 2022 4:44 PM

To: Reverman, Joe <Joe.Reverman@louisvilleky.gov>; St. Germain, Dante <Dante.St.Germain@louisvilleky.gov>;
Weathers, Charles <Charles.Weathers@louisvilleky.gov>

Subject: Re: Information please

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Thank you for the clarification, Dante.

So on question #2 a-d - is that accurate?

What is the time allotted for the developer/attorney to speak at the public hearing vs the time allotted for the public? And is there a time allotted for unanswered questions from the public to be addressed?

When people submit requests to stay notified regarding a development - it seems that they can only expect to be notified of the initial meeting and then the final public hearing - nothing in between those two events. Is that correct?

Tina Burnell

502-365-6949

On Mon, Jul 11, 2022 at 11:41 AM Murray Heights <murrayheightsky@gmail.com> wrote:

Dante,

I am going to be taking some concerns before Metro Council and wanted to clarify some information prior to doing so...

1. When is the next Planning and Development Board meeting? And who do I contact to sign up to speak at an upcoming meeting?

2. Is it correct that after the initial meeting a developer holds with affected residents - there is no written policy that requires them to:

a) answer questions submitted by the affected community members?

b) no means for Planning and Development to require that they communicate and answer questions in a timely manner?

c) no repercussions if they refuse to answer questions submitted?

d) no repercussions if a developer knowingly presents information with intent to deceive or in effort to lessen opposition?

3. Is it correct that throughout the planning and development process there are no written procedures or requirements for the developer to notify affected residents of any changes to the original plans that are presented at the initial meeting?

Thank you,

Tina Burnell

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St. Germain, Dante

From: Murray Heights <murrayheightsky@gmail.com>
Sent: Monday, July 11, 2022 4:44 PM
To: Reverman, Joe; St. Germain, Dante; Weathers, Charles
Subject: Re: Information please

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Thank you,
Tina Burnell

St. Germain, Dante

From: Murray Heights <murrayheightsky@gmail.com>
Sent: Monday, July 11, 2022 11:42 AM
To: Ashburner, Clifford; Chris Dischinger; Christi Lanier-Robinson; Johnson, Shannon; St. Germain, Dante; Weathers, Charles
Subject: Information please

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Thank you,
Tina Burnell

St. Germain, Dante

From: Murray Heights <murrayheightsky@gmail.com>
Sent: Wednesday, July 6, 2022 11:01 AM
To: Ashburner, Clifford
Cc: Chris Dischinger; Christi Lanier-Robinson; Johnson, Shannon; St. Germain, Dante; Weathers, Charles
Subject: Re: FW: Terry Rd Staff Comments

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Dante,

I want to note for the record that LDG and it's representative attorney, Cliff Ashburner, have refused to answer the following yes/no questions that were submitted twice.

Tina Burnell

With respect to connection to the stub streets per LDC section 5.9.2 -

1 Did Derek Triplett know that this is a requirement of the Land Development Code?

2. Did Cliff Ashburner know that this is a requirement of the Land Development Code?

3 Did LDG and/or representatives of LDG know that this is a requirement of the Land Development Code?

4. Has LDG navigated this process for any other proposal by presenting original plans with no connectivity, only to have to subsequently modify the plans due to this same requirement of the Land Development Code?

On Wed, Jun 29, 2022 at 8:06 PM Murray Heights <murrayheightsky@gmail.com> wrote:

I didn't see anyone answer these questions - resubmitting...

With respect to connection to the stub streets per LDC section 5.9.2 -

1 Did Derek Triplett know that this is a requirement of the Land Development Code?

2. Did Cliff Ashburner know that this is a requirement of the Land Development Code?

3 Did LDG and/or representatives of LDG know that this is a requirement of the Land Development Code?

4. Has LDG navigated this process for any other proposal by presenting original plans with no connectivity, only to have to subsequently modify the plans due to this same requirement of the Land Development Code?

Thank you,
Tina Burnell

On Wed, Jun 22, 2022 at 9:12 PM Murray Heights <murrayheightsky@gmail.com> wrote:

Actually Cliff, you'll recall that I had to seek answers from others because you took 4 weeks to partially respond to questions I submitted and then seemed exasperated that I expected remaining and future questions to be responded to in a timely manner.

To quote you directly:

"It appears that we may not be able to respond quickly enough to meet your needs. As I mentioned in my response Friday, there is a long way to go before this case gets to the public meeting at which our public hearing date will be set. To that end, I suggest that you reach out to Dante for answers to your plan questions, MSD for answers regarding drainage concerns, the Kentucky Transportation Cabinet District 5 office for questions on Terry Road, and Louisville Metro Public Works regarding Joy and Harvest."

You were dismissive. You had more than enough time to respond in full, but it wasn't a priority for you.

However, back to the issue at hand...

With respect to connection to the stub streets per LDC section 5.9.2 -

- 1 Did Derek Triplett know that this is a requirement of the Land Development Code?
2. Did Cliff Ashburner know that this is a requirement of the Land Development Code?
- 3 Did LDG and/or representatives of LDG know that this is a requirement of the Land Development Code?
4. Has LDG navigated this process for any other proposal by presenting original plans with no connectivity, only to have to subsequently modify the plans due to this same requirement of the Land Development Code?

Tina Burnell

On Wed, Jun 22, 2022 at 4:17 PM Ashburner, Clifford <Clifford.Ashburner@dinsmore.com> wrote:

Tina:

I've not responded up to now, as it seems like you've been getting your questions answered by staff and your comments included in the record. But saying that I was deliberately deceitful and including people I work with on the email with that accusation is something I feel the need to address.

At the time of our neighborhood meeting, our client didn't intend to make connections to your neighborhood. Connections between apartment communities and single family subdivisions are points of contention in almost every case where they occur, and LDG and others have addressed them in a variety of ways. Sometimes

the connections are made. Sometimes they aren't. And sometimes the connection is made but with a gate or other apparatus to discourage its use.

The reason we didn't show them on the initial plan was that we anticipated having two entrances on Terry Road. Of course, it was always a possibility that Louisville Metro Planning and Louisville Metro Public Works would demand the connection, which I acknowledged in my answer to the group. My answer to you and the group was truthful.

Cliff Ashburner

From: Murray Heights <murrayheightsky@gmail.com>

Sent: Tuesday, June 21, 2022 4:12 PM

To: Christi Lanier-Robinson <crobinson@ldgdevelopment.com>; St. Germain, Dante <dante.st.germain@louisvilleky.gov>; Chris Dischinger <cdischinger@ldgdevelopment.com>; Ashburner, Clifford <Clifford.Ashburner@DINSMORE.COM>

Cc: Weathers, Charles <Charles.Weathers@louisvilleky.gov>; Johnson, Shannon <Shannon.Johnson@DINSMORE.COM>

Subject: Re: FW: Terry Rd Staff Comments

I saw the agency comments today.

During the March 15, 2002 meeting at time mark 55:37, Charlotte Pence, a resident of Joy Drive, specifically asked about the complex connecting to Joy Drive.

Mr. Ashburner responded:

"right now the plan does not show access - we do not show a connection and I think, I don't think LDG proposes a connection. Now Metro Public Works, we may get a comment that they want Joy to connect but I don't know right now that that will uh come to..."

But he DID IN FACT KNOW. It's part of the Louisville Development Code (5.9.2) - LDG knew that. Cliff knew that - which is why he stammered around the question. LDG knew that when they drew up initial plans to present to the affected residents in that first meeting. YOU KNEW AND YOU ACTED PURPOSELY IN A WAY TO DECEIVE.

No reasonable person would believe that an experienced developer like LDG would not know the code when they have already done numerous developments in the city. LDG purposely deceived affected residents to facilitate a more favorable presentation of this proposed development and in an effort to minimize opposition. That creates a credibility issue. This wasn't a mistake or an oversight. LDG and their representatives knew full well what they were doing.

Again, I will make sure every member of Metro Council is aware of this situation. I have zero tolerance for unethical business practices, especially those that impact my neighborhood.

I realize LDG likes to present themselves in a favorable light, full of charity and good deeds, but at the end of the day, LDG is a for-profit business looking out for their bottom line. It's not a benevolent operation. LDG is highly incentivized by both the city and the state and have made it clear that we are just little people to be stepped over in the process - home owners whose concerns are dismissed out of hand and treated with utter disregard.

What was that name LDG has for people like us, Christi? Oh, it was NIMBY's (not in my backyard), right? Nothing like a business creating mocking, scornful nicknames for those who oppose their developments. Shameful. Indifferent.

Tina Burnell

On Tue, Jun 21, 2022 at 2:20 PM Christi Lanier-Robinson <crobinson@ldgdevelopment.com> wrote:

Ms. Burrell-

I talked to our development manager regarding this issue. As Cliff mentioned at the meeting LDG is not, for a variety of reasons, interested in connecting our developments to nearby neighborhoods. That is why we submitted our plans to planning without connecting the streets to our development. We connected the revised plan showing the connectivity in response to comments provide by planning the staff which is highlighted in the attachment.

Charles: copying you so that you can see the feedback provided by the city on our requirements.

Thanks!

Christi

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St. Germain, Dante

From: donna.rock5 <donna.rock5@att.net>
Sent: Thursday, June 23, 2022 9:22 AM
To: Clifford.Ashburner@dinsmore.com; Crobinson@ldgdevelopment.com;
Shannon.Johnson@Dinsmore.com; St. Germain, Dante; Weathers, Charles;
murrayheightsky@gmail.com
Subject: 5127 Terry Rd. Proposed Apartments

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All,

This proposal poses a very derogative effect on our subdivision. The original meeting did not reflect opening Joy Dr or Harvest Dr

Murray Heights is at capacity for traffic. Numerous car accidents have occurred when trying to turn left onto Terry Rd. There is one entrance into this neighborhood. Adding more traffic will cause a traffic nightmare especially during rush hours. School buses have a hard time turning left as is. With the additional traffic, there is no doubt that bus schedules will be affected.

Your document states a traffic study has been completed. I would like to see that study. It appears that profit has precedence over safety and concerns of residents/constituents in this area.

Please advise with eta on this study.

Regards

Donna Rock

Sent from my T-Mobile 4G LTE Device

St. Germain, Dante

From: Murray Heights <murrayheightsky@gmail.com>
Sent: Wednesday, June 22, 2022 9:13 PM
To: Ashburner, Clifford
Cc: Chris Dischinger; Christi Lanier-Robinson; Johnson, Shannon; St. Germain, Dante; Weathers, Charles
Subject: Re: FW: Terry Rd Staff Comments

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Actually Cliff, you'll recall that I had to seek answers from others because you took 4 weeks to partially respond to questions I submitted and then seemed exasperated that I expected remaining and future questions to be responded to in a timely manner.

To quote you directly:

"It appears that we may not be able to respond quickly enough to meet your needs. As I mentioned in my response Friday, there is a long way to go before this case gets to the public meeting at which our public hearing date will be set. To that end, I suggest that you reach out to Dante for answers to your plan questions, MSD for answers regarding drainage concerns, the Kentucky Transportation Cabinet District 5 office for questions on Terry Road, and Louisville Metro Public Works regarding Joy and Harvest."

You were dismissive. You had more than enough time to respond in full, but it wasn't a priority for you.

However, back to the issue at hand...

With respect to connection to the stub streets per LDC section 5.9.2 -

- 1 Did Derek Triplett know that this is a requirement of the Land Development Code?
2. Did Cliff Ashburner know that this is a requirement of the Land Development Code?
- 3 Did LDG and/or representatives of LDG know that this is a requirement of the Land Development Code?
4. Has LDG navigated this process for any other proposal by presenting original plans with no connectivity, only to have to subsequently modify the plans due to this same requirement of the Land Development Code?

Tina Burnell

On Wed, Jun 22, 2022 at 4:17 PM Ashburner, Clifford <Clifford.Ashburner@dinsmore.com> wrote:

Tina:

I've not responded up to now, as it seems like you've been getting your questions answered by staff and your comments included in the record. But saying that I was deliberately deceitful and including people I work with on the email with that accusation is something I feel the need to address.

At the time of our neighborhood meeting, our client didn't intend to make connections to your neighborhood. Connections between apartment communities and single family subdivisions are points of contention in almost every case where they occur, and LDG and others have addressed them in a variety of ways. Sometimes the connections are made. Sometimes they aren't. And sometimes the connection is made but with a gate or other apparatus to discourage its use.

The reason we didn't show them on the initial plan was that we anticipated having two entrances on Terry Road. Of course, it was always a possibility that Louisville Metro Planning and Louisville Metro Public Works would demand the connection, which I acknowledged in my answer to the group. My answer to you and the group was truthful.

Cliff Ashburner

From: Murray Heights <murrayheightsky@gmail.com>

Sent: Tuesday, June 21, 2022 4:12 PM

To: Christi Lanier-Robinson <crobinson@ldgdevelopment.com>; St. Germain, Dante <dante.st.germain@louisvilleky.gov>; Chris Dischinger <cdischinger@ldgdevelopment.com>; Ashburner, Clifford <Clifford.Ashburner@DINSMORE.COM>

Cc: Weathers, Charles <Charles.Weathers@louisvilleky.gov>; Johnson, Shannon <Shannon.Johnson@DINSMORE.COM>

Subject: Re: FW: Terry Rd Staff Comments

I saw the agency comments today.

During the March 15, 2002 meeting at time mark 55:37, Charlotte Pence, a resident of Joy Drive, specifically asked about the complex connecting to Joy Drive.

Mr. Ashburner responded:

"right now the plan does not show access - we do not show a connection and I think, I don't think LDG proposes a connection. Now Metro Public Works, we may get a comment that they want Joy to connect but I don't know right now that that will uh come to...

But he DID IN FACT KNOW. It's part of the Louisville Development Code (5.9.2) - LDG knew that. Cliff knew that - which is why he stammered around the question. LDG knew that when they drew up initial plans to present to the affected residents in that first meeting. YOU KNEW AND YOU ACTED PURPOSELY IN A WAY TO DECEIVE.

No reasonable person would believe that an experienced developer like LDG would not know the code when they have already done numerous developments in the city. LDG purposely deceived affected residents to facilitate a more favorable presentation of this proposed development and in an effort to minimize opposition. That creates a credibility issue. This wasn't a mistake or an oversight. LDG and their representatives knew full well what they were doing.

Again, I will make sure every member of Metro Council is aware of this situation. I have zero tolerance for unethical business practices, especially those that impact my neighborhood.

I realize LDG likes to present themselves in a favorable light, full of charity and good deeds, but at the end of the day, LDG is a for-profit business looking out for their bottom line. It's not a benevolent operation. LDG is highly incentivized by both the city and the state and have made it clear that we are just little people to be stepped over in the process - home owners whose concerns are dismissed out of hand and treated with utter disregard.

What was that name LDG has for people like us, Christi? Oh, it was NIMBY's (not in my backyard), right? Nothing like a business creating mocking, scornful nicknames for those who oppose their developments. Shameful. Indifferent.

Tina Burnell

On Tue, Jun 21, 2022 at 2:20 PM Christi Lanier-Robinson <crobinson@ldgdevelopment.com> wrote:

Ms. Burrell-

I talked to our development manager regarding this issue. As Cliff mentioned at the meeting LDG is not, for a variety of reasons, interested in connecting our developments to nearby neighborhoods. That is why we submitted our plans to planning without connecting the streets to our development. We connected the revised plan showing the connectivity in response to comments provide by planning the staff which is highlighted in the attachment.

Charles: copying you so that you can see the feedback provided by the city on our requirements.

Thanks!

Christi

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St. Germain, Dante

From: Amanda Bell <bell.amandajo@gmail.com>
Sent: Tuesday, June 21, 2022 6:27 PM
To: Clifford.Ashburner@dinsmore.com; Crobinson@ldgdevelopment.com; Shannon.Johnson@dinsmore.com; St. Germain, Dante; Weathers, Charles
Cc: murrayheightsky@gmail.com
Subject: 5127 Terry Road proposed development

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Good morning. I am writing regarding the above mentioned development plan. I understand that apartments may be needed but I beg of you not to connect my neighborhood with them. We are a quiet and good neighborhood. My husband and I chose this neighborhood a few years ago because it only had one entrance and exit. This type of neighborhood provided more peaceful and playful streets. There's no reason to connect an apartment complex to our streets and increase the traffic and flow of what we have in our little corner of PRP. The developers have not been as honest as we would like in communicating their plans to the area or the city and we beg of you to keep them at their original plans of NOT connecting the complex and our neighborhood and NOT allowing them to shave the treeline that gives us privacy and shade.

Amanda Bell
5608 Axbridge Rd, Louisville, KY 40216

St. Germain, Dante

From: Murray Heights <murrayheightsky@gmail.com>
Sent: Tuesday, June 21, 2022 5:58 PM
To: Christi Lanier-Robinson
Cc: Ashburner, Clifford; Chris Dischinger; Johnson, Shannon; St. Germain, Dante; Weathers, Charles
Subject: Re: Terry Rd Staff Comments

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It actually makes a lot of sense to start as you did. You can then blame the city or other agencies/organizations for making you do what you said you weren't going to do, thereby absolving yourselves. That's exactly what you did here. It's quite the tactic.

Those are strong assumptions about people in this community simply because they don't want your developments in their backyard.

I understood clearly that NIMBY absolutely refers to groups of people. You clarified it well. LDG thinks it's okay to disparage groups of people by disguising it as a fight against a "philosophy" or "practice" - but that is both disingenuous and antithetical to what you claim to stand for.

I realize it's advantageous and dignifying to use a catchy slogan and phrases that makes it seem like your efforts are all some charitable, honorable effort to give disadvantaged folks a hand up - however, LDG is a business that operates for incredible profit, has a performance based agreement with the state for \$1 million in tax incentives, and makes great effort to maintain a favorable position with the powers that be so they can keep on rolling uncontested and unabated.

I've read all your talking points.

On this issue, it's not a matter of what I "choose to believe" - it's a matter of your actions being purposely deceitful to benefit you. That's a serious ethical issue from where I stand.

Tina Burnell

On Tue, Jun 21, 2022 at 4:38 PM Christi Lanier-Robinson <crobinson@ldgdevelopment.com> wrote:

I'm sorry you feel that way and we respectfully disagree with you. After all, proposing something that we know is not going to be approved doesn't make a lot of sense especially when you consider the delays and cost. But again, you are certainly welcome to believe whatever you'd like.

And as a point of clarification, NIMBY does not refer to a group of people but rather a practiceit is the same practice used to keep people out of neighborhoods that others may feel don't "deserve or haven't earned the right to live in an area."

We absolutely despise that philosophy and make no apologies for fighting against it.

Best,

Christi

Sent from my iPhone

On Jun 21, 2022, at 4:12 PM, Murray Heights <murrayheightsky@gmail.com> wrote:

I saw the agency comments today.

During the March 15, 2002 meeting at time mark 55:37, Charlotte Pence, a resident of Joy Drive, specifically asked about the complex connecting to Joy Drive.

Mr. Ashburner responded:

"right now the plan does not show access - we do not show a connection and I think, I don't think LDG proposes a connection. Now Metro Public Works, we may get a comment that they want Joy to connect but I don't know right now that that will uh come to...

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Again, I will make sure every member of Metro Council is aware of this situation. I have zero tolerance for unethical business practices, especially those that impact my neighborhood.

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Tina Burnell

On Tue, Jun 21, 2022 at 2:20 PM Christi Lanier-Robinson <crobinson@ldgdevelopment.com> wrote:

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Charles: copying you so that you can see the feedback provided by the city on our requirements.

Thanks!

Christi

St. Germain, Dante

From: Murray Heights <murrayheightsky@gmail.com>
Sent: Tuesday, June 21, 2022 4:12 PM
To: Christi Lanier-Robinson; St. Germain, Dante; Chris Dischinger; Ashburner, Clifford
Cc: Weathers, Charles; Johnson, Shannon
Subject: Re: FW: Terry Rd Staff Comments

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Tina Burnell

On Tue, Jun 21, 2022 at 2:20 PM Christi Lanier-Robinson <crobinson@ldgdevelopment.com> wrote:

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Charles: copying you so that you can see the feedback provided by the city on our requirements.

Thanks!

Christi

St. Germain, Dante

From: Murray Heights <murrayheightsky@gmail.com>
Sent: Tuesday, June 21, 2022 1:08 PM
To: St. Germain, Dante
Cc: Ashburner, Clifford; Johnson, Shannon; Christi Lanier-Robinson; Weathers, Charles
Subject: Re: Proposed Complex 5127 Terry Rd

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Thank you for the information, Dante.

Considering this information and the fact that LDG is an experienced developer in this area and by all means should be well-versed in the Louisville Development Code - it leads to one clear conclusion - Mr. Ashburner outright lied and deceived residents when he stated in the public meeting held on March 15, 2022 that they had no plans to connect the affordable housing development to our neighborhood. They knew full well it was REQUIRED by LDC.

The lack of integrity is something that should not be overlooked. It is certainly not acceptable for a developer to act with purposeful deceit and mislead affected residents. I am going to send this information and my concerns to all council members as well.

Dante, please add this to the file. I appreciate your help.

Tina Burnell

On Tue, Jun 21, 2022 at 10:19 AM St. Germain, Dante <Dante.St.Germain@louisvilleky.gov> wrote:

The connection is a requirement of the Land Development Code and the Comprehensive Plan. I'm not sure what else to tell you. "Who" made the decision that the connection must be made would be ultimately Metro Council, who approves all changes/additions to the LDC, and approved the Comprehensive Plan.

The applicant can make a request to not provide the Harvest Drive connection, per the LDC, "if the connection is unnecessary because other stub connections are being provided through the development that further the Comprehensive Plan's Goals, Objectives, and Policies related to Mobility." So requesting to not provide a connection to both streets is not something the LDC allows.

Dante St. Germain, AICP

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Department of Develop Louisville

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From: Murray Heights <murrayheightsky@gmail.com>

Sent: Tuesday, June 21, 2022 9:50 AM

To: Ashburner, Clifford <Clifford.Ashburner@dinsmore.com>; Johnson, Shannon <Shannon.Johnson@dinsmore.com>;
St. Germain, Dante <Dante.St.Germain@louisvilleky.gov>

Cc: Christi Lanier-Robinson <crobinson@ldgdevelopment.com>; Weathers, Charles
<Charles.Weathers@louisvilleky.gov>

Subject: Re: Proposed Complex [5127 Terry Rd](#)

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Who made the determination that their had to be a connection to Joy Drive?

And if those connections are a requirement, then LDG knew that and they lied in the first meeting when they said they did not intend to connect the complex to our neighborhood.

If they can request permission not to connect to Harvest? Why can't they do that with both Joy AND Harvest?

They proposed two entrances to Terry Rd - why does it need to connect to the neighborhood at all?

Christi, what are the intentions with Harvest?

Tina Burnell

On Tue, Jun 21, 2022 at 9:32 AM St. Germain, Dante <Dante.St.Germain@louisvilleky.gov> wrote:

The connections are a requirement of both the Land Development Code and the Comprehensive Plan.

They are proposing a connection now to Joy, as required, but not to Harvest. They would need permission to not connect to Harvest, but have not yet submitted a request to my knowledge.

Dante St. Germain, AICP

Planner II

Planning & Design Services

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From: Murray Heights <murrayheightsky@gmail.com>

Sent: Tuesday, June 21, 2022 9:21 AM

To: St. Germain, Dante <Dante.St.Germain@louisvilleky.gov>

Cc: Christi Lanier-Robinson <crobinson@ldgdevelopment.com>; Weathers, Charles

<Charles.Weathers@louisvilleky.gov>

Subject: Re: Proposed Complex [5127 Terry Rd](#)

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Originally Cliff told residents that they were not planning to open the complex to the Murray Heights neighborhood. Then updated plans showed Joy open and connecting.

Now, are you saying they plan to open and connect both Joy and Harvest?

Tina Burnell

On Tue, Jun 21, 2022 at 8:28 AM St. Germain, Dante <Dante.St.Germain@louisvilleky.gov> wrote:

I have attached the most recent agency comment sheet for this case. It has the plan reviewers for Transportation Planning and MSD listed.

Connections to Joy Drive and Harvest Drive are a requirement of the Land Development Code and the Comprehensive Plan. The applicant can request permission to make only one connection but to my knowledge has not done so yet.

Dante St. Germain, AICP

Planner II

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From: Murray Heights <murrayheightsky@gmail.com>

Sent: Friday, June 17, 2022 9:39 PM

To: Weathers, Charles <Charles.Weathers@louisvilleky.gov>; Christi Lanier-Robinson
<crobinson@ldgdevelopment.com>; St. Germain, Dante <Dante.St.Germain@louisvilleky.gov>

Subject: Re: Proposed Complex [5127 Terry Rd](#)

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Thank you. Hope your daughter is doing better!

What about #18 regarding the body of water? And did you get contacts for MSD and Public Works? They have to have a point person for this.

Or Dante do you know the specific contacts for this proposal? We want to find out why the plans changed to open Joy Drive (which makes zero sense) and what the plan is for the ditch that runs behind the houses on Huberta. MSD is fully aware that it doesn't have any grade and constantly holds water and sludge.

And Christi were you to find out about taking some of the buildings down to 2 story instead of 3 on those that back directly up to the properties on Huberta? And what about the existing tree canopy along that same path?

Have there been any other updates or changes at this time?

Tina Burnell

On Tue, May 24, 2022 at 4:02 PM Christi Lanier-Robinson <crobinson@ldgdevelopment.com> wrote:

Tina-

Wanted to get back to you with answers that I have thus far. I believe we discussed everything from questions 1-15. I have responses for questions 16-18. See below.

From: Murray Heights <murrayheightsky@gmail.com>
Sent: Friday, May 20, 2022 9:22 AM
To: Christi Lanier-Robinson <crobinson@ldgdevelopment.com>
Subject: Re: Proposed Complex [5127 Terry Rd](#)

Ok. Thank you.

On Thu, May 19, 2022 at 10:57 AM Christi Lanier-Robinson <crobinson@ldgdevelopment.com> wrote:

Hi Tina. I will follow up on this next week. i've been out of the office with my daughter who broke her collar bone.

Will be back in the office beginning next week and will follow up then.

Sent from my iPhone

On May 19, 2022, at 8:55 AM, Murray Heights <murrayheightsky@gmail.com> wrote:

Hey Christi,

I wanted to follow-up on this.

Tina Burnell

502-365-6949

On Mon, May 9, 2022 at 10:40 AM Christi Lanier-Robinson <crobinson@ldgdevelopment.com> wrote:

Thanks Tina. I will try to track down answers to these questions.

Best,

Christi

From: Murray Heights <murrayheightsky@gmail.com>

Sent: Friday, May 6, 2022 7:13 PM

To: Christi Lanier-Robinson <crobinson@ldgdevelopment.com>

Subject: Fwd: Proposed Complex [5127 Terry Rd](#)

Hi Christine,

These were the additional questions that were sent and I think we actually discussed most of them, but there are a couple things here we missed.

Thank you,

Tina Burnell

----- Forwarded message -----

From: **Murray Heights** <murrayheightsky@gmail.com>

Date: Tue, Apr 12, 2022 at 5:47 PM

Subject: Re: Automatic reply: Proposed Complex [5127 Terry Rd](#)

To: Ashburner, Clifford <Clifford.Ashburner@dinsmore.com>

Cc: Charles.Weathers@louisvilleky.gov <Charles.Weathers@louisvilleky.gov>, dante.st.germain@louisvilleky.gov <dante.st.germain@louisvilleky.gov>

Thank you for the update! Can you forward a copy of the plan?

There was a couple additional questions submitted, I will continue the number sequence...

16. Has MSD evaluated for potential drainage issues? Residents that live on Harvest state that at the development property edge one already exists with the ditch/lower land than lies there near them and it retains a lot of water with heavy rain.

Also the ditch that lies behind the houses on Huberta does not drain - MSD has been contacted about that numerous times over the years since its installation. It has no grade to facilitate draining and they never clean it unless it is called in. Mr. Weathers has assisted with this many times. Our plans have been submitted to MSD for review and we are awaiting feedback their feedback.

17. It appears there are two entrances planned for Terry Rd, one that sits directly across from Murray Lane on a curve that doesn't have good visual clearance. Are there any plans for traffic lights at either entrance? We have submitted our development plans and are waiting to hear what if any requirements for traffic lights will be required. Obviously, we will comply with whatever traffic signals we are asked to install.

18. There is a small body of water amongst the trees behind 3210 and 3212 Huberta - what are the plans for that?

19. How (or does) the closing of Walmart on Raggard impact development plans? A traffic study is underway to determine what, if any impact the store closing will have on our proposal. If, as a result of the store closing, the proposed development plan needs to be modified, we will update the plan to incorporate those changes.

Thanks again for your help!

Tina Burnell

On Tue, Apr 12, 2022 at 5:21 PM Ashburner, Clifford
<Clifford.Ashburner@dinsmore.com> wrote:

Tina:

I'll try to have a response to you by the end of the week. We've just submitted the plan, so there won't be any upcoming meetings or action on it for at least a few weeks.

Best,

Cliff

From: Murray Heights <murrayheightsky@gmail.com>
Sent: Tuesday, April 12, 2022 5:02 PM
To: Ashburner, Clifford <Clifford.Ashburner@DINSMORE.COM>
Cc: Charles.Weathers@louisvilleky.gov; dante.st.germain@louisvilleky.gov
Subject: Re: Automatic reply: Proposed Complex [5127 Terry Rd](#)

Hi Mr. Ashburner,

I received the automated response to the email sent last week that indicated you were out of the office, so I wanted to follow up to see when I can expect a response to my inquiry?

Thank you,

Tina Burnell

On Mon, Apr 4, 2022 at 12:11 PM Ashburner, Clifford <Clifford.Ashburner@dinsmore.com> wrote:

I am out of the office until April 11, 2022. I'll have sporadic access to email until then and will get back with you as soon as possible next week.

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St. Germain, Dante

From: Ashburner, Clifford <Clifford.Ashburner@DINSMORE.COM>
Sent: Monday, May 2, 2022 9:55 PM
To: Murray Heights; Weathers, Charles; Johnson, Shannon; St. Germain, Dante; cdischinger@ldgdevelopment.com
Subject: RE: Automatic reply: Proposed Complex 5127 Terry Rd

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Ms. Burnell,

I suggest that you contact the agencies that will review the application from the public's perspective and will, thus, be the best source of information for you. All of their contact information is publicly available but I would suggest starting with either Dante or Charles. They'll be able to guide you to the people who review applications within each agency.

Thank you,

Cliff

From: Murray Heights <murrayheightsky@gmail.com>
Sent: Monday, May 2, 2022 7:27 PM
To: Ashburner, Clifford <Clifford.Ashburner@DINSMORE.COM>; Charles.Weathers@louisvilleky.gov; Johnson, Shannon <Shannon.Johnson@DINSMORE.COM>; St. Germain, Dante <dante.st.germain@louisvilleky.gov>; cdischinger@ldgdevelopment.com
Subject: Re: Automatic reply: Proposed Complex 5127 Terry Rd

Dante,

Please add Cliff's response and this exchange to the file. And if you have answers that he has not provided, that would be helpful.

Cliff,

4 weeks is an absurd amount of time to have to wait and as the attorney for the developer - refusing to provide thorough answers in a timely manner is unprofessional and unacceptable.

Just because in your mind "there is a long way to go before this case gets to the public meeting" doesn't mean we should have to wait until it suits you to get answers.

I will take this before a future Metro Council Meeting. You are not going to be dismissive to the community affected by this development.

I want direct contact information for everyone you suggested I reach out to directly.

I will also reach out to our local media.

Mr. Weathers,
please bring this to the attention of Mrs. Bowens.

Tina Burnell

On Mon, May 2, 2022 at 7:15 PM Ashburner, Clifford <Clifford.Ashburner@dinsmore.com> wrote:

Ms. Burnell:

It appears that we may not be able to respond quickly enough to meet your needs. As I mentioned in my response Friday, there is a long way to go before this case gets to the public meeting at which our public hearing date will be set. To that end, I suggest that you reach out to Dante for answers to your plan questions, MSD for answers regarding drainage concerns, the Kentucky Transportation Cabinet District 5 office for questions on Terry Road, and Louisville Metro Public Works regarding Joy and Harvest.

We'll also be working with those agencies to address concerns that they have or concerns that may be brought to them by stakeholders like yourself during the review process.

Thank you,

Cliff

From: Murray Heights <murrayheightsky@gmail.com>

Sent: Monday, May 2, 2022 6:33 PM

To: Ashburner, Clifford <Clifford.Ashburner@DINSMORE.COM>; Johnson, Shannon <Shannon.Johnson@DINSMORE.COM>

Cc: Charles.Weathers@louisvilleky.gov; cdischinger@ldgdevelopment.com; dante.st.germain@louisvilleky.gov

Subject: Re: Automatic reply: Proposed Complex 5127 Terry Rd

Still waiting on answers to the additional questions. This is ridiculous and unprofessional.

On Tue, Apr 12, 2022 at 5:47 PM Murray Heights <murrayheightsky@gmail.com> wrote:

Thank you for the update! Can you forward a copy of the plan?

There was a couple additional questions submitted, I will continue the number sequence...

16. Has MSD evaluated for potential drainage issues? Residents that live on Harvest state that at the development property edge one already exists with the ditch/lower land than lies there near them and it retains a lot of water with heavy rain.

Also the ditch that lies behind the houses on Huberta does not drain - MSD has been contacted about that numerous times over the years since its installation. It has no grade to facilitate draining and they never clean it unless it is called in. Mr. Weathers has assisted with this many times.

17. It appears there are two entrances planned for Terry Rd, one that sits directly across from Murray Lane on a curve that doesn't have good visual clearance. Are there any plans for traffic lights at either entrance?

18. There is a small body of water amongst the trees behind 3210 and 3212 Huberta - what are the plans for that?

19. How (or does) the closing of Walmart on Raggard impact development plans?

Thanks again for your help!

Tina Burnell

On Tue, Apr 12, 2022 at 5:21 PM Ashburner, Clifford <Clifford.Ashburner@dinsmore.com> wrote:

Tina:

I'll try to have a response to you by the end of the week. We've just submitted the plan, so there won't be any upcoming meetings or action on it for at least a few weeks.

Best,

Cliff

From: Murray Heights <murrayheightsky@gmail.com>
Sent: Tuesday, April 12, 2022 5:02 PM
To: Ashburner, Clifford <Clifford.Ashburner@DINSMORE.COM>
Cc: Charles.Weathers@louisvilleky.gov; dante.st.germain@louisvilleky.gov
Subject: Re: Automatic reply: Proposed Complex [5127 Terry Rd](#)

Hi Mr. Ashburner,

I received the automated response to the email sent last week that indicated you were out of the office, so I wanted to follow up to see when I can expect a response to my inquiry?

Thank you,

Tina Burnell

On Mon, Apr 4, 2022 at 12:11 PM Ashburner, Clifford <Clifford.Ashburner@dinsmore.com> wrote:

I am out of the office until April 11, 2022. I'll have sporadic access to email until then and will get back with you as soon as possible next week.

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St. Germain, Dante

From: Dala Wolfe <dalawolfe@att.net>
Sent: Monday, May 2, 2022 5:38 PM
To: Clifford.Ashburner@dinsmore.com; Shannon.Johnson@Dinsmore.com; St. Germain, Dante; Weathers, Charles
Cc: Murrayheightsky@gmail.com
Subject: 5127 Terry Rd Proposed Development

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I want to express my opposition to your proposed project, we have a very nice and quiet neighborhood and would love to keep it that way. A three story apartment complex would invade on several neighbors privacy not to mention we cannot handle the additional traffic this will cause. I'm very concerned the crime rate and the foot traffic will cause neighbors to give up their homes they have worked very long and hard for. I'm also wondering why it is being mentioned to open an entrance to either Joy Drive or Harvest Drive, several years ago someone tried this and was told we were at capacity and it could not happen, so why is it ok for this company to make their own rules about our neighborhood?? I've not heard one positive word about LDG , so why is this ok to let them throw apartments anywhere they choose? We all hear the City of Louisville wants to make things great and if this is so please do not allow apartments to be built in the middle of neighborhoods that take alot of pride in what they have!

St. Germain, Dante

From: donna.rock5 <donna.rock5@att.net>
Sent: Sunday, May 1, 2022 8:19 PM
To: Clifford.Ashburn@dinsmore.com; Shannon.Johnson@Dinsmore.com; St. Germain, Dante; Charles.Wrathers@louisvilleky.gov
Cc: murrayheightsky@gmail.com
Subject: 5127 Terry Rd Proposed Development

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I am opposed to this development. Traffic is already terrible. This will cause increased traffic. This is too close to our neighborhood. Apartmets bring increased crime. We have a quiet neighborhood now. This will change drastically.

I am also opposed to opening up this complex into our neighborhood. We are at capacity now. The original meeting did not include any roads being opened. Were you hiding this part of proposal? There is no way we can handle any additional traffic. This also opens up our neighborhood to undesirable foot traffic. What is the purpose in opening access to our neighborhood?

Our property value will also decrease with this proposal. Just because this is the southend does not mean that we can or should be discriminated against. Our voices need to be heard as well. Our concerns need to be considered and addressed.

Please include me in any future correspondence regarding this proposed development.

Regards
Donna Rock

Sent from my T-Mobile 4G LTE Device

St. Germain, Dante

From: Murray Heights <murrayheightsky@gmail.com>
Sent: Thursday, April 28, 2022 5:06 PM
To: Ashburner, Clifford; Weathers, Charles; Liu, Emily; St. Germain, Dante
Subject: Re: Proposed Apartment Complex 5127 Terry Rd

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I want these comments added to the record as well.

I sent the first email on April 3. Mr. Ashburner's auto-reply indicated he was on vacation that week.

He emailed back on April 12 and said he would try to have a response to me by the end of the week. That week came and went. Nothing.

Now nearly two more weeks have gone by and we still have no answers to the questions submitted. It should not take 4 weeks for us to get answers to our questions. We should not have to wait for Mr. Ashburner to respond at his leisure or weeks down the road. We were given less notice for the neighborhood meeting when this project was first made known to us.

I left Dante a message April 22 asking for info on what guidelines Louisville P&D has regarding this kind of situation as far as lack of communication on the developer's part. I received a return call message from Dante April 25 stating that there is no policy and they have no authority to make a third party respond.

We will hire an attorney of our own if this is not addressed and if communication is not expedited from this point forward. It isn't acceptable for us to have to wait for LDG to respond at their leisure or convenience. It is dismissive and unprofessional.

Their proposed development affects our community, our homes, our families. We have a reasonable expectation of a timely and thorough response to our questions and concerns.

Tina Burnell
502-365-6949

On Thu, Apr 21, 2022 at 8:12 AM St. Germain, Dante <Dante.St.Germain@louisvilleky.gov> wrote:

I can add your comments to the record, and I have done so, but I do not have answers to your questions and they were addressed to Cliff Ashburner, who is the correct person to answer them.

Dante St. Germain, AICP

Planner II

Planning & Design Services

Department of Develop Louisville

LOUISVILLE FORWARD

444 South Fifth Street, Suite 300

Louisville, KY 40202

(502) 574-4388

<https://louisvilleky.gov/government/planning-design>



Stay aware of new development in your area! Sign up for Gov Delivery notifications at:

<https://public.govdelivery.com/accounts/KYLOUISVILLE/subscriber/new>

From: Murray Heights <murrayheightsky@gmail.com>

Sent: Wednesday, April 20, 2022 7:24 PM

To: Ashburner, Clifford <Clifford.Ashburner@dinsmore.com>; Liu, Emily <emily.liu@louisvilleky.gov>; St. Germain, Dante <Dante.St.Germain@louisvilleky.gov>

Subject: Re: Proposed Apartment Complex [5127 Terry Rd](#)

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Ok. We weren't given information on who to reach out to other than Dante and Cliff - both who were copied on every email sent, including the one I forwarded to you. And we still have no answers.

Residents are given very little opportunity for input at the actual meeting and no opportunity for rebuttal. We need adequate information well prior in order to ensure concerns are well informed if/when brought forth. That hasn't happened.

Tina Burnell

On Wed, Apr 20, 2022 at 6:06 PM Liu, Emily <emily.liu@louisvilleky.gov> wrote:

Hi Tina, thank you for the email. I have copied Cliff here. Hope he will reach out to you soon.

I would like you to know that our Planning Commissioners cannot discuss or respond to any pending cases outside public meetings. Please do not include them in your future inquiries or discussions on this case while it is pending.

Thanks

Emily

Yu "Emily" Liu

Director

Louisville Metro Planning and Design Services

Develop Louisville, Louisville Forward

444 S. 5th Street, 3rd Floor

Louisville, KY 40202

502.574.6678

<https://louisvilleky.gov/government/planning-design>

Sign up for development notifications in your area at:

<https://public.govdelivery.com/accounts/KYLOUISVILLE/subscriber/new>

From: Murray Heights <murrayheightsky@gmail.com>

Sent: Wednesday, April 20, 2022 5:30 PM

To: Liu, Emily <emily.liu@louisvilleky.gov>

Subject: Fwd: Proposed Apartment Complex [5127 Terry Rd](#)

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Please advise.

Tina Burnell

----- Forwarded message -----

From: **Murray Heights** <murrayheightsky@gmail.com>

Date: Wed, Apr 20, 2022 at 5:22 PM

Subject: Proposed Apartment Complex [5127 Terry Rd](#)

To: <dante.st.germain@louisvilleky.gov>

Cc: Ashburner, Clifford <Clifford.Ashburner@dinsmore.com>, <Charles.Weathers@louisvilleky.gov>, <Jeffrey.Brown@louisvilleky.gov>, <Lula.Howard@louisvilleky.gov>

Dante,

On behalf of residents in our neighborhood, I submitted questions regarding the proposed apartment complex for [5127 Terry Rd](#) to Mr. Ashburner on April 4, 2022. Having received an auto-reply that he was out of office, I followed-up on April 12, 2022. Mr. Ashburner said he would try to have a response to me by the end of the week. That week came and went. I sent an additional email to follow-up yesterday April 19, 2022 and have not yet received a response.

Please advise. It is my understanding that our community residents should be able to ask questions and receive timely responses. It would be most helpful for us to have answers and a more informed understanding of the proposal.

Sincerely,

Tina Burnell

502-365-6949

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St. Germain, Dante

From: Murray Heights <murrayheightsky@gmail.com>
Sent: Tuesday, April 19, 2022 3:56 PM
To: Ashburner, Clifford
Cc: Weathers, Charles; St. Germain, Dante
Subject: Re: Proposed Complex 5127 Terry Rd

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Haven't received a response to any questions sent yet. Following-up.

Thank you,
Tina Burnell

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Cc: St. Germain, Dante; Weathers, Charles
Subject: Proposed Complex 5127 Terry Rd
Attachments: image_50413569.JPG

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Mr. Ashburner,

To facilitate communication, I am submitting questions on behalf of my own family as well as fellow residents in Murray Heights - (the neighborhood that backs up to the property listed).

My husband and I have lived on Huberta Drive with our family for 23 years and the proposed complex will directly back up to our property. We are opposed to this development.

With that said...

1. It appears many in the neighborhood were not aware of the proposed development and did not receive notice for the neighborhood meeting that took place March 15, 2022. What were the boundaries for the notification and can you provide a list of those addresses that were sent notices in the mail?
2. How can those who did not receive the initial notification get on the list to receive all future notifications?
3. A few complained about not being able to connect to the meeting via technical difficulties. Is that meeting available online and if so, can you provide the link? If it is not available, can you provide the minutes and/or notes from that meeting?
4. There is a significant tree canopy with well-developed growth that runs behind the properties on Huberta Drive, including ours at 3210. Will that canopy remain in place? It effectively acts as a barrier between the houses and the current open field. (pic attached of the tree canopy as seen from our backyard today - the rest has also been photographed if you want to see those) Wildlife, including deer, coyotes, foxes, turkey, rabbits, and a abundant range of birds inhabit this area. A bald eagle has also been observed in that area.
5. What is the distance from the MSD drainage ditch behind the houses on Huberta and the start up of property development including any proposed fence line? (If you could include a marked layout for this, that would be most helpful)
6. Can you provide a full range of plans for the development that includes a visual layout of the apartment design, as well as one with barrier landscaping and surrounding fencing plans?
7. Will the current dead end streets of Joy Drive and/or Harvest Drive be opened to the complex?
8. Has a traffic study been ordered? A full study, not an analysis. Is there any current information available to that end?

9. Will the complex accept and benefit from Louisville Metro Housing Choice vouchers?

10. How much funding, whether through loans or other incentives, is being provided by the Louisville Affordable Housing Trust Fund? Please provide documentation.

11. What is the breakdown for the number of bedrooms per unit for the 9 buildings? Are all buildings 3 story?

12. How does LGD respond to concerns regarding their history of substandard maintenance and management of their complexes, as well as substantiated violations? e.g. -

"In 2010, the Indianapolis Housing Agency demanded that LDG repay \$400,500 in federal Section 8 housing payments because of violations that included substandard housing conditions and a high incidence of crime in the complex."

"LDG owns 94 properties in Jefferson County and over 40% of those have had code violations in the last 5 years. A quick search with the Kentucky Secretary of State shows that they are connected to a host of other development interests and property management companies that also have numerous property maintenance issues."

13. I recall that LDG owner, Chris Dischinger, took to the Courier Journal to blast and attempt to shame those opposed to the Prospect Development. How many LDG complexes are within 5-10 miles of Mr. Dischinger's residence? or yours? or any other top executives at LDG?

<https://www.courier-journal.com/story/opinion/2019/09/26/prospect-residents-threats-racism-over-affordable-housing-plan-foul/3773522002/>

14. Please provide a complete list, including addresses, of all LDG developments that currently exist, are in process of development, or are proposed at this time for Louisville. We also request the funding information, whether through loans or other incentives, that was or is being provided by the Louisville Affordable Housing Trust Fund to LDG for any and all of those developments.

15. What is the full range of financial incentives or means provided by the city of Louisville to LDG for this specific development?

Sincerely,
Tina Burnell
502-365-6949

