

From: [David A Dries](#)
To: [Pollock, Heather](#)
Cc: [Ted Bernstein](#)
Subject: Neighbor comments for 24-DDP-0055 at 5905 Fegenbush Lane
Date: Wednesday, April 2, 2025 11:37:00 AM

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Heather,

Although I continue to support Local 502's proposed development, as the adjacent property owner of 12.8 acres at 7300 S Hurstbourne Pkwy I have the following Primary Request and Other Comments related to 24-DDP-0055.

Primary Request for DRC's consideration:

- **Connectivity Stub.** Consistent with Connectivity guidance from LDC and Comp Plan 2040, please have the Applicant provide an access easement or roadway stub to connect the Applicant's 13.5-acre Site to the proposed frontage road near Hurstbourne Pkwy for my adjacent property (see the approved 21-DDP-0055 Development Plan for the frontage road location).

Other Comments for possible consideration by DRC:

- **Unified Access and Circulation System.** As previously mentioned, it seems like the proposed Application for 24-DDP-0055 should include a Unified Access and Circulation System schematic (as described in LDC Appendix 6.A) across the Applicant's entire 23.6-acre Site. The significant recent land use changes . . . in 2023 associated with Mercy Academy's adjacent 5.3-acre campus property addition (see 23-MPLAT-0126), and in 2024 associated with Local 502's adjacent 9.1-acre trade school property addition (see 24-MPLAT-0004) . . . add to the need now for an updated Unified Access and Circulation System. An updated Unified Access and Circulation plan could also help minimize the non-school traffic and trucks crossing the new School Campus properties.
- **Private Access Easements with Crossover Agreements.** As previously mentioned, it seems like a private access easement with a crossover agreement would be required on the Applicant's property consistent with the private access easements with crossover agreements required for my adjacent property (including Binding Elements 4.d and 8 for 21-DDP-0055), in order that the adjoining properties are connected with access to the existing entrances on S Hurstbourne Pkwy and Fegenbush Lane.
- **Confusing General Note.** As previously mentioned, General Note 16 on the proposed Development Plan seems confusing and nebulous as to what is being required, which adjacent property is being discussed, and what properties will be included in the cross access agreement. And the required Unified Access and Circulation system should not be delayed now for other property owners to address at a later date.

- **Existing Access Easement granted in 2024.** And as previously mentioned related to the existing Access Easement shown on the Applicant's adjacent 9.1-acre property, it seems like the proposed Development Plan should be updated to show the correct and current Access Easement location granted with 24-MPLAT-0004.

Thanks for your consideration,

David A Dries
Hurstbourne Corporate Group, LLC
502.777.0700

From: [David A Dries](#)
To: [Pollock, Heather](#)
Cc: [Ted Bernstein](#)
Subject: Re: Neighbor comments for 24-DDP-0055 at 5905 Fegenbush Lane
Date: Thursday, March 6, 2025 3:28:28 PM
Attachments: [image.png](#)

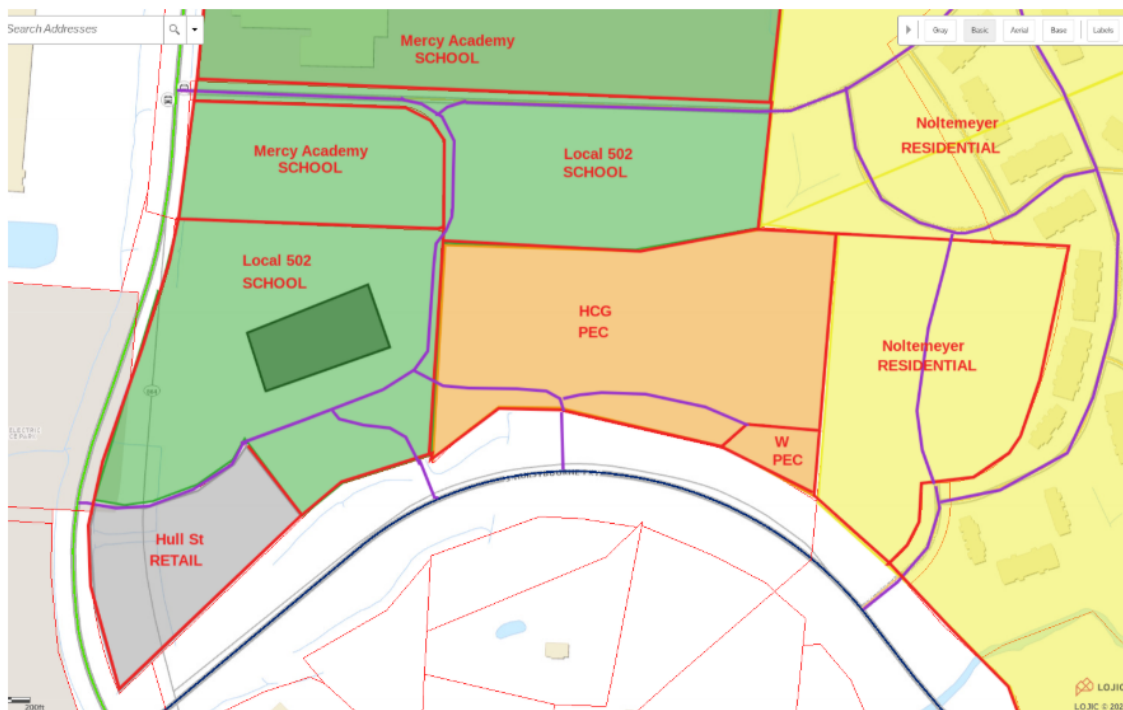
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Heather,

Related to a Unified Access and Circulation system (for 24-DDP-0055), below is a Strawman draft schematic for consideration by the Applicant and by the Planning Commission. This schematic appears better for all parties (including Mercy Academy) than the vague and confusing roadways in the proposed Development Plan. Edits and improvements to this Strawman schematic are welcome.

Strawman "Unified Access and Circulation" system

- **Details:** Proposed private roads (in purple) with defined access easements and crossover requirements.
- **Advantages:** Connects the major properties to Hurstbourne Pkwy and to Fegenbush Ln. Minimizes the non-school traffic and trucks crossing into the School and Residential areas. Consistent cross access and circulation agreements.



Thanks for your consideration.

David Dries
Hurstbourne Corporate Group, LLC
7300 S Hurstbourne Pkwy
502.777.0700

On Wed, Feb 26, 2025 at 2:41 PM David A Dries <davidadries@gmail.com> wrote:
Heather,

Related to the **updated proposed DDP filed 2-21-2025 for 24-DDP-0055**, I have the following updated comments and requests as a neighboring property owner at 7300 S Hurstbourne Pkwy . . . while being in overall support of Local 502's proposed development:

- **A defined Unified Access and Circulation System is needed now.** A defined Unified Access and Circulation System, as described in LDC Appendix 6.A (Parts 1.5.B, 1.6.A, and 1.6.B) is needed now across all of the Applicant's 22.5-acre property (as an "integrated development site" and not just the 13.5 acres currently being developed now). The Unified Access and Circulation System should include the roadway connections for the entire Site, along with the two main neighboring properties of Mercy Academy and 7300 S Hurstbourne Pkwy. A defined Unified Access and Circulation System for the larger 22.5-acre integrated development Site should not be "kicked down the road" for the Applicant and the adjacent property owners to deal with at a later date (with an inadequate and nebulous General Note #16 on the proposed 24-DDP-0055) . . . instead of planning now as part of the Applicant's proposed 24-DDP-0055. The Unified Access and Circulation System should take into consideration the major land use changes for the two new school campuses which have occurred in the last two years associated with the recently expanded Mercy Academy campus use and the recently proposed Local 502 campus use.

- **A frontage road street stub is requested now.** A frontage road and access easement near Hurstbourne Pkwy was required across our HCG property at 7300 S Hurstbourne Pkwy (as part of 21-DDP-0055). Similarly, an Access Road stub connection near Hurstbourne Pkwy is needed now on the Applicant's proposed DDP to connect to the required frontage road across 7300 S Hurstbourne Pkwy. **Also, side-by-side (north-south) Access Roads on the Applicant's proposed DDP and on HCG's 12.7-acre property at 7300 S Hurstbourne Pkwy** appear to require redundant and inefficient additional impervious pavement (with less landscaped buffer between the Local 502 and HCG properties).
- **The Access Easement note on the proposed DDP is incorrect and should be fixed.** The Access Easement location in the upper-right (northeast) portion of the proposed DDP (with the label of "Ex. 24' Access Esm't. D.B. 9340, PG. 404") appears to be based on an outdated schematic from 2008. The Applicant's proposed DDP should correctly locate and label the current Access Easement, which should be consistent with the more recent Access Easement locations approved by the Planning Commission (as part of 24-MPLAT-0004 and 21-DDP-0055).
- **Clearly defined Roadway Access Easements should be located and described on the Applicant's property.** The roadway access network on the proposed DDP appears confusing and insufficient. A less confusing and safer roadway system should connect the Applicant's undeveloped 9-acre parcel with the Applicant's proposed entrances on Fegenbush Lane and on Hurstbourne Pkwy. Minimizing additional traffic (and trucks) on Kyle Ridge Way through Mercy Academy's expanded campus should be considered. Also, per Section 2 of the Mutual Grant of Easements agreement recorded in D.B. 9340, Pg 404, the proposed Applicant must grant "a blanket crossover (non-parking) access easement across its Property as developed or redeveloped upon approval of the Metro Louisville Planning Commission . . ." For fairness and consistency, joint and crossover access (see LDC Appendix 6.A, Part 1.5.A) with defined roadway easements should be provided on the Applicant's proposed DDP, similar to the Binding Elements required for 7300 S Hurstbourne Pkwy (21-DDP-0055), including:
 - Binding Element # 4.d (for 21-DDP-0055), which requires a defined access easement in a form acceptable to the Planning Commission legal counsel.
 - And Binding Element # 8 (for 21-DDP-0055), which requires a cross-over access easement if the property to the west is ever developed for a nonresidential use.

I hope that these comments are consistent with comments being provided by the Office of Planning staff and by Transportation Planning.

Thanks for your consideration.

David A Dries
Hurstbourne Corporate Group, LLC
7300 S Hurstbourne Pkwy
502.777.0700

On Wed, Dec 18, 2024 at 11:29 AM David A Dries <davidadries@gmail.com> wrote:

As the next-door neighbor who is in support of the Local 502 development (but with significant concerns about the proposed Roadway Access and Circulation system on the proposed Development Plan dated 11-26-2024), I offer the following additional comments for consideration.

A better Unified Access and Circulation system is needed for all 22.5 acres of the Applicant's property at 5905 Fegenbush Lane:

- The northeast quadrant of properties at Fegenbush Lane and Hurstbourne Pkwy has had major recent changes in the property configurations and planned uses with a new emphasis on schools and training for much of the area, due to the recent land purchases by Mercy Academy (of 5.4 acres in Dec 2023) and by UA Local 502 (of 22.5 acres in March 2024),
- The roadway network as approved for 7300 S Hurstbourne Pkwy (in 21-DDP-0055) is no longer current, and does not reflect what is best for the new property configurations and planned uses.
- **And a more straight-forward alignment for the proposed internal Access Road is needed for the Applicant's property** connecting Local 502's West Parcel (13.5 acres) and Local 502's East Parcel (9 acres).

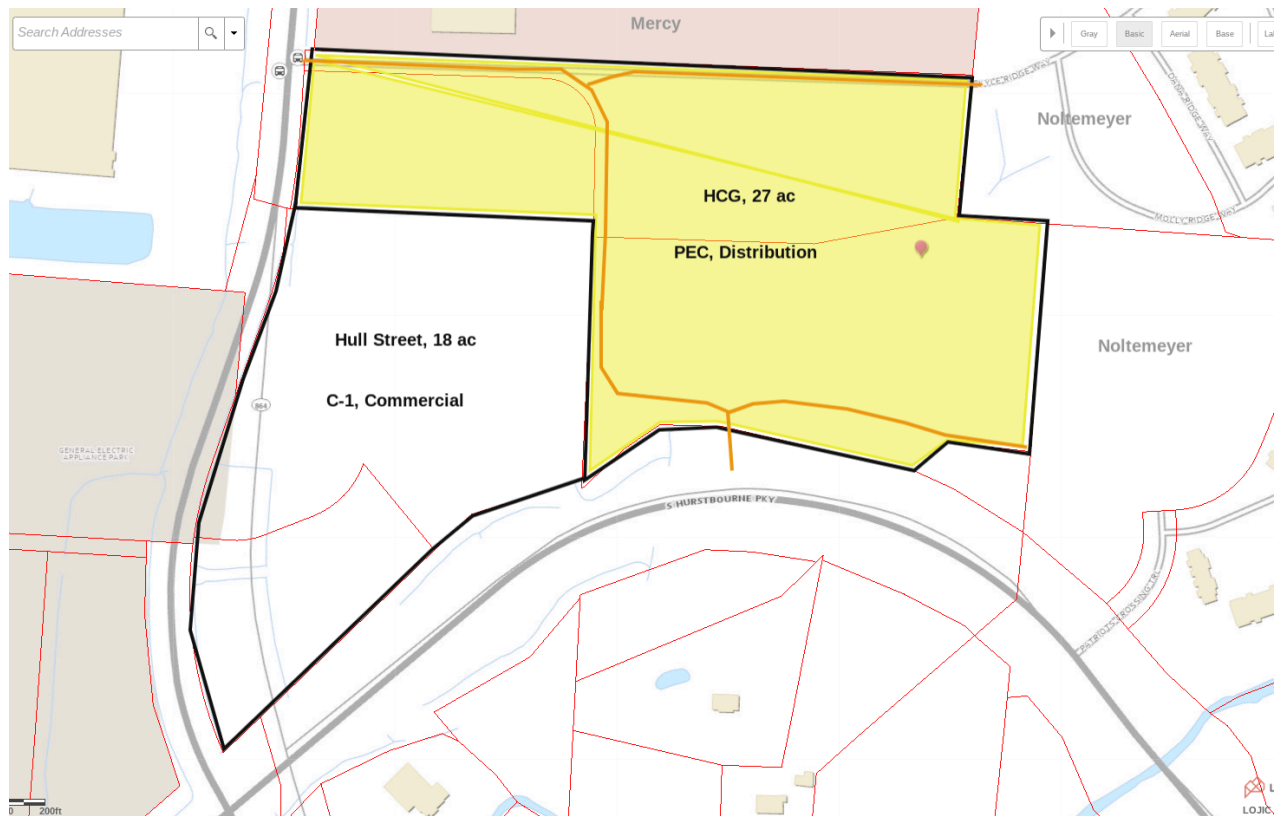
See the 2-page attachment and graphics for more details on the recent changes to the property configurations and planned uses. Thanks for your consideration in developing an up-to-date and better Unified Access and Circulation plan, with an easy-to-follow alignment for the proposed internal Access Road . . . rather than approving a proposed Development Plan with awkward and confusing connectivity.

David Dries
Hurstbourne Corporate Group, LLC
502.777.0700

Recent changes to the property configurations and planned uses in the area

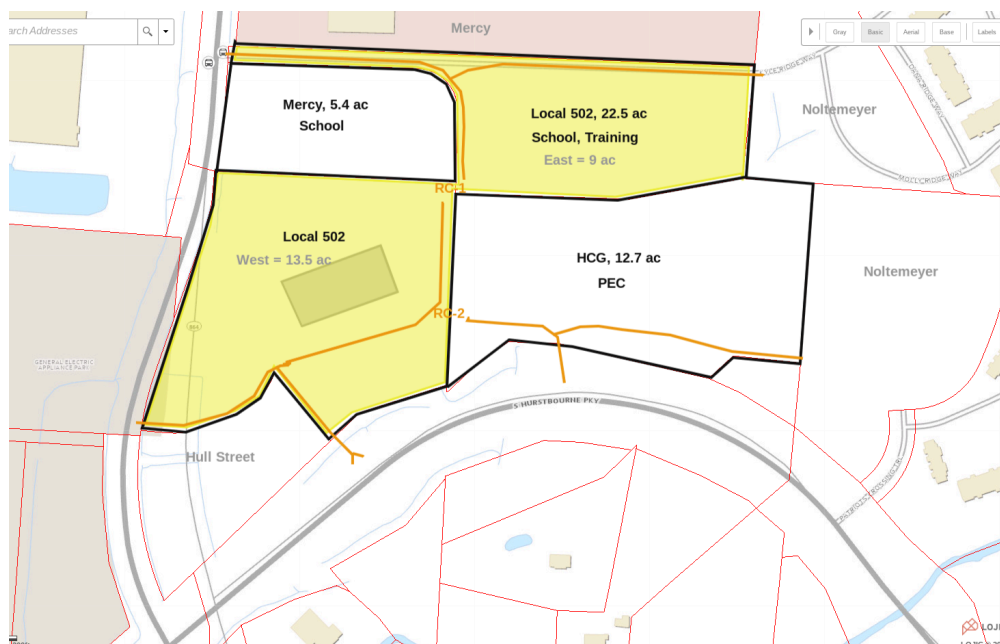
The 2021 Roadway Connectivity (from 21-DDP-0055) is no longer current

- In 2021, there were 2 main properties: HCG = 27 acres; and Hull Street = 18 acres.
- In 2021, HCG (27 acres, shaded in yellow) was the main property in the area for roadway connectivity, including the primary internal Access Roads across HCG's property.
- Binding Element # 4.d (21-DDP-0055) required a defined access easement for the private roadway network.
- And Public Works notes #16 and #17 on the GDDP (21-DDP-0055) required a cross access and circulation agreement.



The proposed Roadway Connectivity (for 24-DDP-0055) needs to be up-to-date with the current planned uses for UA Local 502 and for Mercy Academy

- Major changes in property configurations and property uses occurred recently with Mercy Academy adding 5.4 acres to its campus in Dec 2023, and Local 502 acquiring 22.5 acres in March 2024 for its new campus. Now in 2024, there are 3 different main properties: Local 502 = 22.5 acres; HCG = 12.7 acres; and Mercy Academy = 5.4 acres.
- Local 502 (22.5 acres, shaded in yellow below) is now the main (keystone) property in the area for roadway connectivity (instead of HCG's property). "Direct, short, and simple connections" (as described in the Comp Plan 2040 Mobility policies) should be required for a better-planned internal Access Road connecting Local 502's West and East parcels.
- A Binding Element for 24-DDP-0055 should require a defined access easement for the internal Access Road across Local 502's site (consistent with the Binding Element # 4.d for HCG's 21-DDP-0055).
- And a cross access and circulation agreement should be required now (consistent with the Public Works notes #16 and #17 for HCG's 21-DDP-0055).
- With school and training uses currently planned for Mercy Academy (5.4 acres) and for Local 502 (22.5 acres): minimizing additional new traffic on Kyle Ridge Way (by avoiding an unnecessary cut-thru roadway between Fegenbush Lane and Hurstbourne Pkwy) would likely be best for the expanded Mercy Academy campus.
- As shown with the Orange roadway lines in the graphic below, there may be a general consensus on a good Access and Circulation system, **except for:**
 - **How Roadway Connection #1 (RC-1) is best completed** . . . for the north-south Access Road connecting Local 502's West and East parcels. The proposed connectivity in the northeast portion of the 13.5-acre Site is awkward and confusing.
 - **And how Roadway Connection #2 (RC-2) is best completed** . . . for a possible stub connection to the Hurstbourne Pkwy frontage Access Road.



From: [David A Dries](#)
To: [Pollock, Heather](#)
Subject: Re: Proposed roadway connections at 5905 Fegenbush Lane (24-DDP-0055)
Date: Thursday, December 5, 2024 2:49:47 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

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Thanks Heather for adding my comments to the case file. I have a few quick questions:

- Have both of my emails (from 11-22-2024 and from 12-3-2024) been added to the case file?
- As part of 24-DDP-0055, will the Applicant be requested to provide a Unified Access and Circulation plan for their two contiguous properties (that is, 13.5 acres + 9 acres = 22.5 acres)?
- Will the Applicant be requested to provide a cross access agreement for neighboring properties?

Thanks,
David Dries
502.777.0700

On Thu, Dec 5, 2024 at 12:47 PM Pollock, Heather <Heather.Pollock@louisvilleky.gov> wrote:

David,

I have added your comments to the file, they will be part of the record submitted to the commissioners for their review.

Best,

Heather

Heather Pollock

Planner I

Office of Planning

O: (502) 574-8695



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From: David A Dries <davidadries@gmail.com>
Sent: Tuesday, December 3, 2024 3:33 PM
To: Pollock, Heather <Heather.Pollock@louisvilleky.gov>
Cc: Ted Bernstein <Bernstein@ltd-inc.com>
Subject: Re: Proposed roadway connections at 5905 Fegenbush Lane (24-DDP-0055)

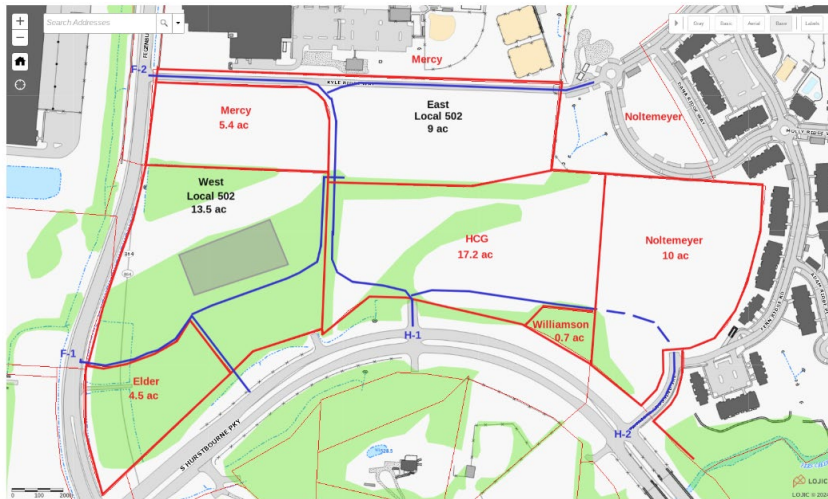
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Heather,

Related to 24-DDP-0055 and based on the Applicant's new proposed Development Plan dated 11-26-2024, following are my updated comments:

- As a neighboring property owner, from my view (as roughly illustrated by the LOJIC schematic below) the Access Drive on the new proposed Development Plan (11-26-2024) appears to be a significant improvement for roadway connectivity serving the Applicant's two parcels.
- However, the proposed roadway alignment in the northeast portion of the 13.5-acre Site still appears to be awkward and confusing.
- It also appears that some additional pavement edges are needed to define the Access Drive across the 13.5-acre Site, to help separate the connecting roadway from the truck loading and parking areas. And 24-DDP-0055 should clearly provide crossover rights for the adjacent properties.

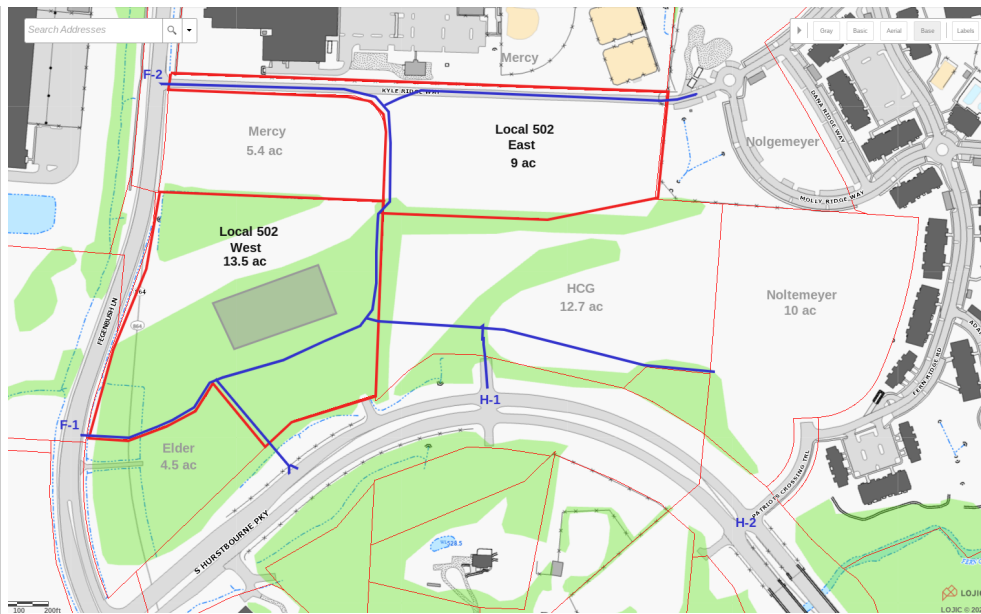
Connectivity schematic roughly illustrating the new Development Plan (dated 11-26-2024)



Contrary to the vague General Note #16 on the proposed Development Plan, **a Unified Access and Circulation plan should be prepared now (with 24-DDP-0055), instead of later. And the Unified Access and Circulation system should cover the Applicant's entire 22.5-acre property.** Section 1.6 (Appendix 6A) of the Land Development Code (LDC) states that "integrated development sites comprised of more than one building or more than one lot are not considered separate properties in relation to the access management standards of this code."

A well-planned Unified Access and Circulation system would only require a minimum amount of communication and cooperation among the few neighboring parties and Louisville Metro. Although the Unified Access and Circulation schematic (as illustrated below) may not be the best option, it appears to be a much better Access and Circulation system than the proposed Development Plan. This type of connectivity option provides "direct, short, and simple connections" (as described in the Comp Plan 2040 Mobility policies), which are beneficial for the area and which minimize the probability of a high-speed, cut-thru roadway across these properties.

My proposed connectivity schematic (as a better option to consider)



While expressing these connectivity concerns, I remain strongly in favor and support of the proposed UA Local 502 development (24-DDP-0055), and am very flexible in helping to determine the best overall Access and Circulation system for the area. Thanks for your consideration.

David Dries

Hurstbourne Corporate Group, LLC

7300 S Hurstbourne Pkwy

502.777.0700

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

From: **David A Dries** <davidadries@gmail.com>

Date: Fri, Nov 22, 2024 at 9:26 AM

Subject: Proposed roadway connections at 5905 Fegenbush Lane (24-DDP-0055)

To: <heather.pollock@louisvilleky.gov>

Cc: Ted Bernstein <Bernstein@ltd-inc.com>

Heather,

As the owner of the adjacent 12.7-acre Hurstbourne Corporate Group, LLC (HCG) property located at 7300 S Hurstbourne Pkwy, I am strongly in favor and support the proposed UA Local 502 development located at 5905 Fegenbush Lane (24-DDP-0055).

To avoid future confusion regarding crossover easements, I want to ensure that there is a proper crossover connection for HCG across the proposed Site at 5905 Fegenbush Lane. That is:

- In the Mutual Grant of Easements (recorded in DB 9340, Pg 404), Section 2 states: "Upon construction of the Permanent Access Easement, each of the Declarants grant the other Declarant a blanket crossover (non-parking) access easement across each of their Properties . . ."
- Although General Note #16 on the proposed Development Plan may cover some of this concern about the crossover connection, the proposed roadway or driveway across the 5905 Fegenbush Lane property may be confusing or insufficient to serve as a crossover.

Also for Louisville Metro's consideration, now that the proposed uses are better defined for the area (see LOJIC drawing below) and since all of the properties have excellent existing access to Hurstbourne Pkwy and/or Fegenbush Lane:

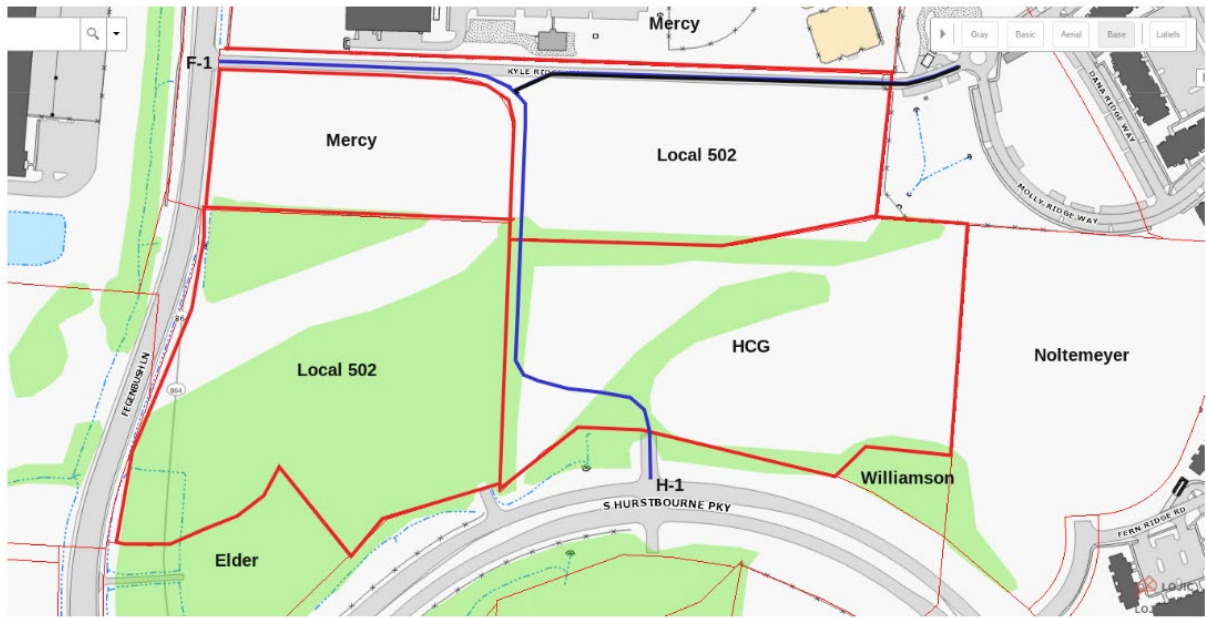
- Maybe fewer crossover connections would be less confusing and more advantageous for all.
- For example, since Mercy Academy's new 5.4-acre property (located south of Kyle Ridge Way) is split from the original Mercy campus by Kyle Ridge Way, Mercy Academy may prefer fewer PEC and other properties connected to Kyle Ridge Way . . . in order to avoid a cut-thru shortcut between Hurstbourne Pkwy and Fegenbush Lane.

Thanks for your consideration in determining what the preferred property crossovers are now, based on the current owners and proposed uses. HCG is very flexible on any crossover plan that is beneficial overall for the handful of properties involved.

David Dries

Hurstbourne Corporate Group, LLC

502.777.0700



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From: [Harrington, Scott](#)
To: [Montague, Becky](#); [Pollock, Heather](#)
Cc: [Kevin Kramer](#)
Subject: RE: FW: 24-DDP-0055
Date: Tuesday, September 3, 2024 9:41:59 AM
Attachments: [24-DDP-0055_Application_081924.pdf](#)
[image002.png](#)
[image003.png](#)

President Montague,

The case manager is:

Heather Pollock, Planner 1
574-8695
Heather.pollock@louisvilleky.gov

Planning staff recently received the attached application, so a public meeting has not been scheduled yet.

Heather – would you please make sure President Montague receives notifications? Below is her contact information:

Becky Montague, President
Mercy Academy
5801 Fegenbush Lane
Louisville, KY 40228

bmontague@mercyjaguars.com

671-2010

Also, what are the plans for the north side where the applicant's parking lot is located? Are they seeking any waivers or variances? Concern is lack of landscape buffer area and fence not being tall enough between Mercy and the proposed development.

Thank you!

Scott



Scott W. Harrington | [Legislative Assistant](#)
Office of Councilman Kevin J. Kramer
Louisville Metro Council | District 11

phone: 502.574.3456

City Hall
601 West Jefferson Street

email: scott.harrington@louisvilleky.gov

Louisville, Kentucky 40202



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Thank you for the opportunity to serve!

From: Montague, Becky <bmontague@mercyjaguars.com>

Sent: Tuesday, September 3, 2024 9:32 AM

To: Harrington, Scott <Scott.Harrington@louisvilleky.gov>

Cc: Kevin Kramer <kkramer@mercyjaguars.com>

Subject: Re: FW: 24-DDP-0055

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Scott, thank you for this information. Please keep me posted on any future findings, especially the case manager. Mercy Academy has no opposition to Local 502 being our neighbor, but we certainly have interest in the decision making process.



Becky Montague '91

President

Mercy Academy

- ☐ [\(502\) 671-2010](tel:(502)671-2010)
- ☐ bmontague@mercyjaguars.com
- ☐ www.mercyacademy.com
- ☐ [5801 Fegenbush Lane, Louisville, KY 40228](#)



On Tue, Sep 3, 2024 at 9:27 AM Harrington, Scott <Scott.Harrington@louisvilleky.gov> wrote:

President Montague,

It appears this case is still in the agency review process. That's where planning staff and other agencies like Public Works and MSD review the plans and recommend changes. Once those revisions are addressed, the case will be heard in a public hearing where you can submit testimony. Mercy is an abutting property, so the school's address is already on the notification list to receive information when the next public hearing is scheduled.

You can submit comments to the case manager prior to the public hearing if you can't attend. In your email, please state that you want your email to be added to the official record so that Planning Commissioners may consider your testimony in email. I've sent the email below to a supervisor asking who the case manager is so you may contact that person directly.

Attached is the proposed plan submitted by the applicant.

When I learn more information, I'll share it with you. The Land Development Code does require setbacks and landscaping; however, the case manager will have to tell me what those requirements or distances are between C-1 properties. Usually, a landscaped buffer can be a fence or landscaping.

The question I always ask in development cases is: Is the applicant seeking any variances or waivers from the Land Development Code? Once I learn who the case manager is, I'll ask that question to see whether or not they are seeking any relating to landscaping, parking, setbacks, or any other requirement.

In the meantime, feel free to call me at 574-1111 if you have any questions.

Scott



Scott W. Harrington | **Legislative Assistant**

Office of Councilman Kevin J. Kramer

Louisville Metro Council | District 11

phone: 502.574.3456

email: scott.harrington@louisvilleky.gov



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City Hall

601 West Jefferson Street
Louisville, Kentucky 40202

Thank you for the opportunity to serve!

From: Harrington, Scott

Sent: Tuesday, September 3, 2024 8:26 AM

To: Williams, Julia <Julia.Williams@louisvilleky.gov>

Subject: 24-DDP-0055

Good morning Julia. Hope you enjoyed the weather this Labor Day.

Who is the case manager for 24-DDP-0055? I can never find it online.

The property next door is Mercy Academy and the school has concerns about there only being a 4' wire fence between them and the proposed parking lot. They'd like to see more of a landscape buffer and possibly a higher fence. What I'd like to do is tell them **exactly what is being proposed** and share with them **when the next public hearing** will take place so they can participate in the zoning process.

Thank you!

Scott

Project Description:

Fegenbush Ln Trade School/Offices
A detailed district development plan to construct
74,140 sq. ft of commercial space on 13.53
acres in the C-1 zoning district.

Record 24-DDP-0055:

District Development Plan

Record Status: ACCEPTED

Record Info ▼

Payments ▼

Custom Component

Processing Status



▼ Application Acceptance

Due on 08/19/2024, assigned to TBD
Marked as Accepted on 08/20/2024 by Abby Bills

Waiting on Revisions

Planning Commission

BOZA

LDT

DRC



▼ Agency Review

Due on 08/20/2024, assigned to TBD
Marked as TBD on TBD by TBD



Scott W. Harrington | Legislative Assistant
Office of Councilman Kevin J. Kramer

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