

Brooks, Amy

From: Baker, Jon <jbaker@wyattfirm.com>
Sent: Thursday, May 15, 2025 9:43 AM
To: gealr@iglou.com
Cc: Brooks, Amy; Maureen Welch
Subject: RE: 24-ZONE-0138 - May 15th Public Hearing - Draft Binding Element to Restrict Certain Uses from Locating/Operating on the Property

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Good Morning, Ann –

Thanks for your email below. I do not see much difference in the language between the two versions of the proposed binding element or its effect when applied to the property so either way I am okay with the language.

As it relates to the house, however, it is Dr. Esemé's intention of using the house to provide rooming for folks working within the health center. In that regard, Dr. Esemé will be utilizing the residential structure as an accessory structure and use to the primary structure/use. If Dr. Esemé were to isolate the house on its own lot and keep it R-4, Dr. Esemé loses that right to use the house as an accessory structure/use to the medical center on the property and, to boot, he'd have to endure costs just to lose that right. I believe Dr. Esemé would be okay with a condition that requires the residential structure on the property to be used only as an accessory structure/use to the primary use and, further, cannot be used as a standalone commercial use. I believe that would provide some protection for the neighborhood so that a future user of the property that is not Dr. Esemé or someone associated with the medical use on the property from locating on the property and setting up a new commercial use just for that residential structure on the property.

Thank you for your continued communications on this case. I applaud your vigilant efforts in defense of what you believe is best for the neighborhood and surrounding area. Both you and Maureen are strong advocates for your neighborhoods and that is very commendable. I'm sorry we cannot see eye-to-eye on this one issue related to the proposal, however.

See you this afternoon,

Jon Baker
(502) 562-7316

From: gealr@iglou.com <gealr@iglou.com>
Sent: Tuesday, May 13, 2025 8:47 PM
To: Baker, Jon <jbaker@wyattfirm.com>
Cc: Brooks, Amy <Amy.Brooks@louisvilleky.gov>; Maureen Welch <maureen.welch1222@yahoo.com>
Subject: Re: 24-ZONE-0138 - May 15th Public Hearing - Draft Binding Element to Restrict Certain Uses from Locating/Operating on the Property

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Hi, Jon,

I know this is last minute. My apologies.

On Sunday, I reviewed the staff report and saw the binding element regarding certain uses being binded out. The language is different from what I normally see. I spoke with Amy yesterday and questioned the wording. She indicated that she used the wording you provided. Would you be opposed to use something similar to the following wording which is taken from a case at 5401 New Cut Road.

"The following uses, while ordinarily permitted in the C-1 zoning district, shall not be permitted on the subject site:

- a. Package Liquor Stores
- b. Smoking Retail Stores
- c. Game Rooms
- d. Tattoo, Body Art, and Piercing Parlors
- e. Marijuana Dispensaries"

This wording is what I normally see when certain uses are binded out.

I also want to ask about the house again. At the LD&T meeting, you indicated that I would say something if medical personnel reside at the property while working/taking instruction, etc at the clinic. If the property is not being "rented," then I would not be able to say anything if the house remains R-5 or is rezoned to C-1.

My understanding is that Dr. Esemé, as the property owner, can let anyone he desires stay on the property without charging rent and not be subject to registration as a landlord for a medium or long term lease or as a short term rental operator.

On the other hand, my understanding is that even if the house is rezoned to C1 and Dr. Esemé intends to rent long, medium or short term and charge people, Dr. Esemé will need to register the property as a rental. If the property is used as a short term rental, he will need to register the property and that registration must be renewed annually. (I am less familiar with long or medium term rental requirements although I believe a registration requirement exists.)

My concern continues to be the loss of housing, especially affordable housing, when housing is so desperately needed. Rezoning the house to C-1, especially next to property that is C-1 and catty corner to property zoned C-2 means the house will be less likely used as residential and more likely used as commercial should Dr. Esemé sell/dispose of the property in the future. I do not believe that the Planning Commission would agree to a binding element preventing C-1 property from being used as anything other than housing, but I guess we could ask.

As you know, the property at 4206 Taylor Blvd (right next to Dr. Esem's property) was recently rezoned. You may not know that as part of that rezoning, the property owner said they would replat the property containing a house from the property containing the automobile repair shop. The PC gave the property owner three years to have the property replatted.

I realize that my suggestion may be too late, but I would rather ask and be told no, than always wonder what if. I hope Dr. Esem will give some thought to letting the house remain R-5.

Thank you for listening/reading.

Ann Ramser

On 2025-04-30 16:30, Baker, Jon wrote:

Amy,

I know you will be putting together your staff report soon for the May 15th Planning Commission public hearing involving Case No. 24-ZONE-0138 and 4201 Taylor Blvd and 1056 Bluegrass Avenue. In previous conversations with Maureen Welch and Ann Ramser, both of whom are copied to this email correspondence, Dr. Esem proposes the following binding element related to restricting certain land uses from locating and operating on the Property.

Proposed Binding Element:

Unless first approved by the Louisville Metro Planning Commission, the property owner shall prohibit the following land uses from locating and operating on the Property: Package Liquor Stores, Smoking Retail Stores, Game Rooms, Tattoo, Body Art, and Piercing Parlors, and Marijuana Dispensaries.

Please let me know if you have any questions.

Thank You,

Jon Baker

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Brooks, Amy

From: gealr@iglou.com
Sent: Friday, March 21, 2025 7:58 PM
To: Brooks, Amy
Subject: 24-zone-0138 4201 Taylor Blvd

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Amy,

I am sure that I am overlooking it, but I don't see the justification for the waiver along the eastern edge (between the two houses) of the property included in the staff report. The justification appears to only address the northern and southern border. What am I missing.

Ann Ramser

Brooks, Amy

From: gealr@iglou.com
Sent: Tuesday, January 28, 2025 1:25 PM
To: Baker, Jon
Cc: Maureen Welch; Brooks, Amy
Subject: Re: Case No. 24-zone-0138 1056 Bluegrass Avenue

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Hi Jon,

Thank you so much for your response. I am so glad that Dr. Esemé agrees to almost all of the requested binding elements and I hope an agreement can be reached with the county attorney to include the language you suggest regarding pay day lenders.

I am copying Amy Brooks on this email so that it is in the record.

You are correct that I will voice my opinion regarding inclusion of the house in the rezoning proposal.

Have a great day.

Ann Ramser

On 2025-01-28 10:06, Baker, Jon wrote:

Hello Ann and Maureen –

Bout time that snow and ice left; it very much overstayed its welcome, haha.

Thank you for following up on this case. In response to your request to have Dr. Esemé to consider the binding out of land uses, as you restate below, Dr. Esemé is agreeable to bind out the uses you list except for banks. As we previously discussed, we believe banks or other similar financial institutions remain a compatible, neighborhood-serving use that could locate on the property in the future. Of course, Dr. Esemé currently has zero intention to ever locate a bank on the property. But in the future should Dr. Esemé have to leave the property, for whatever reason, we believe a bank is one of the few uses that could reuse the existing structure on the property. We understand your concern about payday lenders and those type of predatory uses. Dr. Esemé is not a fan of those land uses either. Although the county attorney may recommend against it, Dr. Esemé would be okay with placing a condition on the property that prohibits uses that are primarily in the business of payday lending, advancing money based on work check to come and applying exorbitant interest rates or fees, etc.

Lastly, Dr. Esemé has no plans to subdivide the property to separate the existing residential house from the rest of the property. I understand you may favor a different result and, to that end, you will likely voice your opposition to this component of Dr. Esemé's proposal.

Thank you for your interest in this case.

Much Appreciated,

Jon Baker
(502) 562-7316

From: gealr@iglou.com <gealr@iglou.com>
Sent: Monday, January 27, 2025 9:00 AM
To: Baker, Jon <jbaker@wyattfirm.com>
Cc: Maureen Welch <maureen.welch1222@yahoo.com>
Subject: Fwd: Re: Case No. 24-zone-0138 1056 Bluegrass Avenue

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Good morning Jon,

Now that the holidays and deep freeze are both over, I want to follow up on this case.

I see from the site plan filed January 15, that Dr. Esemé continues to keep the house in the area to be rezoned to commercial. I hope Dr. Esemé reconsiders and allows the house to remain residential.

You previously indicated that you would speak with Dr. Esemé about binding out certain uses. Has he made a decision regarding binding elements.

These are the uses I previously listed:

Banks, Credit Unions, check cashing services and similar financial institutions (trying to prevent pay day lenders, but the county attorney says we must also list Banks and Credit Unions. Should a Bank or Credit union want to be at that location, I would quickly and gladly support that proposal. Taylor Blvd has the opposite problem of banks leaving the area.)

Package Liquor Stores

Smoking Retail Stores

Game Rooms

Tattoo, Body Art, and piercing parlors

Marijuana dispensaries (I don't object to Marijuana dispensaries, but I'm trying to be proactive so that the majority of them don't congregate in one area of town.)

I would also like to add pain management clinics if doing so does not prevent Dr. Esemé from providing that service along with other medical services. I prefer that the location not primarily be a pain management clinic.

Thank you for your consideration in this matter. Ann Ramser

----- Original Message -----

Subject:Re: Case No. 24-zone-0138 1056 Bluegrass Avenue

Date:2024-12-23 16:31

From:gealr@iglou.com

To:"Brooks, Amy" <Amy.Brooks@louisvilleky.gov>, "Baker, Jon" <jbaker@wyattfirm.com>

Cc:Maureen Welch <maureen.welch1222@yahoo.com>

Hi Amy and Jon,

Happy Holidays,

The current CUP application doesn't identify the applicant and indicates the owner as Hazelwood Baptist Church. The current owner is Louisville Occupational and General Health Services LLC. Will the CUP application be amended or a new one submitted.

I understand that "At some point in the future, Dr. Esemé eventually would also deploy treatment services for persons addicted to controlled substances, which Dr. Esemé is licensed to do, because the need for such services is so high (the "Proposal")." Is Doctor Esemé intending to make treatment of individuals addicted to controlled substances the PRIMARY function of the medical clinic.

I don't understand the reference to associated case B-195-98 on the pre-app staff report. The staff report says the case involves signage, but I could not find anything under that case number in Accela.

Why does the residential property facing Bluegrass need to be included in the rezoning. As stated in the justification statement for the CUP, the property is residential in look and character. Due to the closeness of this residential structure to 1054 Bluegrass Avenue, the applicant cannot install adequate buffering and is asking for a waiver. The need for a waiver between the residential property (which has an address of 1056 Bluegrass) and the parking lot makes sense to me, but having a C1 residential property in look and character so close to an R5 residential property does not. An 8 foot fence between 1054 and 1056 Bluegrass is not sufficient and would be out of place/character. I doubt anyone would object to just an 8 foot fence between 1056 Bluegrass and the former church parking lot. I understand that the buildings are already in existence and have been in existence for a long period of time, but the house at 1056 Bluegrass is zoned R5. Removal of the residential property from the rezoning will eliminate the need to request a waiver in the CUP for the residential property being closer than 30 feet to the boundary. I realize that the property might need to be replatted if the residential property remained R5 and the rest of the property is changed to C-1. Could that be done as part of the rezoning.

Not including the residential structure in the rezoning does not prevent Dr. Esemé from using the accessory residential structure as space to allow a medical clinic nurse to stay overnight in the house. Including the residential structure in the rezoning process could lead to the property being used as a commercial purpose in the future that no one would want right next to their home.

Please consider not including the house in the rezoning proposal.

Thank you.

Ann Ramser

On 2024-12-19 15:46, Brooks, Amy wrote:

Good afternoon,

Hope you all are doing well.

The Accela issues are fixed, and the copy of the pre-app staff report is now visible as well. Thank you for contacting me about these issues so I could fix them. I want the public to be able to view any documents we receive.

Additionally, the last set of agency comments were November 27, 2024.

Please do not hesitate to contact me if you have any questions.

Happy Holidays,

Amy Brooks

Planner II

Office of Planning

Louisville Metro Government

444 S. Fifth St. #300, Louisville, KY 40202

☎: 502-574-8215



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From: gealr@iglou.com <gealr@iglou.com>
Sent: Thursday, December 19, 2024 3:35 PM
To: Brooks, Amy <Amy.Brooks@louisvilleky.gov>
Cc: Baker, Jon <jbaker@wyattfirm.com>; Maureen Welch <maureen.welch1222@yahoo.com>
Subject: Re: Case No. 24-zone-0138 1056 Bluegrass Avenue

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Amy and Jon,

Thank you both for your responses.

As Amy indicated, 4201 Taylor Blvd is now the main address for the property in Accela.

However, the 2 waivers are not listed under 24-zone-0138 as related cases.

Is the only agency comments in this case the one with a due date of 11/27/24.

If Staff prepared a pre-app staff report, please provide me with a copy

I will review the cup and waivers later. I doubt I will have any issues.

Jon, you indicate that this will not be a pain medication clinic. Is that something that can be added as a binding element.

Regarding the request to list banks and credit unions as a binding element, I agree that banks and credit unions would be appropriate on the property, but banks and credit unions are not what I seek to prevent. The Jefferson County Attorneys Office says we cannot simply bind out pay day lenders. We must list banks and credit unions to bind out pay day lenders. We have enough pay day lenders and do not want any more. Do you think you can convince the Jefferson County

Attorneys Office that listing Pay Day Lenders and not banks and credit unions is sufficient to prevent pay day lenders.

Happy Holidays.

Ann Ramser

On 2024-12-18 09:01, Brooks, Amy wrote:

I believe I have fixed the concerns that deal with Accela.

The primary address has been changed to the Taylor Blvd address. The CUP was marked as the parent case which was incorrect. I changed that relationship to indicate the zoning change would be the parent case, which means that all the related cases should be on Accela under the zoning change.

Amy Brooks

Planner II

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From: Baker, Jon <jbaker@wyattfirm.com>
Sent: Wednesday, December 18, 2024 8:58 AM
To: gealr@iglou.com; Brooks, Amy <Amy.Brooks@louisvilleky.gov>
Cc: Maureen Welch <maureen.welch1222@yahoo.com>; Doug Sellers <dsellers@bowman.com>
Subject: RE: Case No. 24-zone-0138 1056 Bluegrass Avenue

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Hello Ann and Maureen –

Thank you for your email regarding this zoning application. I will answer what I can below in **green text**.

Let me know if you have additional questions.

Thank You,

Jon Baker
(502) 562-7316

-----Original Message-----

From: gealr@iglou.com <gealr@iglou.com>

Sent: Saturday, December 14, 2024 4:30 PM

To: Baker, Jon <jbaker@wyattfirm.com>; Amy Brooks <amy.brooks@louisvilleky.gov>

Cc: Maureen Welch <maureen.welch1222@yahoo.com>

Subject: Case No. 24-zone-0138 1056 Bluegrass Avenue

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Hi Amy and Jon,

I quickly reviewed the application and accompanying documents. This sounds like an appropriate use for the property, but I have a few questions.

Why is the address of 1056 Bluegrass being used instead of 4201 Taylor Blvd. Logic uses 4201 Taylor Blvd for the church and 1056 Bluegrass for the residential structure. I had difficulty finding the case because I used 4201 Taylor Blvd in accela.

I am unsure about the addressing. We can ask Louisville Emergency Services to opine on it.

The two waivers 24-waiver-0181 and 0182 are not tied into 24-zone-0138 as related cases.

I know the need to file waiver applications turned up in agency comments published in response to the filing of the formal zoning application and development plan, so perhaps this is an administrative fix that can be done from Planning's end.

I know that a CUP was initially filed on the property and now a rezoning application is on file. The rezoning plan implies that a CUP is still being considered. If so, please explain the basis for the CUP.

The CUP is for a medical clinic. Dr. Esemé intends to have a medical services use on the property, not simply a doctor's office. This will not be a medical clinic where folks come seeking pain medication, however.

The description of the use of the residential property facing Bluegrass sounds like a short term rental use. Is a CUP for a STR required.

The residential property facing Bluegrass will not be placed on any platform for folks in the general public to rent. This residential space will only be used by folks working, training or studying with the medical use on the property.

I assume landscaping will appear on a plan prior to this case going to LD&T.

Is the 11/27/24 agency comment the most recent agency comment.

I will look at the waivers later.

Will the applicant agree to bind out the following uses:

Banks, Credit Unions, check cashing services and similar financial institutions

Package Liquor Stores

Smoking Retail Stores

Game Rooms

Tattoo, Body Art, and piercing parlors

Marijuana dispensaries

I will discuss this request with the applicant, but I believe Banks and/or credit unions to be appropriate uses of the property. I understand your concerns related to the other listed uses and will see if the Applicant will agree to binding those out.

I realize that Hazelwood elementary is nearby and that some of these land uses might not now be allowed that close to a school, but that school may not always be there. I also realize that the current LDC may not allow these uses at this location, but the LDC is constantly changing or waivers/variances from the LDC can be requested.

Thank you. Ann Ramser

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