

TO: The Planning Commission  
FROM: Barbara Kelly  
SUBJECT: Case 15MOD1017 Appeal  
DATE: January 28, 2016

Dear Planning Commissioner:

Please reject Old Brownsboro Crossing (OBC) Amended General Plan Binding Element #10. To do anything less is unfair to every other development in Metro Louisville.

When the plan for the Lot C & D building was submitted, OBC chose not to comply with the exterior materials specified in General Plan Binding Element #10. Nor did OBC request to amend Binding Element #10 to include Alucobond. Their representative said they were confused about which materials to use, since the building would have both retail and office components. Yet, they did not seek clarification for which materials to use. They chose to disregard the binding element they wrote, and sadly no one in a responsible position said anything about it.

A few neighbors brought up the appearance and size of the building. Even so, it is not the responsibility of neighbors to see that a development proposal is in compliance. A developer agrees to uphold binding elements in order for his or her development plan to win approval. That is the promise that is made to the public.

OBC argued that they should not be tied to a specific list of building materials, because new materials can become available. That was why they chose to use the "new" Alucobond material for the C & D Building. As it turns out, the material isn't all that new. The Alucobond USA website says this building material has been available for over forty years. OBC could have included it in Binding Element #10's list of acceptable materials. They did not.

How many developments in the general vicinity of OBC on KY 22 between Hurstbourne Parkway and HWY 1694 have changed the exterior materials of their approved plans for new exterior materials? Not the Paddock Shops (formerly The Summit), not Avish Gardens (Springhurst Kroger center), not Chamberlain Pointe, not the Walgreens center nor the Brownsboro Glen center have done so.

Only Glanz Plumbing, SuperAmerica and BP were demolished and replaced by Drury Inn, Speedway and Thornton's, respectively. These three were all new developments taking over the location of a previous one. Not one of them defied a binding element to do so.

Please make this right and reject Amended General Plan Binding Element #10.

Sincerely,

Barbara Kelly  
6009 Mint Spring Branch Road  
Prospect, KY 40059