

Land Development and Transportation Committee  
9840 and 9850 Von Allmen Court  
14ZONE1039  
November 13, 2014

TO: Members of the LD&T Committee:

I submit that the proposal, 14ZONE1039, does not comply with the building materials requirements of Binding Element #10 nor with Cornerstone 2020 Guideline #17 regarding the use of materials to increase compatibility.

BINDING ELEMENT #10:

“The materials and design of proposed structures shall be substantially the same as depicted in renderings presented at the time of detailed district development plan approval for each parcel. **The building materials for the retail component and hotel shall be drivit, tile, brick, masonry and stone** except nationally or regionally recognized chain operations may utilize wood exteriors where such exterior appearance is part of an established and generally used trade dress. **The building materials for the office component shall be brick or stone or a combination of brick and stone.** All structures adjacent to KY 22 shall have a consistent architectural style and exterior color scheme. An Architectural Review Committee shall be established by the Developer and reflected within the Deed Restrictions recorded prior to the submittal of the first detail district development plan.” (Bold type added.)

CORNERSTONE 2020 GUIDELINE #17:

**“A.2: The proposed building materials increase the new development’s compatibility.”**

At the Neighborhood Meeting, the developer, Rory McMahan, mentioned that in addition to World of Beer, which needs the rezoning, offices for a physician would be located on the top floor. With both retail sales and offices, the materials cited above in Binding Element #10 are required. The relatively small amount of brick shown in the renderings does not meet the requirement.

Prior to the July 2014 DRC meeting, neighbors advised the applicant’s attorney that we had an issue with the extensive use of Alucobond material and asked that more brick be used on the exterior instead. We also made this known at the DRC meeting.

At the required Neighborhood Meeting for the rezoning, construction had not begun on the building, and neighbors brought up this same issue again. The developer or his attorney knew the materials required by the binding element and Cornerstone 2020, and there was ample time to substitute brick in place of Alucobond.

The use of the proposed building materials does not follow the Cornerstone 2020 Guideline to increase the new development's compatibility. Nor does it adhere to the requirement of Binding Element #10 that "All structures adjacent to Ky 22 shall have a consistent architectural style and exterior color scheme." The other structures adjacent to KY 22 are Fifth-Third Bank and Red Robin restaurant. Clearly, this building is made less compatible by its choice of materials.

We made this issue clear at the Neighborhood Meeting with Rory McMahan and his associate Rob Hutcherson. Mr. McMahan advised us to schedule a meeting to discuss the issue with Mr. Hutcherson, which we did. However, the developers cancelled several meetings with us and never met with us to try and resolve the issue (please see email).

Our goal was to see a building which would enhance the KY 22 Parkway, which is a point of pride to the area. Adherence to the materials required in the Binding Element would have accomplished that. The use of Alucobond to such a high degree does not increase the new development's compatibility. Further, it is not an attractive material when it is wet. It bears noting that the metro area receives more average annual precipitation than Seattle, often thought of as one of the wettest cities in the country.

The building is under construction, but it is not too late to come into compliance with the use of required materials. It is important that this project not make an end run around the letter and especially the spirit of adhering to Binding Elements and Cornerstone 2020.

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