

Wilson, Jonas

From: Kevin Young [Young@ldd-inc.com]
Sent: Thursday, January 21, 2016 1:39 PM
To: Price, Glenn
Cc: Wilson, Jonas; Kevin Young
Subject: Michael Gordon ltr to Mr. Farrow - 4820-1077-8666.1

Kevin Young
Principal
Land Design & Development, Inc.
503 Washburn Ave.
Louisville, Kentucky 40222
Office. 502-426-9374
Mobile. 502-523-7010

Franklin,

Note Michael Gordon's response below.

As the Applicant, I wish to respond to the items of concern you brought up in your October 10, 2015 letter to Christopher Brown. We sincerely wish to be a good business neighbor to Morning Pointe, and hope that the use of our property will, to the extent possible, enable Morning Pointe's seventy-five senior residents to enjoy their home.

The first two items in your letter ask whether Gordon Motor Sports would generate lighting and noise at levels incompatible with Morning Pointe's residential use. The third item concerns our not proposing a landscape buffer adjacent to Morning Pointe, and the fourth item concerns our waiver request not to provide the required earth berm in the Hurstbourne Parkway Buffer area.

We hope to address these concerns to Morning Pointe's satisfaction:

Lighting and noise. We will agree to a Binding Element prohibiting the activities listed in the definitions of "Automobile Repair Garage" and "Automobile Service Station" that appear in the Land Development Code. Please see the enclosed definitions of those terms.

↳ Lighting will be directed down and away from the Morning Pointe property consistent with Chapter 4, Part 1 of the Land Development Code. All display lighting which located only in the front of Gordon Motor Sports' showroom and will be limited to "bollard" style lighting fixtures, a maximum of 4 feet in height.

↳ **Landscape buffer area ("LBA") adjacent to Morning Pointe.** By Binding Element, we will provide a 15-foot LBA along the property line we share with Morning Pointe. The LBA will be planted at a Category 3 planting density per Table 10.2.4. This

15-foot LBA will provide a joint planted buffer area of 40 feet between the two properties.

3- BE use restriction
/ **The requested waiver of the berm requirement along Hurstbourne Parkway.** First, we agree that Morning Pointe's landscaping has greatly improved the appearance of its Hurstbourne Parkway frontage. Accordingly, we agree to withdraw our waiver request; instead, on our property we will continue the landscape – together with the berm – that Morning Pointe has now established.

If you have any questions please give me a call.

Thank you,

Kevin Young

Principal

Land Design & Development, Inc.

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Brown, Christopher

From: Brown, Jeffrey E
Sent: Wednesday, January 20, 2016 11:50 AM
To: Amy Dockery
Cc: Brown, Christopher
Subject: RE: Case No. 15ZONE1017

I'm forwarding your concerns to the case manager

Jeffrey Brown, PE, PTOE

From: Amy Dockery [mailto:saidoc@bellsouth.net]
Sent: Wednesday, January 20, 2016 11:48 AM
To: Brown, Jeffrey E
Subject: Case No. 15ZONE1017

Dear Commissioner Brown,

I am writing you regarding the re-zoning of the property at 4901 Hurstbourne Pkwy.

I have concerns in part because Mr. Gordon has already put up for sale signs on the property. If the re-zone to C2 is approved and Mr. Gordon sales what could go there? Would C2 allow such things as Used Car Lots, Liquor stores, tattoo parlors?

Mr. Gordon has also talked about buffers around Morning Pointe Nursing Home, but what about buffers for the neighbors and all the mature trees that line their properties? For me, the main concerns are the mature trees and intrusive lighting that his business would bring into the neighbors' homes.

Mr. Gordon has in recent years been in 4 different locations and has a reputation for not staying true to his word. He has stated that he would build his home and business lot which would include new trees and landscaping. But if he doesn't stay true to his word what recourse would the neighbors have – none!

Richard W. Dockery
4909 Clarmar Rd.
Louisville, KY 40299

502-499-0448
502-499-8819 (work)

Brown, Christopher

From: Brown, Jeffrey E
Sent: Monday, January 18, 2016 3:41 PM
To: Stephen King
Cc: Brown, Christopher
Subject: Re: Case Number 15ZONE1017

Mr. King,

Thanks for expressing your concerns. I'm forwarding to the case manager so it can be discussed at the Planning Commission meeting with all commissioners.

Sent from my iPad

On Jan 18, 2016, at 3:19 PM, Stephen King <stephenking77@yahoo.com> wrote:

Dear Commissioner Brown,

I am writing to you out of concern for the proposed re-zoning of the subject property located at 4901 Hurstbourne Parkway. I am reaching out to you because, at the preliminary hearing held on December 10th, 2015, you were the only commissioner to question Mr. Gordon's proposal at all.

As my property backs up directly to the tract of land that Mr. Gordon is trying to re-zone, I have real concerns as to his intent and his trustworthiness as to following through and sticking to his presented plans. As I recall, there were concerns addressed in the preliminary meeting, that were brought up by the residents of Morning Pointe of Louisville (the retirement center to the North of the subject property) about buffers and boundaries, but none for the same concerns raised by the residents who own property/homes and have been here much longer than Morning Pointe. We have the same concerns of intrusive lighting and structures as the residents of Morning Pointe, and these were vocalized and made known to Mr. Gordon at the initial "town hall" meeting months ago. As one of these concerned property owners, I am aware that Mr. Gordon has a history of saying what he needs to, to get his agenda met, only to act without integrity after the fact.

I give you these links as documentation of such an example of his past behavior:

<http://www.wdrb.com/story/9365956/dispute-over-historic-home-leads-to-attack-on-fox-41-news-crew>

<http://www.wdrb.com/story/9946584/preservation-groups-call-for-stronger-punishment-for-louisville-businessman-michael-gordon>

<http://www.wdrb.com/story/10216973/man-who-attacked-fox-41-news-crew-pleads-guilty>

I also, unbeknownst to Mr. Gordon, happen to work for a company that does indeed offer the same service as Mr. Gordon's "unique" (as his attorney described it) business. And I know that Mr. Gordon has already offered this same parcel of property to the owner of the company that I work for, at a huge profit (big surprise). So my point is, if the re-zoning does go through, there is really no guaranty once it is changed, that Mr. Gordon plans to follow through with any of his proposals.

Currently, there is a row of mature trees that form a boundary between my home and the subject property, and since the subject property has essentially been cleared for sale, these mature trees represent the last sound and sight barrier to Hurstbourne Parkway traffic for my home. And although Mr. Gordon has initially stated that he does not intend to remove these trees, I know that if he goes back on his word (as he has a history of doing), you cannot just replace mature 60-80 foot trees. They will be gone forever.

I respectfully ask that you and your colleagues strongly consider the opposition by those of us who own property in this great neighborhood, that will be directly effected by this re-zoning and especially by the list of further exemptions that Mr. Gordon is requesting. I believe that those of us who already own property here, and that have for many more years than our neighbors at Morning Pointe, should be given equal if not more consideration.

I thank you for your time and consideration.

Best regards,

Steve King
4908 Clarmar Rd



INDEPENDENT HEALTHCARE PROPERTIES, LLC

WRITER'S OFFICE

☐ EXECUTIVE OFFICE

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■ CORPORATE OFFICE

P.O. Box 813 / 6020 Arbury Way
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(423) 238-3853 Fax

October 10, 2015

Mr. Christopher Brown
Louisville-Jefferson County Metro Government
Department of Planning and Design Services
444 S. 5th Street, Ste. 300
Louisville, KY 40202

RE: Project 15ZONE1017: Zoning – Land Use Application for Vandebrook Properties, LLC

Dear Mr. Brown,

Our company, Louisville Medical Investors, LLC, is the owner and developer of the property immediately to the north of the subject property for which rezoning has been applied from R-4 to C -2. We have recently completed construction of Morning Pointe of Louisville, an assisted living facility that is home to seventy-five seniors. Our company chose to purchase our site and invest in developing our facility there because it adjoined residential properties to the east and the subject site as zoned R-4 to the south. Our selection of our site was predicated on the surrounding residential environment.

We know Mr. Michael Gordon of Vandebrook Properties, LLC and have enjoyed a cordial and cooperative relationship with him as we coordinated extension of our sanitary sewer line to enable service to the subject site. Our intent is not to oppose his rightful ability to develop his property but rather to point out some inconsistencies in the proposed plan that would not provide the desired consistency of conditions that we would expect to be maintained after making the investment we have next door. After review of the application documents, we have the following comments and observations.

The comments in the Letter of Explanation focus on the adjacent residential properties along the applicant's common property line to the east; however, our property with an assisted living facility is clearly also a neighboring residential use. In fact, the facility's wing facing and closest to the applicant's site contains more residential units than there are homes to the east of the subject site. Those units are occupied by seniors who, like any other neighbor, are sensitive to noise and excessive light produced by commercial activity.

The site plan notes "25' Landscape Buffer Area Provided" to the north of the applicant's property. Having been required to provide that buffer as part of the approval process for our project, we are curious how it can be taken as credit for another development. With our

Mr. Christopher Brown
October 12, 2015
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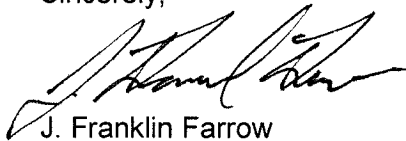
residential occupancy present on that side of the site, and in some cases closer than some on the east, we would expect at least similar landscape enhancement on the north side as proposed for the eastern property line.

Since the proposed building would be located toward the north end of the site, we would be concerned about site and building lighting. We would respectfully request that lighting be located, mounted and shielded as necessary to prevent glare toward our facility.

Having just completed a major project next door where we were expected to maintain the standards expressed in the landscape ordinance requirements, we would expect consistent enforcement to be applied to adjacent sites in order to provide continuity of condition along Hurstbourne Parkway. The requested landscape waiver to not have to install the required berm along the right-of-way would result in a significant interruption in the condition we've just complied in providing to the northwest corner of the subject site. I have attached two aerial photos of our completed project taken in July to help visualize these conditions. We would expect that continuity in the landscape requirement would be maintained for as much of the site as possible. The claimed conflict with stormwater management doesn't appear to be an issue until a point toward the far south end of the site.

Again, we do not oppose the proposed development of the subject site but want to draw attention to features that would make the development less compatible with adjacent residential properties and not fulfill the established standards for landscaping treatments along a major thoroughfare like Hurstbourne Parkway.

Sincerely,



J. Franklin Farrow
Chief Operating Officer

cc: Mr. Glen Price, Frost Brown Todd, LLC