

May 28, 2019

Mr. Jon Crumbie
Planning & Design Coordinator
Planning & Design Services
444 South 5th Street, Suite 300
Louisville KY 40202

Re: Project #19DEVPLAN1074

Dear Mr. Crumbie:

I'm glad Assumption High School is flourishing. I desire that all parties utilize and enjoy their properties without encroaching on others. The needs or success of one should not be to the detriment of another.

The planning of this project does not seem consistent with the project approved on September 7, 2000 which allowed rezoning of a parcel and a height variance for a new gym/convocation center.

- Sight barriers mentioned in support of that project are eliminated in the current submission and new buildings will be closer to residences.
- Assumption's principal, attorney and architect said the gym/convocation center would include a cafeteria – see pages 21, 23 and 95 of the transcript. This year's project includes a new building to house a cafeteria because one was never included in the gym/convocation center.
- There was a significant amount of communication between Assumption High School and neighbors 19 years ago, including a 4.5-hour meeting. This year Assumption's president said that outside of the required neighborhood meeting and one regularly scheduled neighborhood association meeting, she didn't want to hear directly from neighbors. She said repeatedly during the required neighborhood meeting that she wasn't here 19 years ago. She directed all communication to the neighborhood association. The association's president lives 1.5 miles from Assumption and says it is a good neighbor and increases our property values. The association's president also said Assumption is not required to agree to our requests and 19-year-old binding elements may not be legally relevant. The association has acted more like an agent of Assumption than as a neutral third party. The minutes of the required neighborhood meeting on January 29, 2019 at Assumption High School are labeled Neighborhood Association meeting minutes even though it was not hosted by or related to the Association.

I realize that individual Tier 1 and Tier 2 neighbors cannot match Assumption's resources in terms of money or alumni or architects/engineers or community support. An Assumption parent put it most succinctly when she told my husband, "Who do we think we are in these little houses?" This is the only neighborhood project in which I've been involved that has shown scant regard for the effect it is having on those who live near it.

This letter explains my objections and plan / project requests.

I object to the following aspects of the submitted plan:

1. New asphalt parking lot replacing 2-story farmhouse and yard.
 - Heat, noise, lights and pollution will emanate from parking lot and that is not compatible in close proximity to single-family houses. The parking lot will affect the front, side and rear of 2134 Tyler Lane house because the parking lot will extend the entire length of the side of the residential property line.
 - Assumption proposes removing existing trees, including hemlock trees planted as part of year 2000 Landscape Plan. The trees provide screening between residences and the school. September 7, 2000 Planning Commission Minutes cite approval of that application "...because large trees will be preserved...(nearest the rear yards of abutting homes fronting on Eleanor Avenue, and nearest the side yard of one home fronting on Tyler Lane at Eleanor Avenue) and a Tree Preservation/Landscape Plan will be implemented to filter views of the building from homes on Eleanor Avenue ...".
 - Farmhouse is also significant part of screening. It was formerly St. Raphael Child Enrichment Center. On pages 95 and 96 of transcription of September 7, 2000 Planning Commission hearing regarding new gym and requested height variance, Assumption's attorney said, "With the one exception of Mr. Wilson who is kind of at the corner who is by the way at least to the extent of his backyard can't see this building at all because St. Raphael enrichment center is located between his backyard and the new building. He has a very limited view from possibly his living room or his front yard we're providing a large degree of screening for them for that purpose. The only visible area of the building from a residential sides would be the back yards of the people that live on Eleanor Avenue that is what we've taken into account in providing this dramatic landscaping and tree preservation plan that we are been most willing to do because Assumption recognizes it's responsibility and it's place within that neighborhood."
 - Plan includes more parking spaces than are legally required and this is counterintuitive because our city is suffering as a heat island. People are seeking alternate and environmentally friendly modes of transportation. On September 7, 2000 Assumption was granted a General Parking Waiver to reduce required parking from 240 spaces to 203. Current plan indicates required parking of 293 and parking to be provided of 365, including 124 new spaces. The "new" spaces are located on the farmhouse tract formerly containing St. Raphael Child Enrichment Center. That tract already has 54 spaces so Assumption's redevelopment of the property will create 70 additional spaces. Without the 70 additional spaces, the 365 provided would be reduced to 295 and that would meet the required parking of 293. Assumption's enrollment has decreased by 50 students since 2000 so having 295 spaces would seem more than adequate versus the 203 spaces 19 years ago. Furthermore, the plan doesn't mention spaces leased from St. Raphael and Strathmoor Presbyterian Church for the last 19 years.

	2019	2000
Enrollment	900	953
Parking		
REQUIRED	293	240
ON SITE		
Proposed	365	203
Remove additional spaces proposed on farmhouse tract	-70	
Net On Site	295	203
LEASED		
Strathmoor Presbyterian	40	40
St Raphael	137	137
Remove farmhouse tract spaces formerly leased from St Raphael & now owned by Assumption (est.)	-54	
Total Leased	123	177
Net On Site + Leased	418	380

If spaces will no longer be leased from St. Raphael or Strathmoor Presbyterian, then what will happen to that asphalt? The year 2000 plan indicated St. Raphael had 255 spaces on site and it was only required to have 118 spaces on weekdays, of which 40 weren't needed for gym (and subsequently an additional 16 not needed because daycare closed). It lost 54 spaces when it sold daycare/farmhouse and that still leaves it with 201.

- As I told Assumption during the neighborhood meeting on January 29, 2019, there are at least 40 unused parking spaces every day in the rear of the property it owns at 2919 Bardstown Road (formerly American Legion). See photo #1.
- Sullivan University already has a large parking lot on Gardiner Lane within .6 miles of Assumption and was willing to discuss Assumption's needs. See photo #2. Both schools have buses. Assumption's president said she didn't want students going there.
- Assumption's project includes the minimum setbacks and landscape buffers required by Louisville Metro. The only area in which it will exceed the legal minimum is parking and that is a detriment to residents.
- On September 18, 2000 the Louisville Board of Zoning Adjustment granted a conditional use permit for parking on the R-5 farmhouse tract, which was then St. Raphael Child Enrichment Center. BOZA cited in its decision, "...most parking spaces are not located near residential properties adjoining the St. Raphael property..." It also noted, "...the parking is generally in the interior of the lot, so the existing buildings will help mitigate the visual impact..." Assumption now owns this tract and is proposing removing the buildings, creating parking spaces within 15' of Tyler Lane (which has private residences across the street) and within 20' of the adjoining 2134 Tyler Lane residential property. This project exposes residents to an asphalt parking lot.

2. No significant provision to get idling vehicles onto campus.

- In the afternoons, vehicles waiting to enter Assumption campus line Bardstown Road and Tyler Lane.
- Vehicles on Bardstown Road protrude into driving lane and stop traffic. See photos #3 & #4.
- Vehicles on Tyler Lane fill the right lane so all through traffic is diverted to left turn only lane. See Photo #5. Waiting vehicles stretch beyond turning lanes and down the narrow street, forcing through traffic to the other side of the road. See photo #6.
- Assumption said it will extend canopy along gym so 35% / 7 more vehicles can wait on its campus. The change won't get all vehicles off Bardstown Road or Tyler Lane. There are 13 vehicles that wait on Bardstown Road and up to 10 on Tyler Lane.
- Drivers pick up students all over the neighborhood to avoid delays at the school. Students and vehicles wait on surrounding streets and at Gardiner Lane Shopping Center. See photo #7.
- Sullivan University already has a large parking lot on Gardiner Lane within .6 miles of Assumption and was willing to discuss Assumption's needs. See photo #2. Both schools have buses. Assumption's president said she didn't want students going there.

3. Removal of binding element which reads as follows, "The only permitted freestanding sign shall be the existing sign as shown on the approved detailed district development plan."

- I fear complete removal of the binding element may have unintended consequences.
- I support amending the binding element to specifically describe what may be additionally allowed, including locations.
- Don't want an electronic or animated sign, or one that emits light – see photo #8, or a tall sign.
- Don't want sign facing Eleanor Avenue or directly across Tyler Lane because those are residences.

Plan / project requests

Louisville Metro and TARC have the ability to persuade Assumption to include certain items in its project. Individual residents do not have that standing. I would like the following items included.

A. Designation on the plan of parking spot for school bus: Assumption moved the bus from the interior of the campus to a location close to Tyler Lane and it is very visible to those residents. See photo #9. Assumption's proposed site plan shows location of dumpsters but it omits the school bus. I would like the bus located out of view or screened appropriately. I suggested parking it on property Assumption owns at 2919 Bardstown Road and that was rejected.

B. Prohibition on proposed new glass atrium glowing at night: The new building will be taller than the one it is replacing and 18' closer to residences on Eleanor Avenue and 2134 Tyler Lane. The atrium will face the residential area of the neighborhood. A 38' tall glowing edifice would be a significant intrusion on the night sky. See photo #10 for an example of what I'm trying to avoid. The photo is from Trinity High School and the structure is located in the interior of its campus.

C. Require all construction vehicles, including personal vehicles driven by workers, to adhere to same binding element that was implemented 19 years ago for students/parents – no parking on residential

streets including Tyler, Eleanor, Lancashire, Gladstone, Hoock. See photo #11 of construction worker vehicles lining Gladstone during last project.

D. If project approved as submitted, then farmhouse be removed last or tall fencing be erected first so that residents adjoining it are shielded from two years of construction.

E. Continuation of additional binding elements agreed to on October 17, 2000 before The Louisville Board of Aldermen:

- Prior to the commencement of construction Assumption High School shall furnish to all first tier property owners and to the President of the Upper Highlands Neighborhood Association the name(s) and phone number(s) of a person or persons to contact in the event of concerns or questions relating to construction activities on-site.
- Assumption High School shall furnish to all first tier property owners and to the President of the Upper Highlands Neighborhood Association the name(s) and phone number(s) of a person or persons to contact in the event of concerns, issues, or questions relating to traffic or parking issues or problems on-site. And amend to include second tier property owners because they live on streets that have been affected by construction parking during previous projects.

F. Specified schedule of regular construction work days and times, with 24-hour notice to Tier 1 property owners of variances.

G. Discussion of building designs with neighbors prior to construction and invitation for comments.

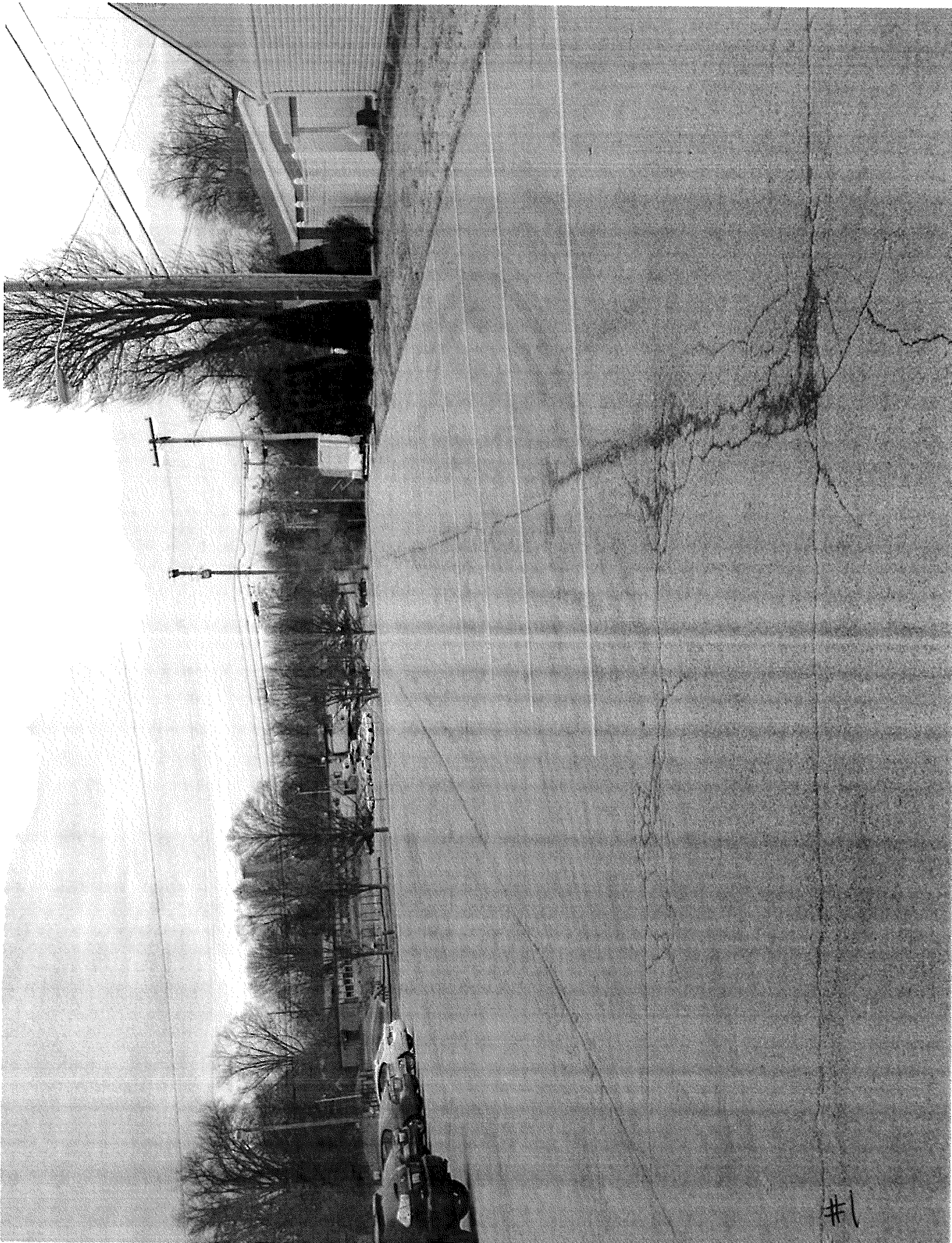
H. Requirement that buildings be used as represented in application – i.e. new one-story building will house a cafeteria.

I. Requirement that Assumption promptly replace trees and shrubs that die in subsequent years.

J. Access to Master Plan: Assumption has described this project as Phase 1 and has completed a master plan for its properties. It is difficult to evaluate this project in isolation, given that Assumption owns 3 additional properties opposite this location on Tyler Lane.

I hope Louisville Metro's planning process leads to a project that is supported by those who live closest to it. That will entail modifying the submitted plan in consideration of nearby residences and adhering to the final approved plan. During the required neighborhood meeting for this project, it was discussed that previous projects involved faulty or incomplete implementation and violation of binding elements, (original detention basin didn't work, year 2000 landscape plan never fully implemented, enrollment intentionally exceeded maximum allowed by binding elements).

Sincerely,
Leslie Cissell
2156 Gladstone Ave



#1



#2

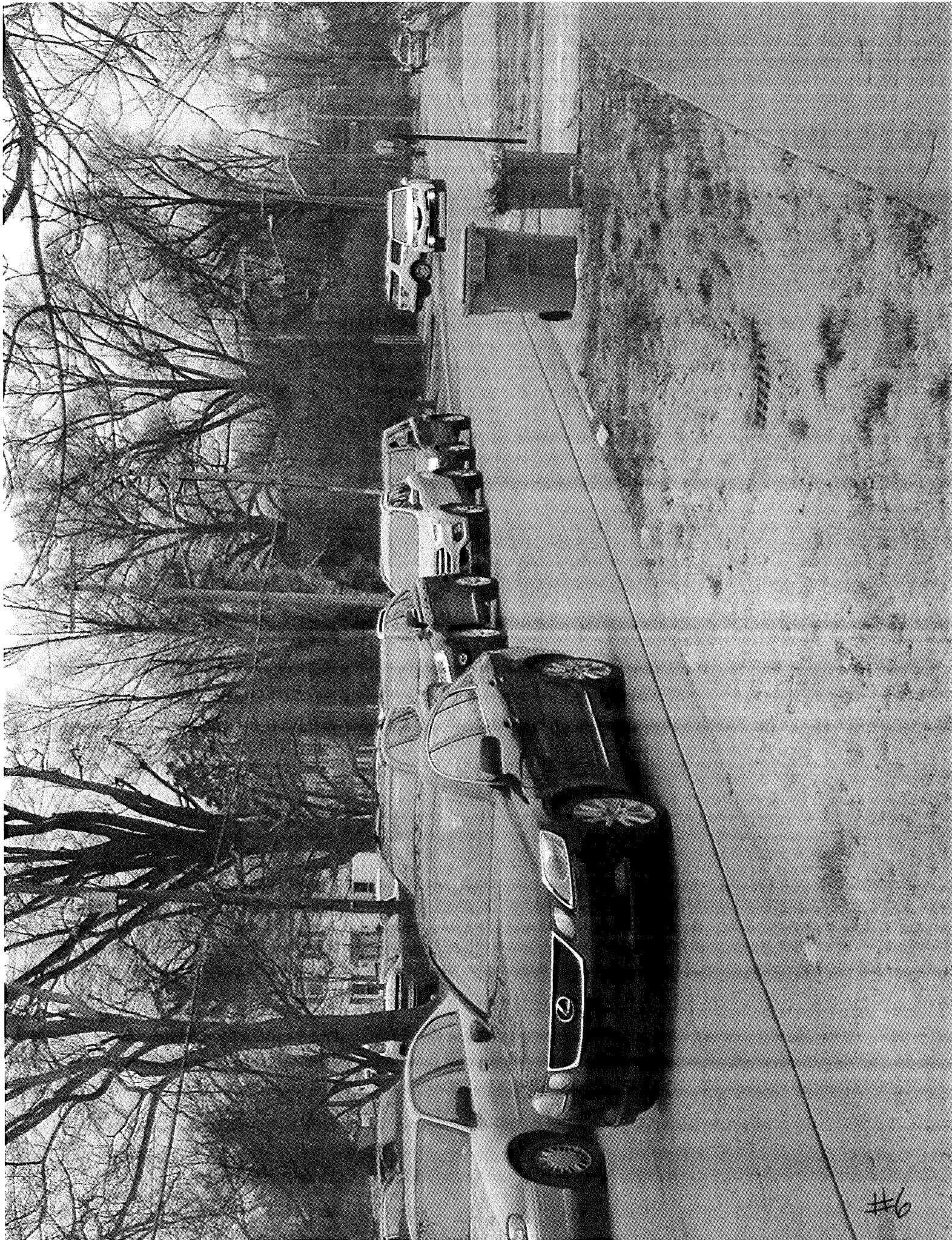




#4



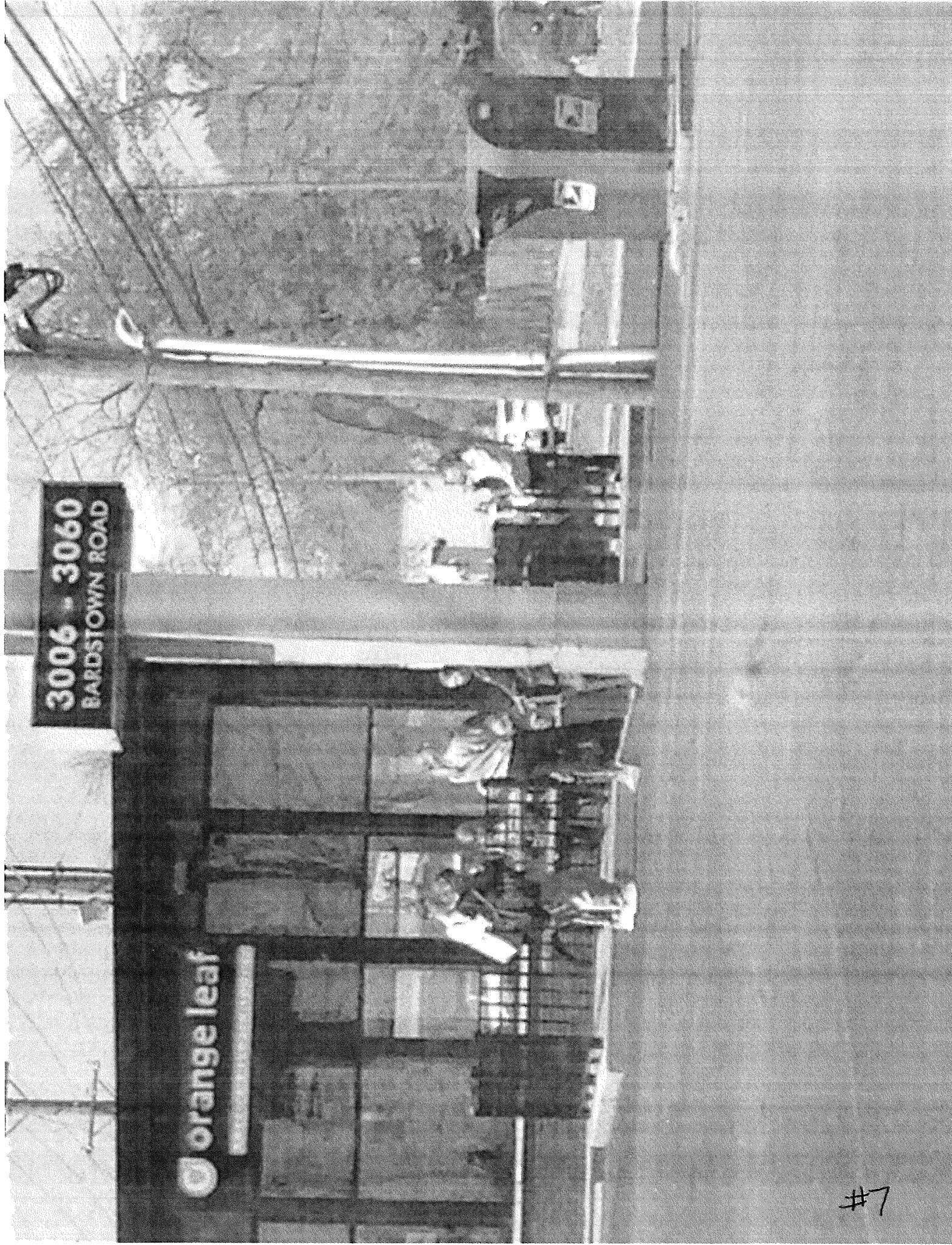
#5



3006 - 3060
BARDSTOWN ROAD

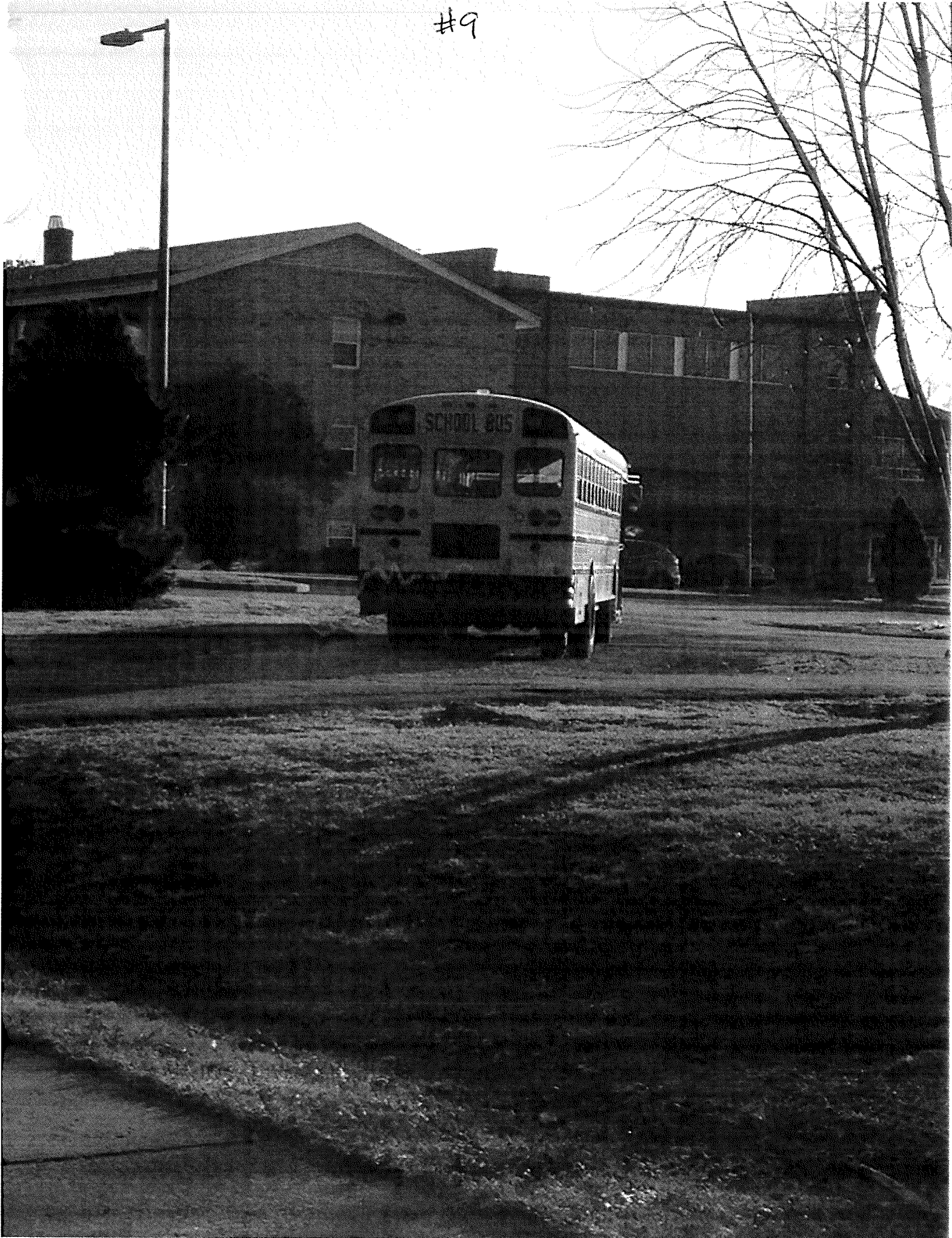
orange leaf

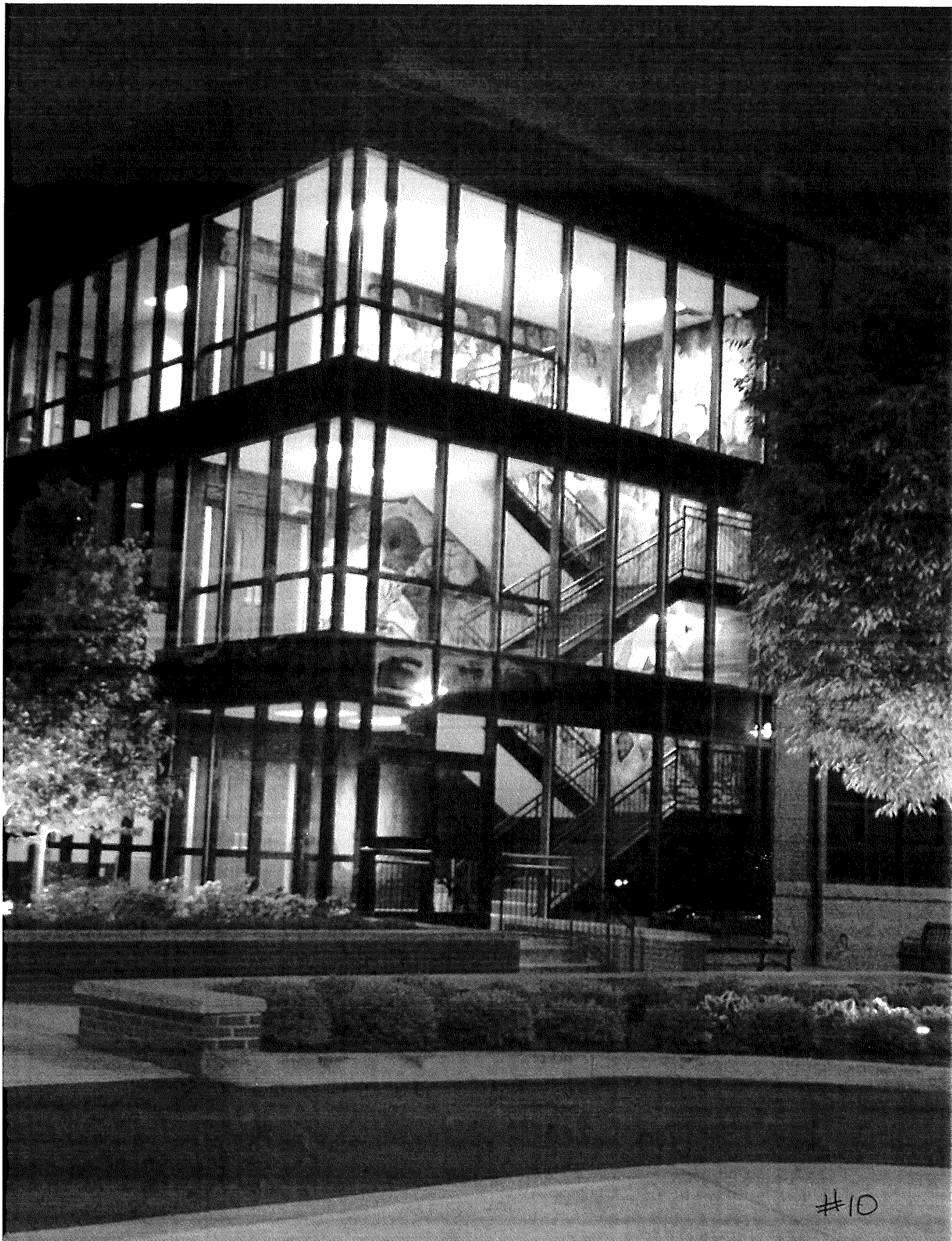
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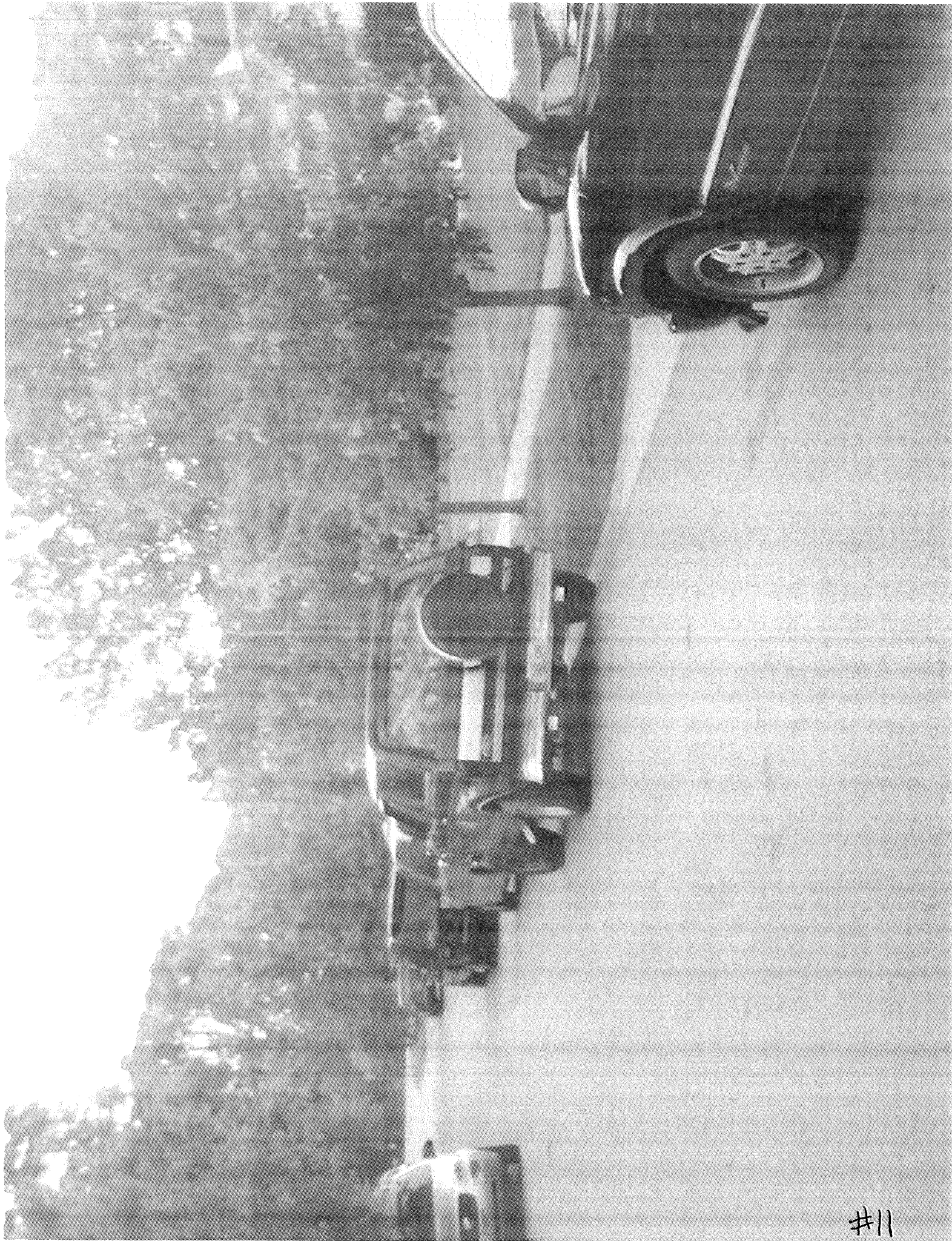


#9





#10



#11