

The property was rezoned OR-1 a few years ago. One of the related binding elements requires a cross-traffic easement(s) in the rear (for connectivity to 8209-8215 Shelbyville Rd) and along the driveway for ingress/egress to Shelbyville Rd. The related minutes for the properties located at 8215-8219 were amended earlier this year and changed the need for Shelbyville Rd vehicular access using the driveways between 8211-8213 Shelbyville Rd because the adjoining property owners (8215-19) may now keep their driveways open. Additionally, the cross-traffic easement for 8211 Shelbyville Rd was required/approved and recorded across the FRONT yard back in 1990. Therefore, there is no ingress/egress easement to Shelbyville Rd using the driveway space of 8211 Shelbyville Rd. making the area between 8211-8213 a thorough fare impractical.

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14M0D1005

Binding Element Amendment Justification:

In order to justify approval of any amendments to binding elements, the Planning Commission considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

1. Are there any natural resources on the property, including trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites? And are these natural resources being preserved?

No trees or vegetation will be affected by this amendment.
Green spaces in front and rear yards will be maintained

2. Is safe and efficient vehicular and pedestrian transportation provided both within the development and the community?

Easy ingress/egress to shelbyville Rd. will be maintained

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3. Is sufficient open space (scenic and recreational) to meet the needs of the proposed development being provided?

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Yes, Green spaces in front and rear In addition to landscaping required by Approved Plan

4. Are provisions for adequate drainage facilities provided on the subject site in order to prevent drainage problems from occurring on the subject site or within the community?

yes, front drainage ditch will handle surface water

5. Is the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses compatible with the existing and projected future development of the area?

yes, the existing structure is of similar size & use to other properties along shelbyville Rd.

6. Is the proposal in conformance with the Comprehensive Plan and Land Development Code?

yes, proposal is compatible with uses, masses, height & design of other properties along shelbyville Rd.

Doyle, Matthew

From: Neal <save@realneal.com>
Sent: Tuesday, July 08, 2014 6:20 PM
To: Doyle, Matthew
Subject: Re: 8213 Shelbyville Road

I would like the binding element deleted. My thinking is that none of the easements on any of the properties between 8209-8215 Shelbyville Rd are necessary until all are developed in some unified way. At such time ingress/egress easements and cross overs can then be addressed. Additionally, the cross over easement for 8211 Shelbyville Rd was recorded & approved across the front yard back in 1990. Therefore, there is no easement along the driveway or rear at 8211 which makes similar easements at 8213 Shelbyville Rd useless and unnecessary.

Sent from my iPhone

On Jul 8, 2014, at 5:04 PM, "Doyle, Matthew" <Matthew.Doyle@louisvilleky.gov> wrote:

I need clarification on your request concerning the subject property.

Binding element 13 in 9-57-06 states the following:

"The owner of 8213 Shelbyville Road shall grant a crossover access easement in a form acceptable to Planning Commission legal counsel, without requiring compensation of any kind, to the properties located at 8209, 8211, 8215, 8217, 8219, 8221, 8223, and 8225 Shelbyville Road. Such easement shall be recorded prior to transmittal of plans to the office responsible for permit issuance. The applicant further agrees to construct the access easement up to the common property lines with 8211 and 8215 Shelbyville Road within 180 days after the approval of this case by the City of Lyndon."

A memo was sent to all property owners after approval of the case to clarify what was intended by this binding element, which was to provide and construct a rear cross-over access easement to the properties in the binding element and limit access to Shelbyville Road to the existing drive and curb cut between 8211 and 8213 Shelbyville Road.

Do you want to clarify or delete binding element 13? The clarification would be something to the extent that 8213 would grant a rear cross-over access easement, and not a shared ingress-egress easement to access Shelbyville Road.

<image002.jpg>

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<image004.png>Click the following link to review the staff report and other documents for a case:
<http://www.louisvilleky.gov/PlanningDesign/IWantTo/View+all+meeting+agendas+and+sup+porting+materials.htm>

Doyle, Matthew

From: sell@realneal.com
Sent: Tuesday, July 08, 2014 8:11 PM
To: Doyle, Matthew
Cc: Robbins, April
Subject: 8213 Shelbyville Rd

Matthew,

I attempted to reply to your email using my I Phone and not sure if it went through so I apologize if this finds you a second time.

I would like the binding element deleted. My thinking is that none of the easements for the properties between 8209-8215 will be used until such time as there is some sort of unified development of that block of Shelbyville Rd (as their driveways are open to Shelbyville Rd). At that time, the cross-overs and ingress/egress routes can be figured out in conjunction with the proposed development plan. The Planning Commission can easily require what ever easements they feel are needed for the proposed unified plan. But if no unified plan ever materializes, all the engineering/attorney fees will have been waisted and the full use of ones real estate will have be restricted for years needlessly.

Additionally, and more importantly, the cross-over easement for 8211 Shelbyville Rd was recorded and approved across the FRONT yard back in 1990. There is no access easement along the driveway or cross over easement in the rear of 8211 Shelbyville Rd. Therefore, an access easement along the driveway and cross over easement in the rear of 8213 would be totally useless.

Finally, the thought of cars from several office buildings/businesses driving between 8211 and 8213 Shelbyville Rd. is a slippery slope. Both properties have customers/patients leaving via the front door and use the sidewalk to get to the driveway. They then walk around to the rear parking lots, most already on the telephone, before they make it to the driveway. How long do you think it will take before one of these folks steps out in front of a fast moving vehicle IF **the small area between two former single family residences becomes a thoroughfare ??**

The easement(s) in question simply don't make good sense.

Respectfully,

Neal Campbell, CPA
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