

June 11, 2019

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

Re: Project #19CUP1061

Dear Mr. Crumbie:

This letter is a follow up to my May 28<sup>th</sup> correspondence which referenced 19DEVPLAN1074, but included information pertinent to 19CUP1061. I've reviewed the CUP file and know it has a copy of my May letter.

I'm requesting that the Board of Zoning Adjustment reject a modified Conditional Use Permit.

The situation surrounding the Conditional Use Permit granted on September 18, 2000 was dramatically different than the current situation in which a modified Conditional Use Permit is being requested. As noted in my May letter, the existing CUP was based on:

- Large trees being preserved
- Implementation of Tree Preservation/Landscape Plan to filter views of buildings from homes
- St. Raphael enrichment center blocking Assumption's 61 sq ft gym
- Most parking spaces not located near residential properties

The requested modification is for a plan that has the following elements:

- Removing trees which existed when CUP was granted or which were put in as part of CUP landscape plan
- Demolishing St. Raphael enrichment center
- Increasing parking from 54 spaces to 124 spaces
- Increase includes 29 parking spaces along residential property lines with a landscape buffer of 20' to 30'
- Increase also includes 9 parking spaces across the street from residences with a landscape buffer of 15'

Given that Assumption is proposing removing the very items it touted 19 years ago, it would be logical for the new plan to compensate for the loss of those items. Instead, a plan was presented at the neighborhood meeting showing Assumption wanted a waiver to reduce required landscape buffer along residences by 60%, from 25' to 10'. The next plan eliminated the waiver request and had the minimum buffer required of an average 25'. Furthermore, the average is based on the house at 2134 Tyler Lane having a buffer of 20'. Even a cursory glance at the plan shows a strong visual representation of how small the residential buffer will be in the CUP area versus what Assumption enjoys for its own building along Bardstown Road and Tyler Lane.

The plan provides 72 more parking spaces than are required at the expense of adjacent residences. In 2000 Assumption was granted a waiver to have fewer spaces. It now plans more spaces than required instead of creating an appropriate buffer that would protect residents from:

- Larger parking lot closer to homes
- Loss of grass filled front yard at 2140 Tyler Lane / St. Raphael enrichment center
- 61' gym
- Building addition that will be 19' closer to homes than separate building it is replacing
- New 3-story glass atrium facing residences

Thank you for considering the implications of such a large parking lot so close to nearby residences.

Sincerely,  
Leslie Cissell  
2156 Gladstone Ave

June 11, 2019

Jon Crumbie, Coordinator  
Planning and Design Services  
444 South 5<sup>th</sup> St. Suite 300  
Louisville, KY 40202

Project #19DEVPLAN1074

Mr. Crumbie:

Unfortunately I was out of town on a business meeting last week and could not attend the meeting regarding this project. I don't want my absence to be misconstrued as a lack of interest and I do plan to be at the meeting on June 17<sup>th</sup> regarding this project.

As I attempt to visualize this plan as a "finished project" I continue to be troubled and concerned about the encroachment aspects. For example a building will be 38' in height rather than 35' as required by code, the buildings will be much closer to our shared property line, the landscape border next to my property line will be closer than code permits. All of this creates further encroachment issues including excessive noise and visual issues, traffic issues, and exacerbating drainage issues which I battle every time we experience heavy rain.

We as bordering neighbors deserve a "sound-deadening" heavy duty wooden fence at the "starting phase" of this project, or as close to it as humanly possible. The sooner a fence is put in place the sooner we can start planning our landscaping on our side of a fence. This could also help planning for the drainage issues we desperately need alleviated.

Best Regards,

Jim Wilson  
2134 Tyler Lane  
Louisville, KY 40205

## Crumbie, Jon

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**From:** Penny Mills <pennymills@yahoo.com>  
**Sent:** Wednesday, June 5, 2019 10:01 AM  
**To:** Crumbie, Jon  
**Cc:** Jamie Baker  
**Subject:** 19DEVPLAN1074

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Dear Mr. Crumbie

My husband and I own a home directly across the street from Assumption High School on Tyler Lane. From our front porch we view the building that is to be replaced and the parking lot. We have concerns regarding the construction plan and project requests that specifically include the following:

1. Heat, noise, lights and pollution emanating from the additional parking area that will replace the farmhouse and yard.
2. Removal of existing trees and natural screening between our residence and the school.
3. Vehicles on Tyler Lane filling the right lane during pick up and drop off – no provisions to get idling vehicles onto campus.
4. Removal of binding element which reads as follows, "The only permitted freestanding sign shall be the existing signs as shown on the approved detailed district development plan." It would be intrusive to have an electronic or animated sign, or one that emits light opposite of a residence.

Thank you for your attention to these concerns,

Penny Mills and Jamie Baker  
2157 Tyler Lane

June 3, 2019

Jon Crumbie, Coordinator  
Planning and Design Services  
444 South 5<sup>th</sup> St. Suite 300  
Louisville, KY 40202

Project #19DEVPLAN1074

Mr. Crumbie:

There is no one more directly affected by the proposed Assumption project than myself and my family. I say this because we have more linear footage of border to the proposed parking lot expansion than any of our neighbors.

Over the past several months I have met with and spoken to Kevin Young, the landscape architect engaged in this project. I have expressed my concerns related to the proposed buffer as follows:

- Encroachment of parking lot within 25' of property line as required by code. This will have a negative impact on my property value regardless of the encroaching neighbor being a school.
- Lack of visual and noise buffers by removal of building and existing trees. This extends beyond a property value issue and becomes a quality of life issue as well. The existing hemlocks are mature trees that serve as a sound barrier in addition to the aesthetic and environmental value they provide.
- Continuation or worsening of drainage problems. After every heavy rain I use an electric pump to remove water from the east (Assumption) side of my house. Failure to do so would result in water entering the basement.

Mr. Young has been accommodating as to listening to our concerns. He has come up with a proposed plan which would save one of the three aforementioned hemlock trees. However, his underlying task is to maximize the number of parking spaces at the behest of his customer, Assumption High School. His plan also calls for a buffer encroachment along my property line in order to allow additional parking.

Some issues arise at the core of this project which should be transparent to everyone involved:

- Does a non-tax paying entity have special entitlements that allow them to amend zoning codes? Are the zoning codes not in place to protect all of us from the desires and wishes of any one party?
- If there is a ratio required between building size and parking spaces, and to meet this requires buffer encroachment, would not the obvious solution be to revisit the building size and make responsible decisions to scale back? If the property footprint won't allow this, is it not time to move?
- Should not the entire project have been designed from infancy to stay within the zoning codes in place that all good neighbors adhere to? If not, then why have zoning codes to begin with if they have no value to the neighborhood?

We as neighbors have much at stake in this project. This extends beyond property values, as this directly impacts our quality of life. We are affected by the newly created traffic issues, excessive noise and summer heat, visual and drainage challenges.

In the past Assumption has agreed to provide "dramatic landscaping", yet there is little evidence of this today. The hemlocks mentioned previously are kept alive during summer droughts by me taking my garden hose across my property line to water the distressed trees. Other plantings have died due to lack of ownership and neglect, and were never replaced. Any future landscaping plans should include a clearly defined clause that requires the property owner to truly "take ownership" and maintain/replace trees, shrubs, and fencing.

We have had two meetings this year and heard an Assumption representative say she "believes" Assumption is a good neighbor. It's more important for the residential neighbors to "believe" Assumption is a good neighbor by their actions, more so than their words. Maybe the time has come for this to be the beginning.

Regards,

Jim Wilson  
2134 Tyler Lane  
Louisville, KY 40205

## Crumbie, Jon

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**From:** bpbuchanan@ups.com  
**Sent:** Sunday, June 2, 2019 5:53 PM  
**To:** Crumbie, Jon  
**Cc:** greynbrian@gmail.com  
**Subject:** RE: [EXTERNAL] Proposed Assumption expansion

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Mr. Crumbie,

I live at 2845 Eleanor Ave. (the opposite corner from Assumption on the same block). I have several concerns about the planned expansion of the High School as it regards the neighborhood. I do appreciate the current aesthetics of the plans as a stand-alone campus, but do not feel that they will blend into the neighborhood which will in effect lower the property value of mine and my neighbors homes. As for the building itself I believe that a large glass lighted entryway pointed at the neighborhood as planned rather than perhaps Bardstown road will be more of an eyesore for the residence especially during the evening and at night rather than a beacon for students who will predominantly only see it until 3:30 pm. I do understand the need for growth and expansion, but being good stewards of the neighborhood and environment should be required as well.

The timeline explained for the build is 18-24 months. That means that traffic that is at times already at a standstill due to carpool will be even more congested. This in turn will force more and more traffic onto the side streets of the neighborhood where mine and many neighbors children are at play. If you take notice of the streets, many do not have sidewalks so not only children but adults are out walking those streets at all times; this is one of the reasons we were drawn to this area in the first place, it is a neighborhood where people are out and about. If there are heavy construction vehicles and an increased amount of personal vehicles on those streets, this will limit the amount of time folks will be able to be out, and God forbid and accident involving 2 vehicles or even a pedestrian increases tremendously due to the tight nature of the streets in the first place. Whereas I am in favor of Assumption expanding, or as stated in the neighborhood meeting "modernizing", I wonder if there is a way for that to happen and not affect the community feeling of the neighborhood.

My next and more personal concern is water runoff. Being positioned where we are with Eleanor and Lancashire Avenues being the boundary, we are at the apex of water runoff from 2 directions. I have 2 storm drains on my property to handle surface water. When there is a heavy rain however, the water already flows toward the catch basin on the St. Raphael property, but as it soaks into the ground, the water table around my home rises. At one point in the recent past we flooded with 28 inches of water in our basement. I have done numerous upgrades to my home to keep that from happening again; however, if the amount of blacktop is added for parking that is projected (more than required I might add), I am very concerned that the water table from the piped out runoff will be more than my improvements can take and we will suffer more flooding. Has there been any studies on the increase in the water table for the neighborhood with this much more runoff? Rather than cause potential harm to my home, encroachment issues on my fellow Eleanor Ave. homes, and not to mention the noise, fumes, lights, and congestion; is it no feasible for the expansion of the building to utilize current underused areas for parking? I know that Assumption owns what used to be the Legion Hall across Bardstown road and there is unused parking there, not to mention the ability to use that building space as parking itself rather than keep it for future considerations. They also own property directly across Tyler Ln that could be used for parking. They also own many parking spaces at their athletic fields on Newberg that could be used in conjunction with the activity bus much like many colleges do. I am also aware that Sullivan has offered to at least discuss the use of their parking lot on Gardiner Ln. This lot is far closer to Assumption than what my children had to walk to catch the school bus and it did not dissuade us from choosing the Elementary school that they attended. It seems that there are many possible solutions to the added blacktop concern that I have and in discussion with my

neighbors they have; just maybe not as convenient to the Assumption as to the neighborhood or the environment for that matter (added blacktop and less green space) . Please feel free to contact me at your earliest convenience if you feel further discussion is warranted to my concerns. Thank you for your time and energy.

**Brian Buchanan**

SDF Operations ACP

United Parcel Service

(502)468-0102 Cell

[fkj1bpb@ups.com](mailto:fkj1bpb@ups.com)

**Crumbie, Jon**

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**From:** Grey Buchanan <greynbrian@gmail.com>  
**Sent:** Sunday, June 2, 2019 5:11 PM  
**To:** Crumbie, Jon  
**Cc:** "fkj1bpb@ups.com"  
**Subject:** Proposed Assumption expansion

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Mr. Crumbie,

My name is Grey Buchanan, and I live at 2845 Eleanor Ave, on the corner of Eleanor and Lancashire Avenue. I attended the January neighborhood meeting regarding the Assumption High School building project, and while I am in support of the expansion, I hope that some elements can be adjusted to meet the needs of the neighborhood.

I understand the need for an expanded and updated school building, and I think, based on the plans I saw at the January meeting, that it will ultimately be an attractive addition to the neighborhood. I am happy that it will serve the students and faculty well.

My main concerns involve the additional asphalt parking areas which will surround the school. These are troubling to me for several reasons. First, I think that they will certainly encroach on my Eleanor neighbors' yards and be an eyesore. Second, my own home -- which gets a great deal of drainage from the current St Raphael water run-off -- will get a great deal more water once the basin is enlarged to accommodate more blacktop. (My husband is planning to send a separate letter which goes into more detail about this issue.) Finally, as there will now be more parking spaces created than are required, it seems a decision which is not environmentally friendly, aesthetically pleasing, or considerate. Would it not make more sense to use parking spaces which are very nearby and already owned by AHS? (I know the former VFW and the lots on Tyler are possibilities others have mentioned.)

Thank you for your consideration of these thoughts.

Grey Buchanan

## Crumbie, Jon

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**From:** Tony Kelly <Tony.Kelly@louisvillemsd.org>  
**Sent:** Monday, April 8, 2019 8:49 AM  
**To:** Crumbie, Jon; cheri powell  
**Subject:** RE: changes to Assumption HS

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Cheri,

Feel free to call to discuss this project if you have additional questions. The current plan shows the applicant taking the water into the existing storm water detention basin located on the St. Raphael property. This basin outlets at the south west corner and ties into the Eleanor Ave storm pipe system which then travels south west down Lancaster Ave. We do not anticipate any additional flow coming into the Tyler Ln system.

If you have a localized drainage problem in your yard, I recommend calling our customer service number to put in a drainage complaint. (502-587-0603) This will trigger one of our field personnel to come out and evaluate the situation and if it is determined to be an MSD maintenance issue we will take care of it.

Thanks



**Tony Kelly**  
Engineer I

P 502.540.6266

A Louisville MSD 700 West Liberty Street Louisville KY 40203-1911



**From:** Crumbie, Jon <Jon.Crumbie@louisvilleky.gov>  
**Sent:** Monday, April 08, 2019 8:25 AM  
**To:** cheri powell <cheri\_powell@yahoo.com>  
**Cc:** Tony Kelly <Tony.Kelly@louisvillemsd.org>  
**Subject:** RE: changes to Assumption HS

The plan will be reviewed by the Metropolitan Sewer District (MSD) and they must approve the proposal before it can proceed to the Board of Zoning Adjustment. I will forward your comment to Tony Kelly at MSD.

Thanks,

**Jon E. Crumbie**

Planning & Design Coordinator

Planning & Design Services

Department of Develop Louisville

LOUISVILLE FORWARD

444 South 5<sup>th</sup> Street, Suite 300

Office: 502.574.5158

<https://louisvilleky.gov/government/planning-design>



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**From:** cheri powell [[mailto:cheri\\_powell@yahoo.com](mailto:cheri_powell@yahoo.com)]

**Sent:** Friday, April 5, 2019 5:56 PM

**To:** Crumbie, Jon

**Subject:** changes to Assumption HS

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I live at 2100 Tyler Lane, just down the street from Assumption. I am very concerned about water runoff with the additional concrete that will be put on the Assumption property. As things are now, when there is rain, a puddle forms in my yard and sometimes takes days to drain. During a hard rain (and we're having more and more of them), Tyler Lane looks like a river.

Please have someone address this problem before plans go any further.

Cheri Powell  
2100 Tyler Lane

502 485-9951

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