

Luckett, Jay P

From: Marsha Weinstein <mweinst413@gmail.com>
Sent: Thursday, March 28, 2019 11:26 AM
To: Luckett, Jay P
Subject: re: case# 19devplan1021

Follow Up Flag: Follow up
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Mr. Luckett,

I am extremely OPPOSED to granting a waiver to the buffer zone as proposed by the developer of the new Malone's Restaurant because it is another infringement on what the Wolf Pen Preservation Association has worked so hard for years to create the Parkway designation for the road/area.

Marsha Weinstein

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Marsha Weinstein
5608 Wolf Pen Trace
Prospect, KY 40059
502-819-2537

Luckett, Jay P

From: Hugh Shwab <hugh.shwab@gmail.com>
Sent: Thursday, March 28, 2019 11:49 AM
To: Luckett, Jay P
Cc: agunnison@aol.com
Subject: Malone patio

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I am against the new Malone's patio. Let's keep that space open. Perhaps you could relocate to another part of the Building.

Sincerely, Hugh Shwab

Luckett, Jay P

From: steven skaggs <sxskag01@louisville.edu>
Sent: Tuesday, March 26, 2019 6:21 PM
To: Luckett, Jay P
Subject: 19DEVPLAN1024

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Dear Jay,

I'm in opposition to granting a waiver to build in the parkway buffer area at the Paddock Shops to enlarge the Office Depot or any existing building. I live in the area and feel strongly about retaining the Parkway Buffer which is a huge asset for us.

- 1) This "patio" is misnamed: it is not a patio, not open to the public. It is proprietary.
- 2) Everyone supported the Parkway Buffer. It is a valuable strip of quiet amongst the growing tumult of US22. We'll defend every inch.
- 3) We want you to help us protect the buffer strip from erosion, just as you might want to protect a stream bank from soil erosion.

Thank you for listening to my view,

Steven Skaggs

8116 Wolf Pen Branch Rd.

Luckett, Jay P

From: agunnison@aol.com
Sent: Wednesday, March 27, 2019 11:55 AM
To: Luckett, Jay P
Subject: 19 DEVPLAN1024

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Please enter my comments into the record:

I strongly oppose the proposed addition to the Malone's restaurant building in the Paddock Shops center. From the renderings of an "enclosed patio" (in my mind a patio at grade level with some bushes or low fence around it) it appears that the two story addition is a permanent structure extending into the landscape buffer area by some 12 or 13 by 80 feet!

The landscape buffer was agreed upon by all parties when Brownsboro Road/KY 22 was granted Parkway Status some years ago. It has already been cut into by an access road for Drury in, some additional signage and a small open patio outside Barnes and Noble at the opposite corner in the Paddock Shops. We don't need to lose more of this valuable buffer with a two story extension, which appears to be all glass and will, additionally, contribute much light pollution to the area. I believe a large lighted sign is also planned for the KY 22 side of the building. When Office Depot was there, no such signage was allowed or needed, so why now?

I live in the area and frequently drive Brownsboro Road. I appreciate the previous efforts Brownsboro Road Area Development, Wolf Pen Preservation Association and other interested parties made in trying to achieve and maintain the parkway appearance. Although it will never be as pristine as the nearby Hurstbourne Lane segment, there is no reason why it needs to be continually degraded by further exceptions. Perhaps the developer of Malone's could occupy more space within the building rather than add a garish and permanent addition?

Since this KY 22 Parkway runs from Seminary Drive to the Oldham County line, it would appear that allowing this exception equates to the old adage about letting the camel's nose into the tent. It's time to defend the Parkway, not degrade it.

Alice Gunnison
7849 Wolf Pen Branch Rd
Prospect, KY

Luckett, Jay P

From: Mark Foster <markfosterdb@gmail.com>
Sent: Wednesday, March 27, 2019 3:08 PM
To: Luckett, Jay P
Subject: #19 DEVPLAN1024

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Mr Luckett,

I oppose granting a waiver to enlarge an existing building in the parkway landscape buffer area at the Paddock Shops . A permanent two story brick and glass structure is in no way a "patio" (enclosed or not), and is a clear violation of the building setbacks.

Mark Foster
5200 Cherry Valley Rd.
Prospect, KY

Luckett, Jay P

From: Arnold/Carol Zegart <aczegart@aol.com>
Sent: Wednesday, March 27, 2019 3:00 PM
To: Luckett, Jay P
Subject: 19devplan1024

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Re; case # 19devplan1024

I am definitely OPPOSED to granting a waiver to the buffer zone as proposed by the developer of the new Malone's Restaurant because it is another infringement on what we worked so hard on in years past to create the Parkway designation for the road/area.

I am excited to have a Malone's coming to Louisville, especially in our area, as that is one of our favorite Lexington eateries.

I have a compromise suggestion. After reviewing the proposed site plan, I question why they can't take the 2426 sq.ft of space required for the "enclosed patio" & take more space on the northern boundary of the old Office Depot site designated for "repurposed" & build their "enclosed patio" within the established buffer zone guide lines. I'm not an architect nor an engineer but in my layman's mind that would seem possible & preferable & still have an unobstructed view out to the road. It would seem a simple matter just to push back into the vacant old Office Depot space enough square feet to build the patio up to the buffer zone & still have the beautiful parkway view. That would be a win-win resolution for everybody & certainly would generate a lot of good will for Malone's going into our neighborhood.

Thank you for your consideration.

Sincerely,

Arnold J. Zegart

March 28, 2019
RE: 19DEVPLAN1024

I oppose the request for a waiver to build in the Brownsboro Road Parkway landscape buffer area (LBA) for the following reasons.

The waiver **will adversely affect adjacent property owners** by increasing the visibility of the proposed restaurant, thereby reducing the visibility of the existing restaurant that faces the roadway. This will be very apparent to people travelling west on Brownsboro Road toward the Paddock Shops. Actually, this would likely be the first thing people see, regardless of which direction they are headed. If built as proposed, this building will dominate all the other Paddock Shops businesses visible from the parkway. This, no doubt, is the intention.

The extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant. Perhaps the applicant is justifying encroachment into the parkway landscape buffer area (LBA), because he needs more square footage. However, the building in question has been vacant for a long time, and has been divided into two spaces. Knowing how much square footage this project requires, the applicant needed only to negotiate for more space from the other side. Instead, they are claiming hardship and the need for relief. Staying within the existing footprint of the building would still allow for a two-story southern elevation with great expanses of glass.

If the applicant has incorporated other design measures that exceed the minimums of the district, they serve only as a means to draw attention to the business, rather than compensate for non-compliance with the requirements to be waived. The **net beneficial effect** will be to the applicant, because the extensive use of glass and lighting cannot fail to draw attention to their business. It will also disrupt the overall cohesion of the Paddock Shops. The variations of styles in the center have been edited to work together as a whole.

If the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant, it is, as previously noted, because the applicant failed to secure adequate square footage for the development. Why should the parkway landscape buffer area be sacrificed just because the applicant wants to build in it in order to be more visible?

The strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land, nor would it create an unnecessary hardship on the applicant.

Building in the parkway landscape buffer area to benefit one business is not fair to other businesses, and it deprives the public of the benefits of the parkway LBA. It also opens the door to others who see that if this business is allowed to do it, they should be allowed to do so as well. While Barnes and Noble

has a small outdoor seating area in the LBA, it is not reserved for customers. It serves as an amenity available to everyone.

It might be helpful to give a little history of how the parkway came to be. Old Brownsboro Road, or KY 22, was a sleepy rural two-lane road with little commercial development east of Holiday Manor. Then the Kroger shopping center, Avish Gardens, was built, and the handwriting was on the wall.

It became evident that this area would one day be fully developed. People who lived near KY 22 decided they needed to do something to keep the roadway from visually turning into another Shelbyville Road. The small cities, homeowner's associations, neighborhood groups and individuals in the area united to seek a parkway designation. The goal was to preserve and ensure a quality visual experience along the corridor. Additionally, we wanted to give more certainty to both area residents and future developers of the parkway requirements in terms of setbacks, landscaping and signage.

Before this regional center became the Paddock Shops, it was known as the Summit. Bayer Properties who developed the Summit, so completely embraced the parkway concept that they went beyond the thirty foot landscape buffer requirement and heavily landscaped the extensive state right-of-way as well. A section of the right-of-way just forward of the LBA in question was lost to make way for an access road to the Drury Inn next door to the site.

The parkway LBA should not also be lost.

Barbara Kelly
6009 Mint Spring Branch Road
Prospect, KY 40059
(502) 228-0075