

Neighbors of Candlewood and Park Avenues Jeffersontown, KY

Susan Kimberly Draewell
10607 Taylorsville Rd. Louisville, KY 40299
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Bardenwerper, Talbott & Roberts, PLLC
1000 N. Hurstbourne Parkway Louisville, KY 40223

December 12, 2017

Subject Property: 10515 Taylorsville Rd
Case Number: 17ZONE1057

Mr. Pregliasco,

The neighbors of Candlewood Ave and Park Ave in Jeffersontown, KY will be directly affected by the commercial rezoning and development of the properties beginning with 10515 Taylorsville Road, 40299. Although a C-N zoning and subsequent drugstore are not ideal for us, we recognize this is preferable to other zoning possibilities. In order to find a balance in the process going forward, we propose the following binding elements for the proposed development:

1. The grade of the land slopes downward from Candlewood Ave. Therefore the required 6 foot privacy fence or dense shrubbery will not be significant in blocking noise, or light. The slope of the neighborhood at large places most houses above the sightline of the proposed development. This means extra care should be taken to block the sightline at an appropriate height.
-We support a binding element requiring Evergreen trees planted at 12 feet in height, to grow thicker, in a manner that provides a dense screen. This screen for blocking light and should be planted on the outside of a 10 foot privacy fence intended to prevent foot traffic and trash from invading the neighborhood.
2. Hours of operation are a serious concern for the neighborhood. All citizens in the neighborhood purchased with a residential purpose and use in mind. Indeed, there are deed restrictions historically guiding the land to stay residential. The quality of life in a neighborhood is preserved by curbing commercial hours of operation. The noise, traffic, light and intent of a larger populous should not be attracted to this residential area late at night by a commercial establishment. A residential serving commercial property does not need to operate before 8 am or after 10 PM when sharing boundaries with the neighborhood it serves.
-We support a binding element limiting hours of operation to an 8 AM opening and closing time of 10 PM.

Neighbors of Candlewood and Park Avenues, Jeffersonton, KY

3. Another severe concern of the neighbors is the lighting on this property. Again, the quality of life expected in a residential area requires that there are considerations for respectful, non-evasive lighting.
 - We support a binding element requiring dark sky lighting, down lighting and limited lighting on signage on the south and north sides of the building. The large business acknowledgements should be facing Taylorsville road, not shining into the residential area on Ruckriegel.
 - We support a binding element that requires the business to turn off all lighting at 10 PM.

In addition to these four binding elements, we request funds be provided to the adjacent landowners in order to support their landscaping needs. The expected privacy of this residentially deeded area requires that landscaping or fencing be placed in front of personal bedroom windows and private yard areas. This development would create commercial traffic that intently, directly faces and disturbs the private residents of the adjacent resides on Candlewood and Park Avenues. We recognize these are private agreements, outside the boundaries of the binding elements.

We appreciate your time and consideration on these matters. Thank you.

Respectfully,

Neighbors of Candlewood and Park Avenues

Mattingly, Laura L

From: Jimghrist <jimghrist@yahoo.com>
Sent: Monday, October 23, 2017 1:44 PM
To: Mattingly, Laura L
Subject: Case number 17ZONE1057

Hello Laura,

My name is Jim Ghrist, I live at 10510 Park Avenue in Jeffersontown and thus am one of the adjacent properties to the desired zoning change from R-4 to CN at the corner of Taylorsville Road and Ruckriegal Parkway.

In 2013, Hogan Real Estate sought to re-zone this same bit of land for the development of a Walgreens at this location. I assume that this is the case once again. When Hogan ran the title it was discovered that there was a residential restriction on 5 subdivided lots, the "Restricted Lots" the original owner sold off in 1955. From my 2013 materials, "Said owner of 1955 also had retained property, the "Retained Property " he owned which was benefited by the 1955 residential restriction which today equates to 9 owners." I am one of those owners.

Other points, " Hogan must obtain from each of the owners of the Restricted Lots and the owners of the Benefited Properties/Retained Property a release of the Restriction and/or right to enforce the restriction." And finally, "If a release of the Restriction is not obtained from the owners of the Restricted Properties and the Benefited Properties, then Hogan will not be in a position to pursue the zoning change." They did not get the releases and nothing occurred with this corner.

I guess I always knew that this would come up again, and I really don't know how I feel about it. People change, times change. My question for you, Laura, is this. Has anything changed? Is the restrictive covenant still in effect? I guess I thought that those adjacent owners would hear about it from the attorney (Nicholas Pregliasco) before we got to the meeting stage.

I contacted you, Laura, because I figured that I would get an unbiased, professional response. I look forward to hearing your thoughts on this matter.

Have a great day
Jim Ghrist
jimghrist@yahoo.com
502-424-9722

10510 Park Avenue
Jeffersontown, KY
40299

Sent from my iPad

Susan Kimberly Draewell
10607 Taylorsville Rd.
Louisville, KY 40299
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Subject Property: 10515 Taylorsville Rd
Case Number: 17ZONE1057
Case Manager: Laura Mattingly

Ms. Laura Mattingly,

I would like the following concerns be added to the application for rezoning, case number 17ZONE1057.

There are deed restrictions on the property and these should be honored by the courts as legally binding.

- The applicant is aware of the deed restrictions and has chosen to apply, without speaking with the property owners.
- The property owners have full intentions of holding the applicant legally responsible.
- Leaving this responsibility of legal action to the residential landowners is irresponsible and flippant. This application ignores legal deed restrictions and should not be allowed to skirt the law.

It is visually and physically intrusive to rezone the aforementioned property from R-4 to C-N.

- The grade of the land slopes downward from Candlewood Ave. Therefore the required 6 foot privacy fence or dense shrubbery would not help in blocking noise, or light. At 6 feet the fence would not block anything from the road. A person standing on Candlewood could easily see over a 6 foot privacy fence. A binding element requiring a minimum of 12 feet of dense shrubbery should be added. As well as a binding element for a 10 foot fence to prevent foot traffic and trash from invading the neighborhood.
- CN allows for alcohol sales. This property is surrounding by single family homes. There are children in these houses and allowing alcohol sales within this residential area is irresponsible. It would be the only site within over two miles that is open and therefore would attract "all hours" attention that is not appropriate for a residential area.
- CN allows for 24 hours use. A 24 hour drive through would be incredibly intrusive for the neighborhood. Again, a six foot fence does not block light or noise from this drive through. People coming and going, car doors opening and closing, these are not the sounds of a residential neighborhood in the middle of the night. A binding element should be added to curb a 24 hour operation.

- The traffic pattern in this bottlenecked area is already dense and constant. To add more turning traffic (turning into the store) on this two lane state road would cause major backups and conflict. Only one entrance on Ruckriegel should be permitted. No Taylorsville Rd entrance.
- The tall drug store sign, even when place on the Ruckreigal/Taylorsville corner will shine directly into a four year olds bedroom. Even at the farthest placeable spot a high sign is @ 50 yards from my childs bedroom window.

To aide in curbing this intrusiveness, I present a need for several things below.

- "Walkability" is stated as a reason for this application. Safe, visually pleasing sidewalks from the corner of the property to Jefferson Memorial park and the corner of the property to the baseball field on Ruckriegel are required to make this walkable. Currently, it is an unsafe walking path. The applicant can ask for permission to construct sidewalks beyond the property for this purpose.
- There should be garbage cans on the sidewalk for trash from the store.
- The current residential area should be guarded from becoming a pass through zone. To discourage foot traffic through our neighborhood there should be a physical corner wall running down Candlewood the entire length of the rezoned property, and making a corner along the property. The trash and foot traffic of this store should not be allowed to come through our street.
- A landscaped neighborhood entrance that includes both sides of Candlewood and Taylorsville should be added to provide separation from the commercial and residential areas.
- Both sides of Candlewood, 40 yards from Taylorsville Rd should be landscaped with visually and physically blocking evergreens. Tall, visually pleasing, noise and light blocking landscaping should be provided to the three immediately adjacent properties to create a clear divide between the commercial and residential areas.
- NO 24 hour store. This is a family neighborhood that should not bear that noise and commotion.
- No entrance on Taylorsville Road. Main entrance on Ruckriegel only.
- If a sign is necessary for business, it should be a low, street level sign as to avoid shining into the residential bedroom windows on Candlewood and Park.

Respectfully,

Susan Kimberly Draewell