

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
December 8, 2022

NEW BUSINESS

CASE NO. 22-ZONE-0105

Request:	Change in zoning from C-1 to C-2, with Conditional Use Permit for outdoor storage, Detailed District Development Plan with Binding Elements, Variances and Waivers
Project Name:	Second Nature Lawn Care
Location:	7411 St. Andrews Church Road
Owner:	LNB Properties LLC
Applicant:	LNB Properties LLC
Representative:	Frost Brown Todd
Jurisdiction:	Louisville Metro
Council District:	25 – Amy Holton Stewart
Case Manager:	Dante St. Germain, AICP, Planner II

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

02:41:05 Dante St. Germain discussed the case summary from the staff report and indicated that the application was ready for a public hearing (see video for presentation). The applicant is proposing to going from a C-1 Commercial to a C-2 Commercial with a conditional use permit for a contractor's yard with outdoor storage.

02:44:33 Commissioner Mims asked what were staff's concerns that made the delay or cause them to rethink their plan. Dante St. Germain said staff's concerns were that the property was surrounded by residential use and there was not adequate buffering between the company and residential uses.

02:45:38 Commissioner Mims asked if the two access points were properly permitted. Dante St. Germain received confirmation from KYTC that an encroachment permit was properly obtained.

02:45:56 Commissioner Mims asked if the pole barn was permitted. Dante St. Germain the pole barn doesn't encroach into the side yard setback. The applicant has stated that the pole barn was going to be used for storage.

The following spoke in favor of this request:

Tanner Nichols, Frost Brown Todd, 400 W Market St, Louisville, KY 40202

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Summary of testimony of those in favor:

02:49:22 Tanner Nichols said the applicant owns both lots. Applicant originally built the pole barn to store antique cars, boats, etc. He then transferred his landscape business into the pole barn.

02:53:40 Commissioner Brown asked about hours of operation. Nichols stated they would be willing to include a binding element about hours of operation.

Deliberation:

02:55:07 Land Development and Transportation Committee deliberation.

An audio/visual recording of the Land Development & Transportation Committee meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

The Committee by general consensus scheduled this case to be heard at the **January 5, 2023**, Planning Commission public hearing.

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
February 24, 2022

NEW BUSINESS

Case No. 21-ZONE-0105

Request:	Change in zoning from C-1 to C-2, with Detailed District Development Plan with Binding Elements, Conditional Use Permit, Variance and Waiver
Project Name:	Second Nature Lawn Care
Location:	7411 St. Andrews Church Road
Owner:	LNB Properties LLC
Applicant:	LNB Properties LLC
Representative:	Frost Brown Todd LLC
Jurisdiction:	Louisville Metro
Council District:	25 - Amy Holton Stewart
Case Manager:	Dante St. Germain, AICP, Planner II

Notices were sent by first-class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

02:41:27 Dante St. Germain presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

02:45:41 In response to questions from Commissioner Carlson, Ms. St. Germain said the Fire Department has not commented on the 18-foot wide driveway. Commissioner Carlson and Joe Reverman, Assistant Director of Planning & Design Services, discussed ordinance requirements for road width (see recording for detailed discussion.) Ms. St. Germain said she would email the plan to the responsible Fire Department District.

02:50:32 In response to questions from Commissioner Brown, Ms. St. Germain said she had questions the State Department of Transportation regarding the second entrance, and they had already permitted it. Commissioner Brown pointed out that there are sidewalks just to the west of this site at Forest Hills; Ms. St. Germain said the Planning Commission could require of the applicant as a condition of the zoning change.

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
February 24, 2022

NEW BUSINESS

Case No. 21-ZONE-0105

02:51:33 Commissioner Mims asked that Metro Transportation Planning address whether sidewalks were constructable here due to the creek.

The following spoke in favor of the request:

Tanner Nichols, Frost Brown Todd, 400 West Market Street, Louisville, KY 40202

Lyndon Anderson, 7211 Windemere Drive, Louisville, KY 40214

Sharon Blair, 7209 Supreme Drive, Louisville, KY

Steven Yount, 7411 St. Andrews Church Road, Louisville, KY 40214

Summary of testimony of those in favor:

02:52:19 Tanner Nichols, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.) He noted that the entrance is currently about 10-12 feet wide; the applicant has agreed to widen it to 18 feet.

02:56:57 In response to questions from Commissioner Carlson, Mr. Nichols said the applicant can be open to a binding element regarding hours of operation. Ms. St. Germain read a standard binding element commonly used in these circumstances into the record, as follows:

No power equipment that will cause a noise disturbance will be run between the hours of 10:00 p.m. and six a.m.

03:00:18 In response to a question from Commissioner Daniels, Ms. St. Germain said there was no day limit, so the binding element would apply seven days per week.

03:01:27 Lyndon Anderson, a nearby resident, said he did not have any issues with this business. He said he has lived in his residence for three years and never heard any noise or had any problems. He said the applicant takes care of the property (keeps yard clean and mowed, etc.)

03:04:01 Sharon Blair, a nearby resident of 28 years, spoke in support. She reiterated that the house, property, and yard look very nice and well-kept.

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03:07:42 Steven Yount, a nearby resident, spoke in support. He said he was a former employee. He said the property was very bad before the applicant bought it and cleaned, mowed, sprays for bugs, built a nice fence along the property, etc. He said the property looks great now. He said he lives in the closest proximity to the site and there is no noise or annoyance.

Rebuttal:

03:12:10 Mr. Nichols gave closing remarks (see recording.) He said the applicant agrees to the proposed binding element.

Deliberation:

03:13:03 Commissioners' deliberation.

An audio/visual recording of the Land Development and Transportation Committee meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

The Committee by general consensus scheduled this case to be heard at the **April 7, 2022 Planning Commission public hearing.**