

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
October 2, 2014**

A special meeting of the Louisville Metro Planning Commission was held on Thursday, October 2, 2014 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Commission members present:

Donnie Blake, Chair
Jeff Brown
Vince Jarboe
Carrie Butler
Robert Peterson
Chip White
Clifford Turner

Commission members absent:

David Proffitt, Vice Chair
Robert Kirchdorfer
David Tomes

Staff Members present:

Jonathan Baker, Legal Counsel (left at 2:30 p.m.)
John G. Carroll, Legal Counsel (arrived at 2:30 p.m.)
Tammy Markert, Transportation Planning
Chris Cestaro, Management Assistant (minutes)

Others:

The following matters were considered:

**Planning Commission Minutes
October 2, 2014**

Approval of Minutes

Approval of the minutes of the September 18, 2014 Planning Commission public hearing

On a motion by Commissioner Peterson, seconded by Commissioner Turner, the following resolution was adopted:

RESOLVED, that the Planning Commission does hereby **APPROVE** the minutes of its meeting conducted on September 18, 2014.

The vote was as follows:

YES: Commissioners Blake, Brown, Jarboe, Butler, Peterson, White, and Turner.

NO: No one.

NOT PRESENT: Commissioners Proffitt, Kirchdorfer, and Tomes.

ABSTAINING: No one.

**Planning Commission Minutes
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Public Hearing

Case No. 9-02-99

Request: Reconsideration of a Binding Element Violation
Final Order

Case Manager: **John Carroll, County Attorney's Office**

Agency Testimony:

00:04:30 John Carroll introduced, and gave a history of, the case. Mr. Carroll added that a settlement offer has also been received from April Robbins which would reduce the amount of the fine.

00:07:48 April Robbins, with Louisville Metro Codes and Regulations, presented the case and showed pictures taken on the site this morning. All pictures were circulated to all Commissioners. She said that "the property looks great" – it is clean, paved, and striped. She said that, after seeing the property today, she thought that a \$5,000 fine was "more than reasonable".

00:09:43 Ms. Robbins explained about the tractor trailer (minus the cab) that has been parked on the lot since last year.

00:10:32 Ms. Robbins explained how the \$5,000 fine amount was determined. The history of violations on the property was described.

The following spoke in favor of the reconsideration:

Edward Airhart, attorney, 440 South Seventh Street Suite 200, Louisville, KY 40203

Nihada Razic, 3509 Huon Drive, Louisville, KY 40218

Summary of testimony of those in favor:

00:12:44 Edward Airhart, the appellant's attorney, presented the appellants' summary of what happened. He described the condition of the property before the appellants purchased it, and the work that has been done to improve it to the condition it is in today. He added that the appellants did not realize that the tractor trailer is in violation, and will remove it as soon as possible.

00:19:28 In response to a question from Commissioner Brown, Ms. Robbins said that about 35 inspections has been made on this property.

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00:20:12 In response to a question from Commissioner Blake, Mr. Airhart explained why the appellants did not attend the first hearing on the violation. He said they did not receive notice due to a misspelling of their address on the notice. Mr. Carroll said the County Attorney's Office has signed receipts for the mailings of both the notice of violation and the citation, and there was no signature requesting a hearing as part of the citation process.

00:21:40 Nihada Razic stated that she received the first three letters, but found out later that there was a letter for a final order hearing that they did not receive. She said they were not aware that the fine would be \$1,000 per day. Mr. Airhart said the appellants were responding to the enforcement officers about what needed to be done on the site.

00:24:06 The procedures for the violation's final order were discussed by Mr. Carroll, Ms. Robbins, and the Commissioners.

The following spoke in opposition to the reconsideration:

No one spoke.

The following spoke neither for nor against the reconsideration:

No one spoke.

Deliberation

00:27:18 Commissioners' deliberation.

An audio/visual recording of the Planning Commission hearing 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.

On a motion by Commissioner White, seconded by Commissioner Butler, the following resolution was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby approve the reconsideration and a reduction of the fine to \$1,000, **ON CONDITION** that, within 7 days, the Code Enforcement Officers will re-visit the site to ensure the

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removal of the tractor trailer that is in violation; that the auto repairing is being done inside an enclosed building; and that there is no salvaging on the site.

The vote was as follows:

YES: Commissioners Blake, Brown, Jarboe, Butler, Peterson, White, and Turner.

NO: No one.

NOT PRESENT: Commissioners Proffitt, Kirchdorfer, and Tomes.

ABSTAINING: No one.

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STANDING COMMITTEE REPORTS

Land Development and Transportation Committee

No report given.

Legal Review Committee

No report given.

Planning Committee

No report given.

Policy and Procedures Committee

No report given

Site Inspection Committee

No report given.

ADJOURNMENT

The meeting adjourned at approximately 1:48 p.m.

Chairman

Division Director