

**PLANNING COMMISSION MINUTES**  
**September 6, 2018**

**PUBLIC HEARING**

**CASE NO. 18ZONE1015**

Request: Change in zoning from R-4, Single Family Residential to CM, Commercial- Manufacturing with setback variance, landscape and building design waivers, and detailed district development plan

Project Name: Bluegrass Lawn and Garden  
Location: 6502 Blevins Gap

Owner: James Kilgore  
4509 Blevins Gap Road  
Louisville, Ky. 40272

Applicant: James Kilgore  
4509 Blevins Gap Road  
Louisville, Ky. 40272

Representative: Dinsmore & Shohl, LLP.  
Clifford H. Ashburner  
101 South 5<sup>th</sup> Street, Suite 2500  
Louisville, Ky. 40202

Jurisdiction: Louisville Metro  
Council District: 14- Cindi Fowler  
**Case Manager: Joel Dock, AICP, Planner II**

Notice of this public hearing appeared in **The Courier Journal**, a notice was posted on the property, and 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 public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

**Agency Testimony:**

00:12:40 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

**The following spoke in favor of this request:**

Cliff Ashburner, Dinsmore and Shohl, LLP, 101 South 5<sup>th</sup> Street, Suite 2500, Louisville, Ky. 40202

**PLANNING COMMISSION MINUTES**  
**September 6, 2018**

**PUBLIC HEARING**

**CASE NO. 18ZONE1015**

Sarah Beth Sammons, LD&D Inc., 503 Washburn Avenue, Louisville, Ky. 40222

**Summary of testimony of those in favor:**

00:00:53 Mr. Ashburner gave a power point presentation. The site is odd and hard to design. The VFW has given permission to do landscaping on their property. The applicant wants to do a fee-in-lieu for Blevins Gap Rd. and provide sidewalks on Dixie where needed. Gating will be impossible because it will hinder stacking of the trucks. Screening will be provided for the main loading area.

Mr. Ashburner discussed truck routing and the hours of operation will be 8:00 a.m. – 6:00 p.m. Monday through Saturday.

00:30:02 Commissioner Carlson asked if the trucks will go off pavement. Ms. Sammons said no. Commissioner Carlson said there are 3 overhead doors, will you be subdividing to other businesses? Mr. Ashburner said no, it's just one business.

**The following spoke neither for nor against the request:**

Cindi Fowler, 601 West Jefferson Street, Louisville, Ky. 40212

**Summary of testimony of those neither for nor against:**

00:36:40 Ms. Fowler requests a binding element to keep out undesirable businesses if the property is sold. This would be a binding element if there's a change in use, stating it needs to come back to the Planning Commission and Metro Council for approval. Mr. Reverman suggested specifying the use.

**Rebuttal**

00:40:46 Mr. Ashburner said we can work out the binding element but want to ensure it is governed by Chapter 11 of the Land Development Code.

**Deliberation**

00:42:13 Commissioner Carlson said he wants the binding element concerning change of use in place before passing it on to Metro Council.

00:43:20 Commissioner Brown stated the elimination of the gate eliminates a potential hazard.

**PLANNING COMMISSION MINUTES**  
**September 6, 2018**

**PUBLIC HEARING**

**CASE NO. 18ZONE1015**

00:44:03 Commissioner Howard stated the proposal is a lower intense use than a C-1 or C-2 could possibly be. It won't bring more traffic. The alternative landscape plan is much better than what was shown at the August 16, 2018 meeting. Binding element 1 covers any change of use and adding another binding element is not needed.

00:45:47 Vice Chair Lewis stated this is an improved plan and supports it.

00:51:04 Commissioner Carlson stated the staff report is against the use. Mr. Dock responded, the staff report is never against a specific use. It considers the zoning district as a whole and everything that comes with it.

**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.**

**Zoning Change from R-4 to CM**

On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution based on testimony heard at the August 16, 2018 and September 6, 2018 PC meetings and the applicant's findings was adopted.

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because, although the property is within a Neighborhood form district, this form district is misapplied to the property as it is surrounded by other light commercial uses along Dixie Highway and Blevins Gap Road, including applicant's lawn and garden business, two auto repair shops, and a VFW Post. The proposed warehouse is compatible with the scale and function of these surrounding commercial uses. The majority of the nearby residential uses are separated from the property by the railroad tracks to the east; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because the subject property fronts a collector road that feeds the arterial commercial corridor along Dixie Highway one block to the west. The proximity of Dixie Highway provides minimally intrusive access for delivery vehicles accessing the property; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because the property is located on a block with light commercial uses along Dixie Highway and Blevins Gap Road, including applicant's lawn and garden business, two auto repair shops, and a VFW post. The property will have landscape buffering and a security gate along the north side of the property that fronts

**PLANNING COMMISSION MINUTES**  
**September 6, 2018**

**PUBLIC HEARING**

**CASE NO. 18ZONE1015**

the residential uses across Blevins Gap Road. The railroad separates the property from the residential uses that predominate to the east. Due to the small size and configuration of the property, the only viable access point to the property is along Blevins Gap Road, which connects to the nearby arterial Dixie Highway to the west within 1,000 feet. The size and configuration of the property also requires parking and loading at the front of the property. Delivery vehicles would be unable to maneuver around the proposed warehouse within the bounds of the property to reach a rear parking and loading location; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Open Space and Scenic and Historic Resources guideline because open space is not required, and the proposal includes tree planting along the western and southern property line; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Guidelines 7, Circulation, 8, Transportation Facility and 9, Bicycle, Pedestrian and Transit because the property is linked to Dixie Highway within 1,000 feet to the west, which will be the primary route of access for delivery vehicles accessing the property. The property's proposed use as a warehouse requires minimal parking, and three compliant parking spaces are provided. Because there are no connecting sidewalks along Blevins Gap Road, the applicant proposes to pay a fee in lieu of providing sidewalks that would not provide any benefit to the area; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Guidelines 10, Flooding and Stormwater and 11, Water Quality because a detention basin is proposed on the west side of the property to meet MSD requirements. The proposal will comply with all other MSD regulations; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Landscape Character guideline because the subject property will be include appropriate landscape buffering in light of the surrounding land uses; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Infrastructure guideline because the subject property has existing access to utilities and water. Louisville Water Company and fire authorities have not indicated any issues with the proposal.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council the change in zoning from R-4, Single Family Residential to CM, Commercial Manufacturing on 1 acre of property described in the attached legal description be **APPROVED**.

**PLANNING COMMISSION MINUTES**  
**September 6, 2018**

**PUBLIC HEARING**

**CASE NO. 18ZONE1015**

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Howard and Lewis**

**NOT PRESENT FOR THIS CASE: Commissioners Peterson, Robinson, Smith, Tomes and Jarboe**

**ABSTAINING: Commissioner Daniels**

**Variance from Land Development Code, section 5.3.1.C.5 to reduce the required 30' setback at the rear property to 5'**

On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution based on the testimony heard today and from the August 16, 2018 PC meeting and the applicant's findings was adopted.

**WHEREAS**, the proposed variance, which will allow the proposed warehouse to encroach into the 30' setback along the southern property line, will not adversely affect the public health, safety or welfare. The adjacent property to the south is not a residential use; it is part of the parcel currently used as a VFW Post. The portion of the adjacent property immediately to the south of the subject property contains a MSD easement and communications tower. The applicant proposes to install a landscape buffer between the proposed warehouse and the western and southern property lines. Accordingly, the variance from the southern property line setback will not cause any adverse impact to the public or the adjacent property owner to the south; and

**WHEREAS**, the variance will not alter the essential character of the general vicinity as the proposed warehouse is consistent with the other light commercial uses along Dixie Highway and Blevins Gap Road, including applicant's lawn and garden business, two auto repair shops, and the VFW Post. As set forth above, the proposal retains an adequate landscape buffer along the western and southern property lines; and

**WHEREAS**, the variance will not cause a hazard or nuisance to the public. The variance will allow the applicant to locate the proposed warehouse further back from Blevins Gap Road, which will permit easier ingress and egress for vehicles accessing the property and improve public safety on Blevins Gap Road. The variance will not cause a hazard or nuisance to the property to the south as it is not a residential use and the applicant will install adequate landscape screening along the southern property line; and

**WHEREAS**, the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations. Due to the depth limitations of the subject

**PLANNING COMMISSION MINUTES**  
**September 6, 2018**

**PUBLIC HEARING**

**CASE NO. 18ZONE1015**

property, and the nature of the business and the storage requirements of the applicant, the loading area must be located in front of the proposed warehouse. The variance balances the need to accommodate a front loading area large enough to permit tractor trailers to ingress and egress from the property and the size limitations of the subject property; and

**WHEREAS**, the variance arises from special circumstances that do not generally apply to land in the vicinity of the project. The variance is the result of the need to locate the loading area at the front of the subject property and build a warehouse large enough to serve the applicant's needs. The shallow nature of the subject property requires a variance from the 30' setback along the southern property line; and

**WHEREAS**, the Louisville Metro Planning Commission finds, the strict application of the regulations would create an unnecessary hardship because the size of the subject property limits the possible configurations of the property to accommodate a front loading area and a warehouse large enough to serve the applicant's needs. Strict application of the regulations would force the applicant to significantly reduce the size of front loading area or the size of the proposed warehouse. The variance will permit the applicant to build loading area large enough to permit easy ingress and egress from tractor trailers while accommodating a warehouse large enough for the applicant's business needs; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the circumstances are not the result of actions taken by the applicant subsequent to the adoption of the zoning ordinance but are, instead, the result of misapplication of the setback requirements to this property as the property to the south is not a residential use. The adjacent property to the south is part of the parcel currently used as a VFW Post, and the portion of the adjacent property immediately to the south of the subject property contains a MSD easement and communications tower. The variance will permit the applicant to build a warehouse large enough to accommodate his business needs with a front loading area large enough to accommodate tractor trailer access to the property.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the variance from the Land Development Code, section 5.3.1.C.5 to reduce the required 30 foot setback at the rear property to 5 feet.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Howard and Lewis**

**PLANNING COMMISSION MINUTES**  
**September 6, 2018**

**PUBLIC HEARING**

**CASE NO. 18ZONE1015**

**NOT PRESENT FOR THIS CASE: Commissioners Peterson, Robinson, Smith, Tomes and Jarboe**

**ABSTAINING: Commissioner Daniels**

**Waivers**

- 1. Waiver of Land Development Code, section 5.5.2.A.1 to not provide windows along the primary façade**
- 2. Waiver of Land Development Code section 10.2.2 to reduce 25' LBA to 5' along rear property line**
- 3. Waiver of Land Development Code, section 10.2.4.B.3 to allow for easement/LBA overlap**
- 4. Waiver of Land Development Code, section 10.2.12 to eliminate the required interior landscape area**

On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution based on the testimony heard today and from the August 16, 2018 PC meeting and the applicant's findings was adopted.

**WHEREAS**, the proposed waiver from the requirement to provide display windows or windows affording views into the business will not adversely affect adjacent property owners. Windows are not suitable for the face of the proposed building facing Blevins Gap Road as the building will be used as a storage warehouse. Windows are not conducive to the security of the building and, by providing a view into a storage warehouse, would only serve to diminish the aesthetic impact of the proposed building to adjacent property owners; and

**WHEREAS**, the proposed waiver will not violate the Comprehensive Plan. The proposed waiver will permit the applicant to construct a warehouse that is consistent with the other light commercial uses along Dixie Highway and Blevins Gap Road, including applicant's lawn and garden business, two auto repair shops, and the VFW Post. As set forth above, the proposed waiver will improve the building's security and reduce the aesthetic impact of the building

**WHEREAS**, the extent of the proposed waiver of the regulation is the minimum necessary to afford relief to the applicant. The proposed waiver will permit the applicant to construct a secure storage warehouse with as little aesthetic impact as possible to the adjacent property owners; and

**WHEREAS**, the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant. The addition of display windows would require the property owner to

**PLANNING COMMISSION MINUTES**  
**September 6, 2018**

**PUBLIC HEARING**

**CASE NO. 18ZONE1015**

internally screen the products he intends to store in the proposed warehouse from public view. The proposed waiver will permit the applicant to improve the security of the building and reduce its aesthetic impact by shielding his products from public view; and

**WHEREAS**, the proposed waivers will not adversely affect adjacent property owners because the only neighboring property to the south and west is a VFW Post, which is set back more than 100 feet from the subject property. The applicant proposes to retain existing trees along the southern and western property lines that will adequately buffer the rear of the proposed building on the subject property; and

**WHEREAS**, the proposed waivers will not violate the Comprehensive Plan. The proposed use as a warehouse is consistent with the other light commercial uses along Dixie Highway and Blevins Gap Road, including applicant's lawn and garden business, two auto repair shops, and the VFW Post. As set forth above, the proposal retains an adequate landscape buffer along the southern and western property lines. The existing MSD drainage easement that impacts the property will provide buffering in these areas; and

**WHEREAS**, the Louisville Metro Planning Commission finds, the extent of the proposed waivers of the regulations is the minimum necessary to afford relief to the applicant. The waivers are necessary to allow the applicant to construct an 18,000 square foot warehouse with adequate parking and maneuvering space for delivery vehicles accessing the property, and to comply with MSD requirements for a 7,040 cubic foot detention basin on the property. Due to the small size and configuration of the property, parking and loading areas must be located at the front of the property. Delivery vehicles would be unable to maneuver around the proposed warehouse within the bounds of the property to reach a rear parking and loading location. Thus, the proposed warehouse must be constructed near the southern property line while still leaving adequate space for parking and loading at the front of the property. These restrictions require the proposed waivers for the landscape buffer areas; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant. Given the small size and configuration of the subject property, strict application of the landscape buffering regulations would severely limit the size and accessibility of the warehouse applicant proposes to build on the property. The proposed waivers will permit the applicant to construct an 18,000 square foot warehouse while retaining existing trees along the southern and western property lines that will adequately buffer the subject property.



**PLANNING COMMISSION MINUTES**  
**September 6, 2018**

**PUBLIC HEARING**

**CASE NO. 18ZONE1015**

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the following waivers:

- 1. Waiver of Land Development Code, section 5.5.2.A.1 to not provide windows along the primary façade**
- 2. Waiver of Land Development Code section 10.2.2 to reduce 25 foot LBA to 5 feet along rear property line**
- 3. Waiver of Land Development Code, section 10.2.4.B.3 to allow for easement/LBA overlap**
- 4. Waiver of Land Development Code, section 10.2.12 to eliminate the required interior landscape area**

The vote was as follows:

**YES: Commissioners Brown, Carlson, Howard and Lewis**

**NOT PRESENT FOR THIS CASE: Commissioners Peterson, Robinson, Smith, Tomes and Jarboe**

**ABSTAINING: Commissioner Daniels**

**Detailed District Development Plan and Binding Elements**

On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution based on the testimony heard today and from the August 16, 2018 PC meeting and the applicant's findings was adopted.

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because, although the property is within a Neighborhood form district, this form district is misapplied to the property as it is surrounded by other light commercial uses along Dixie Highway and Blevins Gap Road, including applicant's lawn and garden business, two auto repair shops, and a VFW Post. The proposed warehouse is compatible with the scale and function of these surrounding commercial uses. The majority of the nearby residential uses are separated from the property by the railroad tracks to the east; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because the subject property fronts a collector road that feeds the arterial commercial corridor along Dixie Highway one block to the west. The proximity of Dixie Highway provides minimally intrusive access for delivery vehicles accessing the property; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because the property is located on a block with light

**PLANNING COMMISSION MINUTES**  
**September 6, 2018**

**PUBLIC HEARING**

**CASE NO. 18ZONE1015**

commercial uses along Dixie Highway and Blevins Gap Road, including applicant's lawn and garden business, two auto repair shops, and a VFW post. The property will have landscape buffering and a security gate along the north side of the property that fronts the residential uses across Blevins Gap Road. The railroad separates the property from the residential uses that predominate to the east. Due to the small size and configuration of the property, the only viable access point to the property is along Blevins Gap Road, which connects to the nearby arterial Dixie Highway to the west within 1,000 feet. The size and configuration of the property also requires parking and loading at the front of the property. Delivery vehicles would be unable to maneuver around the proposed warehouse within the bounds of the property to reach a rear parking and loading location; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Open Space and Scenic and Historic Resources guideline because open space is not required, and the proposal includes tree planting along the western and southern property line; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Guidelines 7, Circulation, 8, Transportation Facility and 9, Bicycle, Pedestrian and Transit because the property is linked to Dixie Highway within 1,000 feet to the west, which will be the primary route of access for delivery vehicles accessing the property. The property's proposed use as a warehouse requires minimal parking, and three compliant parking spaces are provided. Because there are no connecting sidewalks along Blevins Gap Road, the applicant proposes to pay a fee in lieu of providing sidewalks that would not provide any benefit to the area; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Guidelines 10, Flooding and Stormwater and 11, Water Quality because a detention basin is proposed on the west side of the property to meet MSD requirements. The proposal will comply with all other MSD regulations; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Landscape Character guideline because the subject property will include appropriate landscape buffering in light of the surrounding land uses; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Infrastructure guideline because the subject property has existing access to utilities and water. Louisville Water Company and fire authorities have not indicated any issues with the proposal.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan **SUBJECT** to the following Binding Elements:

**PLANNING COMMISSION MINUTES**  
**September 6, 2018**

**PUBLIC HEARING**

**CASE NO. 18ZONE1015**

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area. 4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
  - e. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission. 6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

**PLANNING COMMISSION MINUTES**  
**September 6, 2018**

**PUBLIC HEARING**

**CASE NO. 18ZONE1015**

7. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
8. Outdoor sales, display, and storage are prohibited.
9. In addition to the proposed 6 foot privacy styled fence along Blevins Gap Rd. frontage, a solid evergreen screen shall be provided at mature height to screen loading areas from view of public wastes and residential properties. This screen shall be shown on the approved landscape plan.
10. An agreement to plant and maintain off-site trees on the property known as 6518 Blevins Gap Rd. shall be secured prior to certificate of occupancy.
11. Hours of operation shall be from 8:00 a.m. to 6:00 p.m. Monday through Saturday.
12. Any change of use from Lawn and Garden warehouse shall require approval by Metro Council with a recommendation from the Planning Commission.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Howard and Lewis**

**NOT PRESENT FOR THIS CASE: Commissioners Peterson, Robinson, Smith, Tomes and Jarboe**

**ABSTAINING: Commissioner Daniels**

**PLANNING COMMISSION MINUTES**  
**August 16, 2018**

**PUBLIC HEARING**

**CASE NO. 18ZONE1015**

Request: Change in zoning from R-4, Single Family Residential to CM, Commercial- Manufacturing with setback variance, landscape and building design waivers, and detailed district development plan

Project Name: Bluegrass Lawn and Garden

Location: 6502 Blevins Gap

Owner: James Kilgore

Applicant: James Kilgore

Representative: Dinsmore & Shohl, LLP.

Jurisdiction: Louisville Metro

Council District: 14- Cindi Fowler

**Case Manager: Joel Dock, AICP, Planner II**

Notice of this public hearing appeared in The Courier Journal, a notice was posted on the property, and 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 public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

**Agency Testimony:**

01:45:55 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

**The following spoke in favor of this request:**

Cliff Ashburner, Dinsmore and Shohl, LLP, 101 South 5<sup>th</sup> Street, Suite 2500, Louisville, Ky. 40202

Sarah Beth Sammons, Land Development and Design, 503 Washburn Avenue, Louisville, Ky. 40222

**Summary of testimony of those in favor:**

01:52:58 Mr. Ashburner gave a power point presentation. Some of the issues brought up by staff have been addressed. The area the trucks will most likely use is not in an area significantly lower in intensity and the frequency of the trips does not constitute a significant nuisance. There will be no chemicals, it's mainly equipment. The landscaping plan has changed and the issue was not resolved before today – have spoken with county attorney to remedy.

**PLANNING COMMISSION MINUTES**  
**August 16, 2018**

**PUBLIC HEARING**

**CASE NO. 18ZONE1015**

02:08:04 Vice Chair Lewis asked a question regarding truck deliveries and size of the trucks.

02:08:13 Ms. Sammons explained the truck routes, maneuvering and sizes.

02:16:22 Mr. Ashburner spoke with his client and if truck maneuvering becomes a problem, he will eliminate 53 foot trailers from this site. It may be hard to enforce as a binding element.

02:18:20 Commissioner Carlson said he asked (at last LD&T meeting) for an example of a fence the applicant will be using. Mr. Ashburner said it will be a standard 6 foot solid wood fence. Ms. Sammons added, the gate will match the fence.

02:19:50 Commissioner Brown stated the geometry used on the truck maneuvering doesn't match what's shown on the development plan (entrance).

**The following spoke neither for nor against the request:**

Councilwoman Cindi Fowler, 601 West Jefferson Street, Louisville, Ky. 40202

**Summary of testimony of those neither for nor against:**

02:24:13 Councilwoman Fowler stated she hopes the applicant can work out the issues.

**Deliberation**

02:25:14 Commissioner Carlson wants to know if the trees will be in front of or behind the fence (answer at next meeting).

**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 Carlson, seconded by Commissioner Howard, the following resolution was adopted.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the September 6, 2018 Planning Commission meeting.

**The vote was as follows:**

**PLANNING COMMISSION MINUTES**  
**August 16, 2018**

**PUBLIC HEARING**

**CASE NO. 18ZONE1015**

**YES: Commissioners Brown, Carlson, Howard, Lewis, Peterson, Smith, Tomes  
and Jarboe**

**NOT PRESENT AND NOT VOTING: Commissioner Robinson**