

**LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE**  
**April 14, 2022**

**OLD BUSINESS**

**Case No. 21-ZONE-0164**

<b>Request:</b>	<b>Cont'd from the March 10, 2022 LD&amp;T meeting - Change in Zoning from C-2 to M-2</b>
<b>Project Name:</b>	<b>Drum Trucking</b>
<b>Location:</b>	<b>8315 Nash Road</b>
<b>Owner:</b>	<b>Drum Trucking LLC</b>
<b>Applicant:</b>	<b>Drum Trucking LLC</b>
<b>Representative:</b>	<b>Bardenwerper Talbott and Roberts PLLC; Mindel Scott &amp; Associates</b>
<b>Jurisdiction:</b>	<b>Louisville Metro</b>
<b>Council District:</b>	<b>13 – Mark Fox</b>
<b>Case Manager:</b>	<b>Julia Williams, AICP, Planning Supervisor</b>

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. 5<sup>th</sup> Street.)

**Agency Testimony:**

00:56:38 Jay Lockett, on behalf of Julia Williams, presented the case and showed a PowerPoint presentation (see recording for detailed presentation.) Staff finds the case is ready for a public hearing date to be set.

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

Nick Pregliasco, Bardenwerper, Talbott & Roberts, 1000 N Hurstbourne Parkway, Louisville, KY 40223

Kathy Linares, 5151 Jefferson Blvd, Louisville, KY 40202

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

00:59:02 Nick Pregliasco, the applicant's representative, addressed Commissioner Mims' question about the core sampling and explained the results showed that the pavement was in good condition and suitable for the traffic. Mr. Pregliasco presented the applicant's case and showed a PowerPoint presentation (see recording for detailed presentation.)

01:06:19 Kathy Linares ensured the entrance drive will be paved to the gate.

There was detailed discussion on requiring portable restrooms on site through a binding element, along with their maintenance and upkeep.

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**Agency Testimony:**

00:55:16 Julia Williams presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) She discussed an e-mail and a phone call she had received before today's meeting from an adjacent property owner which expressed concerns about: trucks have to drive in the middle of the road; flooding; no bathrooms for the truck drivers; people walk down the road because there is no consistent network of sidewalks.

01:00:34 In response to questions from Commissioner Mims, Ms. Williams said the road will only be paved up to the gate. The parking area will be gravel.

01:01:31 Commissioner Carlson asked if Nash Road was constructed with sufficient strength and capacity to handle this type of truck traffic. Ms. Williams said either the applicant or Transportation Planning could better respond to that. Commissioner Brown noted that there had been a recent rezoning to the south that prohibited Nash Road access to trucks.

**The following spoke in support of the request:**

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Nick Pregliasco, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway, Louisville, KY 40223

Kathy Linares, Mindel Scott & Associates, 5151 Jefferson Blvd, Louisville, KY 40219

Salihbeg Ferhatbegovic, 8912 Town Ridge Road, Louisville, KY

**Summary of testimony of those in support:**

01:04:15 Nick Pregliasco, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.) He said there is a note on the plan requiring that the gravel area must have a binding agent applied to stabilize the surface and prevent dust. He said there are no restrooms provided; however, the site is intended for drivers to pick up or drop off a trailer and no one will be on the site for any amount of time. Mr. Pregliasco also noted a binding element that the applicant will agree to, which reads as follows:

No trucks or trailers that are required by US Department of Transportation regulations to display a hazardous materials placard shall be parked on the site.

01:13:31 Kathy Linares, an applicant's representative, said the width of the road varies between 18-20 feet, but that she was not familiar with the weight bearing capacity of Nash Road. Mr. Pregliasco said that sidewalks would be added along this frontage. Ms. Linares noted that there are truck storage facilities both to the north and the south of this site, at least one of which has an entrance/access on Nash Road.

01:16:15 In response to questions from Commissioners Mims and Sistrunk, Salihbeg Ferhatbegovic, the business owner, said that both empty and full trailers would be stored there overnight. Commissioners Mims and Carlson discussed the gated access and whether it would be accessible to firefighting equipment. Commissioner Carlson mentioned the need to be close to a fire hydrant. Mr. Pregliasco said the applicant is willing to work with the Fire Department to see if they have any comments or concerns.

01:23:18 In response to a question from Commissioner Carlson, Ms. Linares said the binding agent put down to minimize dust must be refreshed periodically but she did not know the timeframe on that. Mr. Pregliasco said the applicant is willing to add a binding element stating that they would "comply with best practices" regarding this.

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01:25:08 Commissioner Carlson asked for more definitive information regarding the weight-bearing capacity of Nash Road before this case is moved to a public hearing. Commissioner Brown advised that this information should be determined before any rezoning takes place. Commissioner Sistrunk agreed. See recording for detailed discussion.

01:30:51 There was discussion between the Commissioners, Ms. Linares, and Mr. Pregliasco regarding the road issue, impact mitigation, and the proposed M-2 rezoning and permitted uses. See recording for detailed discussion.

01:43:55 Ms. Linares said she could try to get a core sample of the roadway done possibly within the next two weeks.

**The following spoke in opposition:**

Ty Schrenger, representing his father Milton, 8400 Nash Road, Louisville, KY 40214

**Summary of testimony of those in opposition:**

01:36:33 Ty Schrenger said 18-20 feet width of road is not sufficient to allow two tractor trailers to pass. He said he took issue with Mr. Pregliasco's statement that this would be strictly a drop lot, and expressed concern about a lack of resting area or sanitary facilities for truckers. He referred to a picture of the intersection of Outer Loop and Nash Road that he says shows road deterioration; he said there is further deterioration along Nash Road where trucks pull into the first business on the left. He said the commercial and industrial uses in this area are almost all on National Turnpike, not on Nash Road. He said sidewalks are not consistent; the existing sidewalks are on the left side of the road, while the applicant is proposing to install sidewalks on the right side of the road. He explained the hazards for pedestrians on Nash Road and noted that children catch their school bus at the corner of Nash and Outer Loop. He said the proposed binding agent gets tracked off the lot and onto the road, and is very slippery. He said this area has a "severe" drainage problem.

**Rebuttal**

01:46:33 Mr. Pregliasco said comments will be addressed when this case comes back to LD&T.

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01:47:16 In response to a question from Commissioner Carlson, Tony Kelly, from MSD, discussed a previous case on Nash Road and steps MSD had taken to alleviate drainage concerns (installing upsized pipes, etc.) See recording for detailed discussion.

**Deliberation:**

01:50:32 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.**

01:51:42 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Land Development and Transportation Committee does hereby continue this case to the **April 14, 2022 Land Development and Transportation Committee meeting**.

**The vote was as follows:**

**YES: Commissioners Mims, Carlson, Brown, Daniels, and Sistrunk.**