

**MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE**

January 28, 2021

A meeting of the Land Development and Transportation Committee was held at 1:00 p.m. on Thursday, January 28, 2021 via Webex Teleconferencing.

Committee Members present were:

Rob Peterson, Chair
Richard Carlson
Ruth Daniels (arrived at 1:10 p.m.)
Jeff Brown

Committee Members absent were:

Te'Andre Sistrunk, Vice Chair

Staff Members present were:

Emily Liu, Director, Planning & Design Services
Joseph Reverman, Assistant Director, Planning & Design Services
Brian Davis, Planning Manager
Julia Williams, Planning Supervisor
Dante St. Germain, Planner II
Joel Dock, Planner II
Laura Ferguson, Legal Counsel
Chris Cestaro, Management Assistant (minutes)

Others Present:

Beth Stuber, Transportation Planning
Tony Kelly, MSD

The following matters were considered:

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Approval of Minutes

Approval of the January 20, 2021 LD&T Committee Meeting Minutes

00:03:47 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution was adopted:

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on January 14, 2021.

The vote was as follows:

YES: Commissioners Brown, Carlson, and Peterson.

ABSENT: Commissioners Sistrunk and Daniels.

**MINUTES OF THE MEETING
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Old Business

Case No. 20-ZONE-0088

Request:	Change in zoning from R-4 to R-6 with detailed plan and landscape waiver
Project Name:	1213 Hines Court
Location:	1213 Hines Court
Owner:	Gregory Properties, LLC
Applicant:	Gregory Properties, LLC
Representative:	Duncan Galloway Egan Greenwald; LD&D
Jurisdiction:	Louisville Metro
Council District:	19 - Anthony Piagentini
Case Manager:	Joel P. Dock, 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:

00:04:52 Joel Dock said this case was continued to confirm the pavement width of Hines Court down to Heafer Lane. He said Beth Stuber, with Metro Transportation, has site verified that pavement width to be 18 feet.

The following spoke in favor of the request:

Kyle Galloway, Duncan Galloway Egan Greenwald PLLC, 9625 Ormsby Station Rd. Louisville, KY 40223

Mike Hill, Land Design & Development, 503 Washburn Ave # 101, Louisville, KY 40222

Summary of testimony of those in favor:

00:06:30 Kyle Galloway, the applicant's representative, said he and Mr. Hill are present to answer questions if needed.

The following spoke in opposition to the request:

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Old Business

Case No. 20-ZONE-0088

No one spoke.

00:07:35 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 **February 18, 2021** Planning Commission public hearing.

**MINUTES OF THE MEETING
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Old Business

Case No. 20-ZONE-0102

Request:	Change in zoning from R-4, OR-2 & C-2 to EZ-1 with revised detailed district development plan
Project Name:	Woodland Warehouse
Location:	8201 Minor Lane
Owner:	Barrington Investment Company, LLC
Applicant:	Barrington Investment Company, LLC
Representative:	Bardenwerper, Talbott & Roberts, PLLC
Jurisdiction:	Louisville Metro
Council District:	13 - Mark Fox
Case Manager:	Joel P. Dock, 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:

00:09:00 Joel Dock said the applicant has requested a continuance to the February 11, 2021 LD&T meeting. The applicant has indicated that they want to revise the development plan.

The following applicant's representatives were present:

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

Kevin Young, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

Summary of discussion:

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Old Business

Case No. 20-ZONE-0102

00:11:16 Commissioner Carlson requested more information about a plan for closing the mobile home park; involving police and fire for security; and helping the residents find alternative places to live. Nick Pregliasco, the applicant's representative, discussed the changes to the plan and said the applicant would work with staff regarding the specifics of the park closure and relocation; also, he said the applicant is addressing a potential emergency connection with the property to the south.

The following spoke in opposition to the request:

No one spoke.

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.

00:14:42 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution was adopted:

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **CONTINUE** this case to the February 11, 2021 Land Development and Transportation Committee meeting.

The vote was as follows:

YES: Commissioners Carlson, Daniels, Brown, and Peterson.

NO: No one.

ABSENT: Commissioner Sistrunk.

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Old Business

Case No. 20-ZONE-0057

Request:	Change in zoning from R-4 to R-6 with detailed district development plan, major preliminary subdivision (development potential transfer), and height variance
Project Name:	8300 Cooper Chapel Road
Location:	8300 Cooper Chapel Road
Owner:	Toebe Bernard Sr. Revocable Trust
Applicant:	LDG Development, LLC
Representative:	Dinsmore & Shohl LLC
Jurisdiction:	Louisville Metro
Council District:	23 - James Peden
Case Manager:	Joel P. Dock, 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:

00:15:19 Joel Dock said he had no new information to present. He said Planning & Design Services staff met with Metro Transportation, the applicant, and the applicant's traffic engineer to discuss transportation concerns.

The following spoke in favor of the request:

Cliff Ashburner, Dinsmore & Shohl, 101 S 5th St #2500, Louisville, KY 40202

Michael Gross, LDG Development, 1469 S 4th St, Louisville, KY 40208

Mike Hill, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

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Old Business

Case No. 20-ZONE-0057

Diane Zimmerman (traffic engineer), 12803 High Meadows Pike, Prospect, KY 40059

Summary of testimony of those in favor:

00:16:23 Cliff Ashburner, the applicant's representative, presented updates and discussed questions regarding State road improvements (see recording for detailed presentation and discussion.)

00:21:54 Diane Zimmerman, the applicant's traffic engineer, explained how the intersection of Cooper Chapel and Beulah Church Road currently works; how the applicant would potentially improve it while waiting for State road improvements; and what the impact of the State road improvements would be (see recording.)

00:25:00 Mr. Ashburner concluded his presentation. He said a binding element will be proposed that will account for the timing of either the installation of a right-turn lane, or the State road improvements; and a phasing plan for the proposed development. He said already-approved developments have been taken into account (see recording.)

00:27:43 Commissioner Carlson expressed concern about a bridge that has yet to be built; and also about the market demand for apartments in this area. He expressed concern that the south-central part of the County is being oversaturated with apartments. Mr. Ashburner discussed the latest Housing Needs study in Louisville Metro (see recording.) He said more details will be provided at the public hearing.

00:31:56 In response to a question from Commissioner Daniels, Mr. Ashburner said more information would be provided at the public hearing regarding how much of this development is planned for affordable housing.

00:32:44 Commissioner Brown asked that the applicant get something from the KYDOT concurring with the proposed right-turn lane.

The following spoke in opposition to the request:

Thomas Simmons, 6508 Cooper Chapel Road, Louisville, KY

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Old Business

Case No. 20-ZONE-0057

Larry Webb, 11400 Courage Court, Louisville, KY

Summary of testimony of those in opposition:

00:33:32 Thomas Simmons requested that any meeting/s about this case be moved to an in-person meeting in conjunction with Case No. 20-ZONE-0066. A night hearing has been requested for this latter case, and he feels the two cases should be heard at the same time, in the broader context of all the developments that are simultaneously going on in the area. He noted that Cooper Chapel is included in the Highview Plan.

00:37:02 Larry Webb, Mayor of the City of Heritage Creek, said residents have concerns about Cooper Chapel Road and Cedar Creek Road – there have been no discussion about improvements to Cedar Creek Road. He said the Council voted to not allow a connection from this development to Fantasy Trail. That is a privately owned street, owned and maintained by the City of Heritage Creek. He discussed traffic concerns in his neighborhood and the surrounding area.

00:39:27 Commissioner Carlson asked staff if this site is in the Highview Neighborhood Plan area. Mr. Dock said this site is outside the boundaries of Highview and Fern Creek. In response to another question from Commissioner Carlson, Mr. Dock said Mr. Simmons has petitioned for a night hearing regarding Case No. 20-ZONE-0066 (Dante St. Germain is the Case Manager.) Mr. Dock said he has received no petition for a night hearing on this case. Mr. Simmons said he asked for this case to be heard in conjunction with Case No. 20-ZONE-0066.

00:43:12 Laura Ferguson, legal counsel for the Planning Commission, addressed issues regarding Fantasy Trail (see recording.).

Rebuttal:

00:46:18 Mr. Ashburner presented rebuttal (see recording.)

00:51:17 In response to a question from Commissioner Peterson, Mr Ashburner discussed proposed road improvements at the southern/main entrance to the subdivision. Ms. Zimmerman said this entrance was included in the traffic study and did not meet requirements for a left turn lane.

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Old Business

Case No. 20-ZONE-0057

00:52:45 Councilman James Peden discussed the road in the City of Heritage Creek and whether that City has the right to keep the road closed (see recording.) Mr. Ashburner said this detail can be worked out between now and the date of the public hearing.

00:57:12 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 **February 18, 2021** Planning Commission public hearing.

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New Business

Case No. 20-ZONE-0066

Request:	Change in Zoning from PRD & R-4 to R-6, with Detailed District Development Plan and Binding Elements, and Variance - Request for a Night Hearing
Project Name:	Cooper Chapel Apartments
Location:	6600 & 6702 Cooper Chapel Road
Owner:	Gary & Cherrlynn Eibeck Living Trust
Applicant:	LDG Development
Representative:	Dinsmore & Shohl LLC
Jurisdiction:	Louisville Metro
Council District:	23 - James Peden
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:

00:59:51 Dante St. Germain presented the case and showed a Power Point presentation) see staff report and recording for detailed presentation.) She informed the Committee that a night hearing petition has been submitted and verified, so the Committee will need to continue today's case to the February 25, 2021 LD&T meeting in order to have time to find a venue and set a meeting date.

01:04:12 In response to questions from Commissioner Carlson and Commissioner Brown, Ms. St. Germain said she is not aware of any proposed improvements to Cooper Chapel Road between this site and McNeely Lake Park. Access to the park was discussed (see recording for detailed discussion.)

The following spoke in favor of the request:

Cliff Ashburner, Dinsmore & Shohl, 101 S 5th St #2500, Louisville, KY 40202

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New Business

Case No. 20-ZONE-0066

John Campbell, Heritage Engineering, 642 South 4th St. Suite 100, Louisville, KY 40202

Michael Gross, LDG Development, 1469 S 4th St, Louisville, KY 40208

Diane Zimmerman (traffic engineer), 12803 High Meadows Pike, Prospect, KY 40059

Summary of testimony of those in favor:

01:06:19 Cliff Ashburner, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.) He noted that, although the site does share a property line with McNeely Lake Park, there are topographical issues that prevent an ADA-compliant connection between the two properties.

01:11:42 John Campbell, an applicant's representative, explained the process for lying out the site and working with the existing topography and natural features on the site to develop the plan being presented today. He said the plan maximizes tree preservation on the site, and there will be additional plantings on-site to increase buffering. There are 11 apartment buildings plus the clubhouse.

01:16:47 Mr. Ashburner continued and concluded the presentation. (see recording.)

01:20:52 In response to a question from Commissioner Carlson, Diane Zimmerman (traffic engineer) spoke on behalf of the applicant. A turn lane analysis was conducted and the findings did not warrant additional study of construction of a turn lane.

01:23:24 In response to additional question from Commissioner Carlson, Mr. Ashburner stated that there would be screening against all the abutting residential properties. The applicant will provide additional detail about the proposed screening at the public hearing. Mr. Campbell stated a stub to the east was not included because the development plan for the adjoining site includes an additional patio home that has not been constructed yet.

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New Business

Case No. 20-ZONE-0066

The following spoke in opposition to the request:

Bill Grey, 9502 Cooper Chase Court, Louisville, KY 40229

Dorsey Kozarovich, 6502 Park Chase Court, Louisville, KY 40229

Thomas Simmons, 6508 Cooper Chapel Road, Louisville, KY 40229

Talma Collins, 6506 Cooper Chapel Road, Louisville, KY 40229

Summary of testimony of those in opposition:

01:38:40 Bill Grey said he believes there should be a berm and/or additional plantings on the west side of the development. He is against allowing any connection from the development to the park, and that access should only come from Cooper Chapel Road.

01:44:30 Dorsey Kozarovich clarified some information about the gravel path on the adjoining property, which is not a road and is owned by the homeowners' association. She is concerned about the height of these structures near the property line, and also opposes a direct connection to the park.

01:47:26 Thomas Simmons said that the three-story proposal is out of character with the area. He said the tree growth is about 25-40 years old. He stated that there has been a history of flooding in the area, and it is his opinion that the traffic count should be updated since it was done in 2016.

01:50:33 Talma Collins said the treeline has been there, untouched, for at least 30 years (as long as she's lived near to the site.) She is concerned about the proposed three-story design and subsequent loss of privacy.

01:53:27 Rebuttal

See recording for detailed presentation and LOJIC aerial photos.

01:58:52 In response to a question from Commissioner Carlson regarding the trees, Mr. Ashburner said no one knows if these trees were planted or are naturally-occurring. Mr. Campbell said the property stopped being farmed around 2002/2004 and the trees appear to be naturally-occurring.

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New Business

Case No. 20-ZONE-0066

02:01:34 Commissioners' deliberation.

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02:11:50 On a motion by Commissioner Carlson, seconded by Commissioner Daniels, the following resolution was adopted:

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **CONTINUE** this case to the **February 25, 2021** LD&T Committee meeting for the sole purpose of scheduling a date and venue for a night hearing.

The vote was as follows:

YES: Commissioners Carlson, Daniels, and Peterson.

NO: Commissioner Brown.

ABSENT: Commissioner Sistrunk.

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New Business

Case No. 20-ZONE-0111

Request:	Change in zoning from C-1 to EZ-1 with detailed plan
Project Name:	Louisville Vegan Jerky
Location:	1311 S. Shelby Street
Owner:	Second Chance Grocers, LLC
Applicant:	Louisville Vegan Jerky
Representative:	Gregg Rochman
Jurisdiction:	Louisville Metro
Council District:	4 - Jecorey Arthur
Case Manager:	Joel P. Dock, 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:

02:15:29 Joel Dock presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) The applicant is requesting to repurpose the existing vacant structure from a commercial use to an industrial use.

02:20:21 In response to a question from Commissioner Carlson, Mr. Dock discussed what other uses could be permitted on this site under an EZ-1 zoning category. He also discussed different zoning categories that could be appropriate for this use on this site (see recording for detailed discussion.)

Mr. Dock discussed the striped pedestrian pathway that goes through the parking area.

The following spoke in favor of the request:

Gregg Rochman, 1624 Trevillian Way, Louisville, KY 40205

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New Business

Case No. 20-ZONE-0111

Zach Scott, Blue Energy Design, 3219 Norma Lane, Louisville, KY 40220

Summary of testimony of those in favor:

02:24:11 Greg Rochman, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

02:35:22 Zach Scott provided information about the proposed exhaust system and how it would combat odors outside of the facility (see recording.)

02:45:07 Mr. Rochman concluded the presentation. The applicant took questions from the Committee. There may be two shifts; but any transportation/deliveries will be during daytime business hours.

The following spoke in opposition to the request:

Maria Gurren, 525 Camp Street, Louisville, KY 40203

Summary of testimony of those in opposition:

02:53:12 Maria Gurren spoke on behalf of the Shelby Park Neighborhood Association. She said the neighborhood is concerned about the truck route and the possibility of trucks cutting through the neighborhood to get to the facility. The neighborhood is also concerned about potential odors and substances dumped into the sewer system, which can become an odor. There is concern about an industrial site in the middle of a residential neighborhood. She stated that the surrounding neighborhood associations have not signed off on the "community agreement" that the applicant is proposing.

03:00:27 Rebuttal

03:04:20 Mr. Dock said staff can discuss how to deal with the community benefits agreement. With respect to other binding elements (hours of operation; hours of shipping/receiving hours of operation) Mr. Dock said that staff will work with the applicant on these and other additional proposed binding elements prior to the public hearing.

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New Business

Case No. 20-ZONE-0111

03:07:14 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 **February 18, 2021** Planning Commission public hearing.

**MINUTES OF THE MEETING
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January 28, 2021

New Business

Case No. 20-ZONE-0096

Request:	Change in Zoning from R-5 & OR-1 to R-7, with Detailed District Development Plan and Binding Elements, and Abandonment of existing Binding Elements
Project Name:	Marian Crossings at Mill Creek Apartments
Location:	4801 Manslick Road, 1936 Bluegrass Avenue & Parcel ID 067H00100000
Owner:	Blueforrest LLC
Applicant:	Marian Development Group
Representative:	Dinsmore & Shohl LLC
Jurisdiction:	Louisville Metro
Council District:	15 - Kevin Triplett
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:

03:08:43 Dante St. Germain presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) Tony Kelly, with MSD, spoke about the downstream improvements that will be needed for this case to move forward. Ms. St. Germain noted that a geotechnical report (available online) and that Beth Stuber (Metro Transportation Planning) did an analysis of that report (analysis is also online.)

The following spoke in favor of the request:

Cliff Ashburner, Dinsmore & Shohl, 101 S 5th St #2500, Louisville, KY 40202

Mark Madison and Doug Ernst, Milestone Design Group, 108 Daventry Ln #300, Louisville, KY 40223

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New Business

Case No. 20-ZONE-0096

Summary of testimony of those in favor:

03:18:59 Cliff Ashburner, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

The following spoke in opposition to the request:

Roger Potter, 6410 Clover Trace Circle, Louisville, KY

George Cartwright, 1503 Clover Trace Place, Louisville, KY 40216

Summary of testimony of those in opposition:

03:28:47 Roger Potter said he spoke for most of the residents of Clover Trace. He said traffic is already an issue during peak hours, and he expressed concern about the width of Manslick Road.

03:33:02 George Cartwright said he shares Mr. Potter's concerns about traffic and also safety concerns. There are many ambulances that use this area to get to and from Sts. Mary and Elizabeth's Hospital. He is very concerned about the loss of the tree canopy, and the instability of the soil.

Discussion:

03:35:07 In response to a question from Commissioner Brown, Mr. Ashburner said a turn lane is not being provided along Manslick Road. See recording for detailed discussion. Mr. Ashburner said this can be looked at prior to the public hearing.

03:36:28 In response to a question from Commissioner Carlson, Mark Madison said they do not anticipate needing to blast on the site.

03:38:08 In response to a question from Commissioner Daniels, Mr. Ashburner said traffic will be able to turn left into the development from Manslick Road (heading south.)

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New Business

Case No. 20-ZONE-0096

Rebuttal:

03:40:05 Mr. Ashburner presented rebuttal (see recording.) Mr. Ashburner said the applicant will comply with the tree canopy ordinance and the proposed traffic from the development did not trigger a full traffic study. The applicant has agreed to the notes on the plan from MSD and recognizes those commitments.

03:42:03 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 **February 18, 2021** Planning Commission public hearing.

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The meeting adjourned at approximately 04:51 p.m.

DocuSigned by:

Rob Peterson

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Chairman

DocuSigned by:

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Division Director