

Wagner, David B (PDS)

From: Davis, Brian
Sent: Monday, May 18, 2015 7:45 AM
To: Wagner, David B (PDS)
Subject: FW: Binding Element Violations by Aldi on Westport Road

FYI

From: Liu, Emily
Sent: Monday, May 18, 2015 7:07 AM
To: Davis, Brian
Cc: Reverman, Joe
Subject: Fwd: Binding Element Violations by Aldi on Westport Road

Brian, could you please forward this to the case manager? Thanks.

*Yu "Emily" Liu, AICP
Planning Director
Louisville Metro Planning & Design Services
444 South Fifth Street, Ste. 300
Louisville, KY 40202-4313
502-574-6678/502-574-8129 (F)*



Begin forwarded message:

From: <Stpinlou@aol.com>
Date: May 18, 2015 at 12:23:40 AM EDT
To: <mike.rosch@aldi.usasewashotl>
Cc: <rcrossley@kaynelaw.com>, <james.mims@louisvilleky.gov>, <emily.liu@louisvilleky.gov>, <jtodddhall@aol.com>, <w.roof@twc.com>
Subject: **Binding Element Violations by Aldi on Westport Road**

Re: Case # 2012-07-06 or 14627, Aldi Retail at Indian Springs

Mike,

As you know, I represent the Indian Springs Community Association in regards to the violations of the binding elements caused by Aldi at its Westport Road location in Louisville, KY. I am listing the violations along with possible solutions:

1. The four-board horse fence between the stone wall at Indian Lake Drive and the Westport Road entrance to your property was removed by you. We understand that the grade situation caused a problem, but we are now asking that a black four-board horse fence be reinstalled as required by the binding elements imposed by Louisville Metro Government.

2. Aldi removed the mature trees and vegetation at the southwest corner of Westport Road and Indian Lake Drive which were to be preserved according to the binding elements. We understand some vegetation may have been dead, but we have all agreed that the large spruce tree was to be preserved. Mistakenly, we assume, you also cut down the spruce tree in addition to the other trees. Nothing has

been planted at that location to date. We suggest that Aldi propose a landscaping plan, to be reviewed by Indian Springs Community Association and approved by staff of the Planning and Design Services Department of Louisville Metro. Once agreed and approved, Aldi will plant adequate replacement landscaping.

3. Aldi is receiving truck deliveries by way of Indian Lake Drive, a violation of the binding elements. We demand the following:

- a. All truck deliveries to or from Aldi using Indian Lake Drive shall cease immediately.
- b. Aldi shall send a letter to all of its suppliers (including its own distribution center) forbidding any trucks or deliveries from using Indian Lake Drive. A copy of that letter shall be given to the Indian Lake Community Association and to Louisville Metro.
- c. Aldi shall place a sign at the driveway access from Indian Lake Drive stating that no trucks or deliveries may enter at that drive. Currently, there is a sign that only forbids "semi-trucks". In fact, all trucks and all deliveries are forbidden, not just semi-trucks.
- d. Aldi shall place a sign at the base of that drive where it leaves the parking lot stating that no trucks shall use that drive as an exit drive.
- e. Aldi shall police this problem and insure it will not reoccur.

All of these items are based on the binding elements imposed on this property at the public hearing where the plan was approved. This case was hotly contested and would not have been approved without the protections imposed in the binding elements. We just want to be sure they are followed. I hope we can reach an agreement on these items quickly.

Steve

Stephen T. Porter
Attorney at Law
2406 Tucker Station Road
Louisville, KY 40299
stpinlou@aol.com
502-297-9991