

PLANNING COMMISSION MINUTES
May 21, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-0044

Request: **This case will be continued to the June 18, 2020 Planning Commission meeting** - Change in zoning from R-4 to PEC, with Detailed District Development Plan and Binding Elements, and associated landscape Waiver – Requesting Continuance to 03/19/2020

Project Name: Powerscreen Crushing and Screening
Location: 13207 Rehl Road
Owner: Thomas & Rebecca Garrity
Applicant: Powerscreen Crushing and Screening
Representative: Dinsmore & Shohl LLC
Jurisdiction: Louisville Metro
Council District: 20 – Stuart Benson
Case Manager: Dante St. Germain, 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. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

No one spoke.

The following spoke in support of this request:

No one spoke.

The following spoke in opposition to this request:

No one spoke.

Commissioner Deliberation:

Commissioners' deliberation (see recording for detailed presentation.)

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.

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01:32:51 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution, based on the Standard of Review and Staff Analysis, and testimony heard today was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the Planning Commission Meeting on **June 18, 2020.**

The vote was as follows:

YES: Commissioners Lewis, Brown, Mims, Howard, Seitz, Carlson, Peterson, Daniels, and Jarboe.

No: None

PLANNING COMMISSION MINUTES
March 5, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-0044

Request: Change in zoning from R-4 to PEC, with a Detailed District Development Plan and binding elements, and associated Landscape Waiver – **Requesting Continuance to 03/19/20.**

Project Name: Powerscreen Crushing and Screening
Location: 13207 Rehl Road
Owner: Thomas and Rebecca Garrity
Applicant: Powerscreen Crushing and Screening
Representative: Cliff Ashburner - Dinsmore & Shohl LLC
Jurisdiction: Louisville Metro
Council District: 20 – Stuart Benson

Case Manager: Dante St. Germain, AICP, Planner II

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. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:08:00 Dante St. Germain explained that a Continuance has been requested to the March 19, 2020 Planning Commission public hearing to give the applicant more time to change their access point from Rehl Road to Plantside Drive. The applicant is in the process of doing that and will submit a new plan to the case manager. Staff recommended that the case be continued to the April 2, 2020 Planning Commission meeting to give adequate time for inter-departmental plan review.

The following spoke in support of this request:

Cliff Ashburner, Dinsmore & Shohl, 101 South Fifth Street, Suite 2500, Louisville, KY 40202

Summary of testimony of those in support of the request:

00:10:16 Cliff Ashburner, the applicant's representative, stated that two weeks should be adequate time to review the new plan. He explained some of the changes being made on the plan (see recording.) He said he will not be able to attend the April 2, 2020 Planning Commission hearing. He said the new plan would be submitted today.

00:11:55 In response to a question from Commissioner Brown, Mr. Ashburner discussed whether any changes in this new plan that could impact the approved

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General Plan for Blankenbaker Station II (see recording.) There will be modifications to the turning lane on Plantside Drive.

00:12:42 In response to a question from Commissioner Carlson, Mr. Ashburner said there was some neighborhood interest in this case from the Tucker Station Neighborhood Association. Commissioner Carlson wanted to make sure that interested neighbors be notified to attend. Mr. Ashburner said that he has been in direct discussions with both Steve Porter and David Kaelin, from the Tucker Station Neighborhood Association, as well as Hollenback-Oakley and the applicant, regarding the progress of this case and scheduled meetings/public hearings.

The following spoke in opposition to this request:

No one spoke.

00:15:44 Commissioners' deliberation.

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00:16:50 On a motion by Commissioner Carlson, seconded by Commissioner Mims, the following resolution was adopted:

RESOLVED, THE Louisville Metro Planning Commission does hereby **CONTINUE** this case to the **March 19, 2020 Planning Commission public hearing**.

The vote was as follows:

YES: Commissioners Howard, Peterson, Brown, Daniels, Carlson, Mims, and Jarboe.

NOT PRESENT: Commissioners Tomes and Lewis.

PLANNING COMMISSION MINUTES
January 23, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-0044

Request: Change in zoning from R-4 to PEC, with a Detailed District Development Plan and Binding elements, and associated landscape waiver – CONTINUE to 02/06/2020

Project Name: Powerscreen Crushing and Screening

Location: 13207 Rehl Road

Owner: Thomas and Rebecca Garrity

Applicant: Powerscreen Crushing and Screening

Representative: Daniel O’Gara - Dinsmore & Shohl LLP

Jurisdiction: Louisville Metro

Council District: 20 – Stuart Benson

Case Manager: Dante St. Germain, 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. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:04:56 Dante St. Germain presented the case and noted that this case will need to be continued due to a problem with sign posting (see recording for detailed presentation.) The case will be **continued to the February 6, 2020** Planning Commission public hearing.

The following spoke in support of this request:

Daniel O’Gara, Dinsmore & Shohl, 101 South Fifth Street Suite 2500, Louisville, KY 40202 (applicant’s representative; signed in but did not speak)

The following spoke in opposition to this request:

No one spoke.

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PLANNING COMMISSION MINUTES
January 23, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-0044

00:06:10 On a motion by Commissioner Howard, seconded by Commissioner Tomes, the following resolution was adopted:

RESOLVED, THE Louisville Metro Planning Commission does hereby **CONTINUE** this case to the **February 6, 2020 Planning Commission public hearing**.

The vote was as follows:

YES: Commissioners Tomes, Howard, Peterson, Brown, Daniels, Carlson, Mims, Lewis, and Jarboe.

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

December 12, 2019

New Business

Case No. 19-ZONE-0044

Request: Change in zoning from R-4 to PEC, with Detailed District Development Plan and Binding Elements, and associated landscape Waiver

Project Name: Powerscreen Crushing and Screening

Location: 13207 Rehl Road

Owner: Thomas & Rebecca Garrity

Applicant: Powerscreen Crushing and Screening

Representative: Dinsmore & Shohl LLC

Jurisdiction: Louisville Metro

Council District: 20 – Stuart Benson

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:

02:55:24 Dante St. Germain presented the case (see staff report and recording for detailed presentation). Dante noted there was an error in the staff report concerning the associated landscape Waiver. Land Development Code, 10.2.16.b should be 5.5.4.b.1. There is a required 50 foot landscape buffer area in the suburban work place form district when the property abuts residentially zoned or residentially used property. The applicant proposes to reduce the required 50 feet to 35 feet with a planting density of 1.5. Ms. St. Germain noted the locations of Plantside Drive and Rehl Road, the site will be connected to Rehl Road in the future. The business on site is for the repair and maintenance of machinery that is used off site. The development is adjacent to Blankenbaker Station 2. Transportation Planning has requested an addition to the Binding Elements which is on page 5 of the Staff Report, numbers 6 and 7.

02:58:10 Commissioner Carlson asked if there will be only storage and maintenance on site. Dante St. Germain replied in PEC they are allowed to do

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December 12, 2019

New Business

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more and as of right now there is no binding element restricting the use of the site.

The following spoke in favor of the request:

Cliff Ashburner 101 S. 5th Street, Suite 2500, Louisville, Kentucky, 40202
Alan Coalter, 11901 Westport Road, Louisville, Kentucky, 40245

Summary of testimony of those in favor:

02:59:00 Cliff Ashburner, representing the applicant, presented a Power Point slide show (see recording for detailed presentation). Ms. Ashburner stated they agree with the proposed binding element number 7. Whereas, they like to see an alternative for binding element number 6 regarding access. He detailed Blakenbaker Station area and the subject property. Mr. Ashburner noted the development rezoned to PEC is appropriate within the Suburban Workplace Form District. He detailed the subject property and the access to Rehl Road. There is no access/connection to the proposed development from Plantside Drive. If there is an access easement to Plantside Drive, they would forgo the access point from Rehl Road. Mr. Ashburner detailed the Minor Plat along the Garrity Property showing the strip of land between Plantside Drive and the development. He noted the proposed elevations will be similar to the other industrial buildings in the area. Mr. Ashburner stated Alan Coalter is available to describe the type of work that will be done on the site.

03:05:51 Alan Coalter, owner of Powerscreen Crushing & Screening, stated their Powerscreen machines are manufactured in Ireland and are distributed as rentals around the United States in quarries or coal mines to crush rock/coal. The proposed facility will be for the repair and maintenance of these machines. The semi traffic is about once a week to their existing site. There will be no crushing and screening onsite just repair.

03:08:36 Cliff Ashburner stated Mark Madison is present for questions. Joe Reverman and Cliff Ashburner discussed the strip of land between Plantside Drive and the development (see recording for detailed presentation). Joe Reverman noted the Record Plat shows the private access easement is in the public right of way has not been dedicated yet. Cliff Ashburner noted they would like to have access to this site without relying on the possibility of gaining access via Plantside Drive and to use the legal access of Rehl Road instead.

**MINUTES OF THE MEETING
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New Business

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The following spoke in opposition to the request:

No one spoke.

The following spoke as neither for nor against to the request:

Steve Porter, 2406 Tucker Station Road, Louisville, Kentucky, 40299

David Kaelin, 2421 Tucker Station Road, Louisville, Kentucky, 40299

John Talbott, 1000 N. Hurstbourne Parkway, Louisville, Kentucky, 40223

Summary of testimony neither for nor against to the request:

03:11:40 Steve Porter, representing the Tucker Station Neighborhood Association, stated he does not oppose the rezoning of the site. He opposes the industrial traffic on Rehl Road and would like to set a precedent for future developments to avoid the use of Rehl Road for industrial traffic use. There should be an access to Plantside Drive from the development. He agrees to the change in Binding Element number 6 and would like to see a change to number 11.

03:16:23 David Kaelin, president of the Tucker Station Neighborhood Association, stated the lot north of the site is industrial zoned have cross access to Plantside Drive and neighbors in the area are against industrial traffic. He asked why an access easement that serves industrial use can't come in from a cross access to serve the parcel of land for public safety

03:19:46 John Talbott, representing Hollenbach and Oakley, wanted to state on the record they do have property rights to the strip of land between the development and Plantside Drive. They are not waiving any rights or claims to their property and agreed with Cliff Ashburner that they may come to an agreement in the future regarding cross access.

Rebuttal

03:21:20 Cliff Ashburner noted the Planning Commission has approved the connection of Plantside Drive and Rehl Road. This approval has already set a precedent for industrial traffic to be on Rehl Road in the future. Mr. Ashburner proposed a Binding Element stating while a legal access to Rehl Road is allowed but it will be changed should the access to Plantside dive should become available.

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New Business

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Discussion

03:22:56 Commissioners' discussion (see recording for detailed presentation). Commissioner Brown, Peterson, Daniels, and Lewis stated this case ready to be moved to the public hearing on January 23, 2020.

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 placed this case for the **January 23, 2020** Planning Commission public hearing at the Old Jail Building.