

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

**November 14, 2019**

**New Business**

**Case No. 19-ZONE-0023**

<b>Request:</b>	Change in zoning from R-4 to C-2, with Detailed District Development Plan and Binding Elements, and associated Waiver
<b>Project Name:</b>	Chenoweth Run Road Contractor's Shop
<b>Location:</b>	3109, 3115, 3119 Chenoweth Run Road
<b>Owner:</b>	Rober Lopez Castellanos
<b>Applicant:</b>	Rober Lopez Castellanos
<b>Representative:</b>	Bardenwerper, Talbott & Roberts
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	11 – Kevin Kramer

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

**Agency Testimony:**

00:27:10     Dante St. Germain presented the case (see staff report and recording for detailed presentation.) Ms. St. Germain gave photos from the opposition to Commissioners. Dante stated there is a proposed night hearing at the East Government Center on December 16, 2019.

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

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

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

00:33:23     John Talbot presented a Power Point slide show (see recording for detailed presentation.) Mr. Talbott detailed the history of the site and addressed previous noise complaints voiced at neighborhood meetings. He noted the use and binding elements proposed would be a good transitional use for this



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property. John explained the development plan, landscaping along Blankenbaker Parkway, and future plans to purchase an adjacent lot from KYTC.

00:54:16 Commissioner Brown asked if property is acquired from KYTC, would need to be rezoned. John Talbott stated it would need to be rezoned and the lot would remain as noise barrier.

**The following spoke in opposition to the request:**

Bob Rountree, 3905 Landherr Drive, Louisville, Kentucky, 40299

Robert Mosser, 3201 Chenoweth Run Road, Louisville, Kentucky, 40299

Joe Simon, 3205 Chenoweth Run Road, Louisville, Kentucky, 40299

Eleanor Stevens, 12105 Buck Horn Place, Louisville, Kentucky, 40299

Nola Osborne, 12103 Buckhorn Place, Louisville, Kentucky, 40299

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

00:56:14 Bob Rountree, representing Deer Creek and Landherr Estates, presented petitions to Commissioners. Mr. Rountree stated concerns with increased noise. He noted the business would not enhance the neighborhood form district as it is not a commercial development useful for the surrounding residential areas.

01:06:34 Robert Mosser, adjacent property owner, stated the area is residential and not suited for commercial use. Mr. Mosser noted the noise from trucks and tree removal equipment on site.

01:08:34 Joe Simon presented photos to Commissioners (see recording for detailed presentation.) Mr. Simon expressed concerns with noise, debris on site, in/out traffic throughout the day, and diesel fumes from trucks. He asked who will enforce regulations if the rezoning is approved.

01:17:25 Eleanor Stevens, lives in adjacent property, stated concerns with traffic, noise, trash, drainage, and the possibility of direct road access to Blankenbaker Parkway (see recording for detailed presentation.)



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01:21:36: Nola Osborne stated she agrees with previous opposition statements regarding waste management and decreased property value. Ms. Osborne noted she can see trucks and equipment on the site from Blankenbaker Parkway.

**The following spoke in neither for nor against:**

Scott Harrington, 601 W. Jefferson St. Louisville, Kentucky, 40202

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

01:23:20 Scott Harrington asked if there will be access to information or in the public record detailing zoning enforcement actions. Dante St. Germain answered information from zoning enforcement will be included in the commissioner packets for the Planning Commission public hearing. Mr. Harrington requested clarification on the courts view regarding alleviating concerns via binding elements. Commissioner Lewis replied the applicant can address his question.

**Rebuttal:**

01:25:28 John Talbott address comments regarding this process not following rules or regulations (see recording for detailed presentation.) Mr. Talbott stated if the KYTC property is purchased it would remain as a buffer. Commissioner Brown and John Talbott discussed access to public records and binding elements (see recording for detailed presentation.)

**Commissioner Deliberation:**

01:28:36 Commissioners' discussion (see recording for detailed discussion.)

**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 on the **December 16, 2019** Planning Commission public night hearing at the East Government Center at 6:30 p.m.