

St Germain, Dante

From: Mark Madison <markmadison@milestonedesign.org>
Sent: Thursday, April 27, 2023 9:23 AM
To: St Germain, Dante
Cc: 'Kathy Linares'; Davis, Brian; 'DALE L MATTINGLY'
Subject: RE: 23-ZONE-0015

CAUTION: This email came from outside of Louisville Metro. Do not click links, open attachments, or give away private information unless you recognize the sender's email address and know the content is safe.

I will not be at the meeting today.

Mr. Mattingly will try to be at the public hearing, depending on his schedule.

We just want to make sure this is in the record, but also that it is truly ready for a public hearing.

Thanks,

Mark

From: St Germain, Dante
Sent: Thursday, April 27, 2023 9:10 AM
To: Mark Madison <markmadison@milestonedesign.org>
Cc: 'Kathy Linares' <klinares@mindelscott.com>; Davis, Brian <Brian.Davis@louisvilleky.gov>; 'DALE L MATTINGLY' <dleeiamme@bellsouth.net>
Subject: RE: 23-ZONE-0015

Mark,

I will bring a copy of this to the LD&T meeting today and hand it out to the Commissioners. Will you be at the meeting? LD&T, as you know, is to set the public hearing date only and does not address the appropriateness of the zoning change.

Dante St. Germain, AICP
Planner II
Planning & Design Services
Department of Develop Louisville
LOUISVILLE FORWARD
444 South Fifth Street, Suite 300
Louisville, KY 40202
(502) 574-4388
<https://louisvilleky.gov/government/planning-design>



**DEVELOP
LOUISVILLE**
LOUISVILLE FORWARD



Stay aware of new development in your area! Sign up for Gov Delivery notifications at:
<https://public.govdelivery.com/accounts/KYLOUISVILLE/subscriber/new>

From: Mark Madison <markmadison@milestonedesign.org>
Sent: Thursday, April 27, 2023 9:06 AM
To: St Germain, Dante <Dante.St.Germain@louisvilleky.gov>
Cc: 'Kathy Linares' <klinares@mindelscott.com>; Davis, Brian <Brian.Davis@louisvilleky.gov>; 'DALE L MATTINGLY' <dleeiamme@bellsouth.net>
Subject: FW: 23-ZONE-0015

CAUTION: This email came from outside of Louisville Metro. Do not click links, open attachments, or give away private information unless you recognize the sender's email address and know the content is safe.

Hello Dante,

Please see the e-mail chain below.

I am submitting this to you to be included in the record for this case. You will see that Mr. Mattingly has several serious concerns, but is unavailable to come to today's meeting.

If you need anything else from Mr. Mattingly please "reply to all" this email as he is copied.

Thanks,

Mark

J. Mark Madison, President
Milestone Design Group, Inc.
108 Daventry Lane, Suite 300
Louisville, Kentucky 40223
Cellular: 502-408-9376
markmadison@milestonedesign.org

From: DALE L MATTINGLY
Sent: Thursday, April 27, 2023 7:30 AM
To: Mark Madison <markmadison@milestonedesign.org>; dale mattingly <dleeiamme@bellsouth.net>
Subject: Re: 23-ZONE-0015

Mark,

None of my concerns have been alleviated by the reply from Kathy Linares.

The subject property has been owned by Amlung Enterprise LLC since July 13 of 2015 and Amlung began its business operations on the site shortly thereafter and has been operating illegally and in violation of zoning laws since that time. It is beyond comprehension how this operation was allowed to go on for the past 7+ years with impunity.

In addition to the site being used for a lawn care service, it has been used for a dump of waste materials and debris from the Amlung operations and various fill materials of unknown quality have been dumped. I have concerns that this dumping operation may have created environmental issues which could be producing leachates and groundwater contamination which drain onto and through my site via a headwall and storm sewer adjacent to this property.

Allowing this zoning process to move forward is totally unwarranted without further investigation of the issues that have been created by all of these apparently illegal dumping and outside storage and other operations over the past several years. A Level 2 environmental assessment should be required as a precondition of any further movement in this rezoning process.

I strongly object to any and all current and future outside storage and any on site storage of diesel fuel, gasoline, and related petroleum products, fertilizers or chemicals.

This site is large enough that it could easily accommodate a larger building which would allow for storage of all types of materials under roof and inside multiple small overhead doors on the perimeter of the building. This would serve the same purpose as bins with the same quality of access and maneuverability.

This site is immediately available to a children's daycare facility and the children play outside in the backyard at this residence on a daily basis. Allowing toxic chemicals and petroleum distillates to be stored on the site creates a potential hazard not only for the daycare and its occupants and for my property. The storm drain on my site is a drainage portal for any and all runoffs from the Amlung storage yard. Stormwater and any liquids which could possibly be spilled would run through my storm sewer and into a major MSD drainage creek.

The dumping operation has caused ponding of water at the rear end of the Amlung site and proper drainage of this area should be a mandatory pre-condition of any further construction or improvements or of forward movement of the rezoning process. This ponded water is a high potential breeding ground for mosquitos.

I would also request that the Amlung LLC be required to carry a \$10 million liability insurance policy naming myself and the adjacent property owners as co-insured against any hazardous activities or damage created by Amlung which could affect my property or others. A performance bond should be required for all future construction and site disturbance activities considering Amlung's past disregard for zoning and environmental laws.

There are multiple dead and dying trees along the property line adjacent to my site. These trees need to be removed.

Amlung has put up a tattered looking "fence" and hung a tarp in an attempt to hide the eyesore created by the dumping and outside storage. This issue needs to be addressed with a neat new wooden fence along the mutual property line.

The debris brought onto the Amlung site should be cleaned up and removed.

One more question.....How can this site be utilized as both a single-family residential home and a commercial lawn care service under the same zoning classification ?

If this zoning process moves forward without fully addressing these issues, I will be contacting my attorney about seeking injunctive relief to enforce compliance with all prevailing laws.

Sincerely,

Dale L. Mattingly

Cell: 502-417-4693

On Wednesday, April 26, 2023, 03:08:29 PM EDT, Mark Madison <markmadison@milestonedesign.org> wrote:

Call me when you get a chance.

Mark

From: Kathy Linares
Sent: Wednesday, April 26, 2023 2:41 PM
To: Mark Madison <markmadison@milestonedesign.org>
Subject: RE: 23-ZONE-0015

Mark,

We are well and I hope you and your family are all doing well also!

The change of zoning is to allow the current lawn care service to continue use of the site. They do propose to remove the existing garage and construct a new building for storage and a small office. The existing residence will continue to be a rental property. See below in red for more answers to your questions. Let me know if you have any more questions or concerns.

Kind regards,

Kathy Linares, ASLA, LA, AICP

Senior Planner / Landscape Architect

KLinares@MindelScott.com

5151 Jefferson Boulevard

Louisville, KY 40219

502-485-1508 | Ext: 131



MINDEL SCOTT

www.MindelScott.com

From: Mark Madison <markmadison@milestonedesign.org>
Sent: Wednesday, April 26, 2023 9:38 AM
To: Kathy Linares <klinares@mindelscott.com>
Subject: 23-ZONE-0015

EXTERNAL email. DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hello Kathy,

I hope everyone's doing well.

I have a client call me last night. He is an adjoining property owner and a developer himself. He asked me to come to the LD&T meeting and represent his interests. I explained to him that I would rather not go to the meeting and simply try to address his concerns with the engineers on the project, thus the reason for my email.

His name is Dale Mattingly and he owns the development at 4630 Poplar Level Road, 4800 and 4900 Poplar Place Drive.

He has the following concerns:

1. He is concerned that they may have outdoor storage on the site. The plan depicts outdoor "Storage Bins". What is planned to be in these bins? **The bins will be used to hold mulch.**
2. He tells me that the rear of the site that you are planning for tree preservation ponds water and creates a mosquito problem. Will this area be better drained and mosquitos mitigated? **The amount of standing water has been reduced and positive drainage to the existing ditch provided since Mr. Amlung bought the property. It is a fact that the area is very flat, not just this property but the larger area. This development will not solve that problem but the area for the business does not currently, nor will it have standing water in the future. Water**

drains to the existing ditch within the existing easements. As you know the code encourages tree preservation and preserving the trees at the rear of the site was seen as a positive aspect of this plan by the case manager.

3. He is also concerned that a large number of trees within this are dead or dying and the potential risk to his property with falling trees. Mr. Amlung indicated that he was aware of possibly 2 dead trees in the rear portion of his lot. He intends to remove these once zoning approved or in the near future.
4. He is concerned that the stormwater from this development will drain onto his property without any modification to the existing system. He does not oppose them working or draining within existing easements. We do not currently anticipate any improvements being required to the existing system with this small development. MSD reviewed the preliminary plan and will review the proposal in more detail at construction to ensure drainage is properly handled.

Mr. Mattingly does not oppose this development or the rezoning. He does however want to make sure his property is not being harmed in any way as a result of this development. (We can certainly appreciate his concern for his property and this owner plans to be a good neighbor.)

Can you please respond to me sometime today so I don't have to come to tomorrow's meeting?

Thanks,

Mark

J. Mark Madison, President

Milestone Design Group, Inc.

108 Daventry Lane, Suite 300

Louisville, Kentucky 40223

Cellular: 502-408-9376

markmadison@milestonedesign.org

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure,

copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

