

**PLANNING COMMISSION MINUTES
MARCH 29, 2018**

PUBLIC HEARING

CASE NUMBER 16ZONE1086

Request:	R-5 to O-R
Project Name:	KY Hospitality Bookkeeping Office
Location:	4511 South 3rd Street
Owner:	Georgetta Duncan, G.P.D.
Applicant:	Georgetta Duncan, G.P.D.
Representative:	Georgetta Duncan, G.P.D.
Jurisdiction:	Louisville Metro
Council District:	21 – Vitalis Lanshima
Case Manager:	Laura Mattingly, 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:

00:08:33 Laura Mattingly discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Georgetta Duncan, 1918 Riverside Drive, Prospect, KY 40059

Summary of testimony of those in favor:

00:11:13 Applicant Georgetta Duncan spoke about the request. The property is intended to be a bookkeeping office for her business, KY Hospitality Bookkeeping, which she states sends workers to hotels. The hotel workers do not come to this location. She does not think this home should be residential because the Thornton's across the street is very noisy, and the future orchard next to her property will bring traffic to the area. The gas station is so noisy that she had trouble sleeping in one of the upstairs bedrooms at one time.

Commissioner Brown stated that he has driven by the property several times and there are consistently more than four cars in the driveway and gravel area. Ms. Duncan stated there is one upstairs apartment that belongs to the office manager, but her son and another person are living there currently because their home recently flooded and is being renovated. This will not be a day labor office. She has three regular employees who bill hotels for workers' hours.

The following spoke in opposition to this request:

Nicole George, 4517 Southern Parkway, Louisville, KY40214

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Voncile Ellison, 4510 S 2nd Street, Louisville, KY 40214
Joshua Hunt, 4631 S 3rd Street, Louisville, KY 40214
Rosemary Hauck McCaudless, 418 W Kenwood Drive, Louisville, KY 40214
Robin Amsbury, 308 Kenwood Hill Road, Louisville, KY 40214
Ann Ramser, 307 E Kenwood Drive, Louisville, KY 40214
Stephanie Hunt, 4631 S 3rd Street, Louisville, KY 40214
Jackson Cooper, 126 Gillette Avenue, Louisville, KY 40214
Stefanie Buzan, 230 Kenwood Hill Road, Louisville, KY 40214

Summary of testimony of those in opposition:

00:26:38 Nicole George showed a presentation. She feels that the proposed zoning is incompatible with the neighborhood and will cause nuisance and safety issues in the community. She stated that the applicant is currently operating without proper zoning and has extended gravel parking onto KYTC property. There are often more than five cars parked in the driveway at any given time, and they are different cars day to day. Multiple passenger vans are also regularly parked on-site.

00:34:25 Voncile Ellison stated that there has been confusion about the rezoning since it began. She did not receive notice of neighborhood meetings and was only aware of them by word of mouth. There are always cars in the driveway when she drives by, and she has seen as many as eight vehicles parked in the driveway at one time.

00:37:31 Joshua Hunt lives near a gas station a block away from the subject site and has no problems sleeping at night because of noise. He is not opposed to this business, but does not believe that homes in this area should be rezoned to office or commercial. There are homes north and south of this neighborhood that have been converted to businesses, and he does not want to see further encroachment of this kind of zoning in his neighborhood.

00:38:48 Rosemary Hauck McCaudless stated that the people who have attended today in opposition are only a few of the many who could not be here today. She would like the request for rezoning to be denied because it will not be beneficial to the neighborhood. She does not want any more businesses in the neighborhood.

00:43:36 Robin Amsbury is mainly concerned about the rezoning portion of the request. She loves this neighborhood and does not want to see it overtaken by commercial zoning. There are plenty of commercial properties nearby.

00:46:51 Ann Ramser stated that she contacted Ms. Mattingly to ask questions following the March 1, 2018 public hearing since she was unable to attend. She feels that most of the information Ms. Mattingly told her about the proposal was based on a day-labor service, even though the applicant states this is not for day-labor. She contacted KYTC about the five residential lots across the street from Thornton's and stated that they said that there cannot be driveways within so many feet of the Watterson expressway ramps. She is not opposed to this because it is an immigrant-owned business.

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00:56:22 Stephanie Hunt stated that she and her husband are opposed to the request because they would prefer to see new business utilize properties that are already zoned commercial, which would promote a thriving business culture in their neighborhood. When asking for rezoning from residential to commercial, she feels that businesses should have to state why other available commercial properties are not sufficient for their business needs.

01:00:41 Stefanie Buzan stated that she took off work today to speak and for the last meeting. She agrees with everything that has been said by the previous speakers.

01:01:35 Jackson Cooper is the President of the Beechmont Neighborhood Association. The organization has been opposed to this proposal since the beginning. The neighborhood is unique to the city, and this request would not preserve the residential quality of the neighborhood.

Rebuttal:

01:04:53 Ms. Duncan spoke in rebuttal. She stated that she understands what the opposition has said, but they are exaggerating their concerns. She wants to abide by the law. She still does not see this request as a problem, but she would have not purchased the property if she knew it would disturb the neighborhood. (See recording for detailed testimony.)

Deliberation:

01:07:58

Commissioner Carlson stated that he is uncomfortable putting this kind of use mid-block rather than closer to an intersection. This is not a neighborhood-serving business—employees will be traveling from outside of the neighborhood. Vehicles will have to back out onto the road into fast traffic.

Commissioner Howard is concerned about the intensity of the use. Normally, a bookkeeping use is low intensity, and one would not expect a high volume of parking, other than tax season.

Commissioner Brown is not sure if this use falls within O-R permitted uses because of the staffing operation. Residential is not the most appropriate use for this site because of the proximity to the expressway ramps. The use being proposed today is too intense for this small lot.

Commissioner Ferguson feels that this seems more mid-block, whereas businesses should be closer to an intersection. She is concerned with the parking situation. The use is intense and not neighborhood-serving. If there is a noise issue with Thornton's, that can be addressed outside of the Planning Commission's jurisdiction.

Commissioner Tomes does not think the proposal is justified, and there is not adequate parking on-site. Homes in this area don't typically have cars parked like this in the front portion of the home.

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Chair Jarboe agrees with the other Commissioners that this use is too intense for a mid-block location. This approximately two block area is all residential.

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.

Change in Zoning

041:14:34 On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution, based on testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal is not consistent with Land Development Code 5.2.2.B: Traditional Neighborhood Form District (TNFD) is intended to promote development and redevelopment in a manner consistent and compatible, and effectively integrates the use and protects the character of the neighborhood, and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal is not consistent with Cornerstone 2020 C3.2a: Discourages more intense commercial development which is incompatible with the traditional neighborhood form, and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal is not consistent with Cornerstone 2020 C3.2.b: A change in permitted use from single family to multi-family or office should be encouraged only at the interface between commercial nodes and residential uses and when the orientation, design, scale and location of the proposed development are compatible with surrounding uses or when policies governing appropriate housing are met, and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal is not consistent with Cornerstone 2020 C3.7: Allow compatible neighborhood office uses in traditional neighborhoods IF consistent with the existing development pattern, and

WHEREAS, the Commission further finds that the proposed use is incompatible with the area and therefore does not comply with the Comprehensive Plan due to its intensity and scale; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the change in zoning from R-5 Single-Family Residential to O-R Office-Residential on 0.18 acres of property described in the attached legal description be **DENIED**.

The vote was as follows:

YES: Brown, Howard, Carlson, Ferguson, Tomes, and Jarboe

NOT PRESENT: Lindsey, Lewis, Smith, and Peterson

Variance and Waivers

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01:19:39 On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution, based on testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that there has not been adequate justification provided to approve the variance and waivers; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **DENY (1)** the variance from Section 5.2.2 to reduce the 3' side yard setback to 0' along the northern property line, **(2)** the waiver from Section 10.2.10 to eliminate the required 5' VUA LBA along the northern property line shared with a residential zone, and **(3)** the waiver from Section 10.2.4 to allow the existing structure and parking to encroach into the 10' LBA along the southern and northern property lines and to not provide plantings along the northern property line.

The vote was as follows:

YES: Brown, Howard, Carlson, Ferguson, Tomes, and Jarboe
NOT PRESENT: Lindsey, Lewis, Smith, and Peterson