

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

November 14, 2013

New Cases

CASE NO. 17246

Project Name:	Family Dollar
Location:	2537-2551 West Market Street and 111-125 South 26 th Street
Owners:	Miller Investments, Inc.
Applicant:	Miller Investments, Inc.
Representative:	Prism Engineering & Design Group, LLC
Project Area/Size:	Total Project Area: 0.665 acres Area to be rezoned: 0.25 acres
Existing Zoning District:	OR-2 Office/Residential
Jurisdiction:	Louisville Metro
Council District:	5 – Cheri Bryant Hamilton
Case Manager:	Joseph Reverman, AICP, Planning Supervisor

The staff report prepared for this case was incorporated into the record. 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.)

Request:

Change in zoning from OR-2 Office/Residential to C-1 Commercial to permit a Retail Discount Store on property located at 2537-2551 West Market Street, and 111-125 South 26th Street (Tax Block 003K, Lots 0004, 0005, and 0189) containing 0.165 acres and being in Louisville Metro. A Revised Detailed District Development Plan with Waivers for building design and signage are also being requested.

The following spoke on behalf of Case No. 17246:

John Owen, Portland Business Association, 620 North 28th Street, Louisville, KY 40212

Jason Hall, Prism Engineering, 2300 Plantside drive, Louisville, KY 40299

Steve Miller, 7100 Parklook Court, Louisville, KY 40219

DISCUSSION:

04:52:29 Joseph Reverman presented the case (see staff report for detailed presentation.) He also read a letter from Portland Now into the record (on file;

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see audio-visual recording for verbatim presentation.) The Board of Portland Now voted to support the proposed plan on condition that it adheres to that which is being presented at today's meeting.

04:57:47 Mr. Reverman said that a petition for a night hearing was brought up last year for the old proposal. The new proposal will not involve tearing down the Cavalier Building, and Portland Now is now in favor of the new plan. Mr. Owen is stating that he still wishes to have a night hearing on this proposal – Mr. Reverman said there was some question as to whether the petition filed last year is still valid. John Carroll, legal counsel for the Planning Commission, said a new petition is required. The original petition filed last year was on a different plan.

04:58:48 John Owen, representing the Portland Business Association and the Russell Neighborhood Association, said there are still concerns. He said the Russell Neighborhood has had a petition since 2006 to designate their area as the Russell Historic Preservation District. This area would include both sides of Market Street (from 15th Street to 30th Street along Market.) He questioned the validity of the LDC requirements for parking in urban neighborhoods and expressed concern because one shotgun house has already been lost for parking; another is in danger of being lost. He said there is plenty of parking on the street. He asked that some of the parking requirements be waived, especially since it would preserve an intact block of buildings from the 1880's. He strongly objected to Mr. Carroll's assertion that a new petition would be required. He said both the Portland and Russell neighborhoods would be affected.

05:04:32 Commissioner Blake said that he would accept the advice of counsel to require a new petition. Mr. Carroll said the old petition was for a hearing on an old plan; Mr. Owen said it is the same zoning change request. Commissioner Brown said this is a "substantially different" plan.

05:06:37 Jason Hall, an applicant's representative, briefly explained some of the changes that had been made between the old plan and the one being presented today. He discussed some of the concerns that were raised with the old plan, particularly the preservation of the Cavalier Building. Multiple waivers and variances requested for the old plan have been eliminated. He also discussed the reasons for the two waivers being requested with the new plan (signage and windows; see staff report.)

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05:08:54 Mr. Hall also discussed the shotgun houses. There were two originally – one was demolished for parking. He said he did not know if there had been any discussion from Historic Preservation about keeping that building. Mr. Reverman said that building was not designated as a landmark; however, they are of an age that requires a 30-day waiting period before demolition. They must also be documented per Kentucky Heritage Council standards (this is also per binding element #8.) Mr. Owen still questioned if those parking spaces are absolutely necessary.

05:10:30 Steve Miller said that the rest of the block is commercial, except for two houses. The permit has already been pulled for demolition of one house. In response to a question from Commissioner Turner, he said the house proposed for demolition has been vacant for years; the house next to it is occupied.

05:11:41 In response to a question from Commissioner Turner, Mr. Reverman explained what “animating features” means, specifically regarding the proposed windows. He added that animating features are a requirement for facades facing public rights-of-way. The requested waiver is to allow the building facade facing W. Market Street to have less than 75% animating features and less than 50% clear glazing, windows and/or doors.

05:14:01 Commissioner Turner asked if the Cavalier Building was going to be a part of the Family Dollar store. Mr. Miller said it would be separate, but would still be a commercial/retail use.

05:14:26 Commissioner Turner said he had been “getting a lot of calls and complaints” about a Family Dollar at 25th and Broadway. He said the callers talk about the animating windows and asking why they can’t be regular windows. Mr. Owen said that, at the 25th & Broadway store, the builder put in display windows and the neighborhood association is working with the applicant to put historic photographs of Portland in those. Mr. Miller said clear glass windows are being proposed along the front.

The Committee by general consensus placed Case No. 17246 on the agenda for the December 5, 2013 Planning Commission public hearing.

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Location	2537-2551 W. Market St. 111-125 S. 26 th St.
Owner	Miller Investments, Inc.
Applicant	Miller Investments, Inc.
Representative	Prism Engineering & Design Group, LLC
Project Area/Size	0.584 acres
Jurisdiction	Metro Louisville
Council District	5-Cheri Bryant Hamilton
Case Manager	Joseph Reverman, AICP, Planner II

The staff report prepared for this case was incorporated into the record. 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.)

Request:

Change in Zoning from OR-2, Office/Residential, to C-1, Commercial, to permit a Retail Discount Store on property located at 2537-2539 W Market St, and 111-125 S 26th St (Tax Block 003K, Lots 0004, 0005, & 0189) containing 0.165 acres and being in the Louisville Metro. Variances and Waivers are also being requested.

The following spoke on behalf of Case No. 17246:

Jason Hall, Prism Engineering, 2300 Plantside Drive, Ste B, Louisville, KY 40299

Steve Miller, 7100 Parklook Ct, Louisville, KY 40214

Becki Winchell, 2729 Alford Ave, Louisville, KY 40212

John Owen, 620 N 28th St, Louisville, KY 40212

Myra Friend-Ellis, 601 W. Jefferson St, Louisville, KY 40202

Marianne Zickuhr, 631 S 5th St, Louisville, KY 40202

Martina Kunneke, 4149 Dover Road, Louisville, KY 40213

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DISCUSSION:

01:36:16 Joseph Reverman submitted letters received by staff. He reviewed the requests and case summary/background from the staff report. He reviewed the Historic Preservation staff comments with regard to the demolition of the historic house as listed in the staff report. Mr. Reverman reviewed the technical review from the staff report as well. He addressed letters from Portland Now and Preservation Louisville.

01:42:27 Commissioner Turner asked about the historic buildings. Mr. Reverman said Guideline 5 of the Comprehensive Plan encourages redevelopment of existing older structures. He explained that the building on the corner is an older, mixed-use, multi-story building. The Comprehensive Plan Guideline 5 addresses that issue, and there is also an adopted Portland neighborhood plan that addresses reusing those existing buildings.

01:43:28 In response to Commissioner Wahl's question about whether there was a plan showing why the building could not be pulled to the corner or toward the street, Mr. Reverman explained that the applicant will address that.

01:43:57 Jason Hall, Prism Engineering, reviewed the site plan and discussed the rezoning request. He reviewed the proposal of a Family Dollar store on the site and discussed the proposed parking. He explained that there are pedestrian and bicycle connections, as well as an existing TARC stop. Mr. Hall then reviewed vehicular access. He addressed Commissioner Wahl's question about pulling the building to the corner, but explained the concern for safety with parking at the rear. He said it creates an unsafe atmosphere for customers and employees. Mr. Hall said the zoning change request largely complies with the Comprehensive Plan, with exception of a few guideline items, which are being addressed by either a variance or waiver. He explained that an 8 ft solid screen and landscaping is being provided between the proposed change area of C-1 and the existing residents on the OR-2 lot. Mr. Hall then addressed and reviewed the waivers. He explained that the stormwater requirements have been satisfied. He stated that this proposed use is a permitted land use and appropriate to serve the surrounding area. With regard to the demolition of the existing building on the site, Mr. Hall explained that with this lot size, an appropriate plan meeting the requirements of the Family Dollar could not be come up with. He also pointed out that the building is not landmarked.

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01:51:58 Steve Miller, Miller Investments, addressed the use of the building on the corner and explained that the use is a bar and the upstairs is inhabitable.

01:53:32 Commissioner Scheer addressed one of the submitted letters discussing another Family Dollar site where elevations were changed to a more compatible setting. He asked if this is an option for this site.

01:54:06 Mr. Miller said the Family Dollar on 15th St is a completely brick structure on one side, the Market St side has brick window design. Commissioner Blake asked that the applicant address the design at the public hearing and consider addressing alleviating the waivers.

01:56:16 Mr. Miller pointed out the alley in the back of the site and said having the parking back there would be unsafe.

There was some discussion about pulling the proposed development up to the corner and potential safety issues with parking in the rear of the building.

02:00:46 Commissioner Scheer recommended that the applicant bring photos of the current condition of the site to the public hearing. Commissioner Blake also recommended that engineering information be brought to the public hearing with regard to the condition of the building.

02:01:42 Commissioner Turner asked about drainage. Mr. Hall said there will be a sanitary connection and a storm sewer connection to the existing sewer system. The runoff will be caught in catch basin in the parking lot and directed to piping.

02:02:26 Pat Barry, MSD, confirmed and said during the design phase, MSD will meet with the developer, engineer, and owner to discuss getting the water to infiltrate.

02:03:54 Becky Winchell read a letter submitted by Portland Now, Inc. written by Judy Schroeder that outlined the association's opposition to the proposal.

02:09:45 John Owen explained he was part of the committee who created the Portland neighborhood plan. He discussed the buildings on the site and the

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existing parking lot on the subject site. He discussed the existing and proposed Family Dollar businesses in the area. He raised concern that there should be better businesses brought to Portland. Mr. Owen addressed comments made about safety concerns with the alley and said Pirtle Alley is a street, and Portland is traditionally a walking neighborhood. He explained that another Family Dollar is not needed in the area. He addressed the building on the subject site and explained that the reason that the building is inhabitable is years of neglect from its previous owner. Mr. Owen suggested the proposal be brought to the corner, and the Cavalier not be torn down. He stated that the neighborhood intends to petition to landmark the structure.

02:17:34 Myra Friend-Ellis, Councilwoman Hamilton's assistant, explained that the councilwoman has money allocated for West Market Corridor improvements and the subject site is included in the improvement.

02:21:47 Marianne Zickuhr, Preservation Louisville, read some excerpts from a letter submitted to the commission from her organization. She said there are many opportunities for economic growth, but we must think farther into the future than the next 10-20 years. She offered for Preservation Louisville to be involved with the planning.

02:27:33 Martina Kunneke, of Neighborhood Planning & Preservation, suggested the committee to try to keep things directed towards the way we want this city to look. She said the urban areas need to stop being suburbanized. She discussed the high numbers of dollar stores located west of 9th Street. This is an opportunity to revisit how to get local involvement in terms of some of these projects. She raised concern about Family Dollar not bringing full-time jobs.

02:31:18 Commissioner Scheer asked Mr. Owen about the safety and security concerns in the area. Mr. Owen said people live in Pirtle Alley, people are at the Cavalier late every night, and no one has been mugged. He said people walk in this community and stated there is less crime in Portland than the rest of the west end.

02:34:33 Commissioner Wahl said she has some concerns about there not being enough conversations between the neighbors and applicant on the plan.

02:35:44 Commissioner Turner addressed the comments and concerns raised and asked the applicant if they felt it would be necessary to meet with the

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neighbors for more input. Mr. Miller explained that houses are deteriorating in the neighborhood, and this location needs work. He said he believes this proposal will make a difference. He explained that Family Dollar does not put a store in without doing the studies. Mr. Miller said pulling the building up and putting parking in the rear will not work.

There was some discussion about the neighborhood meeting and Portland Now's involvement.

02:46:00 Commissioner Blake stated he has concerns with the number of waivers without staff support. He said this may need to be sent back for further discussions and perhaps another neighborhood meeting. He said this historic building may be usable.

02:46:46 Commissioner Turner said he would like to see the plan come back cleaner with more support behind it.

02:47:45 Mr. Carroll said the applicant is set with his plan, it may be the committee's obligation to set a public hearing date rather than sending it back if the applicant does not want to.

02:48:16 Commissioner Blake recommended that it may be more beneficial for the applicant to revisit it, but he has a right to a public hearing.

02:48:46 Commissioner Wahl said the plan could be redesigned to address concerns, but if this is the plan the applicant wants to move forward with he has the right.

02:50:22 A night hearing was requested by Ms. Zickuhr and Commissioner Blake explained the petition process to request that hearing.

The Committee by general consensus placed this case on the Agenda for the October 18, 2012 public hearing at the Old Jail Building.