February 5, 2016

Planning and Design Services 444 South Fifth Street Suite 300 Louisville, KY

To whom It May Concern:

This is a letter of justification for my previous modified use of permit for the property at 2317 Madison Street. I'm requesting for this property to be at a capacity of more than 12. I'm proposing 32 for the capacity. Hours of operation will change from 6am-6pm to 6am to 12 midnight. There will be a difference in shifts I will be having three shifts (Day, Night, and Split). The maximum number of staff at any giving time can be 3-6 during any shift change.

Sincerely,

Sharena Allen-Mask 3316 Richelle Drive Louisville, Ky 40216 (502) 876-2827

MINUTES OF THE MEETIN OF THE LOUISVILLE METRO BOARD OF ZONING ADJUSTMENT

DECEMBER 17. 2012

NEW BUSINESS:

CASE NO. B-17927-12

Applicant/Owner:

Gavonda Lawrence

P.O. Box 16407

Louisville, Kentucky 40256

Representative:

Qk4

Ashley Bartley

1046 E. Chestnut Street Louisville, Kentucky 40204

Subject:

An application for a Conditional Use Permit to allow a

day care facility in an R-6 zoning district.

Premises affected:

On property known as 2317 West Madison Street and

being in Louisville Metro.

COUNCIL DISTRICT 4—David Tandy

Staff Case Manager:

Jon Crumbie, Planner II

Appearances for Applicant:

Ashley Bartley, 1046 E. Chestnut Street, Louisville, Kentucky 40204; who presented a PowerPoint presentation to the Board.

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Appearances-Interested Parties:

No one.

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Appearances Against Applicant:

No one.

An audio/visual recording of the Board of Zoning Adjustment hearing related to this case is available in the office of Planning & Design Services, located at 444 South Fifth Street, Suite 300, Louisville, Kentucky.

On November 12, 2012, Gavonda Lawrence filed an application for a Conditional Use Permit to allow a day care facility in an R-6 zoning district.

On December 17, 2012, at a meeting of the Board, a hearing was held on this case. A drawing showing the premises affected and the existing and/or proposed construction was presented to each Board member.

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In accordance with the Board Bylaws, the staff report prepared for this case was incorporated into the record. The Board members had received this report in advance of the hearing and it was available to any interested party prior to the public hearing. See Addendum for staff report in full.

The audio/visual recording of this hearing will be found on the DVD of the December 17, 2012 proceedings available in the Planning and Design Services Office.

SUMMARY OF STAFF PRESENTATION:

10:25:45 Staff case manager, Jon Crumbie, gave a brief presentation of the case to the Board, which included a PowerPoint presentation. He said the applicant will be renovating an existing house that has been in disrepair and vacant for approximately 2 years for a day care facility. The daycare will specialize in science and technology utilizing electronics for educational purposes. Mr. Crumbie said there are 3 parking spaces in the rear and that Public Works and Transportation approved the drop-off and pick-up area along West Madison Street. He said 9 of the 10 listed requirements have been met, where J. does not apply. Mr. Crumbie said he received a few phone calls from neighbors who just wanted to know what was proposed.

SUMMARY OF TESTIMONY OF PROPONENTS:

10:30:31 Ashley Bartley, the applicant's representative, said her client is remodeling an existing home for a daycare. The daycare will accommodate 12 children, from 6 weeks to 6 years old. She asked that the Board waive the required 3 parking spaces and additional landscaping, since on-street parking is abundant and adding landscaping would take up a lot of the play area. She added that other daycares in the area do not have off-street parking. Ms. Bartley said the property will be fenced. Chair Jarboe asked if the applicant received any funding for the renovations. Ms. Bartley said yes, to get the business open and grant money for the technology aspect. Member Proffitt questioned the parking spaces required. Mr. Crumbie said the Board could modify this based on the testimony and information submitted.

SUMMARY OF TESTIMONY OF INTERESTED PARTIES:

No one spoke as an interested party.

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SUMMARY OF TESTIMONY OF OPPONENTS: No one spoke in opposition.

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BUSINESS SESSION:

10:41:46 Member Fishman said that there are other daycares in the area that don't have designated parking. Mr. Crumbie said the Board should also determine if the existing landscaping is sufficient.

10:44:07 After the public hearing in open business session, on a motion by Member Proffitt, seconded by Member Allendorf, the following resolution was adopted:

WHEREAS, the Board finds, from the file of this case, the staff report, the PowerPoint presentation and the evidence and testimony submitted at the public hearing that the applicant is requesting a Conditional Use Permit to allow a day care facility in an R-6 zoning district; and

WHEREAS, the Board finds that the property is within a Traditional Neighborhood Form District; and

WHEREAS, the Board finds that the proposal meets all applicable policies of the Comprehensive Plan except the inclusion of additional landscaping and buffering since what exists is appropriate; and because security lighting is located at the rear of the residence and the structure will remain residential in character; and because Guideline 1 preserves and allows renovation of existing buildings if the design is similar to what exists in the neighborhood; and

WHEREAS, the Board finds that the subject site is compatible with the surrounding residential uses because the proposed daycare building will remain residential in appearance; and because the site is compatible with respect to height, bulk, scale, odor, drainage, dust lighting and appearance; and

WHEREAS, the Board finds that the proposal has been reviewed by Public Works/Transportation Planning and MSD, both which have preliminarily approved the plan; and

WHEREAS, the Board finds that the proposal complies with 9 of the 10 specific standards required to obtain the conditional use permit where Item J. does not

(COMPIONE)

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apply; and because the Board will waive the landscaping and berming requirement; and

WHEREAS, the Board finds the proposal to be in conformance with the Comprehensive Plan because it complies with all applicable guidelines, principles and objectives of the Comprehensive Plan, as it has received preliminary approval from Transportation Review and Louisville and Jefferson County Metropolitan Sewer District;

NOW, THEREFORE, BE IT RESOLVED, that the Conditional Use Permit is hereby **APPROVED ON CONDITION**.

The conditions are as follows:

- 1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
- 2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for a day care facility without further review and approval by the Board.
- The proposal is subject to full construction plans being submitted to the Department of Public Works for traffic and MSD for storm water approvals. Once those have been approved, the plan is subject to Inspections, Permits and Licenses for building/parking permits.
- 4. The daycare shall be open Monday thru Friday, 6:00 a.m. to 6:00 p.m.
- 5. The maximum number of employees on site at any given time shall be 3.
- 6. The maximum number of kids on site at any given time shall be 12.

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The vote was as follows:

YES: Members Jarboe, Allendorf, Proffitt, Liggin and Fishman.

NO: No one.

ABSTAINING:

NOT PRESENT FOR THIS CASE AND NOT VOTING:

Member

Wagaman.

Member Miller.

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BACK INTO PUBLIC HEARING:

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10:46:24 Ms. Bartley asked if the Board's motion included waiving the required 3 parking spaces. Jon Baker, the Board's legal counsel, said no, but that the Board could make another motion to modify the parking requirements.

BACK INTO BUSINESS SESSION:

10:47:31 After the discussion, on a motion by Member Proffitt, seconded by Member Fishman, the following resolution was adopted:

WHEREAS, the Board does hereby waive the parking requirement of 3 spaces since there is ample on-street parking and in close proximity to the proposed daycare;

NOW, THEREFORE, BE IT RESOLVED, that the Board does hereby WAIVE the required 3 parking spaces (Item E., page 3 of the staff report).

The vote was as follows:

YES: Members Jarboe, Allendorf, Proffitt, Liggin, Miller and Fishman.

NO: No one.

NOT PRESENT FOR THIS CASE AND NOT VOTING: Member

Wagaman.

ABSTAINING: No one.

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