

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

December 8, 2016

New Business

CASE NO. 16ZONE1058

Request:	Change in zoning from R-7 to OR for approximately .22 acres
Project Name:	Eastern Parkway Law Office
Location:	604 Eastern Parkway
Owner:	Venture 604, LLC
Applicant:	C.R.P. and Associates, LLC
Representative:	Randall L. Wright
Jurisdiction:	Louisville Metro
Council District:	15 – Marianne Butler

Case Manager: **Brian Mabry, AICP, Planning & Design 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.)

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.

Agency Testimony:

00:56:16 Brian Mabry presented the case and showed the site plan (see staff report and recording for detailed presentation.)

The following spoke in favor of the request:

Randall Wright, 105 S. Sherrin Avenue, Louisville, KY 40207

Summary of testimony of those in favor:

01:00:45 Randall Wright, the applicant, presented his case and pointed out the location and the zoning of the properties to the right and left of this site (see recording for detailed presentation.) He discussed the property owners who were accidentally omitted from the notification and said he had spoken with them

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and assured them that they would receive notice for the Planning Commission hearing.

The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against:

Michal Kruger, 547 Barberry Lane, Louisville, KY 40206

Summary of testimony of those neither for nor against:

01:05:06 Michal Kruger owns rental property at the end of Miller Lane. She discussed traffic direction issues (specifically concerned about opening Miller Lane.) She said another property owner had expressed concern about people "cutting through their property". She said a business could put a burden on the street.

01:07:59 In response to a question from Commissioner Lewis, Mr. Mabry said the right-of-way on Miller Avenue already exists. He pointed it out on the site plan.

01:08:16 Tammy Markert, with Metro Transportation Planning, discussed and answered questions about right-of-way, parking, and traffic flow issues.

01:10:14 The Committee by general consensus scheduled this case to be heard at the January 5, 2017 Planning Commission hearing.

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PUBLIC HEARING

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Owner: Venture 604, LLC

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Representative: Randall L. Wright

Jurisdiction: Louisville Metro
Council District: 15 - Butler
Case Manager: **Brian Mabry, AICP, Planning & Design Supervisor**

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. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:37:05 Mr. Mabry discussed the case summary, standard of review and staff analysis from the staff report.

Mr. Mabry also provided additional information to the commissioners which was received after the staff report was published.

The following spoke in favor of this request:

Randall Wright, 3306 Mount Shasta, Louisville, Ky. 40241
Tammy Goatley, 1617 Redwood Drive, Louisville, Ky. 40213
Charles R. Podgursky, C.R.P. and Associates, 7321 New La Grange Road, Suite 111, Louisville, Ky. 40222

Summary of testimony of those in favor:

00:57:48 Mr. Wright proposes a law office for himself and maybe a couple more lawyers. The hours will probably be 9 to 5 (most of the time) with a minimal number of

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clients. "It's a perfect building to rehabilitate. I just don't think you can rehabilitate it for a single family home and I don't think it would serve the community to make it multi-family."

Mr. Wright submitted a letter into the record stating he hasn't been cited by IPL or owe any money. It was the previous owner that had 72 visits from IPL.

Mr. Wright stated the proposal includes extending Miller Ln. and taking out some curb cuts.

01:10:20 Ms. Goatley, Codes and Regulations, stated there were a lot of violations with the previous property owner. Since Mr. Wright has purchased the property, it has been clean, cut and secure.

01:11:34 Mr. Podgursky stated the existing driveways are separate but share the same property line. The applicant/representatives are working with Transportation Review and the Parks Dept. for the proposed extension of the driveway. "We're not creating a one-way for everyone else or our neighbor. The only one-way out from our property is for us."

The following spoke in opposition to this request:

Thomas Woodcock, 547 Eastern Parkway, Louisville, Ky. 40217

Summary of testimony of those in opposition:

01:28:21 Mr. Woodcock said the area is mostly a residential corridor. The main concerns are as follows: the proposal doesn't follow the building code; it may set a precedent; there are a lot of unpaid fines; and the proposed sign is too large.

The following spoke neither for nor against the request:

Gail Linville, 526 Atwood Street, Louisville, Ky. 40217
Michal Kruger, 547 Barberry Lane, Louisville, Ky. 40206
Martha Berner, Landscape Architect for Metro Parks

Summary of testimony of those neither for nor against:

01:14:29 Ms. Linville is the president of the St. Joseph Neighborhood Association. They are in agreement with the proposed binding elements and would like to add the following: No front yard or street parking and all the vehicles would be restricted to the back.

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01:16:11 Ms. Kruger submitted pictures into the record. There is a concern for the people parking on Miller St. "Why open up Miller St.?" It's very narrow.

01:27:25 Commissioner Brown stated, "Miller Ln. is a frontage road and maintained by Metro."

01:34:11 Ms. Berner stated, "If the zoning change is granted, Metro Parks does have an interest in the restoration of the parkway frontage, specifically the removal of the full curb cut and driveway apron and the maintenance of a 10 foot wide planting strip for trees between Miller Ave. and the existing sidewalk."

Rebuttal

01:38:16 Mr. Wright reiterated that he doesn't owe IPL anything and has not been cited. He read the letter from Carrie G. Pierce, Office of Management and Budget, into the record as evidence to this fact.

If Mr. Wright requests a sign in the future, it will be in compliance with the regulations. Mr. Mabry said a 60 foot square sign by 6 feet in height is the maximum allowed.

Mr. Wright remarked, "I want to be a good neighbor and the office will not be an eyesore."

01:47:03 Commissioner Brown stated, "It would be nice to have something on the record from the abutting neighbor saying, I realize there's going to be a change in my access."

Deliberation

01:53:43 Commissioner Kirchdorfer stated there is \$0 unpaid fines on the property. Also, the property will still be residential.

01:55:30 Commissioner Carlson agrees with the proposed land use. There won't be a lot of traffic. Also, it's better to have an occupied building than remain vacant.

01:58:01 Commissioner Brown agrees with the zoning change which will have only a minimal impact. The applicant is maintaining the character of the building to blend in with the area. Elimination of the driveway is great for restoring the parkway.

01:58:52 Commissioner Peterson said the zoning change is appropriate. The exit-only in the rear is a good idea.

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Commissioner Peterson said it would be nice to see some trees planted on the street frontage after the driveway is removed and the ground is reconditioned.

02:00:25 Commissioner Gazaway agrees with the zoning change, but is concerned about opening up Millers Ln.

02:01:36 Acting Chair Lewis agrees with the zoning change and the removal of the curb cut.

Acting Chair Lewis is concerned that the neighbor most affected was not able to attend this meeting today. An extra 2 weeks will give the applicant extra time to clarify important information.

02:05:19 Ms. Liu would like additional time (2 weeks) to meet with Metro Parks concerning an error on the development plan.

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.

On a motion by Commissioner Carlson, seconded by Commissioner Gazaway, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** Case No. 16ZONE1058 to the next regularly scheduled Planning Commission meeting to limit testimony to the impact of the extension of Miller Ave. on the adjacent property owner and to allow Planning and Design staff to confer with Metro Parks concerning some specific details and to close the record as of today.

The vote was as follows:

YES: Commissioners Brown, Carlson, Gazaway, Kirchdorfer, Lewis and Peterson
NOT PRESENT AND NOT VOTING: Commissioners Howard, Jarboe, Smith and Tomes

02:17:04

NOTE: Ms. Liu reminded the commissioners that the next Planning Commission meeting will be the annual meeting and will start at 12:30 p.m. The regular meeting will begin at 1:00 p.m.