

PLANNING COMMISSION MINUTES

June 4, 2015

PUBLIC HEARING

CASE NO. 15AMEND1000

Project Name: LDC Text Amendment – Boarding and Lodging Houses

Case Manager: Brian Mabry, AICP, Planning Coordinator

CONTINUED FROM MAY 21, 2015 PLANNING COMMISSION MEETING

Notice of this public hearing appeared in The Courier Journal. 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:

00:07:11 Mr. Mabry discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Paul Whitty, Jefferson County Attorney's Office
Vanessa Lackey, 4630 Varble Avenue, Louisville, Ky. 40211
Nancy Demaitra, P.O. Box 482, Louisville, Ky. 40201

Summary of testimony of those in favor:

00:20:34 Mr. Whitty said Councilperson Hamilton does not want racial profiling. She simply wants the business model and the type of resident to be served (men, women, children, parolees, etc.). It would not be a basis for denial of the CUP. Commissioner Tomes stated, "Anything to do with profiling is not going to work." Mr. Whitty said he will take all information back to Metro Council as they are concerned about liability as well.

00:40:14 Ms. Lackey asks for support of the R-7 and R-8A zoning request because the rest has been done.

00:41:39 Ms. Demaitra is concerned about profiling. Asking certain questions of the applicant is handled when people apply for a specific type of facility. Requiring the owner to do attendance is ridiculous. Rehabilitation facilities are fine but no area should be over-saturated with them. "We're getting a lot in the west end. My recommendation is that they not be located more than 1 every 15 or 20 blocks. I'm also concerned about the rehabilitation facilities being near schools, daycares, libraries and churches. The application process should cover the type of services to be provided, and then somebody needs to check to make sure that's happening. Some of the boarding

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houses, lodging houses and rooming houses do have a combination of people living there. If that's fine with the people living there and the owner, then that's o.k. The other concern I have is I've seen the rehabilitation houses with as many as 16 to 30 people coming out of them; however I can't say they all slept there that night. There needs to be a limitation on how many folks can live in a 2 to 4 bedroom house. I also feel the buildings need to be certified according to size rather than just an arbitrary number."

The following spoke neither for nor against the request:

Cathy Hinko, P.O. Box 4533, Louisville, Ky. 40206

Summary of testimony of those neither for nor against:

00:49:16 Ms. Hinko, Metropolitan Housing Coalition, said profiling violates Fair Housing. The type of housing needs to be separated from the person. This housing is just a rental situation and not a medical facility (boarding homes are not therapeutic). "There is a presumption of a certain type of person living in these homes and that very presumption raises Fair Housing. We need to eliminate that."

Deliberation

00:57:38 Planning Commission deliberation.

1:07:22 Ms. Liu said she spoke with Councilwoman Hamilton and her main concerns were density and overconcentration of boarding and lodging houses. "If the commissioners decide to take out H1 or I, I would suggest adding a section asking the applicant to provide a similar use within 500 feet so the Board of Zoning Adjustment (BOZA) can determine how many of these boarding and lodging houses are already in the area and make a determination from there. The word "profiling" may not be a good word, but her intention is to protect the neighborhood." Commissioner Proffitt said that's already done under Item G.

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 Proffitt, seconded by Commissioner White, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** changes staff has included on page 3 of the staff report, those items being 1-5 (6 was stricken) and that Ordinance as presented be sent back **APPROVED**,

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striking H1, paragraph I and change the language of J to read as follows: The Board of Zoning Adjustment shall, to the best of their abilities, find that the establishment of the facility will not result in harm to the health, safety or general welfare of the surrounding neighborhood and that substantial adverse impacts on adjoining properties or land uses will not result in the facilities' operations based on the testimony provided today, discussion and the staff report.

The vote was as follows:

YES: Commissioners Blake, Kirchdorfer, Proffitt, Tomes, Turner and White

NO: No one

NOT PRESENT FOR THIS CASE: Commissioners Butler, Jarboe and Peterson

ABSTAINING: Commissioner Brown