

Dock, Joel

From: Mike OLeary <mike.oleary@twc.com>
Sent: Thursday, September 13, 2018 12:57 PM
To: Dock, Joel
Cc: Clifford Ashburner; Mo Deljoo; Mike O'Leary, President Clifton Community Council
Subject: Zoning cases: 18Zone1038 & 18Zone1039
Attachments: Zoning Cases 18Zone1038 and 18Zone1039.PDF

Follow Up Flag: Follow up
Flag Status: Completed

Dear Mr. Dock,

On September 4, 2018 eleven neighbors of the Clifton neighborhood met to review and discuss case number 18Zone1038 (1749 Frankfort Ave) and case number 18Zone1039 (1860-1864 Frankfort Ave). 9th District Councilman Hollander attended the meeting to listen to our thoughts, comments and suggestions.

The attached letter is a consensus of the eleven Clifton neighbors who attended the meeting. Please note while Councilman Hollander was in attendance he limited his comments to telling us of the responses his offices has received on this issue. Councilman Hollander did not express any opinion or remarks in favor or not in favor of the proposed zoning changes of the two cases.

Here is the list of Clifton neighbors, with their addresses, who attended this meeting:

1. Erin Staley 1856 Frankfort Ave. staley.er@gmail.com
2. Peggy Christensen 142 Stoll Ave. peggy-christensen@hotmail.com
3. Matt Glaser 1820 Arlington Ave matthewglaser@yahoo.com
4. Dan Poling 227 Pope Street danpoling57@yahoo.com
5. Cassandra Culin 185 N. Bellaire Ave kyspring@bellsouth.net
6. Kyle Culin 185 N. Bellaire Ave kyspring@bellsouth.net
7. Bill Wright 2110 Vernon Court bww0912@gmail.com
8. Bill Lieshoff 250 Crescent Hill Place, #102 blieshoff@gmail.com
9. Jan Weber Jane Street kyjweber@gmail.com
10. Pam Vetter 123 Waverly Ct pamavetter@gmail.com
11. Mike O'Leary 1963 Payne Street mike.oleary@twc.com

In attendance to listen: Councilman Hollander. Bill.Hollander@louisvilleky.gov

Please add the attached letter to your report and the information provided to the Planning Commissioners.

Thank you.

Mike O'Leary
President, Clifton Community Council

Michael O'Leary
1963 Payne Street, Louisville KY. 40206
Phone: (502) 899-1364 Email: mike.oleary@twc.com

- *Let us understand before we disagree. If we disagree let us not be disagreeable.*

**Clifton** Community Council

“Give residents a voice to government and keep them connected to one another”

September 4, 2018

Clifford Ashburner, Attorney
for Mo Deljoo, Ally Properties LLC
Dinsmore & Shohl LLP
101 S. Fifth Street
Suite 2500 PNC Tower
Louisville, KY 40202

Joel Dock, Planner II
Planning & Design
444 S. 5th Street
Louisville, KY 40202

Dear Mr Ashburner, and Mr Dock,
At a neighborhood meeting on September 4, 2018, residents reached a consensus on the two zoning cases listed below.

18Zone1038

1749 Frankfort Ave

1. Change the zoning from R-5B, Two-family Residential to **C-R**, Commercial-Residential. This will allow the new tenant, a real estate agency, to lease the space.
2. Retain a 5 ft. LBA in the rear yard along the west property line, a 15 ft. LBA along the north property line adjacent to the rear parking area, and landscaping along the east side of the rear addition as shown in the site plan presented at the August 23 LDT meeting.
3. Repair or replace the rear yard privacy fence.

18Zone1039

1860-1864 Frankfort Ave (former Third Lutheran Church and parsonage)

1. Change the zoning from R-7, multi-family Residential, to **C-R**, Commercial-Residential to allow for the existing church, basement, two story rear addition and two-story parsonage to be repurposed.
2. Approve the Conditional Use Permit (CUP) to retain the existing 21 off-street parking spaces (LDC 4.2.39) at 145 Stoll Ave. with a 400 SF ILA where 2 trees are to be planted per the site plan.
3. Retain the sidewalk on the east side of the church for pedestrian and handicap access. Install a 5 ft. LBA in the west side front yard. Replace the wrought iron fence with a wood privacy fence on the west side of the property next to the parsonage and into the rear yard.

Sincerely,


Mike O'Leary
President, Clifton Community Council

CLIFTON COMMUNITY COUNCIL
Preserving the Past. Planning the Future
131 Vernon Avenue, Louisville, KY 40206

Dock, Joel

From: Hollander, Bill H.
Sent: Thursday, September 13, 2018 11:51 AM
To: Dock, Joel
Subject: FW: Proposed binding element for both Frankfort Ave. cases

Follow Up Flag: Follow up
Flag Status: Completed

FYI

-----Original Message-----

From: Ashburner, Clifford <Clifford.Ashburner@DINSMORE.COM>
Sent: Tuesday, September 4, 2018 11:07 AM
To: mike.oleary@twc.com; deljoo@noveen.com; Hollander, Bill H. <Bill.Hollander@louisvilleky.gov>
Subject: Proposed binding element for both Frankfort Ave. cases

Mike and Bill:

Mo and I spoke about the best way to allow for the two properties at 1749 and 1860 to be rezoned in a way that provided Mo needed flexibility but also provided the neighborhood some certainty and future input should uses change. We propose that the following binding element be added to both cases:

The subject property shall only be used for uses allowed in the C-R Commercial Residential zoning district, unless a change in use to a use allowed in the C-1 Commercial zoning district is approved by the Planning Commission or one of its committees at a public meeting after at least 14 days notice to those who received notice of this application.

The binding element will ensure that only uses that are allowed in the C-R zone can occur in the properties unless and until there is further review by the Planning Commission or one of its committees and those in the neighborhood have had an opportunity to weigh in.

As you know, 1749 will be used as office space by Kentucky Select Properties should the rezoning be approved. Mo still is without a tenant for the church.

Please let us know how the meeting goes tonight. If you have an alternative idea to address the interests of both Mo and the neighborhood, please email or give me a call to discuss.

Best,

Cliff

Cliff Ashburner
Dinsmore & Shohl, LLP
502-540-2382
Sent from my iPad

Dock, Joel

From: Dock, Joel
Sent: Friday, August 24, 2018 12:03 PM
To: Hollander, Bill H.
Cc: Liu, Emily; Ethridge, Kyle
Subject: RE: Neighborhood Meetings Tonight - 1749 & 1860-1864 Frankfort Avenue
Attachments: C-1 use list.pdf; Application_EveningHearingPetitionConvenient_Oct13.docx; Application_EveningHearingPetitionDowntown_Oct2017.docx

Thank you for this thorough response. I very clearly understand your position and the authority of Metro Council. I would still be curious to know what uses permitted within C-1 would be objectionable, apart from, in my opinion, the obvious suburban, auto-oriented uses – auto dealerships or car washes. This could be helpful information in the future in directing potential applicants and the current applicant. A list of C-1 uses has been attached.

I have heard from three interested parties to-date. Two of these individuals voiced support for CR instead of C-1.

A petition for night hearing at a convenient location requires 300 signatures. A petition with 200 signatures allows for the meeting to be held in the evening at the Old Jail Building. A petition would be required no later than September 5th. Applications for each have been attached.

Thanks,

Joel P. Dock, AICP
Planner II
Planning & Design Services
Department of Develop Louisville
LOUISVILLE FORWARD
444 South Fifth Street, Suite 300
Louisville, KY 40202
502-574-5860
<https://louisvilleky.gov/government/planning-design>



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From: Hollander, Bill H.
Sent: Friday, August 24, 2018 11:24 AM
To: Dock, Joel
Cc: Liu, Emily; Ethridge, Kyle
Subject: RE: Neighborhood Meetings Tonight - 1749 & 1860-1864 Frankfort Avenue

Joel –

I had forgotten that Kyle had forwarded it along. Thanks for reminding me. I was, frankly, disappointed that Cliff thought it wasn't important enough to share with anyone and I have told him that. The applicant has had shifting stories about plans for the site. It was originally undefined and then clearly office, not retail. I had passed along this article to some of the many residents who have contacted me about it. I will of course now need to tell them that the position has shifted again - <https://www.bizjournals.com/louisville/news/2018/05/25/hilltop-theater-owner-buys-frankfort-avenue-church.html>.

I understand what is required in the LDC - but I also understand that Metro Council has the authority to condition a rezoning on a particular use and to require that the applicant return to the Commission or the Council if the use changes. The County Attorney has approved such binding elements many times. That is what I have done along Frankfort Avenue and what I intend to do in the future.

I will make up my mind based on the record, which I expect to be very full. I just received an email from a very active Clifton resident objecting strongly to the Clifton Community Council's position in this matter and any decision to permit an undefined commercial zoning on a property located in a residential block and directly between and in VERY close proximity to two multi-family residential buildings. I expect there will be a number of comments at the September 20 hearing. How many signatures on a petition does it take to have the meeting at night near the site, so that ordinary citizens can actually participate, and when would a petition need to be submitted?

Bill



Councilman Bill Hollander | Ninth District Councilman
Louisville Metro Council
601 W. Jefferson Street | Louisville, KY 40202
d: (502) 574-1109

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From: Dock, Joel

Sent: Friday, August 24, 2018 8:39 AM

To: Hollander, Bill H. <Bill.Hollander@louisvilleky.gov>

Cc: Liu, Emily <emily.liu@louisvilleky.gov>; Ethridge, Kyle <Kyle.Ethridge@louisvilleky.gov>

Subject: RE: Neighborhood Meetings Tonight - 1749 & 1860-1864 Frankfort Avenue

Councilman Hollander,

Planning staff received a copy of the letter/email in an email from Kyle Etheridge on 8/13. It is part of the record and was forwarded to the applicant at that time. While it may be strongly encouraged to define a tenant(s), such specificity is not required per LDC chapter 11, part 4. A general use or range of potential uses is not uncommon (ex. Retail/office). If there is a specific use(s) within the C-1 zoning district that is objectionable please inform staff so that the Commission and applicant can be fully informed. Ultimately, staff and the Commission are tasked with determining the appropriateness of the requested district with all associated uses and making a recommendation based on the impact of the district as a whole.

Thanks,

Joel P. Dock, AICP

Planner II

Planning & Design Services

Department of Develop Louisville

LOUISVILLE FORWARD

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Louisville, KY 40202

502-574-5860

<https://louisvilleky.gov/government/planning-design>



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From: Hollander, Bill H.
Sent: Thursday, August 23, 2018 2:52 PM
To: Dock, Joel
Cc: Liu, Emily; Ethridge, Kyle
Subject: FW: Neighborhood Meetings Tonight - 1749 & 1860-1864 Frankfort Avenue

Joel –

Below is the email I referred to at the LD&T meeting today regarding the two Frankfort Avenue cases. Cliff apparently did not include it in the record or mention it to anyone at the meeting but I thought you should have it for your file.

Bill



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Louisville Metro Council
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d: (502) 574-1109

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From: Hollander, Bill H.
Sent: Wednesday, May 23, 2018 1:48 PM
To: clifford.ashburner@dinsmore.com
Cc: Mike OLeary <mike.oleary@twc.com>; Ethridge, Kyle <Kyle.Ethridge@louisvilleky.gov>
Subject: Neighborhood Meetings Tonight - 1749 & 1860-1864 Frankfort Avenue

Cliff –

I am not going to be able to make the meetings tonight but wanted to pass along a comment. Although I of course do not have positions on the potential rezonings at this stage, I wanted to note that I have never voted for a rezoning in my district which did not involve stated, relatively well-defined plans for the properties involved. As you know, in some cases, I have requested that binding elements be added which require additional approvals, including from Metro Council, if those plans change.

The May 10 Business First article indicates that these proposals are much less definite than have been presented for Frankfort Avenue properties during my term. I hope that will change as the cases progress.

Feel free to read this comment or make note of it at the meetings, if you think that is appropriate.

Bill



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Sent: Wednesday, May 23, 2018 1:48 PM
To: clifford.ashburner@dinsmore.com
Cc: Mike OLeary <mike.oleary@twc.com>; Ethridge, Kyle <Kyle.Ethridge@louisvilleky.gov>
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Louisville Metro Council
601 W. Jefferson Street | Louisville, KY 40202
d: (502) 574-1109

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Dock, Joel

From: Ethridge, Kyle
Sent: Monday, August 13, 2018 8:19 AM
To: Dock, Joel
Subject: RE: August 23, 2018 LD&T Meeting - Case No. 18ZONE1038, located at 1749 Frankfort Avenue
Attachments: Email_ Neighborhood Meetings Tonight - 1749 & 1860-1864 Frankfort Avenue.pdf

Joel,

The Councilman had emailed the attached letter to Cliff Ashburner and asked him to share the information at the public meeting back in May. He requested more information about the appropriate use.

He asked that I send you the email to be added to the official file.

Thank you,
Kyle



Ms. Kyle Ethridge | Legislative Assistant
Office of Councilman Bill Hollander
601 W. Jefferson Street | Louisville, KY 40202
d: (502) 574-3908 o: (502) 574-1109

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From: Dock, Joel
Sent: Thursday, August 9, 2018 9:49 AM
To: Ethridge, Kyle <Kyle.Ethridge@louisvilleky.gov>
Subject: RE: August 23, 2018 LD&T Meeting - Case No. 18ZONE1038, located at 1749 Frankfort Avenue

Attached.

Joel P. Dock, AICP
Planner II
Planning & Design Services
Department of Develop Louisville
LOUISVILLE FORWARD
444 South Fifth Street, Suite 300
Louisville, KY 40202
502-574-5860

<https://louisvilleky.gov/government/planning-design>



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From: Ethridge, Kyle
Sent: Thursday, August 9, 2018 9:15 AM
To: Dock, Joel
Subject: FW: August 23, 2018 LD&T Meeting - Case No. 18ZONE1038, located at 1749 Frankfort Avenue

This one too.

Thanks!



Ms. Kyle Ethridge | Legislative Assistant
Office of Councilman Bill Hollander
601 W. Jefferson Street | Louisville, KY 40202
d: (502) 574-3908 o: (502) 574-1109

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From: Council District 9 Notification of Development Proposals <development-notifications@public.govdelivery.com>
Sent: Wednesday, August 8, 2018 2:56 PM
To: Hollander, Bill H.
Subject: August 23, 2018 LD&T Meeting - Case No. 18ZONE1038, located at 1749 Frankfort Avenue

The attached is notification of the August 23, 2018 Land Development and Transportation meeting to be held at the Old Jail Building, 514 W. Liberty St., at 1:00 p.m.

- [18ZONE1038 LD%26T+Notice.pdf](#)

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Email

Neighborhood Meetings T...

Priority	Due	Status	Owner
Normal		Received	 Kyle Ethridge

Email

From  Bill Hollander

To  Clifford Ashburner

Cc  Kyle Ethridge;  Mike O'Leary

Bcc

Subject Neighborhood Meetings Tonight - 1749 & 1860-1864 Frankfort Avenue

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Regarding

Duration