

Land Development & Transportation

Staff Report

August 28, 2014



Case No:	14DevPlan1088
Project Name:	Franciscan Shelter House Addition
Location:	748 South Preston Street
Owner(s):	Franciscan Shelter House
Applicant(s):	AML, Inc.
Representative(s):	Scott Moser
Project Area/Size:	6,000 square feet
Existing Zoning District:	C-2, Commercial
Existing Form District:	TN, Traditional Neighborhood
Jurisdiction:	Louisville Metro
Council District:	4 – David Tandy
Case Manager:	Jon E. Crumbie, Planner II

REQUEST

- Category 3 review

CASE SUMMARY

The Franciscan Shelter House is proposing to add a 6,000 square foot addition onto the existing 4,753 square foot facility. The increasing demand for prepared meals for the poor and homeless has resulted in the need for the proposed additional space. The new space will enable the facility to better accommodate and serve the increasing demands of the surrounding community.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Shelter/Food Service	C-2	TN
Proposed	Shelter/Food Service	C-2	TN
Surrounding Properties			
North	Parking	C-2	TN
South	Industrial/Vacant	C-2	TN
East	Residential	C-2	TN
West	Parking/Vacant	C-2	TN

SITE CONTEXT

The site is rectangular in shape and located west side of South Preston Street near the South Preston Street and Roselane Street. The site is a grass area and flat. Parking is located to the north and vacant land to the south. Residential units are located to the east and parking to the west.

PREVIOUS CASES ON SITE

There are no previous cases on the site.

INTERESTED PARTY COMMENTS

Staff received a letter from an adjacent property owner which is attached at the end of the staff report.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DEVELOPMENT PLANS

- a. The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites;

STAFF: There are no natural resources located on the property, but tree canopy requirements will be met.

- b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: The provisions for safe and efficient vehicular and pedestrian transportation within the development will be met. There is an existing sidewalk along South Preston Street and a bike rack will be provided in front of the new addition.

- c. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: Open space is not required for this proposal.

- d. The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;

STAFF: Adequate drainage facilities on the subject site have been reviewed and approved by MSD. A detention basin will be provided south of the site.

- e. The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: The compatibility of the overall site design and land use follow the projected future development of the area. The proposal will be an extension of the existing structure and will be compatible with the surrounding area.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF: The development plan conforms to all Land Development Code requirements and therefore follows the guidelines of Cornerstone 2020. The proposed structure will have a front façade with the appropriate fenestration and materials.

TECHNICAL REVIEW

There are no outstanding technical review issues.

STAFF CONCLUSIONS

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standard for a Category 3 review established in the Land Development Code.

NOTIFICATION

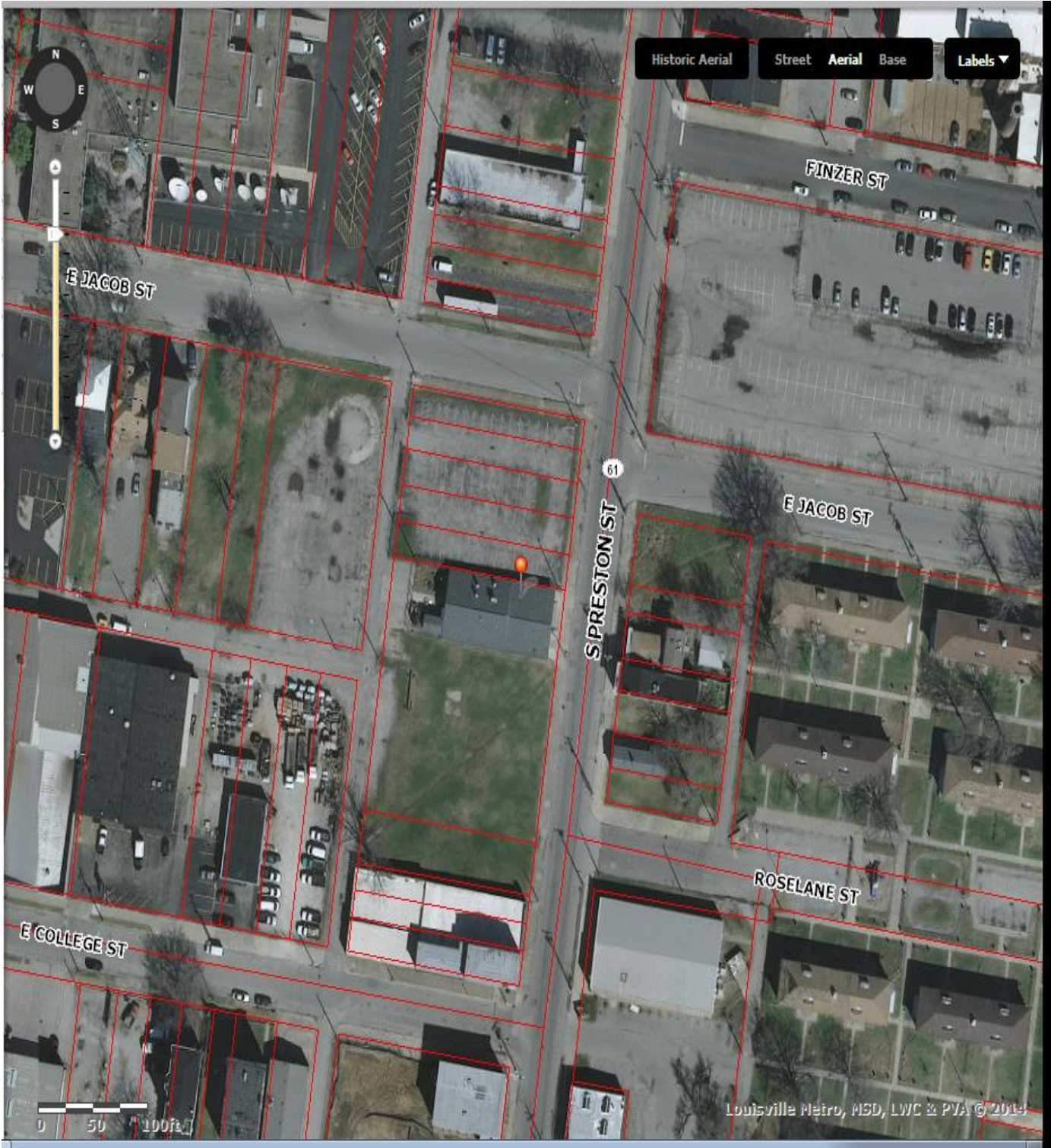
Date	Purpose of Notice	Recipients
8/12/14	APO Notice	First tier adjoining property owners Neighborhood notification recipients

ATTACHMENTS

1. Zoning Map



2. Aerial Photograph

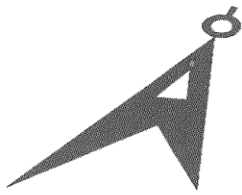


3. Cornerstone 2020 Staff Checklist

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments	Final Finding	Final Comments
1	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal preserves the existing grid pattern of streets, sidewalks and alleys.			√	Pattern of streets will not be changed.
4	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal preserves and renovates existing buildings if the building design of these structures is consistent with the predominate neighborhood building design.			√	The proposal will be an addition to an existing structure and will be
13	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 2: Centers	A.16: The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities.			√	A bike rack will be provided and sidewalk is located along South Preston Street.
14	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.			√	The propose3d building material will match the existing.
16	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.			√	APCD has reviewed and approved the proposal.
17	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.			√	Public Works has reviewed and approved the proposal.
18	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.			√	Lighting will be code compliant. See general note no. 9 on the site plan.
22	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.			√	The proposal is compatible with the surrounding uses.
23	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 3: Compatibility	A.24: Parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians.			√	Public Works has reviewed and approved the proposal.

26	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 3: Compatibility	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.			-	Signage is not shown on the plan, but must be code compliant or variances and/or waivers may be needed.
38	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.			√	The proposal will have a bike rack and is located along the bus line.
41	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.			√	Public Works has reviewed and approved the proposal.
44	Livability, Goals B1, B2, B3, B4, Objectives B1.1-1.8, B2.1-2.7, B3.1-3.4, B4.1-4.3	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue-line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.			√	MSD has reviewed and approved the proposal.
45	Livability Goals C1, C2, C3, C4, all related Objectives	Livability/Environment Guideline 12: Air Quality	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.			√	APCD has reviewed and approved the proposal.
46	Quality of Life Goal J1, Objectives J1.1-1.2	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.			√	See utility not on the site plan.
48	Livability Goal B1, Objective B1.3	Community Facilities Guideline 14: Infrastructure	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.			√	The site has adequate means of sewage treatment and disposal.

4. Justification Statements



ACCURUS ENGINEERING, LLC

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July 7, 2014

Planning and Design Services
444 South 5th Street, Suite 300
Louisville, KY 40203

Re: Franciscan Shelter House –
748 South Preston Street, Louisville, Kentucky 40203

Dear Planning and Design Services:

This letter of explanation provides a general description of the proposed 6,000 S.F. addition adjacent to the existing 4,753 S.F. Franciscan Shelter House facility. The Franciscan Shelter House site is located at 748 South Preston Street and is comprised of approximately 0.66 Ac. The increasing demand for prepared meals for the poor and homeless has resulted in the need for the proposed additional space. The new space shall enable Franciscan Shelter House to better accommodate and serve the increasing demands of the surrounding community. The narrative contained in this letter supplements the information presented on the development plan prepared and submitted by Accurus Engineering.

The Franciscan Shelter House plans to expand its existing 4,753 s.f. building to provide an additional 6,000 s.f. of building that will total approximately 10,753 s.f. of building space. The new 6,000 s.f. facility will adjoin the existing 4,753 s.f. facility with connectivity between both existing and proposed spaces. Besides the new building addition, the existing 4,753 s.f. building will have internal space modifications that improve functionality and work flow. Existing utilities are to be extended from the existing building into the proposed addition.

The Franciscan Shelter House site resides between two commercially zoned properties; namely, the Metro United Way site to the north, and Burt and Gettlefinger Prestonburg LLC to the south. There are no existing or proposed vehicular access points along South Preston Street. Existing and proposed vehicular access is provided along the existing 20 ft alley to the rear. A new overhead door and drive is proposed directly across from the Alley "T" intersection for deliveries.

14DEVPLAN1088

7/11/2014

Alan Miller
745 S Preston ST
Louisville KY 40203

Franciscan Shelter House Inc.
dba Franciscan Kitchen
748 S Preston ST
Louisville, KY 40203

re: expansion

cc: **Mayor Greg Fischer** – 527 W Jefferson ST, Louisville KY 40202; **Emily Liu** - Planning and Design Services Division - Louisville Metro Government Department of Codes & Regulations, 44 South Fifth Street, Suite 300, Louisville, KY 40202; **Environmental Health and Protection**, 400 East Gray ST, Louisville, KY 40202; **Neighborhoods Editor - The Courier-Journal**, P.O. Box 740031, Louisville KY 40201-7431; **LEO** - 301 East Main Street, Ste 201, Louisville, KY 40202

To Whom It May Concern:

It has come to my attention that you are planning to greatly expand the size of your “kitchen.” As your nearest neighbor I would like to make you aware of my concerns and ongoing grievances.

1. Sanitation. Currently you have one difficult to access (and unadvertised) bathroom to serve the often hundreds of “clients” you feed daily. Most of your “clients” know nothing of this bathroom and as a result they urinate and defecate on our properties across the street. Not a single day goes by that at least one person doesn’t walk up and urinate on the fence right next to my kitchen door. When I tell them you have a bathroom they always say they didn’t know, despite having just been in there to eat. You make no effort whatsoever to give your clients a clean and easy to access bathroom while feeding them and providing them drinks. Hopefully this will be remedied with your expansion though I doubt it has crossed your mind. I fully expect to continue to find people urinating on my fence and garage door as well as leaving me large piles of runny feces to clean up. With your expansion you are going to attract many more “clients” to take advantage of your “charity” so I really hope you’re going to be providing them with enough toilets that are available well before and after you are open. Again, I doubt you’ve even considered this.

2. Loitering. Because you insist on forcing your clients to line up on one of the busiest streets in town with zero shelter from the elements, during the summertime especially we, your physical neighbors (what is that the Bible says about neighbors again?), have to deal with drunken, belligerent, and assaultive loiterers that take shelter from the sun by blocking our front doors and sidewalk. When politely asked to move the most common response I get from your clients is, “F*** you motherf***er.” I really should be able to go in and out of the front of my house without stealing myself for such abuse, because I know it will come, and most of the time one of

you white haired “gentlemen” is holding the door open just across the street, in full view, ignoring what you’ve brought on me. If it weren’t for your “kitchen” I would not have to deal with this. I shouldn’t have to call the police on your clients every few weeks just so I can leave the house without asking them to get out of my way and then being physically threatened. You people don’t care or even notice that this is going on and seem to feel that providing your clients a west facing entrance and shelter that isn’t in the baking sun (and would therefore be far away from my house) is somehow more insulting than forcing them to line up down Preston ST, on display for all passersby as they wait for your “charity.” So dignified. So thoughtful of you.

3. Litter. While your “clients” are loitering in front of our properties, since you can’t be bothered to ask them to keep food and drink inside your establishment, they throw their plastic and foam cups and paper and plastic food wrappers on the ground or, more commonly, into my yard and garden or impale them on my iron fence despite the trashcan I leave out for them. You, after making yourselves feel good about how holy and wonderful you are, leave at the end of your day to go back to wherever you live (obviously not anywhere near here, probably some nice suburb with no soup kitchen within miles) without picking up the litter and trash these people so freely strew about the area, leaving it to blow around and make this already semi-abandoned part of town look trashier than necessary. And, after you’ve gone to your home well out of sight and mind of the mess you leave here, your clients continue to hang about, either passed out on the sidewalk in front of my place or your kitchen, or pacing up and down, screaming obscenities at the air, and regularly in anger dumping your trash can onto the street. Do you ever clean up after them? Not really. Are you caring for them by leaving their drunk or crazy butts roasting in the sun when you leave? No, you are not. But I’m sure you congratulate yourselves on being such good Christians as you leave them behind because you doled out some donated food. You might upright the can the next day but by then there’s trash blown about everywhere that remains, littering Preston for blocks in either direction. It really shouldn’t be my responsibility to clean up the messes that your clients make every single day but I can’t rely on you to step any further from your front door than it takes to hold it open so you can click the counter and collect tax free tax funded money for every soul that enters.

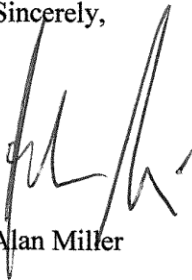
4. Parking. For some reason the city’s department of corrections seems to think it’s a good idea to use you to feed their work crews and, of course, they park up on the sidewalk right outside my door since the law doesn’t concern them, sitting for literally hours talking loudly and loitering while their supervisor(s) sleep(s) in the truck(s). At the busier times of the month there are cars lined up on both sides of the street with people blasting music and generally acting as if they’re in their living rooms rather than on the street in front of someone’s house. Most businesses in this city are required to have more parking available than they need but apparently you’re exempt from zoning or laws because you’re a charity? Are you going to behave like a business or continue to make my neighborhood a crowded and unpleasant place to be from 9am to 1pm every day? After a dozen years here I’m going to guess you’ll just keep on being a source of garbage and strife.

5. Crowds. I’m sure as a result of your expansion there will now be hundreds of more people taking advantage of your free meals every day. Are you going to arrange this new building so that they’re still forced to stand in the harsh sun as they wait? If not, that means we will have more people in front of our buildings than would be legal if we were a business, all because of

your misguided belief that having your entrance on the east side of your building is somehow more “dignified” than having it on the west (or, as you’ve described it, “the back”). There is and never will be anything dignified about what you do or the people that use your services and forcing them to stand unprotected in the sun is yet another way to rob those people of any shred of dignity they might still have. The least you could do is make their wait more comfortable and less of a nuisance to your neighbors. From my observations less than a quarter of the people you serve actually need help with food and the rest are simply moochers taking advantage of your “charity” and when you expand, that number of layabouts will increase to match your capacity. Do you have a plan for anything outside of your building or has it even occurred to you how disruptive you are to your neighbors? From your history I’d have to guess the answer is, “No, we don’t care.”

You are the worst neighbors I have ever had, including gun toting thugs in New Orleans. Your “clients” are dangerous, abusive, belligerent, and often insane. As much as I like Red and see that he works as hard as he can over there, I watch the rest of you patting yourselves on the back for feeding all these “poor souls” and doing such “good work” and then leaving out the back door without a second thought about the garbage and conflict right outside the front door. Conflict you’ve given your neighbors every single day and a giant mess you leave behind in front of your establishment and across the street in my yard as well as strewn up and down the fences of the area. Your youth volunteers behave just like you, ignoring the trash and filth you spread down the street while tidying up just in front while you’re open, I’m sure feeling that they’ve somehow done something good because Bible. If I had my way you’d close down and move to unused church property (like the empty cathedral and other buildings over next to the interstate on S Brook Street, an area that has no residential property) instead of eating up yet more of this neighborhood. Your continued presence means that my property will remain devalued and the improvement of this area will be stunted or non-existent. The least you could do is try to mitigate the damage you cause, but I have little or no faith that you will as you’ve remained blind to it so far. Since I bought my house you’ve shown zero intent to do anything other than feed as many people as you can and reap your tax free donations and “faith based initiative” dollars without a single thought for the neighbors that have no choice but to live with and clean up after you. Though I air my concerns and grievances to you now, this is not the first time I or my brother have done so and nothing ever changes when we do. The city doesn’t care enough about this part of town to even think about asking you to behave like the large business you function as and those of you that run the show across the street obviously care nothing about being better neighbors since you do not, in fact, live here. I feel that writing and sending this letter will have as much effect as asking your “clients” not to block my gate, though hopefully I will not be met with the same kind of abusive threatening I receive regularly from them.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alan Miller', written over a light blue horizontal line.

Alan Miller