

PLANNING COMMISSION MINUTES
July 18, 2019

PUBLIC HEARING

CASE NO. 19ZONE1008

Request: Change in zoning from R-5 to OR-1, with Detailed District Development Plan and Binding Elements, with associated Waivers for landscaping
Project Name: W Burnett Boarding and Lodging House
Location: 2630 W Burnett Avenue
Owner: 2630 Burnett LLC
Applicant: 2630 Burnett LLC
Representative: Lawrence & Lawrence PLLC
Jurisdiction: Louisville Metro
Council District: 1 – Jessica Green

Case Manager: Dante St. Germain, AICP, Planner II

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

Agency Testimony:

04:37:30 Dante St. Germain presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

04:43:57 Commissioner Jarboe and Dante St. Germain discussed Waiver #1 (see recording for detailed presentation).

The following spoke in support of this request:

Andrew Weeks, 440 S. 7th Street, Suite 200, Louisville, Kentucky, 40203

Curtis Mucci, 5151 Jefferson Boulevard, Louisville, Kentucky, 40219

Summary of testimony of those in support:

04:44:56 Andrew Weeks, applicant, presented Power Point slide show detailing the use and proposed improvements for the development (see recording for detailed presentation). Mr. Weeks noted concerns presented at the neighborhood meetings regarding future development of the site. He confirmed the binding elements presented will prevent the site from becoming a halfway home or transitional living.

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04:52:22 Curtis Mucci detailed the revised development plan of the building. Mr. Mucci spoke of the requested waivers and proposed landscape buffers (see recording for detailed presentation).

04:57:03 Commissioner Smith asked if the house historic, Mr. Weeks replied that it is which is why there is permission needed to change the exterior of the home.

04:57:29 Commissioner Jarboe, Paul Whitty, Dante St. Germain, Brian Davis, Emily Liu, David Tomes, and Mr. Weeks discussed the proposed binding element legality and historical preservation of the development (see recording for detailed presentation).

The following spoke as neither for nor against the request:
Elsie F. Medlin, 3521 Robin Drive, Louisville, Kentucky, 40216

Summary of testimony of those neither for nor against:
05:04:15 Elsie Medlin stated she was originally opposed but now agrees with the use of the site after listening to testimony from the applicant. Ms. Medlin approves of the site and the plans to never have the development become transitional housing or halfway home (see recording for detailed presentation).

Deliberation:
05:05:04 Commissioners' deliberation and discussion of continuing the case to next Planning Commission date (see recording for detailed presentation).

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.

05:06:34 On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **CONTINUE** the requested Change in zoning from R-5 to OR-1, with Detailed District Development Plan and Binding Elements, with associated Waivers for landscaping to the August 1, 2019 Planning Commission meeting.

The vote was as follows:

YES: Commissioners Daniels, Smith, Carlson, Tomes and Jarboe.
NOT PRESENT: Commissioners Brown Robinson, Peterson, and Lewis

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
July 13, 2019

NEW BUSINESS
CASE NO. 19ZONE1008

Request: Change in zoning from R-5 to OR-1, with Detailed District Development Plan and Binding Elements, with associated waivers for landscaping

Project Name: West Burnett Boarding and Lodging House

Location: 2630 West Burnett Avenue

Owner: 2630 Burnett LLC

Applicant: 2630 Burnett LLC

Representative: Lawrence & Lawrence PLLC

Jurisdiction: Louisville Metro

Council District: 1 – Jessica Green

Case Manager: **Dante St. Germain, AICP, Planner II**

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.)

Agency Testimony:

02:18:17 Ms. St. Germain discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Andrew Weeks, Lawrence and Lawrence, PLLC, 440 South 7th Street, Suite 200, Louisville, Ky.

Curtis Mucci, Mindel, Scott and Associates, 5151 Jefferson Boulevard, Louisville, Ky. 40219

Summary of testimony of those in favor:

02:22:24 Mr. Weeks gave a power point presentation. There are mixed uses nearby but directly surrounding the proposal is single family residential. There will be a total rehabilitation but no structural changes. The rooms will be fully furnished for residents.

02:26:25 Mr. Mucci stated there will be 8 units with no external modifications. There will be 3 parking spaces provided on-street and 1 in the garage. Instead of planting trees the applicant will provide an enhanced fence – 8 foot vinyl privacy fence. All the trees on site will be saved, which is a 37% tree canopy. Mr. Carroll, legal counsel, asked if the units will be used as short term rental. Mr. Weeks said no. Commissioner Brown asked the applicant/representatives to bring dimensions of the driveway and parking space to the public hearing. Commissioner Brown asked Ms. St. Germain if OR-1 is the best zoning option for this use. Ms. St. Germain answered, OR-

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
July 13, 2019

NEW BUSINESS
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1 is the lowest zoning where boarding and lodging houses are allowed by right. They're also allowed with a conditional use permit in R-6. Commissioner Brown asked why they couldn't do R-5A. Ms. St. Germain said an apartment is a long term lease and that's not being proposed. Mr. Weeks added, the kitchen will be shared and pursuant to 4.2.11 of the Land Development Code if you have a conditional use permit, only 3 borders are allowed. This proposal is for more than 3 boarders.

The following spoke in opposition to this request:

Jesse Spence, 1450 Olive Street, Louisville, Ky. 40210

Summary of testimony of those in opposition:

02:33:06 Mr. Spence said his main concerns are safety and security. There are a lot of elderly people in the neighborhood. There is also an elementary and middle school just 2 and 3 blocks away.

Deliberation

02:34:39 Planning Commission deliberation.

An audio/visual recording of the Land Development & Transportation Committee meeting 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.

The Committee by general consensus placed this case on the July 18, 2019 public hearing at the Old Jail Building.

