



July 8, 2015

TNZN Community Meeting Comments

1. What changes, if any, would you recommend to the types of uses that are permitted in the TNZN?

I would like to start a medical practice at 1143 S. 15th Street. This will provide primary care and alternative medical services like acupuncture.

2. What changes, if any, would you recommend to the sign regulations in the TNZN?

I believe stand alone signs should be allowed. - Marquee signs also can be allowed provided they adhere to certain standards.

3. What changes, if any, would you recommend to the boundaries of the Neighborhood Center in the TNZN? (See other side)

I would like to see the neighborhood center to wanded 2nd of Brook Street.

4. Do you have any additional comments? (Please attach additional sheets if necessary.)

We need change to positively affect the Old Louisville District.

For more information, or to submit your comments electronically, please contact: Brian Mabry, Planning Coordinator 444 S. 5th St., Ste. 300, 40202 (502) 574-5256 brian.mabry@louisvilleky.gov

Name (Optional): AJITH NAIR M: Address (Optional): painstopshere@aol.com 502-299-4004



August 11, 2015

TNZZ Neighborhood Meeting Comments

1. What changes, if any, would you recommend to the types of uses that are permitted in the TNZZ?

I am in favor of allowing medical office in the Neighborhood General

This district solely needs doctor's office

2. What changes, if any, would you recommend to the sign regulations in the TNZZ?

The proposals made at this meeting seems very reasonable

3. What changes, if any, would you recommend to the boundaries of the Neighborhood Center in the TNZZ? (See other side)


As the proposal recommends

4. Do you have any additional comments? (Please attach additional sheets if necessary.)

We must move forward ~~at~~ in an expedient manner!

For more information, or to submit your comments electronically, please contact:  
Brian Mabry, Planning Coordinator  
444 S. 5th St., Ste. 300, 40202  
(502) 574-5256  
brian.mabry@louisvilleky.gov

Name (Optional): A. NAIR

Address (Optional): 

## Mabry, Brian K.

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**From:** Alexander Parets <alex@paretsinvest.com>  
**Sent:** Monday, July 13, 2015 11:12 AM  
**To:** Mabry, Brian K.  
**Cc:** Dustin Hensley  
**Subject:** Re: 426 W Oak St

Hi Brian,

Please consider this my request to have 426 W. Oak as neighborhood center or center transition. I cced my business partner Dustin who has an equal stake in the project.

Thanks,  
Alex

Sent from my iPhone

On Jul 13, 2015, at 10:22 AM, Mabry, Brian K. <[Brian.Mabry@louisvilleky.gov](mailto:Brian.Mabry@louisvilleky.gov)> wrote:

Hello Alex – We talked some at the TNZD Community Meeting Wednesday night. You expressed interest in 426 W Oak being part of the Neighborhood Center. Your verbal request would benefit if you could provide it to me in writing. An email is fine. It will be made part of the public record. I think you should also request consideration for Neighborhood Center Transition as well, since that is not quite as drastic of a leap but would open up your property to additional uses as well. Thanks and let me know if you have any questions.

Brian Mabry, AICP  
Planning Coordinator

Develop Louisville  
Division of Planning & Design Services  
444 S. 5th St., Suite 300  
Louisville, KY 40202  
Phone: (502) 574-5256

<http://www.louisvilleky.gov/PlanningDesign/>

July 8, 2015

## TNZD - Public Meeting

My name is Andrew Owen. I live on Belgravia Court. I have been in commercial real estate development, investment, brokerage, and management for almost 20 years. I am currently the chair of the Oak Street Redevelopment Task force. I have been an active member of the OLNLC's business task force group. And I am a member of the newly formed Old Louisville Business Association.

As a member of both the Oak Street task force and the business task force for the better part of the past three years, I have been part of a team that has taken a close look at our neighborhood (particularly the retail and commercial services aspect of the neighborhood) from a number of different angles. We have identified strengths and weaknesses. We have analyzed opportunities and challenges. And through it all we have tried to help map a path forward that would encourage more retail and commercial service establishments to open shop in the neighborhood.

During that process, we spoke to dozens and dozens of real estate professionals, commercial property owners, business owners, developers, and neighbors. And while we learned many things through those conversations, one of the primary concerns that was expressed, almost across the board, was a sincere confusion about the TNZD. Nobody seemed to understand what the TNZD is, what the TNZD allowed and didn't allow, what the TNZD was designed to do, or what the TNZD had or had not accomplished. What most everyone we spoke to agreed on, however, was that this general confusion has created a barrier to entry for business owners, developers, and property owners which, in turn, has hindered commercial growth in the neighborhood.

From the beginning we tried to make it very clear that changes to the TNZD were not a silver bullet solution to our neighborhood's lack of commercial options, but were instead just one part of a multi-faceted approach that, at the end of the day, would position the neighborhood to attract more commercial establishments.


Among our Old Louisville neighbors, we certainly understand that people on both sides have very strong opinions about the viability and efficacy of the TNZD. And while we have heard plenty of the "sky is falling" rhetoric that has been used when referring to this proposal we personally believe the changes will simply remove some unnecessary barriers to entry for local businesses and developers and put us on par with all of the other neighborhoods in Metro Louisville.

We also believe the difference of opinion on this issue is rooted primarily in the fear of change and the fear of the unknown in one camp vs. the embrace of change and opportunity in the other. We also believe that the vote that was taken on this subject among the member associations at the OLNLC shows that the vast majority of our neighbors have ~~decided to embrace~~ a change that will hopefully lead to the increase of the high-quality commercial establishments that our neighborhood so clearly needs.

# Comments Inside

7/8/2015

Case #s 15AREA1001 / 15AMEND1001  
**TNZD Map and Text Amendment**



**Old Louisville/Limerick Neighborhood Meeting**  
Brian Mabry, AICP, Planning Coordinator  
August 11, 2015

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**Agenda**

- Introductions
- Recap of Previous Meeting
- Public Input Highlights
- Organizational Recommendations
- Preliminary Use Recommendations / Q&A
- Preliminary Sign Recommendations / Q&A
- Preliminary Map Recommendations / Q&A
- Next Steps
- Comments / Questions

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**Recap of Previous Meeting**

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### TNZD Signs

- Resolution: Clear Up Conflicts/Confusion
  - Standards in TNZD LDC Section - Freestanding signs prohibited except for B&Bs and real estate signs
  - Standards in Sign LDC Section - Commercial uses within TNZD may include freestanding business signs in accordance with the restrictions of the Traditional Neighborhood Form District, subject to TNZD standards
- Allow Additional Sign Types Within Limits?
- Allow Larger Signs?

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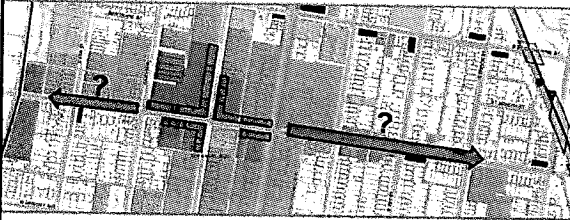
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### Neighborhood Center

- Resolution: Expand Along Oak St.?



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### Public Input Highlights

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**Public Input Highlights**

- **Previous Community Meeting**
  - Multiple perspectives for and against expansion of uses
  - Little input on sign standards
  - Generally neutral to negative on expanding Neighborhood Center
- **Comment Sheets**
  - Expand Neighborhood Center to Brook St. and farther north
  - Eliminate TNZD & replace with C-1, C-2 and R5-A
  - Remove TNZD sign regs and rely on base sign regs
  - Allow monument signs
  - Find funding to rehab existing buildings rather than change the map or change permitted uses

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**Public Input Highlights**

- **Neighborhood Association / Individual Input**
  - Expand Neighborhood Center and/or Neighborhood Center - Transition boundaries
  - Significantly expand on permitted uses to mimic, with a few exceptions, C-1 and C-2
  - Carry over Sign Design Guidelines into LDC
  - Allow / prohibit drive-throughs
  - Don't let B&Bs become party venues
- **City Visions Report**
  - Fill in vacant corner lots
  - Strengthen the Oak St. corridor
  - Retain the TNZD zoning but with a broader list of uses as contained in the C2 zoning district

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**Organizational Recommendations**

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### Organizational

- Consolidate LDC Appendix 2B, the TNZD Use Table and, to a lesser extent, the Signs section of the General Design Guidelines into Section 2.7.4 of the LDC
  - Less duplication
  - Less chance for error when amended later
- Reference Landmark Commission's General Design Guidelines

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### Preliminary Use Recommendations

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### Allow Live/Work Units as CUP

- Currently not allowed
- Proposed for all neighborhood types
- For individual or group of individuals who will reside and work in the space
- Arts and crafts studios, professional services, one-on-one instructors, computer software and multimedia professionals
- Existing standards in LDC



CUP - good

CA

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### Allow Offices as CUP in Neighborhood General

- Currently not allowed
- Proposal is based on existing doctors office CUP outside of TNZD
- Professional, medical or business office
- Max floor area is 800 sq ft
- Parking to the rear not between a street and the building
- Shrub screen with minimum height of 5 feet or a wall constructed of brick, stone or wood
- 1 non-illuminated attached sign with max size of four sq ft

Mostly Good

wall - no

parking - ?

### Allow Offices as CUP in Neighborhood General



### Expand Set of Permitted Uses for Corner Commercial

- Art supply & craft store
- Bank, credit union, S&L
- Bicycle sales and repair
- Computer & mobile device sales/svc
- Dance instruction
- Department store
- Deli
- Drug store (may have alcohol sales)
- Engraving service
- Florist
- Grocery store (may have alcohol sales)



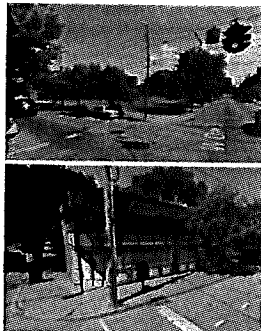
Bowling alley - no - parking

Hotels - no

Tanning salon = no

### Expand Set of Permitted Uses for Corner Commercial

- Micro-brewery, -winery, -distillery (where production activities occur indoors in a space 5,000 square feet or less)
- Music & vocal instruction
- Pet shop
- Pet grooming and training, indoor
- Picture framing
- Rental business for items whose sale is a permitted use
- Shoes sales & repair
- Tailor
- Tanning salon
- Watch or clock sales & repair




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### Expand Set of Permitted Uses for NT – Center & Neighborhood Center

**Neighborhood Transition - Center**

- Day care center, day nursery, nursery school and kindergarten
- Micro-brewery, micro-winery and micro-distillery (where production activities occur indoors in a space 5,000 square feet or less)

Neighborhood Center

**Neighborhood Center**

- Alcohol, on- and off-premise consumption, but not tavern or package store
- Billiard parlor
- Bowling alley
- Catering
- Day care, etc.
- Hotels (w/ancillary services)
- Micro-brewery, -winery, -distill
- Pet grooming, training, indoor
- Rental business
- Tanning salon
- Tattoo parlor

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### Allow B&Bs as Permitted Uses With Special Standards in NT – Center

- Currently requires a CUP
- Allow as permitted use subject to standards (existing requirements)
  - Max 9 guest rooms with two adults per room
  - Length of stay no more than 14 consecutive days
  - Current guest register
  - May provide food service or space for indoor meetings
- Temporary activities permit required for outdoor activities and/or events attended by non-overnight guests

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**Allow Taverns and Package Stores  
as CUPs in NT – Center**

- These uses may have significant impacts on nearby residential uses, therefore a Conditional Use Permit review should include at a minimum:
  - an analysis of nearby residential uses and potential impacts;
  - screening and buffering needed to protect adjacent residential uses; and
  - limited hours of operation.
- Same general CUP standards as for Outdoor Entertainment Activity

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**Preliminary Use  
Recommendations Q&A**

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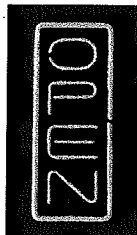
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**Preliminary Sign  
Recommendations**

Restrict type as well  
as size  
no neon except on  
Dak St. Corridor  
No electronic signs or  
internally lighted signs

### Incorporate Director's Interp Allowing Neon Window Signs

- Proposal applies to nonres. and mixed use buildings
- One internally illuminated window sign per entrance
- May include neon, maximum of 5 sq. ft.
- Illuminated and non-illuminated together shall not exceed 25 percent of total window area




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### Increase Max. Area for Attached Signs

- Current maximum area for an attached sign is 6 sq ft and is limited to B&Bs and offices
- Proposal is for nonresidential, mixed use and corner commercial buildings to be allowed one lighted or non-lighted attached, awning, canopy, or projecting sign on front of building
- Proposed maximum 12 sq ft

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*no neon*

### Allow Monument Signs and Expand Where Permitted

- Currently Freestanding signs only allowed with B&Bs and limited to 6 square feet
- Proposal is to allow nonresidential and mixed use buildings that are not corner commercial a 20 sq ft monument sign
- In place of attached, awning, projecting or canopy
- Max overall height of 4'
- Property must have minimum front yard of 15' from ROW line to front of building
- Sign has 15' minimum side setback

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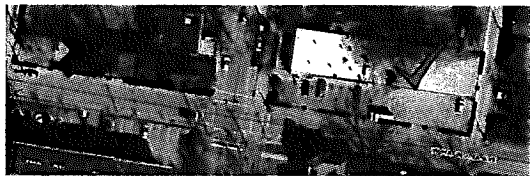
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Not enough front setback for monument sign



Enough front setback and lot width for monument sign

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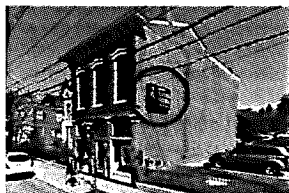
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### Allow an Enlarged Attached Sign on One Side Façade

- Currently one attached sign allowed
- Proposed to allow additional sign on side façade a maximum of 24 sq ft
- Not allowed on Corner Commercial



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**Remove Freestanding Sign and Marquee Sign Conflicts**

- Remove conflict so that freestanding signs are clearly allowed and marquee signs are clearly not allowed

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**Preliminary Sign Recommendations Q&A**

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**Preliminary Map Recommendations**

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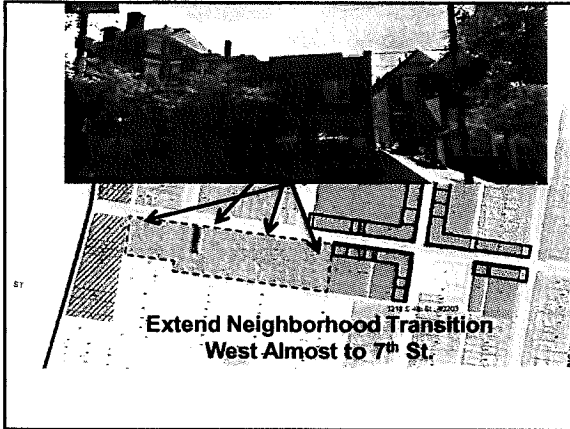
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No.

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Home offices OK

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Parking ?

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**Preliminary Map  
Recommendations Q&A**

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**Recommendations Recap**

1. Incorporate LDC Appendix 2B, TNZD use table, and part of Signs section of General Design Guidelines in Sec. 2.7.4. of LDC
2. Reference General Design Guidelines
3. Allow live/work units as conditional use in all neighborhood types
4. Allow offices as conditional use in Neighborhood General
5. Expand set of permitted uses for Corner Commercial

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**Recommendations Recap**

6. Expand set of permitted uses for Neighborhood Center and Neighborhood Transition - Center
7. Allow B&Bs as a permitted use with standards in Neighborhood Transition - Center
8. Allow taverns and package stores as conditional uses in Neighborhood Center - Transition.
9. Incorporate a Director's interpretation to allow neon window signs on a commercial building.

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**Recommendations Recap**

10. Increase maximum permitted area of front attached signs from 6 SF to 12 SF
11. Allow free standing signs more widely in the form of monument signs
12. Allow a 24 sq ft attached sign on one side façade of a nonresidential or mixed use building that is not corner commercial
13. Remove marquee and free standing sign conflicts

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**Next Steps**

- Joint Land Development and Transportation Committee / Planning Commission Hearing TBA
- Metro Council Committee hearing TBA
- Metro Council hearing TBA
- Continually taking public comments
- [brian.mabry@louisvilleky.gov](mailto:brian.mabry@louisvilleky.gov) (502) 574-5256

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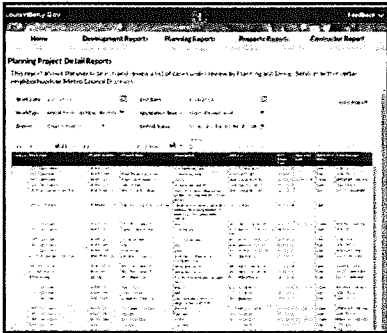
**Case Information  
E-Customer Service**

Louisville Metro  
Planning & Design  
Services

444 S. 5<sup>th</sup> St., 3<sup>rd</sup> Floor  
Louisville, KY 40202  
502-574-6230

www.louisvilleky.gov

- E-customer service feature allows the user to view case information by council district, neighborhood, address or case number




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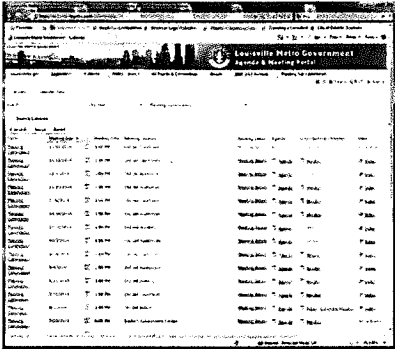
**Meeting Agendas and Materials**

Louisville Metro  
Planning & Design  
Services

444 S. 5<sup>th</sup> St., 3<sup>rd</sup> Floor  
Louisville, KY 40202  
502-574-6230

www.louisvilleky.gov

- View upcoming meeting agendas
- Agendas include links to view staff reports and other case materials




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**Comments / Questions**

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TNZZ Community Meeting Comments

1. What changes, if any, would you recommend to the **types of uses** that are permitted in the TNZZ?

- 1. Eliminate TNZZ entirely
- 2. Create a business corridor of CZ
- 3. Create a surrounding area of CI
- 4. Make the Residential area RS-A.

2. What changes, if any, would you recommend to the **sign regulations** in the TNZZ?

Make them match whatever is permitted in CZ, CI.

3. What changes, if any, would you recommend to the **boundaries of the Neighborhood Center** in the TNZZ? (See other side)

Neighborhood center should include areas north of 4th & Oak, and Oak from 6th to Floyd.

4. Do you have any additional comments? (Please attach additional sheets if necessary.)

Make Old Lou the same zoning as the rest of Metro. This specialness is killing us.



# B. C. plumbing company

Licensed Master Plumber

1215 South 7th Street  
Louisville, KY 40203

Phone: (502) 634-9725

Fax: (502) 635-7473

www.bcplumbing.net

Email: bcplumbing@bcplumbing.net

January 18, 2016

Brian Mabry

In our meeting on Wednesday the 13<sup>th</sup> I noticed the boundaries of TNZD Transitional Edge fell short of the alley parallel to Ormsby joining seventh just north of Ormsby. I was surprised as I believed the southern boundaries of TNZD Transitional Edge to be this alley. Please consider re-mapping Edge to make its southern boundaries this alley. This small parcel of land has no residential houses and would be by better served in Edge as opposed to Neighbor General.

Thank you for your consideration

Bruce Cohen





# B. C. plumbing company

Licensed Master Plumber

1215 South 7th Street  
Louisville, KY 40203  
Phone: (502) 634-9725  
Fax: (502) 635-7473  
www.bcplumbing.net

Email: bcplumbing@bcplumbing.net

January 8, 2016

Brian Mabry

Concerning the upcoming and ongoing discussion on zoning in TNZD "Neighborhood center" and "Neighborhood center transition". I live and work in Old Louisville, and support the expansion and redefining of uses to parallel existing C-2 zoning.

However "TNZD Transition Edge on the east side of Seventh Street, North and South of Oak Street no mention?? When the TNZD was exacted this One block section of Seventh Street, all commercial was zoned C-2. By moving the boundaries of TNZD from the alley between Sixth and Seventh Streets to the center of Seventh Street, the zoning was change to TNZD Transitional Edge. TNZD Transition Edge was formed through negotiations to prevent a law suit.

Yet no mention of Transitional Edge in any correspondence, I would like TNZD Transition Edge included in any zoning discussion.

I am on the Old Louisville Neighborhood council, president of the Old Louisville Edge Neighborhood Association. I was present and voted at our meeting concerning the effort to make Louisville more business friendly. I have firsthand knowledge of all that has transpired.

I support the proposal to expand TNZD Neighborhood Center and Neighborhood Center Transition, and redefining uses to parallel C-2 zoning. Also TNZD Transition Edge to return to its Pre TNZD zoning of C-2, or redefine uses to parallel C-2

Thank you for consideration

Bruce Cohen  
President of BC Plumbing Co.



## Mabry, Brian K.

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**From:** Rollins/White <hdrctw34@bellsouth.net>  
**Sent:** Thursday, July 09, 2015 3:12 PM  
**To:** Mabry, Brian K.  
**Subject:** Comment on TNZD case 15AREA1001

July 9, 2015

Dear Mr. Mabry,  
please register this email as my commentary on case 15AREA1001, changes to the boundaries of mapped components within the TNZD, consequent to the first public meeting on the case in Old Louisville on Wed. July 8, 2015.

I represent no constituency but myself.  
I served as a member of the Zoning and Land Use Committee (ZALU) of the Old Louisville Neighborhood Council (OLNC) from summer of 2008 until June 1, 2015; indeed, I was its secretary for most of that time. I gave sworn testimony before the BOZA numerous times and sued the BOZA once in circuit court. From 2012 through 2014 I served on the TNZD Review Group, an ad hoc organ commissioned by the OLNC on the tenth anniversary of the adoption of the TNZD and its body of laws; we completed the documentation of our work in 2014 though we were not allowed to present our work when the legislation to change the TNZD was introduced in Sept. 2014.

My comment to the Planning Services staff is actually a question that I have asked repeatedly and vainly, first at the public forum of the April 2015 OLNC meeting with Councilman James present, then in May 2015 with separate private conversations with both CM James and County Attorney Jon Baker, and at this past May meeting of the ZALU.

My question:

From where or from whom originates the idea of a map change involving the boundaries of the Neighborhood Center of the TNZD, an idea given specific language and scope in Section II of Resolution 040-2015 introduced by Councilman James in April 2015?

To wit:

"Section II: The Metro Council hereby also requests that the Planning Commission examine the current Neighborhood Center boundary on the TNZD Plan Map to determine whether it should be extended, possibly as far as Oak Street, to include properties located either on its periphery or located nearby that have characteristics that would warrant their inclusion in the Neighborhood Center."

Please note:

-The legislations presented, debated, and approved by the OLNC do

not contain such idea or language nor implicate a map change; in fact, the proponents of the OLNC legislation stated often: a map change was not desirable for it would prolong the Metro processes. Their refrain was: this is not a zoning change, only a language change. Thus, the OLNC legislations specified only desired changes to the list of permitted commercial uses plus changes to signage regs in the TNZD, Appendix IIb, LDC; these covered by Case 15AMEND1001.

-Councilman James said in public forum that a) he was not the author of the the Resolution 040-2015, and b) its author is County Attorney Jonathan Baker.

-In an email correspondence with me, CA Jon Baker said, vis a vis the resolution: "the ideas and discussions of policies contained therein are not mine," and later, "This discussion is one that is best had between you and Councilman James." Baker also suggested that I tell Planning Services staff of my concern.

In conclusion:

I strongly object to and oppose the map change prompted by Section II of Resolution 040-2015 and carried forward by Case 15AREA1001; the map change called for is a false element in the resolution and case; it should be deleted.

I believe I have queried of all parties who have legitimately contributed to Resolution 040-2015 in one form or fashion, except for you and your staff. You may wish transparency for this process, but we start with an opaque blur when it comes to Section II of Resolution 040 and Case 15AREA1001 that is generated by it.

"From where or from whom originates the idea of a map change...of the...Neighborhood Center of the TNZD"?

Respectfully yours,  
Christopher White  
119 W. Ormsby Ave., 40203  
502-637-2476

## Mabry, Brian K.

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**From:** K MULLEN <karen\_mullen@bellsouth.net>  
**Sent:** Monday, August 17, 2015 9:11 AM  
**To:** Mabry, Brian K.  
**Subject:** Comments pertaining to recommendations presented at the OL/Limerick Neighborhood meeting

I am writing to make comments about the recommendations presented at the "TNZD Map and Text Amendment" meeting at the Old Louisville/Limerick Neighborhood Meeting on August 11, 2015.

### About extending the TNZD Neighborhood Center:

The Metro Council Resolution 040-2015 asked Metro Planning staff to examine the TNZD, but it did not mandate that the neighborhood center boundary be changed or expanded. However, despite "generally neutral or negative public input" about this at the previous community meeting in July, the planning staff has determined that an expansion is warranted. It appears that this decision was determined in part on comment sheets after the meeting, neighborhood association and individual input, and the City Visions report. Frankly, had I known that the planning staff did not consider the "generally neutral or negative" public meeting input from neighborhood association representatives and individuals in attendance as a reflection of neighborhood association and individual input, I, as a member of a neighborhood association and an individual living in the area, would have made additional written comments? Thus, I have learned that written comments after the meeting and letters afterwards are as important as the public input at the meeting and that the sentiments expressed there need to be repeated in written form.

I am opposed to expansion of the neighborhood center as proposed. The Metro Council resolution mandate was to examine properties that have a commercial character to determine if it warrants their inclusion in the TNZD neighborhood center. Most of the properties included in the expansion along W Oak St, Garvin Place, and S. 6<sup>th</sup> Street are currently classified as "Residential". In point, W Oak St on the south side from Garvin Place to S. 6<sup>th</sup> St is fronted by residential properties. Garvin Place northwards from the alley to W. Oak St is fronted by residential properties. Likewise, the 1200 block of S. 6<sup>th</sup> northwards from the alley to W Oak St is also fronted by residential properties. Therefore, they do not have a commercial character and therefore, they are not properties that are mandated to be examined.

Even if these properties are not in the mandate, they should not be part of the TNZD Neighborhood Center. We must not lose housing stock in any expansion of the Oak St corridor.

Secondly, expansion in any form is not warranted. Most of the commercial properties of the current TNZD Neighborhood Center are in dire need of rehabilitation and repair. It makes no sense to expand the area so that there are more commercial properties in need of rehabilitation and repair. Furthermore, even if this expanded area were to suddenly be rehabilitated to become well-presented, needed businesses, most of the current TNZD Neighborhood Center properties would still be in need of rehabilitation and repair. Despite their current inclusion in the TNZD Neighborhood Center and the infrastructure improvements along the Oak St corridor, nothing has been done to any of these commercial buildings to improve their appearance, character, and use. Therefore, efforts need to be focused on addressing the need for rehabilitation and repair of current TNZD Neighborhood Center properties to make them desirable destinations. Therefore, Council James and others need to think out a plan that will improve the area that already exists and not look for an expansion that will increase the numbers of buildings that are in need of improvement.

### About expanding permitted uses:

In general, I do not object to the recommended expanded list of uses for TNZD Neighborhood Center businesses. However, in particular, I object to the inclusion of tanning salons. The TNZD ought not to be permitting a use which is clearly dangerous to health. The Centers for Disease Control and Prevention clearly state that



indoor tanning is not safe. See [http://www.cdc.gov/cancer/skin/basic\\_info/indoor\\_tanning.htm](http://www.cdc.gov/cancer/skin/basic_info/indoor_tanning.htm). As stated there, "Using a tanning bed, booth, or sunlamp to get tan can cause skin cancers including melanoma (the deadliest type of skin cancer), basal cell carcinoma, and squamous cell carcinoma. Exposure to ultraviolet (UV) radiation also can cause cataracts and cancers of the eye (ocular melanoma)." Therefore, a tanning salon should not be on the list of permitted uses nor should it be any list of businesses requiring a conditional use permit.

In addition, I do not object to the expanded permitted use for corner commercial, with the exception of tanning salons. For the same reasons as stated above, tanning salons should not be on the list of permitted corner-commercial uses, either.

Karen Mullen  
1422 S. 2nd St in Old Louisville  
635-0937

## **Mabry, Brian K.**

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**From:** Dustin Hensley <dustin@plexpara.com>  
**Sent:** Tuesday, July 14, 2015 12:38 AM  
**To:** Alexander Parets  
**Cc:** Mabry, Brian K.  
**Subject:** Re: 426 W Oak St

Brian.

As a partner in the 426 W Oak St project I want to 2nd Alex's request for the rezoning.

I'd also like to add that as a real estate professional who lives and works in the neighborhood, I support the overall zoning changes being proposed.

Dustin

On Jul 13, 2015, at 11:11 AM, Alexander Parets <[alex@paretsinvest.com](mailto:alex@paretsinvest.com)> wrote:

Hi Brian,

Please consider this my request to have 426 W. Oak as neighborhood center or center transition. I cced my business partner Dustin who has an equal stake in the project.

Thanks,  
Alex

Sent from my iPhone

On Jul 13, 2015, at 10:22 AM, Mabry, Brian K. <[Brian.Mabry@louisvilleky.gov](mailto:Brian.Mabry@louisvilleky.gov)> wrote:

Hello Alex – We talked some at the TNZD Community Meeting Wednesday night. You expressed interest in 426 W Oak being part of the Neighborhood Center. Your verbal request would benefit if you could provide it to me in writing. An email is fine. It will be made part of the public record. I think you should also request consideration for Neighborhood Center Transition as well, since that is not quite as drastic of a leap but would open up your property to additional uses as well. Thanks and let me know if you have any questions.

Brian Mabry, AICP  
Planning Coordinator

Develop Louisville  
Division of Planning & Design Services  
444 S. 5th St., Suite 300  
Louisville, KY 40202  
Phone: (502) 574-5256

<http://www.louisvilleky.gov/PlanningDesign/>

Brian, Thank you for meeting with Old Louisville Wednesday evening. I am sure it was informative to most of the people in attendance.

Before addressing the issues, I would like to give you an understanding of my background. I hold three degrees from the University of Detroit: BA in Urban Planning; Bachelor of Architecture; and Master of Architecture. In addition I had two years of post graduate work in Urban Planning at Wayne State University. I left the program in 1973, before completing my degree, to take an architectural position here in Louisville. I have been in Old Louisville since 1978 and have closely followed its progression from a depressed neighborhood where C2 and R9 were the primary zoning districts to today when we have one of the most progressive zoning districts in the state. During my years here I served as a Co-Chair of the Land Use Committee of Cornerstone 2020 and was heavily involved in the work on Form Districts. Subsequently I served as a member of the Old Louisville / Limerick Task force that was instrumental in developing the TNZD zoning district and implementing it for Old Louisville. Following that I served on the SoBRO Task Force. I also served for three years as a member of the Metro Landmarks Commission and a member of the Old Louisville, Limerick, and Cherokee Triangle Architectural Review Committees. After 40 years as a licensed architect working mainly in the area of historic preservation, I retired my license and now work only in the fields of Historic Preservation and Architectural Forensics.

I would like to address the topics on your meeting comments sheet and a number of other issues that concern me. First and most concerning to me is the apparent lack of institutional memory available to you. TNZD was implemented in November of 2002, but the process began three or more years before that. In those years I think everyone involved with the creation of TNZD has left your department. As one of the members of the Old Louisville / Limerick Task Force that began the work on TNZD and one of the few individuals who has continued to be involved in TNZD continuously since then, I was seriously concerned with a number of statements you made at the meeting. They all indicated to me that you understand TNZD, but you do not understand Old Louisville or the implementation of TNZD in Old Louisville. Without this knowledge there is no way anyone can make recommendations consistent with the spirit in which TNZD was put in place. I feel it is imperative that you find someone, like Charles Cash, who was involved from the beginning and can bring to the table the institutional memory you must have if you are to do a realistic examination of the issues.

Secondly, I would like to address some of the process by which we have arrived at the point where your department became involved. Three or more years ago the need to tweak TNZD became apparent. To look at the issues the president of the Old Louisville Neighborhood Council (OLNC), Joan Stewart, asked the Zoning and Land Use Committee (ZALU) to create a subcommittee, of which I was a member, to examine and address the subject. The subcommittee quickly determined that a number of modifications were in order and for nearly two years worked on a comprehensive modification proposal. This covered all of the issues you addressed and others. The committee worked with members of the business and residential communities to determine what the real issues were. We examined those issues and developed a list of recommendations we felt would address the concerns, provide for greater business opportunities, and continue to protect the integrity of the historic district.

Most of the committee members felt the recommendations addressed the issues properly and fairly. However there were a few business individuals who insisted that the only way to address business issues and promote development in Old Louisville was to abandon the TNZD requirements for businesses and adopt, without exception, C2 zoning for all business sites.. They also felt it was important that the term “C2” be used because they felt anything else was confusing to developers and was impeding development in Old Louisville. These individuals left the ZALU committee and asked the new president of the OLNC, Howard Rosenbloom, to form a new committee of business people to determine what changes should take place. Mr Rosenbloom, a retired member of the business community, created this committee of only business owners and apparently worked to downplay any further input from the ZALU committee. The Business committee asked to address all the neighborhood associations individually as did the ZALU committee. But when it came to actually addressing the associations, the ZALU committee was rarely informed.

When it came to the point of a final vote a couple of highly questionable things occurred. First, the proposal by the ZALU committee was not permitted to be a part of the vote. It was either an up or down vote on changing to C2. Secondly, several members of the business community formed their own Associations with little or no membership beyond the person forming the association. Despite the obvious intent of this action, Mr. Rosenbloom allowed all of these associations to become a part of the OLNC with voting rights equal to associations with dozens of members. This increased the number of associations allowed to vote from 14 to 21, all but one of which voted for the C2 proposal.

Addressing your questions:

1. Use Changes

The ZALU subcommittee recommended a number of changes. These were designed to address some of the oversights when the original list of uses was created, change names to reflect the names used in the C2 list of permitted uses, add uses considered appropriate for O.L. but not in the C2 list, modify uses to allow part but not all of the use allowed in C2, etc. Please contact Chuck Anderson, chair of the ZALU committee, for the most current copy of that list. [chuck.anderson@strand.com](mailto:chuck.anderson@strand.com) 502.930.1474

In addition I strongly recommend a modification to allow Bed and Breakfast Inns by right, with conditions. Currently a CUP is required and this has resulted in no new B&Bs being created in Old Louisville since 2002. The issue is this: An individual wishing to purchase a house for a B&B will not do so unless he can be guaranteed the issuance of a CUP. Virtually everyone seeking a CUP will need to hire a zoning attorney to assist them and that will cost several thousand dollars with no guarantee of success. The CUP process is not quick, requiring about 6 months at a minimum. No homeowner will agree to take his property off the market for 6 months or more waiting to see if the CUP will be issued. This is not hearsay evidence. I have personally lost two commissions to modify houses for B&Bs because of the issue above. When the recommendation for B&B by right was taken to the neighborhood there was serious push back. While they understood the dilemma outlined above, there was a feeling of need for the neighborhood to express concerns. When it was suggested that the B&B developer be required to have one or

more informational meetings with neighbors, the proposal became acceptable even though they understood they could not stop the B&B.

A use that has become quite popular since TNZD was created and also omitted from C2 is Micro Breweries & Wineries. This has been a popular suggestion among all neighborhood members with whom it was discussed.

A few of our larger houses are simply too big for the requirements of Neighborhood General. As long as one can create an apartment with a minimum of 2250 sf, a second unit is permissible. What if the house is 10,000 sf? Two units is still the max. There needs to be some relief for these bigger houses.

Several of our larger houses are excellent candidates for small neighborhood restaurants. For instance, the Landward house at the corner of 4<sup>th</sup> and Magnolia. With the wall surrounding the yard and onsite parking, a restaurant here would be a superb addition to the neighborhood.

## 2. Sign Regulations

The sign regulations as developed seem to be good with some need for tweaking. When the regulations were developed it was with an eye to historic sign types. However, there several issues that were not considered. Signs of this type below were used during the early 1900s and should be considered historically correct on certain types of buildings.



These were often found in conjunction with a Marque sign, but again they are only correct on a very limited type of building.



Neon came into use about 1910 and would be appropriate, but the use should be limited to specific sign types and building types.

All other signs outlined in TNZD appear to be appropriate but the regulations need to be specified more clearly. Above all the regulations need to be enforced. There are a significant number of illegal signs in the TNZD area and several with the approval of Landmarks and IPL. In several cases I was told these were mistakes and would be corrected when the signs changed. They were not. These include back lit signs as found on the Boost Mobile store on Oak Street and The Cardinal Center on Cardinal Blvd. There are also signs that exceed the allowed size or are installed higher than allowed. In spite of these signs being reported, none have been removed and some have been replaced with different signs of the same illegal type.

Several business owners have become wise to the loop holes in the sign ordinance. TNZD specifically mentions neon. These owners are now installing LED signs arguing that LED is not addressed and therefore legal. To avoid this problem, the sign regulations need to be written more concisely or in a way to indicate intent.

### 3. Neighborhood Center Boundaries

I do not believe there is a need to extend the Neighborhood Center boundaries. There are currently a number of vacant structures and developable properties within the current boundaries.

At the meeting you made the remark that Neighborhood Center could be extended on Oak Street and the Neighborhood Center Transitional simply pushed further down the street. As I mentioned in one of my opening statements, this indicates a failure to understand the reasoning behind what was originally done and possibly a failure to understand basic principles of commercial shopping areas. Early in my career I was heavily involved in the design of shopping centers. The principals that apply to the design of these areas also apply to potential shopping districts like Oak Street. Commercial spaces that violate these principals are virtually doomed. Once empty these spaces then create a perceptual problem for all other commercial space in the area. Before

expanding the commercial area two things need to happen: a lack of space in the existing area that is driving up rent or otherwise creating a greater demand for new space; and an understanding of how the new commercial area will function with the existing area. If both of these things do not exist, the creation of new commercial space is not beneficial.

#### 4. Additional Comments

Know your history. The business committee arrived at the conclusion that simply changing the zoning to C2 will start to bring business back to the area. When I try to explain how we arrived where we are, no one wants to hear. After WWII Old Louisville was a thriving commercial area. But over time flight to the suburbs reduced the population, the loss of business west of 9<sup>th</sup> Street further reduced the number of people we depended on, Urban Renewal wiped out residential areas north of Kentucky and south of Cardinal, the creation of one way streets move traffic through the area not into the area, Interstate 65 cut off those people east of us, highrise elderly housing significantly affected the median income, the proliferation of social services made the area less desirable. Where should I stop? And during all this time, as businesses slowly disappeared, the properties were zoned C2 and R9. Tell me how any of the issues I cited are going to change simply by changing back to C2.

For years I have preached several important issues that no one wants to hear. First is to understand the economics of business and development. Unless someone wants to open a very small business or one that preys on the poor, no astute business person is going to invest or locate in an area that has only 1/4<sup>th</sup> the population of other nearby areas and a mean income less than the average for the county.

For years I have heard that all developers say “Old Louisville is too difficult to work with.” In my years working with all types of investors and businesses the only ones who make this comment are those who want to do something that is not permitted by code or zoning. Old Louisville is no more difficult to work with than any other zoning district as long as one understands that it is an Historic District and as such is strict about maintaining those things important to the historic character of the area. Both Walgreens and McDonalds found Old Louisville hard to work with when they wanted to build suburban style stores with lots of parking in front. Residents of Louisville have demonstrated on hundreds of occasions that they do not understand Historic Districts and do not want to adjust to working in those areas. Simply changing the name of a zoning district to C2 is not going to make it easier for a person who thinks they should be allowed to do whatever they want.

Brian I could go on for a long time, but I think you get the idea. If you really want to help Old Louisville, tell the people the truth!



I am Howard Rosenberg, Chairperson, of the Old Louisville Neighborhood Council, Inc. a 501(c)(3) non-profit organization that serves as the official, recognized organizational voice, representative, and advocate of the Old Louisville neighborhood. The council is made up of 21 neighborhood associations and 4 officers. In early 2014, I formed an Ad Hoc Business Task Force made up mainly of Old Louisville business owners most of whom are also residents of Old Louisville. They were to look at factors that support business, do not support business and to make recommendations to the Council. In September 2014, the task force made a motion to change the permitted use list of the TNZD. A final motion was introduced in January 2015. Several new associations joined the council in accordance with the bylaws because of their interest in Old Louisville. On February 24, 2015, the motion was passed by a vote of 18 in favor and 6 opposed. Without the new neighborhood associations, the vote would have passed by a vote of 11 in favor and 5 opposed.

The motion that was passed is as follows:

I will read the motion

***“We recommend that the permitted use list from C2 zoning classification be incorporated by reference as the permitted use list for Neighborhood Center and Neighborhood Center Edge Transition components. We recommend that the permitted use list from the C2 zoning classification minus Outdoor Entertainment, which would be permitted only by Conditional Use Permit, be incorporated by reference as the permitted use list for Neighborhood Transition. We recommend adopting the permitted use list prepared by the TNZD Review ad hoc Committee for Corner Commercial within the Neighborhood General component.”***

use #	Expanded Corner Commercial Uses as Proposed by the TNZD Subcommittee
1	Antique shops
2	Art galleries
3	Art Supply Stores and Crafts shop
4	Athletic facilities (indoor only)
5	Audio/video recording studios where all activities are within a building, provided the building is sound proof
6	Bakeries retail sales only
7	Banks, credit unions, and savings and loans
8	Barber shops
9	Beauty shops
10	Bed and Breakfast
11	Bicycle sales and service
12	Billiard parlors; game rooms and similar entertainment uses
13	Book Stores
14	Clothing, dry goods and notions stores
15	Collectibles shops
16	Colleges, schools and institutions of learning
17	Computer sales and services, (hardware and software), and programming services
18	Confectionery, ice cream, or candy stores, retail only
19	Convenience grocery stores. <b><i>The selling of malt beverages is permitted ONLY as part of a convenience grocery store.</i></b>
20	Dance Instruction (excludes adult entertainment uses as defined within LMCO Chapter 11)
21	Day care centers, day nurseries, nursery schools and kindergartens
22	Delicatessins, retail only
23	Department stores
24	Dressmaking or millinery shops
25	Drug stores <b>The selling of malt beverages, distilled spirits and wine is permitted ONLY as part of a drug store</b>
26	Dry cleaning, dyeing, pressing, and laundry; distributing stations or retail business where no cleaning, dyeing, pressing or laundry is done for other distributing stations or cleaning establishments
27	Electric appliance stores
28	Engraving, watchmaking and jewelry manufacturing, where products sold on premises
29	Entertainment Activity (as defined by LDC and is not considered adult entertainment as further defined by LDC) – indoor only.
30	Equipment rental, where all activities are within a building
31	Establishments selling malt beverages for take out only, not to be consumed on premises, are permitted <b>ONLY</b> as part of a grocery store, convenience grocery store or a drug store
32	Establishments selling distilled spirits and wine for take out only, not to be consumed on premises, are permitted <b>ONLY</b> as part of a drug store
33	Florists shops
34	Furniture stores
35	Grocery stores, including fruit, meat, fish, and/or vegetable. <b>The selling of malt beverages is permitted ONLY as part of a grocery store</b>

use #	Expanded Corner Commercial Uses as Proposed by the TNZD Subcommittee
36	Hardware and paint stores
37	Health spas
38	Interior decorating shops
39	Jewelry stores
40	Laundry and dry cleaning pick-up shops and self-service laundries
41	Laundries or laundrettes, self-service
42	Libraries, museums, historical buildings and grounds, arboretums, aquariums, and art galleries
43	Microbrewery - characteristics are to be defined during consultation w/PDS staff; not a tavern but to be associated with restaurant use as defined below.
44	Monument sales, provided that all activities are within a building
45	Music stores
46	Music and vocal instructions where all activities are within a building, providing the building is sound proof
47	Nurseries, retail only
48	Pawn Shop
49	Pet grooming, obedience training and related pet activities, provided the operation is conducted within a soundproofed building, no animals are boarded, and there are no runs or pens outside of the building
50	Pet shops
51	Photographic shops
52	Photography studios
53	Picture framing
54	Rental businesses offering items whose sale is a permitted use in this district, videocassette and similar products, rental and sales but not constituting an adult video rental center
55	Restaurants, including coffee houses, tea room, and cafes where food and drink may be served or consumed outside or inside (no drive-through service permitted)
56	Shoe repair shops
57	Shoe stores
58	Stationery Stores
59	Tailor
60	Tanning salons
61	Tattoo, body art, and piercing parlors
62	Theaters, enclosed within a building
63	Toy and hobby stores
64	Upholstery and furniture repair shops
65	Winery - characteristics are to be defined during consultation w/PDS staff; not a tavern but to be associated with restaurant or retail use as defined above.

**Be it proposed: the OLNC/Business Task Force motion be amended to read as follows.**

- A Incorporate by reference the list of permitted uses from C2 as the permitted use list in Neighborhood Center and in Neighborhood Center Edge Transition, and minus these uses:
- 1 Automobile parking areas, public and private
  - 2 Automobile rental agencies
  - 3 Automobile rental agencies with no more than 25 rental vehicles stored on site
  - 4 Automobile repair garages
  - 5 Automobile sales agencies
  - 6 Automobile service stations with service bays for repair of no more than two vehicles
  - 7 Boarding and lodging houses
  - 8 Car washes
  - 9 Fraternities, sororities, clubs and lodges where the chief activity of which is a service customarily carried on as a business.
  - 10 Furniture storage
  - 11 Medical laboratories
  - 12 Public utility buildings and facilities
  - 13 Used car sales areas
- B Incorporate by reference the list of permitted uses from C2 as the permitted use list in Neighborhood Transition minus outdoor entertainment which would be permitted only by Conditional Use Permit using current TNZD language (Appendix 2B, Table 2.3.3), and minus these uses:
- 1 ABC-licensed establishments holding a license allowing consumption of alcoholic beverages on the premises. (taverns). Permitted only with Conditional Use Permit using current TNZD language.
  - 2 Automobile parking areas, public and private
  - 3 Automobile rental agencies
  - 4 Automobile rental agencies with no more than 25 rental vehicles stored on site
  - 5 Automobile repair garages
  - 6 Automobile sales agencies
  - 7 Automobile service stations with service bays for repair of no more than two vehicles
  - 8 Bingo halls and parlors
  - 9 Boarding and lodging houses
  - 10 Car washes
  - 11 Contractor's shop, including but not limited to building, electrical, HVAC, landscape and plumbing contractors, provided all operations are confined within a building.
  - 12 Dance halls
  - 13 Establishments holding a distilled spirits and wine retail package license, but holding no other ABC licenses that allow consumption on the premises (liquor store).
  - 14 Establishments holding a retail malt beverage license, but don't allow consumption on the premises (beer depot).
  - 15 Fraternities, sororities, clubs and lodges where the chief activity of which is a service customarily carried on as a business
  - 16 Furniture storage
  - 17 Medical laboratories
  - 18 Plumbing and heating shops, storage and sales
  - 19 Public utility buildings and facilities
  - 20 Used car sales areas
- C Adopt the ZALU/TNZD Review Group 's recommendations for Corner Commercial uses.

**Mabry, Brian K.**

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**From:** John Sistarenik <johnsistarenik@yahoo.com>  
**Sent:** Friday, July 10, 2015 3:53 PM  
**To:** Mabry, Brian K.  
**Subject:** Comments  
**Attachments:** 15 0123 Amendment #1 final draft.pdf

Mr. Mabry:

I am submitting the following comments on Cases # 15AMEND1001 and 15AREA1001.

I am the Chair of the Garvin Gate Association (GGA) in Old Louisville. The Association approved an **amended version** of the OLNC/Business Task Force motion at a meeting on January 19, 2015.

The GGA supports increased C1 and C2 permitted uses in the TNZD Neighborhood Center and Neighborhood Center Transition. However, the GGA favors **excluding 13 permitted uses** of the 140 permitted uses allowed in C1 and C2 in the Neighborhood Center, and favors **excluding 20 permitted uses** in the Neighborhood Transition. We feel these uses would be detrimental to the Old Louisville Neighborhood Plan to preserve and build on the positive qualities of our Victorian neighborhood. Please reference the attachment.

The GGA supports the ZALU/TNZD Review Group's recommendations for Corner commercial uses.

We have taken no position on signage.

GGA members were not aware of the move to extend the Neighborhood Center from 4th Street to 7th Street on the west. Hence, an official position has not been taken at this point.

I am personally opposed to this zoning change; the south side of Oak Street is residential and part of the Neighborhood General area. Changing the north side of Oak from Neighborhood Transition to Neighborhood Center would negatively affect these residences and directly violate the main purpose of the TNZD to protect and maintain the residential zoning in effect in 1926.

Sincerely yours,

John Sistarenik, Chair  
Garvin Gate Association

1208 South Sixth Street  
Louisville, KY 40203  
502 552-1830

My name is Leah Stewart and I'm here tonight as a representative and chair of the Old Louisville Business Task Force. As Howard stated, he appointed this group of resident-business owners to look at the factors that contribute to the success of Old Louisville businesses and what the barriers to success might be. We met monthly, shared experiences, talked to developers and real estate agents and heard recurring themes.

We looked at our location and continue to believe that our proximity to downtown, U of L, Spalding, Simmons and Churchill Downs is an advantage. We also believe that our designation as a National Historic Preservation District and the popularity of Heritage travel works in our favor.

We looked at the perception of crime and found that the reality is that Old Louisville has no more crime than other similar urban business districts.

We looked at the availability of parking and noted that vibrant urban business districts often are parking challenged, such as Frankfort Ave, Bardstown and Nulu, but this does not depress business in those areas.

We recognize that Old Louisville has a range of incomes, but we also know that all our residents buy groceries, goods and services *somewhere*.

What we found was that Old Louisville businesses had a retail vacancy rate nearly four times higher than Metro Louisville as a whole. And we also found that developers reportedly avoid Old Louisville because of a belief that we are too restrictive in what business we permit in the Neighborhood Center, Neighborhood Transition and Corner Commercial components of TNZD.

The Business Task Force took its original presentation and original recommendations to the Old Louisville Neighborhood Council in September of 2014. We then proceeded to make the same presentation and recommendations to nearly every neighborhood association over the next four months. In that process the Task Force answered questions and heard concerns. We responded to concerns regarding the Corner Commercial properties and abandoned our initial recommendation of permitted uses in favor of a permitted use list developed by the neighborhood's land use committee.

Therefore the Business Task Force recommended that we adopt the permitted use list from C2 for Neighborhood Center, the same C2 list minus Outdoor entertainment, which would be available thru a CUP for Neighborhood transition and a permitted use list developed by the neighborhood's land use committee for Corner Commercial. These recommendations were adopted by the Old Louisville Neighborhood Council in February of this year.

This would make the permitted uses in Old Louisville's business district more closely aligned with the other business districts throughout Metro Louisville. We want to be Open for Business.



**Proposed uses allowed in Corner Commercial**  
(from ZALU's TNZD Task Force recommendations)

- Antique Shops
- Art galleries
- Art supply shops
- Assisted Living Residence
- Athletic facilities (indoor only)
- Audio/video recording studios, providing the building is sound proof
- Banks, credit unions, and savings and loans
- Barber shops
- Beauty salons
- Bed and Breakfast
- Bicycle sales and service
- Billiard parlors; game rooms and similar entertainment uses
- Book stores
- Stationery stores
- Churches, parish halls, mosques, and temples
- Clothing, dry goods and notions stores
- Colleges, schools and institutions of learning
- Computer sales and services (hardware and software) and programming services
- Confectionery, ice cream, or candy stores, retail
- Collectibles shops
- Convenience grocery stores
- Craft Shops
- Dance instruction
- Drug stores
- Day care centers, day nurseries, nursery schools and kindergartens
- Delicatessens, retail
- Department stores
- Dressmaking or millinery shops
- Dry cleaning, dyeing, pressing, and laundry; distributing stations or retail business where no cleaning, dyeing, pressing or laundry is done for other distributing stations or cleaning establishments Entertainment Activity (as defined by LDC and is not considered adult entertainment as further defined by LDC) – indoor only.
- Electric appliance stores
- Engraving, watchmaking and jewelry manufacturing, where products are sold on premises
- Entertainment Activity (as defined by LDC and is not considered adult entertainment as further defined by LDC) – indoor. Outdoor with CUP
- Establishments holding a retail malt beverage license, but that do not allow consumption on the premises. Only as part of a grocery store.
- Establishments holding a distilled spirits and wine retail package license, but holding no other ABC licenses that allow consumption on the premises. Only as part of a grocery store.
- Equipment rental, where all activities are within a building
- Extended stay lodging above the first floor.
- Florist shops
- Furniture stores
- Grocery stores, including fruit, meat, fish, and/or vegetable
- Hardware and paint stores
- Health spas
- Home occupations
- Interior decorating shops
- Jewelry stores
- Laundries or laundrettes, self-service
- Laundering and dry cleaning pick-up shops and self-service laundries
- Libraries, museums, historical buildings and grounds, arboretums, aquariums, and art galleries
- Microbrewery
- Monument sales, provided that all activities are within a building
- Music stores
- Music and vocal instructions
- Nurseries, retail
- Office Use - FIRST \_\_\_\_ FEET OFF OF BUILDING FRONT MUST BE COMMERCIAL
- Pawn Shop
- Pet grooming, obedience training and related pet activities, provided the operation is conducted within a soundproofed building, no animals
- Pet shops
- Pharmacies
- Photographic shops
- Photography studios
- Picture framing
- Rental businesses offering items whose sale is a permitted use in this district, videocassette and similar products, rental and sales but not constituting an adult video cassette rental center
- Restaurants, tea rooms and cafes including: 1) Restaurants, tea rooms and cafes where dancing and entertainment is excluded; 2) Restaurant with outdoor seating where entertainment activity is excluded but where alcoholic beverages may be served or consumed outside which is adequately screened and buffered from adjacent residential development.
- Retail stores or businesses not involving any kind of manufacture, processing or treatment of products other than that which is clearly incidental to the business conducted on the premises, and provided that not more than fifty (50) percent of the floor area of the building is used in the manufacture, processing, or treatment of products, and that such operations or products are not objectionable due to noise, odor, dust, smoke, vibration, or other similar causes
- Shoe repair shops
- Shoe stores
- Tailor
- Tanning salons
- Tattoo, body art, and piercing parlors
- Tents, air structures and other temporary structures intended for occupancy by commercial activities including but not limited to occupancy by commercial activities including but not limited to sales, display, and food services, provided that applicable building and fire safety codes are met, and provided further that such structures may not be installed for a period (or periods totaling) more than ten (10) days during a calendar year.
- Theaters
- Toy and hobby stores
- Upholstery and furniture repair shops
- Winery

Notes for Audience member  
during Public Comments

15AREA 1001 & 15 AMEND1001 TNZD AREA OF OLD LOUISVILLE/LIMERICK

7/8/15

OLD LOUISVILLE INFORMATION CENTER

MARY MARTIN, RESIDENT, 3<sup>RD</sup> STREET MEMBER, ZALU MEMBER, PROPERTY OWNER

PRESERVATION IS A MAJOR GOAL OF THIS NEIGHBORHOOD AS A HISTORIC PRESERVATION DISTRICT

DEFINE AS: TO ENHANCE

TO PROTECT

TO PRESERVE

METHODS: MORE USES IN MORE AREAS = MORE PRESERVATION

OPPORTUNITIES (IMAGES)

PARTICIPANTS (KNOWLEDGE, RESOURCES, CLOUT)

EYES TO MAINTENANCE

MONEY

EFFORTS

SKILL

VACANT BUILDINGS DO NOT PROMOTE PRESERVATION

CORNER COMMERCIAL REVIEW 10/24/14 25% VACANCY RATE

#BLDG 37 OCCUPIED OPPORTUNITIES 48

VACANT OPPORTUNITIES 12

CENTER & TRANSITION REVIEWED 8/21/14 39% VACANCY RATE

OCCUPIED 83

VACANT 52

RETAIL VACANCIES NATIONALLY 10.3%

METRO LOUISVILLE 7.4 TO 10.3%

MORE USES IN MORE AREAS = MORE PRESERVATION



July 8, 2015

TNZZ Community Meeting Comments

1. What changes, if any, would you recommend to the **types of uses** that are permitted in the TNZZ?

*Rather than expand the zone, how about  
finding the funds to rehab some of the  
properties around 4th + 5th? Individuals can't/  
won't take that risk. I've only lived here for  
15 years but some of the houses have been vacant since I came,  
and undoubtedly long before.*

2. What changes, if any, would you recommend to the **sign regulations** in the TNZZ?

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3. What changes, if any, would you recommend to the **boundaries of the Neighborhood Center** in the TNZZ? (See other side)

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4. Do you have any additional comments? (Please attach additional sheets if necessary.)

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For more information, or to submit your  
comments electronically, please contact:  
Brian Mabry, Planning Coordinator  
444 S. 5th St., Ste. 300, 40202  
(502) 574-5256  
brian.mabry@louisvilleky.gov

Name (Optional): *Mary Schroeder*  
Address (Optional): *1145 S. 2nd St.*  
*(The Old Louisville plans)*

**Mabry, Brian K.**

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**From:** Howard Rosenberg <hrosenberg@twc.com>  
**Sent:** Monday, January 04, 2016 4:25 PM  
**To:** Mabry, Brian K.  
**Cc:** Liu, Emily; OldLouMary@aol.com; Leah Stewart  
**Subject:** Old Louisville - TNZD -Transition Edge

Brian,

We look forward to seeing you on January 16 for the meeting on the TNZD. One thing I do want to mention is an issue that we have discussed on several occasions. It relates to Transition Edge and currently impacts BC Plumbing and the property on the northeast corner of 6th and Oak. Part of original the recommendation that was passed last year by the OLNC was that the Transition Edge properties become C2 in the permitted use list of the TNZD. We want to make sure that this is included in your recommendations to the Planning Commission. There is no reason to single out these properties. Please note that they were at one time zoned C2.

Again, please make sure the recommendation to the Planning Commission is to change Transition Edge to C2 in the permitted use list of the TNZD.

Thanks for your attention to this very important matter.

Yours,

Howard

**From:** [Kim Mowder](#)  
**To:** [Mabry, Brian K.](#)  
**Subject:** Old Louisville TNZD Review  
**Date:** Monday, December 14, 2015 9:55:39 PM

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Hello Brian,

My name is Kim Mowder. I have been a resident in Old Louisville for the past 11 years or so. I love our neighborhood. But, we do need to make some important changes. Specifically, we need to make it easier to have businesses within our neighborhood. Old Louisville needs many more businesses. Right now there is a perceived or real hurdle to set up shop in Old Louisville. That hurdle has to do with the business use list associated with the TNZD. This needs to change.

I would like to be able to walk to the services we need and want, thus increasing the pleasure derived from living in our neighborhood. There are several reasons why increasing the businesses in the neighborhood makes sense. Among them are the simple pleasure of having our services provided within walking distance, and the reduced carbon footprint which comes with reduced use of our vehicles. I also believe the increased businesses could provide work for more individuals that would contribute to the city and specifically Old Louisville in a positive way - people who would have the opportunity to work near where they live.

Having a richly diverse and consolidated business district rather than a small cluster of businesses near Oak and 4th Streets, with a few others scattered around on corners across the neighborhood, would make the area more of a destination and could potentially attract folks from all over Louisville to the area. This could lead to a financial gain for the neighborhood. When businesses are in close proximity to other businesses there is a positive effect on all businesses. Increased traffic to nearby businesses means more exposure, more sales, more profits, and an increased ability to thrive. We have all seen the small mom and pop grocer on the corner that barely keeps the doors open. Compare that small grocer to the same type and size grocer in a shopping center and you will likely see quite a difference in their sales and longevity. The small grocer on the corner struggles while the same type grocer in a shopping center has much more traffic and much higher sales, profit, etc. This difference is strictly due to density of business.

For these reasons I would like to support the expansion of Old Louisville's Neighborhood Center. I would like to see Neighborhood Center identified along Oak Street from 7th Street to 1st. I would further like to see each and every home / building owner along that corridor given the option of having a business in the building or retaining its use as housing. In addition, I would like to see the TNZD zoning adopt the business uses which are currently associated across the city with Commercial Uses (C2) so that there is not a stigma attached

to Old Louisville when businesses investigate setting up shop here as opposed to other areas of the city. I do not support the loss of the TNZD identification as it does allow us to have some guidelines that work uniquely in our neighborhood so a change to the actual zone C2 is not my goal. however, a change in the listed business uses to simply state that the TNZD business uses list is the same as the C2 business uses would make great sense and would relieve some of the anxiety around business approvals in our neighborhood.

In addition, we recently had a very nasty battle among residents of the neighborhood over a proposed B&B on St. James Court. It will be a long time before neighbors who live in close proximity to each other mend their broken fences and begin acting like neighbors again. Primarily the reason for the battle was the CUP process and the way the city has neighbors facing off against each other in an effort to "get their way". I would like to see the Conditional Use Permit process completely removed from the decision making process about businesses in Old Louisville. Specifically, I would like the public airing of concerns about potential businesses to be more civilized or not be allowed at all. I don't believe the CUP process allows us to retain our humanity as we strive to impose our personal convictions on our neighbors and that is played out in the governing of business in our neighborhood. The CUP needs to go! Lets get a decision made about business uses allowed and those not allowed and lets get on with our lives in a more neighborly way which contributes to Old Louisville being a great place to live!

Thank you,  
Kim Mowder  
1464 S Third Street  
Louisville, KY 40208

**Mabry, Brian K.**

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**From:** OldLouMary@aol.com  
**Sent:** Tuesday, January 05, 2016 11:48 AM  
**To:** Mabry, Brian K.  
**Cc:** h.rosenberg@twc.com; email.leahs@gmail.com  
**Subject:** Old Louisville TNZD review

In reference to institutional definition, please consider keeping dwelling, multifamily in the expanded definition. In reading the proposed changes in the Russell neighborhood with the vacant church, I see "hub for community services and basic neighborhood retail and offices" mentioned as potential uses for the institution. In Old Louisville the institutions are typically churches and don't have much parking on site. Of course the schools do have some parking and typically have more green spaces. I think the tnzd and the overall definitions are extremely limiting for current day use.

Regards, Mary

Semonin Realtors  
502-637-4000  
502-637-4300 fax 502-471-5402 fax to email  
MaryMartin.Semonin.com

## Mabry, Brian K.

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**From:** Reverman, Joe  
**Sent:** Tuesday, August 11, 2015 4:15 PM  
**To:** Mabry, Brian K.  
**Subject:** Re: "It's not the zoning, stupid....."

> On Jul 9, 2015, at 9:11 AM, Debra Harlan <debraandted@gmail.com> wrote:

>

> I have some thoughts on this entire subject as I was pretty much the sole navigator for TNZD for a decade plus. Living on the street a good part of my life (226 East) from 1985-2007 is a pretty good barometer.

> The recession in 2007 really tanked some major projects underway at

> the time. My inlaws Ken and Sheila Pyle owned and operated the iconic but always under supported Rudyard Kipling, which recently Closed (again). The desire to return to the zoning of the 1980's confounds me.

> It did nothing then and will serve no good today.

> The huge elephant in the room is the consistent poverty of the zip code and the geographic isolation caused by I-65 and Ninth Street, respectively, as well as the island effect of zero connectivity to the north and west, complicated by street dichotomies that bookend Oak Street and prevent the vital inter neighborhood connections needed to raise numbers in the eyes of developers. 40203 has pretty much been the kiss of death in many ways.

> I was redlined on the sale of my own house in 2007.

> What the neighborhood perceives as a zoning that hampers development is really a red herring being postured by a very small group intent upon going back to the days of tire stores and gas stations as "business". Some folks seem to think Landmarks will prevent the actual development of say a Thornton Oil at Fourth and Oak! They really do not understand the zoning component and that was evident last night.

> Extending neighborhood center to my old block would be a huge error.

> In the 80's all of the south side of the 100 block East was a bunch of houses with tacky commercial additions added on in the fifties. We actually had a "push the facades down" ceremony with the Mayor and the head of Landmarks Ann Hassett (422 W Oak, we all lived this street...), and the Underhills restored the houses to a condo complex now known as Victoria Gardens..... So not being aware of their own history kinda dooms them to repetitive failure.

> The signage question is also rather

> Multidimensional. I do not disagree it was tedious to explain three regulatory filters - code, landmarks, TNZD.

> However I strongly disagree with the notion that freestanding signs are in any way beneficial - and no sign outside of neighborhood center should have any internal illumination. I chased LED readerboards all the time in corner commercial . They do not belong in a historic district period. NuLu has one lit sign.

Thinking that the Preston Highway approach works is just plain regressive.

> The exception to no freestanding signs should be institutionally



- > Mapped uses like churches and schools. The biggest problem I had over time was churches who had a freestanding sign, rendered non conforming by TNZD. They had little or no wiggle room in replacing an old sign or installing new ones. At least one church simply did it illegally. With no Landmarks staff left, so to speak , nobody noticed.
- > The truck issue is decades old and is in no small part responsible for an unsavory atmosphere that repels business and should rightly be dealt with after endless plans ober many years saying so! And I can tell you Savannah doesn't thrive on semi truck traffic, gas stations and used car lots, or ginormous lit pole signs.
- > The neighborhood is home to some truly iconic uses and personalities. Nobody has capitalized on the Ed Lee story - and 610 Magnolia and that entire block are essentially forgotten and understudied. Edward would tell you in no uncertain terms that the neighborhood and the city have been totally unsupportive - and that's just plain stupid ! And Magnolia is also plagued by constant semi truck traffic that rightly should be entering from Seventh via Ninth.....
- > Ollie's Trolley at Third and Kentucky and Dizzy Whizz ( the only drive in restaurant left - I don't consider Sonic anything but a poor imitation ! ) are both treasures of their type. Again the neighborhood fails to regard these as anything special.
- > Old Louisville's economy has always been at the mercy of its
- > geography. As Shelby Park and the Germantown area continue to organically reinvent themselves, old Louisville could be reconnected by simply Making Oak Street two way all the way both east AND west. Shelby Park wants this as well.
- > These are not truck routes and Ninth Street should be used for what it was built for or ripped out! Okay maybe not ripped out but it's a useless divisive factor that should never have been built. It's specter in the 1960's led to the creation of the preservation district as a means of protection !
- > Seeking futuristic uses and out of the box ideas will help. C-2 will not.
- > Enough for now. I am always available to staff to walk the area and give you my thirty seven years of back story. Your staff as well as a very under informed neighborhood that is severely divided over this issue could benefit.
- > When I walked from my job as director of the information center in..... 1986..... I exited with a very long narrative about the neighborhoods failure to perceive what it was and where it wanted to go. That hasn't changed and the neighborhood is being very poorly led. IMO .
- > I also think regardless of how this ends, there should be a caveat for revisiting the decision every five years. Landmarks suffers this same fate. I tried to rewrite those guidelines long ago and 1997 is a severely dated document. But my guess is there will be no Landmarks in ten years. I do constant rehab work in the neighborhood and the magnitude of deterioration is disheartening.
- > Some blocks look worse than they did when I moved there in 1979. The neighborhood is unfortunately uber focused on minutia while many buildings remain vacant and severely deteriorated .
- > Amen for now and thanks for listening.
- > Debra
- > Sent from my iPhone

## **Mabry, Brian K.**

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**From:** jabpayne <jabpayne@bellsouth.net>  
**Sent:** Thursday, August 20, 2015 1:40 PM  
**To:** Mabry, Brian K.  
**Cc:** Mary Martin; Howard Rosenberg; James, David A  
**Subject:** Re: TNZD Meeting Update

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Dear Mr. Mabry,

First off, thank you for the message below.

I have a comment concerning the discussion at the last TNZD meeting. I was really surprised to see how many residential properties were included in the tentative plan to enlarge the Oak Street zoning (sorry, my control of zoning vocabulary is non-existent). It makes sense to me to extend along Oak St., but no sense at all to include residential properties on 6th, and more egregious, along Garvin Place. Garvin Place has been transformed since adoption of the TNZD. As an organizing volunteer of the Old Louisville Hidden Treasures Garden Tour, I can attest to Garvin Place being something of a "garden place" because of its residential nature. To alter that designation at this point would be regression, not progress.

Just for the record, I'm very sympathetic with business owners who want to create a more friendly business climate in Old Louisville. I also realize the devil is indeed in the details, but to change the designation of these particular residential properties will, in my view, hurt much more than help.

I look forward to the next discussion.

Regards,  
Judith A. Payne  
1360 S. 2nd St.

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**From:** "Mabry, Brian K." <[Brian.Mabry@louisvilleky.gov](mailto:Brian.Mabry@louisvilleky.gov)>  
**To:** "Mabry, Brian K." <[Brian.Mabry@louisvilleky.gov](mailto:Brian.Mabry@louisvilleky.gov)>  
**Sent:** Tuesday, August 18, 2015 10:44 AM  
**Subject:** TNZD Meeting Update

Dear TNZD Stakeholders:

If you are receiving this email, it is because you attended a neighborhood meeting at the Old Louisville Information Center in July or August regarding the Traditional Neighborhood Zoning District (TNZD) and you provided your email on the sign-in sheet.

First of all, thank you for your continued participation in this important matter. We on Staff appreciate your guidance in this project. So far, we have given you baseline information at the July meeting. At the meeting last week, we provided preliminary recommendations.

Now, Councilmember David James would like for the public conversation to continue into another neighborhood meeting, where we will present, and take comments on, refined recommendations. We anticipate this meeting taking place in early October.

We will do another postal notification to all property owners within the bounds of the TNZD as well as to first- and second-tier property owners, but we wanted you folks who are extra involved in the project to know first. This notification will include the dates, times and locations of: the third neighborhood meeting, the Land Development and Transportation Committee meeting, and the Planning Commission public hearing.

Thanks again, and please let me know if you have any additional thoughts or questions about this project.

Brian Mabry, AICP  
Planning Coordinator

Develop Louisville  
Division of Planning & Design Services  
444 S. 5th St., Suite 300  
Louisville, KY 40202  
Phone: (502) 574-5256

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



August 11, 2015

TNZD Neighborhood Meeting Comments

1. What changes, if any, would you recommend to the types of uses that are permitted in the TNZD?

Veterinarian

2. What changes, if any, would you recommend to the sign regulations in the TNZD?

\* I would not like monument signs to have the feature to display an electronic reader board (ETCRs).

\* Also, think of the fact that streets may soon become 2-way

3. What changes, if any, would you recommend to the boundaries of the Neighborhood Center in the TNZD? (See other side)

\* Poll owners & occupants of the proposed NT Expansion for less than one-sided sentiments

\* IF 1/2 when this gets to the PC, please set <sup>a night</sup> hearing @ <sup>Memorial Auditorium</sup>

4. Do you have any additional comments? (Please attach additional sheets if necessary.)

Inventory structures into a summary table with detail for use & CUPs, etc

For more information, or to submit your comments electronically, please contact:  
Brian Mabry, Planning Coordinator  
444 S. 5th St., Ste. 300, 40202  
(502) 574-5256  
brian.mabry@louisvilleky.gov

Name (Optional): J. Petersen

Address (Optional): 932 S 16th St

## **Mabry, Brian K.**

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**From:** Scott Gilbertson <scott@scottgilbertson.com>  
**Sent:** Monday, July 13, 2015 11:00 AM  
**To:** Mabry, Brian K.  
**Subject:** TNZD Community Meeting Comments, July 8th meeting

Hello Mr. Mabry ~ I attended the July 8th meeting at the Old Louisville Information Center in Central Park and I would like to submit my comments.

1. What changes, if any, would you recommend to the types of uses that are permitted in the TNZD?

I endorse the OLNC's list of permitted uses.

2. What changes, if any, would you recommend to the sign regulations in the TNZD?

I endorse bringing the sign regulations up-to-date and allowing for modern signage. However, I do not want to see any more billboards in the TNZD.

3. What changes, if any, would you recommend to the boundaries of the Neighborhood Center in the TNZD?

First, I would not endorse any change to the zoning of the south side of Oak between Garvin and 6th and also to include the three houses just to the east of Garvin on the south side. I would like those properties to remain residences. Second, I would like to see how the changes to the properties that front Oak St. would then affect the properties behind/adjacent to them (do those properties then become transitional?).

4. Do you have any additional comments?

In the meeting many people preference their comments with how long they've lived in Old Louisville and, in some instances, how they were involved in planning projects from many years past. I hope that everyone's opinion is given the same weight, measured only by the thoughtfulness of the opinion and not by how long that person has lived in Old Louisville.

Thanks,

scott

Scott Gilbertson

Marketing Materials  
Graphic Design  
Photography

## Book Design

502.491.1002

[scott@scottgilbertson.com](mailto:scott@scottgilbertson.com)

<http://cp.mcafee.com/d/avndzhJ5xBMsqejhO-evdTdlzDTzhOVuVJAs->

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[Ygen6bCShPXNEVsKCrhKqen6mnC4Tzp2cJxOKA8BwkvIKI3czP\\_aBK8RcCPWJOEpAuvVkJN6FASU-CwPHX\\_nVZyZTDTeLsKyMyDOdXL3D4n-EyCJtdmWafaxVZicHs3jq9JcTvAXTLuZXTKrKrasva1nQ9gVv9gOBGPChAug-cWlwrFqIVwGBGPChAug-cWlxOVJctsQsCMi3093zh09llrxapoQg3v\\_ek29Ew4GGG\\_2t03d404dDBzh0ZcCq85v-sE4jr1EVdEQbt9I-DRKM0](http://cp.mcafee.com/d/FZsSd39J5xBMsqejhO-evdTdlzDTzhOVuVJAs-Ygen6bCShPXNEVsKCrhKqen6mnC4Tzp2cJxOKA8BwkvIKI3czP_aBK8RcCPWJOEpAuvVkJN6FASU-CwPHX_nVZyZTDTeLsKyMyDOdXL3D4n-EyCJtdmWafaxVZicHs3jq9JcTvAXTLuZXTKrKrasva1nQ9gVv9gOBGPChAug-cWlwrFqIVwGBGPChAug-cWlxOVJctsQsCMi3093zh09llrxapoQg3v_ek29Ew4GGG_2t03d404dDBzh0ZcCq85v-sE4jr1EVdEQbt9I-DRKM0)

[instagram.com/scottgilbertson617/](https://www.instagram.com/scottgilbertson617/)

Good evening. My name is Shawn Fields Williams and I am the Executive Director of the Old Louisville Neighborhood Council. But today I am speaking as a resident of Belgravia Court in Old Louisville for the past ten years.

I would like to address the goals of expanding the C-2 uses into the Neighborhood Center and Transition TNZD zones.

By all accounts, the Old Louisville residential neighborhood is a tremendous asset to the City of Louisville. We have strong invested neighborhoods. Our great Victorian townhouses and mansions are the urban jewels of this city. We have the economic strength and vitality of the University of Louisville and Spalding University and now Simmons College bordering us on the north and south. We have the finest outdoor art show in America with the St. James Court Art Show on our doorsteps each October, the Kentucky Shakespeare Festival each summer, the Garvin Gate Blues Festival, and other community events, all which add vibrancy. And, we are privileged to have at our heart, Central Park, part of the Olmsted Conservancy, that is an urban oasis adding to our quality of life.

Many of my neighbors, as well as ourselves, have invested a great deal of resources, time and talent to restoring these homes and the landscapes around it. We value this place. But we understand the importance of economic vitality around the edges. The Oak Street Corridor needs a concerted effort to aid its improvement. Expansion of the C-2 uses that welcomes a mix of uses and creates a perception supportive of business is an important part of that effort. As other cities around the country in historic areas, such as Alexandria, VA, Savannah, Baltimore, and Brooklyn have found, when a creative economic force is allowed to take shape in an urban area, revitalization occurs. Young families and young professionals are drawn to such residential areas and the economics strengthen.

My message is change is needed to tap potential. Those changes must be mindful and respectful of the residential component, but nimble enough to allow the potential to unfold.

**From:** [Kofi](#)  
**To:** [Mabry, Brian K.](#)  
**Subject:** TNZD Area of Old Louisville  
**Date:** Monday, December 28, 2015 3:54:10 PM

---

Brian,

I own the property on 1230 South 3<sup>rd</sup> Street.

I do support this proposals as put forth in the post card that I received.

Please move forward with this.

Thanks,

*Kofi Frempong*

*L & C Property Management Inc.*

**1207 Durrett Lane**

**Louisville, KY 40213**

**Phone: 502-375-3701**

**Fax: 502-375-3703**

**Email: [kofi@martinconc.com](mailto:kofi@martinconc.com)**



**Mabry, Brian K.**

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**From:** Debra Harlan <debraandted@gmail.com>  
**Sent:** Tuesday, January 12, 2016 3:59 PM  
**To:** Mabry, Brian K.  
**Subject:** Tonight's meeting

Um, I heard about it second or third hand. Perhaps I missed something. I assume I can submit comments anyway? I am not clear on where things rest in terms of signage and the C-2 IMO wrongheaded approach, but. I think I did make it clear the pitfalls of wanton freestanding signage, which should remain UN permittable with certain exceptions, like churches and schools. Historic yards littered with illuminated CVS style signs is a huge mistake for a historic district.

Like semi trucks.

Please advise.

Debra

Sent from my iPad

**Mabry, Brian K.**

---

**From:** Herb Fink <herbfink@bellsouth.net>  
**Sent:** Thursday, August 06, 2015 4:57 PM  
**To:** Mabry, Brian K.  
**Cc:** James, David A  
**Subject:** Traditional Neighborhood Zoning District Map Changes

6 August 2015

Mr. Brian Mabry, Case Worker  
Louisville Metro Planning and Design Services  
444 South Fifth Street – Third Floor  
Louisville, Kentucky 40202

Re: Traditional Neighborhood Zoning District Map Changes Regarding:

- (A) Signage
- (B) Permitted Uses
- (C) Neighborhood Center Boundary
- (D) Corner Commercial
- (E) Party Houses
- (F) Fraternities and Sororities

Hello, Mr. Mabry.

Approximately thirteen years ago I participated as a member of the special committee which undertook formulation of the TNZD within Old Louisville, which was specifically created to protect our neighborhood.

In regard to proposed changes being considered, I offer the following:

A. Regulations Related to Signage

In that the TNZD is within the Old Louisville Preservation District (Landmarks), the Landmarks guidelines should prevail.

B. Evaluate the Permitted Uses

The neighborhood center commercial core is not a large area, and we have always desired uses which will serve our neighborhood.

Automotive uses such as used car sales lots, gas stations, rental car facilities, parking lots, auto repair shops, and car wash facilities take up a lot of room and are certainly not what we need in a pedestrian-oriented neighborhood center.

All automotive-related uses should not be included in the neighborhood center.

C. Neighborhood Center Boundary

Before we start extending the neighborhood center boundary, let's bring existing facilities within the neighborhood center up to code, redevelop the neighborhood center properly as a pedestrian-oriented neighborhood center, and make the neighborhood center an inviting area. Presently that isn't the case.

Also, no present residential areas should be included in the neighborhood center.

D. Corner Commercial

Changes to corner commercial areas should not occur. Also, uses which provide liquor and beer sales should not be allowed.

E. Party Houses

Bed and breakfast facilities should not become party houses, which destroy the neighborhood's fabric.

F. Fraternity and Sorority Houses

Fraternities and sororities should not be permitted within our neighborhood. Over many years in the past, fraternities and sororities did exist within Old Louisville and were a problem. Fraternities and sororities are now located on the Belknap Campus, which is where UofL provided facilities for them.

If you should have any questions or concerns with regard to my comments, please contact me at your convenience.

Yours,

Herb Fink  
1701 South Third Street  
Louisville, Kentucky 40208

Phone: 502-636-5595 (cell)  
Email: [HerbFink@bellsouth.net](mailto:HerbFink@bellsouth.net)

HF/dw  
cc: Councilman David James

**Mabry, Brian K.**

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**From:** Michael Parets <Alex@paretsinvest.com>  
**Sent:** Tuesday, January 12, 2016 5:58 PM  
**To:** Mabry, Brian K.  
**Cc:** hrosenberg@twc.com  
**Subject:** Zoning meeting

Hi Brian,

Unfortunately my trip back from New York is taking a bit longer than expected, so I will not be able to make tonight's zoning meeting. However, as a property/business owner and member of the community, I would like to express my support for both the proposed map changes along oak street and the permitted uses changes to C2.

Thanks,  
Alex

Sent from my iPhone

**From:** [barry.kornstein@louisville.edu](mailto:barry.kornstein@louisville.edu)  
**To:** [Mabry, Brian K.](#)  
**Subject:** 15AMEND1001 & 15AREA1001 Old Louisville TNZD proposals  
**Date:** Wednesday, January 27, 2016 5:20:21 PM  
**Attachments:** [OLNC planning commission proposal comments.docx](#)

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Mr. Mabry,

As a 24 year resident of Old Louisville, member of the Task Force committee that designed the TNZD from 2000 to 2002, and someone who takes a professional interest in such matters, I am writing to register my extreme opposition to the changes you and your staff have proposed for the TNZD. I am attaching a Word file that contains several documents I have produced over the last 15 months while this controversy has been brewing. They lay out the complexity of the issues in Old Louisville. I believe that the current proposal addresses none of the complex issues, that it is really just a solution looking for a problem put forth originally by a frustrated, but logically challenged group of people.

I am especially concerned about the extension of what is essentially intensive commercial use zoning to all of the properties fronting Oak St. from 7<sup>th</sup> to Floyd. Nearly all of the properties to be remapped were built as residences, most as single family structures or townhomes. The majority of them are also in very good shape and east of 2<sup>nd</sup> are actually being used as single family homes. To give these structures commercial zoning is directly contrary to the very deliberate intention of the TNZD. That intention was to map each structure in a way that generally conformed to its built use. Because this was a fully built environment this was zoning according to the built use of the structure. This was done to reinforce the urban character of the neighborhood which was under attack from slumlords and, in the commercial areas, from suburban style design (despite Landmarks guidelines). It has succeeded admirably. Contrary to the chicken littles of the neighborhood, Old Louisville is in the best shape it has been in during my 24 years here (and likely since the 1940s or early 50s). The TNZD was a departure from traditional zoning and was much encouraged and celebrated by the Planning staff at the time. This was a staff that had decades of experience in planning and was seeking a better way to conduct zoning exercises. This group initiated the Form Districts. Unfortunately, because the underlying zoning codes were never overhauled to conform to the Form District guidelines the Form Districts have largely been pushed aside all over the county as developers have run roughshod over the Planning Commission and its staff. This proposal is another instance of that.

To justify the commercial extension by pointing to Oak St. as a minor arterial street is patently absurd as well as contrary to the TNZD. Virginia/Oak/Winter is a minor arterial street all the way from Chickasaw to Baxter Ave but you certainly wouldn't put intensive commercial zoning along most of its length. That's a five mile stretch that's mostly residential with pockets of commercial and industrial (sometimes on just one side of the street). You wouldn't extend intensive commercial uses to all of the houses along Preston in Schnitzelburg north of Lynn St. Or Goss Ave. Or anywhere else in the city. It is a nonsensical and intellectually lazy position to take.

I consider the current proposal to be not just an amendment of the TNZD, but a wholesale rewriting of it. As such, it has not gone through anything like the normal processes set up for those

sorts of things.

I sincerely hope you will read the attachment I have sent and pass it around your office. There seems to be much education that needs to go on.

Barry Kornstein  
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Urban Studies Institute  
School of Urban and Public Affairs  
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Louisville, KY 40208  
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**In a recent online discussion forum:**

They are also opening up intense commercial use in all the residential properties along Oak St from 7th to Floyd. That includes around 30 houses built as single-family, many of which have that use today. It is completely contrary to the intention of the TNZD zoning document for Old Louisville (I was a member of the committee that wrote it), which was to make it so that the uses of structures, over time, would generally conform to their original purpose. And to add insult to injury they want to make it so that any property anywhere in the neighborhood could have a professional office in it. The city staff recommendations are the single worst planning document I have ever seen.

As far as the commercial properties along Oak St are concerned the zoning issue is mostly a red herring put forth by people who's modus operandi is running around in a panic like chicken little. Nearly all of the uses for these properties that we'd like to see in the future are already allowed under current zoning. There are some excluded uses people would like to see, and to address that the OLNC Zoning and Land Use Committee came up with an greatly expanded list of allowed uses over two years ago. It's basically the best of both C-1 & C-2 zoning. Unfortunately, leadership of the OLNC changed before it could be brought before the entire council, and we went from a very democratically inclined leadership to a stage-managing dictator who subverted the existing committee structure and formed an ad hoc group comprised of people with an ax to grind and little to no knowledge of zoning or the history of the neighborhood. They came up with this nonsense.

The issue of our underperforming commercial center is a complex problem, but it's basically the intersection of terrible building ownership and the demographics of Old Louisville and the surrounding neighborhoods

On the ownership front lurking behind nearly every vacant storefront is an owner who is either a) a slumlord, b) just doesn't give a shit, c) might care but is woefully undercapitalized so can't make improvements, or d) does care but is clueless or undercapitalized or both. This is certainly the case with the properties many people think of first (Winn Dixie, old theater complex at 4th & Oak, the old Oak St hardware building, and the old Carly Rae building, among others). I've lived here 24 years and very few owners have really put any money into their properties. One notable exception is the owner of the set of buildings on the south side of Oak opposite the Rite Aid.

On the demographic front, well we're in a pickle. To the south we have students, to the west we have industry and poverty, to the east we have a changing area, but largely on the lower socioeconomic end, to the north we have a sea of parking lots and a few retirement/disability communities. And despite the beauty of our old houses, within old Louisville we have a majority of residents that are living a frugal lifestyle in apartments. It's very telling that the Family Dollar store just doubled in size. They know their market area very well. Also, an Indy developer was seriously considering buying the Winn-Dixie property and putting up apartments & retail (even had an option to buy) but couldn't justify the rents they would need to charge to build the sort of amenity filled complex they're used to doing. They also knew the market area.



You want work to solve the problem? How's this. Education about how to clean up and properly market a property for lease (some owners really need this, they think business will just drop in their laps). A revolving loan fund to be used for the repair and alteration of commercial property to help with the undercapitalization problem. A street cleaning and maintenance organization along the lines of what's done downtown. Getting the city to work to clear titles and assemble large enough tracts north of St. Catherine to market to apartment developers looking for less expensive land close to downtown (there's several out-of-state companies circling like vultures lately, we need to help them extend their sight).

Those are the sorts of solutions that directly tackle the ownership and demographic issues that are holding area back. None of them require any zoning changes, especially not the terrible and likely destructive proposals now currently before the Planning Commission.

**In response to a 2nd St NA board member who wanted my opinion a year ago:**

There's actually a whole lot of people who basically agree with me – that there needs to be more flexibility but that any changes need to be different for each of the 3 major zoned areas of Old Louisville and respect the overall plan as laid out in the TNZD zoning plan. The business committee's plan is incoherent, done with little research and no outside help, by people who have very little understanding of the zoning classes or of the actual zoning in other parts of the county. Their motion simply states that properties in Old Louisville should allow the same commercial uses as properties in other similar parts of the county. It is so vague that it provides absolutely no guidance. That's because there aren't any areas that they talk about (Bardstown Rd, Frankfort Ave being the primary) that have consistent commercial zoning. Bardstown Rd is mostly C1 north of Broadway, mostly C2 south of Broadway to the Douglas Loop, the Douglas Loop is all C1, then mostly C2 to Taylorsville Rd/Trevillian Way, and finally all C1 down to the Watterson. Frankfort Ave is mostly C1 until the Comfy Cow block, then C2 for about two blocks, then mostly C1 again all the way to within a block of where it meets Lexington Rd. In both areas commercial zoning is almost entirely restricted to the lots that directly front on the main street. Everything else, except for a few scattered buildings is zoned residential. Most of the businesses that do exist off of Bardstown or Frankfort are there only after having gone through the nonconforming rights process. It is essentially the same in Germantown/Schnitzelburg. Old Louisville's TNZD zoning in the Neighborhood General area for corner commercial is actually more permissive than those other areas. So you see that the motion is basically meaningless. It's only when they start explaining what they want that you get the solid C2 stuff. As I said at the OLNC meeting Tuesday, even if we all agreed on the changes to be made I would not vote for the motion, or any motion, that does not spell out exactly what zoning would apply in each of the TNZD areas.

Furthermore, when you look at the actual businesses in the C2 zoned parcels of Bardstown & Frankfort most meet the criteria of C1. They are simply retail shops and restaurants with no outdoor entertainment.

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proposal. They are frustrated, but don't seem to have ever clearly thought through the issues in a comprehensive way and have acted out of desperation. Most of the relevant issues don't actually have anything to do with zoning. When you look at the actual businesses that are open and thriving on Bardstown and Frankfort what you see is that every restaurant except those with drive-throughs would already be allowed in Old Louisville's Neighborhood Center, Center-Transition, and Edge-Transition areas, and many even in Corner Commercial areas. Similarly, nearly all the retail shops would also be allowed in the Center, Center-Transition, and Edge-Transition areas. There is very little on either street (or Nulu) that would not be allowed in Old Louisville's major commercial areas under current rules. Furthermore, the neighborhood has a history of working with people to change allowable uses. The lots on Oak St opposite BC Plumbing at 7th St were not originally mapped Edge-Transition (which allows more options for commercial than Neighborhood-General), but when Lee Jones bought the buildings and came to the council with plans (he talked of moving the hardware store and/or a jazz club) the OLNC backed a map change. I believe there are at least a couple more instances like this. Ultimately, Lee Jones did not have the money to carry out his plans.

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We also have a big problem with issues of race and class. You should here the vitriol aimed at the poor people who wait for buses at 4th and Oak or shop at the Rite Aid. And that's from people who actually live here. Even though the cast of characters has actually improved quite a bit over the years (I've been here 23 years) the rhetoric from the neighbors has gotten worse (mostly from people who have lived here less than 10 years). Any restaurant or business above a certain price point (where lower middle class might eat/shop) has to rely on a significant percentage of their clientele coming in from other parts of the city. We had one of the best restaurants in the city at 1st and Oak for several years (Leanders) but it was expensive and ultimately failed because it couldn't draw enough people from the suburbs. You often hear people talk about parking as the issue (something we can't change, but an area in which Old Louisville has better regulations than anywhere else in the city), but the real issue is that people didn't feel safe walking a block. It's pure perception, and the perception of Old Louisville is actually getting better.

That dovetails into density. When Old Louisville thrived as a commercial hub the population density was double that of today. Part of the reason for the drop is that we no longer have so many cut up houses, but part is also that the area from St. Catherine north had a lot of housing knocked down to be replaced with empty lots, parking lots, or less dense uses. Also, the area just to our west was a thriving industrial complex with thousands of workers needing a place to shop/eat on their lunch breaks and to/from work. Currently Bardstown & Frankfort both have dense upper middle class and wealthy neighborhoods on either side of their lengths going back a half mile or more. We have a much less wealthy area with either poor areas, vacant industrial, residentially underdeveloped, or college students adjacent.

There's also the issue of the Landmark district and its rules. Much of the fuss that businesses make about Old Louisville actually has to do with their balking at having to meet Landmarks requirements when they renovate buildings. It does raise costs, but nobody seriously thinks we should give up our Landmarks status. And actually I have found Landmarks staff to be quite flexible if you approach them non-confrontationally. The old gas station actually has an approved plan to enclose the canopy, but the owners are cheapskates and won't do it. There was even one business plan for it (I can't remember what it was) that the city OK'd under the condition that they eliminate the driveway curb cuts (make the curb regular uniform height) but they refused. They opted instead to leave the property vacant another couple years until the Root Cellar opened.

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I actually think that the primary culprits in spreading the "Nolo" meme about Old Louisville are the very same people on the business committee that rail against it. No one else I've ever talked to in Old Louisville has ever said Old Louisville was like that or espoused views attributed to that supposed attitude. They are their own worst enemy. (Their proposal, in insisting that there be only one list for business owners to look at for the entire neighborhood, assumes that business people are all idiots. Perhaps you in the Economics professorate have discovered that, but I'm doubtful.)

All that said, I agree, and most everyone I've talked to also agrees, that there should be more flexibility in the TNZD commercial uses. My solution lies in the Land Development Code itself. I would vote for a proposal that allowed C2 in Neighborhood Center & Edge-Transition, C1 in Center-Transition, and either CN or CR in Neighborhood General (corner commercial). These are all ready-made lists that are designed specifically for the situations we encounter here.

There was also a subcommittee of the OLNC Zoning and Land Use committee that studied the issue for a year and came out with three lists of much more expansive uses for the major TNZD areas. Their General list lies partway between CR & CN (CN is more permissive), their Center-Transition list is similar

to C1 with a few C1 out and a few C2 added, their Center list is close to C2 but with some possible offensive uses left out. This was a serious committee made up of people who had a long history in the neighborhood who also had a prior knowledge of zoning and much more diverse professional backgrounds. For some unknown reason the ZALU committee never formally acted on it and Howard Rosenberg purposely ignored it and the proper committee structure in forming this business group. Howard likes to think he's following the by-laws to the letter, but he's clearly being selective and willfully ignored the long established committee structure of the OLNLC. He's now riding roughshod over the voting process. If this were a parliamentary system I would be calling for a vote of no-confidence.

So all of this mess could have been easily avoided and finished with a highly desirable result. I am loath to think the members of the business committee will come out of this thinking they've accomplished something when all they did was sow discord over an issue that had broad consensus if presented properly.

#### **To Toonerville Trolley Neighborhood Association:**

The pro-C2 folks came to the Ouerbacker Ct. meeting yesterday, and I believe as written their proposal is an ill-conceived, potentially disastrous example of muddled group-think. They do a very poor job of correctly diagnosing the problems in attracting businesses, they make simplistic comparisons to other parts of town, and they rely entirely on hear-say of disgruntled property rights types whose main gripe is with landmarks anyway. They even nearly voted to try to scrap the entire TNZD zoning structure and go to blanket C2 (Andrew Owen said that proposal only lost by one vote). Any group that would even give that a passing thought is not a group I would trust at all. In the end they came up with a moronic one-size-fits-all solution that completely ignores all prior Old Louisville-Limerick planning documents. I am familiar with them because I was on the TNZD task force that wrote the plan and was active throughout that two-year long ordeal.

While I would be OK with going to the C2 list for the Neighborhood Center mapped area of the neighborhood, I have strong reservations for about 8-10 of the C2 uses for the Neighborhood Transition mapped area, and I strongly believe that the permitted uses for the Neighborhood General areas should not be changed at all. Bob Bajandas pointed out that 31 of the 34 mapped "corner" commercial (not all are on a corner) properties in the Neighborhood General area have open viable businesses, some of them longstanding. The three outliers are at the edge of the neighborhood and all have significant ownership issues to overcome. In fact, that is the main problem in the Neighborhood Center area – owners unwilling to sell or improve property. Mostly that's the Winn-Dixie building and Scott Cummings' old theater complex. The latter is a 25 year running issue.

Comparisons to Bardstown Rd & Frankfort Ave are simplistic, to say the least. The C2 zoning in those locations is only for properties fronting those streets. Any lot off of that is zoned residential unless specifically built as a commercial building (and there's not much of that). Those neighborhoods also have very dense middle and upper income residential neighborhoods on both sides of the street extending back a half mile or more. NULU has the night on a shiny white horse who came in and threw

out the offending elements and spread money around. It relies entirely on outsiders to prop it up, but is helped immensely by its proximity to the downtown office buildings and not having many poor people of color hanging around anymore. Perhaps our shiny white knight will be Genscape, but NULU and nearby blocks are an entirely different type of residential space than Old Louisville. All of those streets have longer runs of commercial property stretching a mile or more.

The second most important actual reason we have vacant storefronts (after the ownership issues) has to do with issues of race and class. We are actually starting to turn the tide on this one, and this is entirely due to the vast improvement in the Neighborhood General area brought about in large measure by the TNZD structure. The TNZD was adopted at the end of a recession, and its tenure has included the Great Recession and a slow recovery, yet the Neighborhood General continues to improve. I have lived in Old Louisville for just about 23 years and the responses I get when I tell people I live in Old Louisville have started to change markedly from the frowns & fearfulness that was near universal prior to the TNZD.

Blanket C2 zoning in the neighborhood is not a solution worth considering.

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So all of this mess could have been easily avoided and finished with a highly desirable result. I am loath to think the members of the business committee will come out of this thinking they've accomplished something when all they did was sow discord over an issue that had broad consensus if presented properly.

#### **To Toonerville Trolley Neighborhood Association:**

The pro-C2 folks came to the Ouerbacker Ct. meeting yesterday, and I believe as written their proposal is an ill-conceived, potentially disastrous example of muddled group-think. They do a very poor job of correctly diagnosing the problems in attracting businesses, they make simplistic comparisons to other parts of town, and they rely entirely on hear-say of disgruntled property rights types whose main gripe is with landmarks anyway. They even nearly voted to try to scrap the entire TNZD zoning structure and go to blanket C2 (Andrew Owen said that proposal only lost by one vote). Any group that would even give that a passing thought is not a group I would trust at all. In the end they came up with a moronic one-size-fits-all solution that completely ignores all prior Old Louisville-Limerick planning documents. I am familiar with them because I was on the TNZD task force that wrote the plan and was active throughout that two-year long ordeal.

While I would be OK with going to the C2 list for the Neighborhood Center mapped area of the neighborhood, I have strong reservations for about 8-10 of the C2 uses for the Neighborhood Transition mapped area, and I strongly believe that the permitted uses for the Neighborhood General areas should not be changed at all. Bob Bajandas pointed out that 31 of the 34 mapped "corner" commercial (not all are on a corner) properties in the Neighborhood General area have open viable businesses, some of them longstanding. The three outliers are at the edge of the neighborhood and all have significant ownership issues to overcome. In fact, that is the main problem in the Neighborhood Center area – owners unwilling to sell or improve property. Mostly that's the Winn-Dixie building and Scott Cummings' old theater complex. The latter is a 25 year running issue.

Comparisons to Bardstown Rd & Frankfort Ave are simplistic, to say the least. The C2 zoning in those locations is only for properties fronting those streets. Any lot off of that is zoned residential unless specifically built as a commercial building (and there's not much of that). Those neighborhoods also have very dense middle and upper income residential neighborhoods on both sides of the street extending back a half mile or more. NULU has the night on a shiny white horse who came in and threw

out the offending elements and spread money around. It relies entirely on outsiders to prop it up, but is helped immensely by its proximity to the downtown office buildings and not having many poor people of color hanging around anymore. Perhaps our shiny white knight will be Genscape, but NULU and nearby blocks are an entirely different type of residential space than Old Louisville. All of those streets have longer runs of commercial property stretching a mile or more.

The second most important actual reason we have vacant storefronts (after the ownership issues) has to do with issues of race and class. We are actually starting to turn the tide on this one, and this is entirely due to the vast improvement in the Neighborhood General area brought about in large measure by the TNZD structure. The TNZD was adopted at the end of a recession, and its tenure has included the Great Recession and a slow recovery, yet the Neighborhood General continues to improve. I have lived in Old Louisville for just about 23 years and the responses I get when I tell people I live in Old Louisville have started to change markedly from the frowns & fearfulness that was near universal prior to the TNZD.

Blanket C2 zoning in the neighborhood is not a solution worth considering.

**From:** [Isabella Christensen, CFN Neighborhood Liaison](#)  
**To:** [Mabry, Brian K.](#)  
**Subject:** 15AMEND1001  
**Date:** Friday, February 19, 2016 1:07:22 PM

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Greetings,

I am a new staff person with Center for Neighborhoods. In my job as Neighborhood Liaison to District 6, I'm getting a number of questions from Old Louisville residents about the proposed changes to the TNZD. I would greatly appreciate a chance to sit down with you to make sure I understand the facts in this case, and am answering these questions correctly. Would you have time for a meeting in the near future? We could meet at the Urban Design Studio (507 S. 3rd) or I can come to you.

Thank you,  
Isabella Christensen  
502-558-3157

**From:** [Gary Kleier](#)  
**To:** [Mabry, Brian K.](#)  
**Subject:** RE: TNZD  
**Date:** Monday, February 22, 2016 12:28:12 PM

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Read the document. VERY disappointing.

On Feb 22, 2016 10:00 AM, "Mabry, Brian K." <[Brian.Mabry@louisvilleky.gov](mailto:Brian.Mabry@louisvilleky.gov)> wrote:

Yes, Gary. This is such a controversial topic and there are multiple opinions with good bases for those opinions.

Brian Mabry

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**From:** Gary Kleier [mailto:[gjkleier@gmail.com](mailto:gjkleier@gmail.com)]  
**Sent:** Thursday, February 18, 2016 1:41 PM  
**To:** Mabry, Brian K.  
**Subject:** Re: TNZD

thanks Brian. Do you expect any changes between now and the release of the staff report?

On 2/18/2016 12:49 PM, Mabry, Brian K. wrote:

Gary,

I will attach the Land Development and Transportation Committee staff report, along with attachments, to this email. In addition, I will attach the powerpoint show I gave them on January 28, 2016. Please note that these recommendations are not finalized.

The staff report for the Planning Commission hearing (recently rescheduled for March 21, 2016) will be released approximately 2 weeks beforehand.

Brian Mabry

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**From:** Gary Kleier [mailto:[gjkleier@gmail.com](mailto:gjkleier@gmail.com)]  
**Sent:** Wednesday, February 17, 2016 2:42 PM

**To:** Mabry, Brian K.  
**Subject:** Re: TNZD

Thank you.

How do I obtain a copy of what has been submitted for approval?

On 2/17/2016 1:46 PM, Mabry, Brian K. wrote:

Gary,

No changes have been approved yet. The Planning Commission hearing, which was scheduled for Feb. 18, has been rescheduled and re-notified through the mail for March 21, 2016 at 6 PM at the Old Jail.

Brian Mabry

**From:** Gary Kleier [<mailto:gjkleier@gmail.com>]  
**Sent:** Tuesday, February 16, 2016 3:19 PM  
**To:** Mabry, Brian K.  
**Subject:** TNZD

Brian, how can I get a copy of the TNZD changes approved by Metro Council? Thanks

**From:** Mabry, Brian K.  
**To:** ["Isabella Christensen, CFN Neighborhood Liaison"](mailto:isabellac@centerforneighborhoods.org)  
**Subject:** RE: Powerpoints  
**Date:** Thursday, February 25, 2016 1:29:00 PM

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Hi Isabella,

Generally speaking the stricter rule controls. So if a zoning regulation said an exterior wall had to be 20% brick and the rest could be some other material, and the landmarks/preservation rules said 50% brick, then landmarks rules would control. Zoning is silent on façade treatment landmarks rules are not, so landmarks controls. It is trickier when it comes to ADA. As a federal regulation, it has to be complied with, but there may be landmarks rules that also require compliance. So an architect hired by the landowner would have to either figure out a way to make both work, or would have to request some type of waiver from the Landmarks Commission with the ADA rules as a reason for the deviation.

Brian Mabry

**From:** Isabella Christensen, CFN Neighborhood Liaison [mailto:isabellac@centerforneighborhoods.org]  
**Sent:** Thursday, February 25, 2016 12:40 PM  
**To:** Mabry, Brian K.  
**Subject:** Re: Powerpoints

Hello Brian,

Thank you for an interesting and very helpful meeting (it was a good way to spend a rainy afternoon...with a real-life puzzle!) and for the quick followup.

I appreciate the chance to view the powerpoint, though I'm not sure what to make of it. It's interesting that the corridor they identify runs 7th to 1st, and no further east..

Thanks also for figuring out a fix for the discrepancy in the action details report, that will mean a lot to some people.

If it's not too much bother, I have received another question from an OL resident, who asked, "does zoning trump landmarks?" The resident was specifically concerned about changes that would have to be made to, for example, bring a residence converted to commercial use into ADA compliance...apparently some of the E. Oak St properties have limestone foundations that rise steeply from the sidewalk...but details aside, I think the general point of the question was whether a change in neighborhood type/allowed use would excuse a property owner from following landmarks rules for facade preservation, etc?

I have a feeling that there might be a few more questions on the way, but I will try to use what I learned yesterday to answer as many as I can!

Best,  
Isabella

On Wed, Feb 24, 2016 at 3:53 PM, Mabry, Brian K. <[Brian.Mabry@louisvilleky.gov](mailto:Brian.Mabry@louisvilleky.gov)> wrote:  
Isabella,

Thanks for the meeting today.

Here is a link where you'll find PDFs of the City Visions PowerPoint. I converted it to PDF with the option to show speakers notes, which you can access by clicking on the yellow thought balloon in the upper left of each slide. These are fairly essential for some slides because it is so image-heavy. Otherwise you wouldn't know what the speaker was saying about the slide during the presentation. I also have the PowerPoint for the July 2015 neighborhood meeting. These two files should be the bottom two. Let me know if you have any questions!

<http://publicdocs.louisvillemsd.org/publicweb/Framework/Object.aspx?o=601623&t=3&i=view>

**Brian Mabry, AICP**  
Planning Coordinator

Develop Louisville  
Division of Planning & Design Services  
444 S. 5th St., Suite 300  
Louisville, KY 40202  
Phone: (502) 574-5256

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



**From:** [Mabry, Brian K.](#)  
**To:** [Roberto Bajandas](#)  
**Cc:** [Liu, Emily](#); [Reverman, Joe](#); [Haberman, Joseph E](#)  
**Subject:** RE: Corner Commercial, TNZD Re-Zoning  
**Date:** Friday, February 26, 2016 2:34:06 PM

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Bob,

Thank you for your patience as we work through this case.

My responses to your numbered questions are below.

1. OK we can retain “where all activities are within a building”
2. We can list the inverse as well on the use table “Indoor malt beverage sales only with proper ABC license and only in association with a convenience store or a grocery store” and “indoor malt beverage, distilled spirits and wine sales only with proper ABC license and only in association with a drug store”. The “...only with proper ABC license...” part differs from the OLNA recommended corner commercial uses because the language needs to parallel changes made to alcohol sales related uses in the remainder of the LDC which were recently approved.
3.
  - a. “Micro-distilleries” was added to the OLNC recommendation in order to be consistent with the C-2 zoning district listing which was amended in 2015 to allow “Micro-breweries and micro-distilleries (where production activities occur indoors in a space 5,000 square feet or less)”
  - b. OK your recommendation makes sense.
  - c. OK your recommendation makes sense.
4. “Pharmacies” was added in an attempt to make the corner commercial listing consistent with other parts of the TNZD listings. However, you have a good point. We can make the all of the TNZD listings for pharmacies or drug stores consistent with the entire LDC and just use “drug store”

Brian Mabry

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**From:** Roberto Bajandas [mailto:[rbaja@twc.com](mailto:rbaja@twc.com)]  
**Sent:** Monday, February 15, 2016 9:55 PM  
**To:** Mabry, Brian K.  
**Cc:** Liu, Emily; Reverman, Joe; Haberman, Joseph E  
**Subject:** Corner Commercial, TNZD Re-Zoning

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Mr. Mabry,

This is to seek clarification and possible revision regarding some of the uses listed under “Proposed Corner/Community Commercial Uses” on pages 30-31 of the LD&T staff report presented at the 1/28/16 meeting. Page 7 of the report states that the uses are “as recommended by the Old Louisville Neighborhood Council”. However a review of the OLNC approved list compared to the LD&T list shows several changes that may have unintended consequences. I worked on the OLNC appointed group which developed the OLNC list and am familiar with reasons used to derive it.

In order to facilitate comparison- the first attachment is the OLNC approved list as attached to your 8/11/15 presentation. The second is a copy of the LD&T presentation list with the items I wish to discuss identified with the number corresponding to the number item on the OLNC list. The items are as follows-

1. Audio/video recording use. Item 5 on the OLNC list includes “where all activities are within a building” language which is not in the LD&T list. Please consider reinstating the language or advising us of the reason for removal.
2. Convenience Grocery stores, Drug store and Grocery store uses. Items 19, 25 and 35 on the OLNC list; each of which has language restricting sale of malt beverages or distilled spirits only as part of these specific uses. The reason being that a previous PDS determination held that since these beverages can be sold in one of these uses they can be sold in all permitted uses. The intent was to limit these sales to only those uses where it is specifically permitted as part of use description. How can that be best achieved.
3. Micro-breweries and micro-distilleries. Item 43 on the OLNC list. Clarifications and suggested revisions are as follows:
  - a) The OLNC list only permits Micro-breweries; please tell us why Micro-distilleries were added.
  - b) Another issue is the 5,000 square feet maximum area permitted. The great majority of Corner Commercial buildings are less than 5,000 square feet on the ground floor. At the top of page 2B-5 of the LDC is listed the guidelines for Corner Commercial uses which states “with designated commercial uses limited to the first floor.” This was done to maintain the mixed use characteristics of these building types. To avoid conflict within the TNZD language and to maintain the mixed use character I recommend this revised language to your LD&T description - “ occur indoors on the ground floor only in a space no more than 5,000 square feet”.

c) The OLNC list describes the use as “not a tavern but to be associated with restaurant use”. The intent being to incorporate the Restaurant description as part of Micro-brewery description rather than to characterize it as a tavern or bar. To that end please consider incorporating the your LD&T description of a restaurant as part of staff description of micro-breweries.

4. Pharmacies. This was not included on the OLNC list because it was not the term used on the C-1 and C-2 uses list, Drug stores is used instead. Please consider deleting this term since it is redundant with Drug stores.

Please reply with your thoughts or comments regarding the above. Thank you for considering this request.

**From:** [Mabry, Brian K.](#)  
**To:** [Mabry, Brian K.](#)  
**Subject:** FW: Institutional definition, TNZD Re-Zoning  
**Date:** Friday, February 26, 2016 3:37:23 PM

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Brian Mabry

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**From:** Mabry, Brian K.  
**Sent:** Friday, February 26, 2016 3:28 PM  
**To:** 'Roberto Bajandas'  
**Cc:** Liu, Emily; Reverman, Joe; Haberman, Joseph E  
**Subject:** RE: Institutional definition, TNZD Re-Zoning

Mr. Bajandas,

For this issue, after continuing to learn more about the structure of the TNZD, I believe that changing the definition is less necessary than I believed before. It is good to have a consistent definition for "Institutional" throughout the LDC. But there is no part of the TNZD that permits or prohibits institutional uses as a whole. They are always permitted or prohibited on a specific use basis, not based on the general use category of "institutional".

I believe the drafters of the TNZD provisions listed multifamily in the TNZD institutional definition in order to, in their mind, facilitate the conversion of an institutional use to a multifamily one. However, in table 2.2.2 of the TNZD regulations you will see the following standards listed twice for multifamily residences, once under residential uses and once under institutional uses:

- Conversions to multifamily residential uses are permitted in structures where the original use has been determined to be a non-residential or institutional use.
- New multifamily residential structures permitted only where multifamily and institutional land uses are identified on the District Plan Map

I believe that the existence of these standards negates the need to list "multifamily residential" as an institutional use. So, what really matters for someone who is concerned about the ability to convert an institutional use to a multifamily, is whether or not those standards remain. We are not recommending for them to be removed.

Brian Mabry

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**From:** Roberto Bajandas [<mailto:rbaja@twc.com>]  
**Sent:** Monday, February 15, 2016 10:02 PM  
**To:** Mabry, Brian K.  
**Cc:** Liu, Emily; Reverman, Joe; Haberman, Joseph E  
**Subject:** Institutional definition, TNZD Re-Zoning

Mr. Mabry,

This is to seek clarification regarding the proposed broadening of the Institutional definition; see page 6 of the LD&T staff report. Is the "combined definition" of Institutional uses going to include the "Dwellings, Multifamily" language currently listed at the bottom of the table on page 2B-4 of the LDC. This was discussed at the 1/12/16 OLNC neighborhood meeting; reference was made to the multifamily development at Institutionally mapped building at the southeast corner of 2<sup>nd</sup> St and Magnolia Avenue.

Thank you for considering this request.

**From:** [Mabry, Brian K.](#)  
**To:** [Roberto Bajandas](#)  
**Cc:** [Liu, Emily](#); [Reverman, Joe](#); [Haberman, Joseph E](#)  
**Subject:** RE: Community Commercial, TNZD Re-Zoning  
**Date:** Friday, February 26, 2016 4:21:42 PM

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Mr. Bajandas,  
I will try to answer you question-by-question.

As far as the map goes, you are correct, this is a name change only. We are not proactively re-designating properties on the map to corner commercial, if such designation is adopted. We would be making that an available option for a property owner of a commercial structure (that was originally built as such, not one that was built as residential, became commercial at some point, and is now back to residential). Some people misunderstood and thought that just any interior lot could request this designation.

If I understand you correctly, you are not necessarily opposed to allowing interior properties that were once commercial, and may not be abandoned, to regain their commercial abilities. But you believe that Corner Commercial should be maintained separately and these interior lots should have their own designation on the map. Do I understand you correctly? Feel free to give me a call or come by my office to explain.

Brian Mabry

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**From:** Roberto Bajandas [mailto:rbaja@twc.com]  
**Sent:** Monday, February 15, 2016 10:00 PM  
**To:** Mabry, Brian K.  
**Cc:** Liu, Emily; Reverman, Joe; Haberman, Joseph E  
**Subject:** Community Commercial, TNZD Re-Zoning

Mr. Mabry,

This is to seek clarification regarding the Community Commercial portion of the proposed TNZD Re-Zoning. It is described in section # 4 on page 4 of your LD&T staff report for the 1/28/16 meeting. At the OLNK neighborhood meeting of 1/12/16, as well as at a subsequent meeting at the 444 Bldg. on 1/20/16, I understood you to say that this is a name change only; which will not involve identifying any of these locations on the TNZD map. Please reply to let me know if I am correct on this matter.

I agree with the LD&T staff report statement that there are buildings on interior (non-corner) lots which were obviously built for some type of business or commercial use. They are anomalies on the block face, obviously not single family of the historic characteristic of the neighborhood. However I don't agree that they are not eligible for commercial use. Section 2.7.4.C.4 of the LDC specifies the criteria for land use change in TNZD designated areas Metro wide. It specifically allows a property owner to request a change "from a permitted use to a permitted where mapped use in the applicable TNZD component". In the Neighborhood General component there are 3 permitted where mapped uses – Multifamily Residential, Institutional and Corner Commercial. The current remapping process requires a public hearing at the Planning Commission that has worked successfully in the past.

I have two major concerns regarding this proposed renaming:

1. Why limit these anomalous properties by stipulating only one of the possible remapping options, possibly prejudicing the others in a developer's mind. As a matter of fact the only remapping request I am familiar with involves one of these types of buildings on an inner lot that the owner chose to request be remapped to Institutional use. It is case # 14ZONE1024 at 1031 S 6<sup>th</sup> St. It forms a good template of how the process may best work. The OLNC took a position in strong support of the change outlining issues of concern and the rationale for approval, referencing pertinent sections of the LDC. Attached is the OLNC support letter.
2. It is important to maintain the name Corner Commercial because it speaks to the distinctive historical building type present in most Traditional neighborhoods. A type characterized by ground floor commercial with large show windows and non-storefront appearance and use on upper floors, usually residential. Most of the non-corner buildings are like the illustration shown at the top of page 5 of the staff report- one story concrete block structures with few windows. Also, being interior lots, they don't have the long side street frontage of typical of corner lots which provide much more street parking. These differences, as well as those referenced in the support letter above will become part of the public hearing discussion, allowing the Planning Commission to consider the use change on a location specific basis.

In conclusion, I support the effort to identify these non-typical properties with the goal of permitting uses that better fit them. But doing so without restricting their use from three options to only one and maintaining Corner Commercial as the distinctive definition.

Please reply with your thoughts or comments regarding the above. Thank you for considering this request.

**From:** [Mabry, Brian K.](#)  
**To:** [Missy Vitale](#)  
**Subject:** RE: Old Louisville Zoning - Oak St  
**Date:** Wednesday, March 02, 2016 7:36:43 AM

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Good Morning Melissa,

Thank you for your comments. I can make them part of the record, which the Planning Commissioners will see.

Many of the points you bring up are good, but, as you are probably aware, not part of zoning. Allowing trucks traffic or not, trash and crime are not directly related to the scope of this project. One thing to be aware of is the ability to opt out of the change in Neighborhood Type for your particular property. I know that does not help you in regard to whether or not your neighbors want to opt out or opt in, and then potentially have a land use on their property that you may wish was not there.

The recommendation to change the Neighborhood Type from 3<sup>rd</sup> to Floyd is still in flux. The recommendation to change the properties immediately adjacent to the former Rudyard Kipling and those to the west of there is more solidified at this point.

Brian Mabry

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**From:** Missy Vitale [mailto:missyvitale@yahoo.com]  
**Sent:** Tuesday, March 01, 2016 8:54 AM  
**To:** Mabry, Brian K.  
**Subject:** Old Louisville Zoning - Oak St

Good Morning Brian,

I received a letter in the mail yesterday regarding the zoning review of Oak St from Mary Martin. I am a resident who lives on Oak, and I am very aware of the impending review of the zoning, which most of the residents on Oak are opposed to, at this point.

Would you kindly provide any additional insight?

I lived in Chicago for 10 yrs, returning to Old Lou about 5 years ago. Chicago was impeccable in preservation. I have not found the same for Louisville. Historically, Louisville has not put preservation first, evidence by the amount of parking lots now in the city sectors from 1960 on. Business always wins out, or the money. Parking lots made more money and lined more pockets. You even let trucks drive down Oak. Absurd they are allowed in the city neighborhoods at all. You can't even drive a small moving truck on Lakeshore Drive in Chicago without being cited. At this point, Old Lou is one of the largest in tact Victorian neighborhoods in the country, and I would like to see the residential portions stay as such. The stretch of Oak we reside is primarily single family homes. I can see the corridor near 4th needing severe improvement and better stores, as it is still a blight after all the money dumped in by the city. We have buildings sitting vacant, waiting for businesses, decent businesses, to come in and STAY.

I would be more pro rezoning and cleaning up the 4th street/Oak center, but not rezoning from Third to Floyd. Even the Greek place was run out due to a robbery and, again, is sitting vacant. Heck, I want to run that Sunshine Grocery out, due to crime and trash the people that "shop" their create for us.

We have bigger issues in Old Lou, than a rezoning. The trash, trucks, and crime needs to be

addressed first.

With that said, please provide any additional insight, i certainly am open to hearing.

Best,  
Melissa Vitale  
211 E Oak St  
773.885.2435



**From:** [eli](#)  
**To:** [Mabry, Brian K.](#)  
**Subject:** RE: Case # 15AREA1001 & 15AMEND1001  
**Date:** Wednesday, March 02, 2016 7:58:38 AM

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Hmmm....I see. So it seems that someone on those blocks wants to open a home-based business. I have no concerns about that; in fact, back when the neighborhood was established, doctors and other professional services often had offices in the home, typically with a separate entrance for clients, so it seems in keeping with the neighborhood.

Thanks very much for your quick reply and the additional information.

Eli M. Kurtz

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From: Mabry, Brian K. [Brian.Mabry@louisvilleky.gov]  
Sent: Wednesday, March 2, 2016 7:47 AM  
To: eli  
Subject: RE: Case # 15AREA1001 & 15AMEND1001

Hello Eli,

The boundaries of the Old Louisville TNZD are not proposed to change. What is up for change is the Neighborhood Types or "sub districts" of the TNZD. The properties that may change are those with frontage on Oak Street, particularly between Garvin Place and S. 7th St. You appear to have property at 1507 S 3RD ST. If so, your property is not one of those under consideration to go from primarily residential to possibly commercial. The request has been made by Resolution, passed by Metro Council, and sponsored by Councilmember David James.

Brian Mabry

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

From: eli [<mailto:elimkurtz@hotmail.com>]  
Sent: Wednesday, March 02, 2016 7:28 AM  
To: Mabry, Brian K.  
Subject: Case # 15AREA1001 & 15AMEND1001

Hello Mr. Mabry -

I've received several cards alerting me to a Public Hearing in the above case. I gather it has to do with a possible re-zoning of land near me, but can you please give me more details? What land is under consideration for re-zoning? And from what zone type to what zone type? Who is making this request and why?

Thanks in advance for your help,  
Eli M. Kurtz

**From:** [Mabry, Brian K.](#)  
**To:** [Cathy Hoover](#)  
**Subject:** RE: Oak Street Rezoning  
**Date:** Monday, March 07, 2016 7:02:39 AM

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Cathy,

Thanks for your input. I can make it part of the file. One thing that may ease some of your concerns is that we are no longer recommending to the Planning Commission that the commercial Neighborhood Type be extended eastward toward Brook or Floyd. Our recommendation is that the properties east of S. 1<sup>st</sup> Street should remain as-is.

**Brian Mabry**

**From:** Cathy Hoover [mailto:cathhoov@gmail.com]  
**Sent:** Sunday, March 06, 2016 12:11 PM  
**To:** Mabry, Brian K.  
**Subject:** Oak Street Rezoning

Being a longtime home owner on Oak Street in the area that is under consideration for rezoning/remapping, I would like it to be known that I am very much against this action. I plan on attending the meeting on 3/21.

There are areas of Oak Street that are already zoned as commercial and many of those businesses are struggling/empty. The area that is of concern to me is the block between 1st and Floyd. Most of that area is single family residence and are not set up to be businesses or commercial spaces.

Parking would be a problem. Accessibility would be a problem. Not to mention the homeowners that have already invested in the area and prefer it to be more of a neighborhood feel.

Why not try to work with the area that is already zoned as commercial and get some viable businesses in those spaces that might actual attract people from outside the neighborhood.

Thank You  
Cathy Hoover  
217 East Oak St  
Louisville, KY 40203