

**ORDINANCE NO. \_\_\_\_\_, SERIES 2020**

**AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 917 & 919 FOUNTAIN AVENUE AND 4700 WESTPORT ROAD CONTAINING APPROXIMATELY 0.59 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 19ZONE0094)(AMENDMENT BY SUBSTITUTION).**

**SPONSORED BY: COUNCILWOMAN MADONNA FLOOD**

**WHEREAS**, the Legislative Council of the Louisville/Jefferson County Metro Government (the “Council”) has considered the evidence presented at the public hearings held by the Louisville Metro Planning Commission (the “Planning Commission”) and the recommendations of the Planning Commission and its staff as set out in the minutes and records of the Planning Commission in Case No. 19ZONE0094; and

**WHEREAS**, the Council rejects the findings of the Planning Commission for the zoning change in Case No. 19ZONE0094 and has made alternative findings of fact based upon of the Planning Commission’s record that support maintaining the existing R-5 Residential Single Family zoning designation; and

**WHEREAS**, the Council makes the following findings of fact based upon the record established before the Planning Commission for Case No. 19ZONE0094 to overturn the recommendation of the Planning Commission and maintain the existing R-5 Single Family Residential zoning designation on the property located at 917 & 919 Fountain Avenue and 4700 Westport Road and being in Louisville Metro; and

**WHEREAS**, the proposal constitutes a non-residential expansion into an existing residential area in violation of Community Form Goal 1.6, as the nearest commercially zoned property is located several blocks away and zoned the less-intense C-N, despite its closer proximity to I-264 than the subject property; and

**WHEREAS**, the proposal does not adequately mitigate adverse noise impacts on the existing residential neighborhood into which it would be placed in violation of Community Form Goal 1.18; and

**WHEREAS**, the proposal does not include the adaptive reuse of the existing structures as encouraged by Community Form Goal 2.9 but instead proposes their demolition; and

**WHEREAS**, the proposal is not located within or near an existing marketplace corridor or activity center as encouraged by Mobility Goal 1.4; and

**WHEREAS**, the lack of direct access to the nearby major arterial (Westport Road) means that the minor arterial (Fountain Avenue) from which the site is proposed to be accessed would be inappropriately burdened in violation of Economic Development Goal 1.3; and

**WHEREAS**, the lack of sidewalks along Fountain Avenue means pedestrian access to the site from within the existing residential neighborhood is not safe and should not be encouraged; and

**WHEREAS**, the proposed development is not compatible with the scale and sight design of nearby existing residential development; and

**WHEREAS**, the portion of the property which was historically used commercially has been largely subsumed by the Westport Road expansion, meaning the conversion of additional lots to commercial would represent an expansion well beyond that historic precedent; and

**WHEREAS**, the current zoning of R-5 is appropriate for the site; and

**WHEREAS**, even if R-5 were to be found inappropriate, the less-intense zoning category C-N is more appropriate than the proposed C-1 as C-N would allow for the expansion of potential uses without introducing the possibility of some inappropriately intense C-1 uses into a heavily residential area; and

**WHEREAS**, some of the remaining findings of fact made by the Planning Commission are also speculative in nature, such as those dealing with traffic issues, as there is no specific proposed use or traffic study provided.

**NOW THEREFORE BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:**

**SECTION I:** That the zoning of the properties located at 917 & 919 Fountain Avenue and 4700 Westport Road containing approximately 0.59 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 19ZONE0094, shall remain R-5 Residential Single Family and that the decision of the Planning Commission in that case is overridden.

**SECTION II:** This Ordinance shall take effect upon its passage and approval.

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Sonya Harward  
Metro Council Clerk

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David James  
President of the Council

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Greg Fischer  
Mayor

\_\_\_\_\_  
Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

By: \_\_\_\_\_

O-477-20 19ZONE0094 Amendment by Sub 111020