

# Planning Commission Staff Report

December 15, 2016



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| <b>Case No:</b>          | <b>16AREA1003</b>  |
| <b>Request:</b>          | <b>Area-wide Change in Zoning for Jacobs</b>               |
| <b>Project Name:</b>     | <b>Jacobs Area-wide Rezoning</b>                           |
| <b>Location:</b>         | <b>Multiple Properties</b>                                 |
| <b>Owner:</b>            | <b>Multiple Owners</b>                                     |
| <b>Applicant:</b>        | <b>Louisville Metro</b>                                    |
| <b>Representative:</b>   | <b>Louisville Metro</b>                                    |
| <b>Jurisdiction:</b>     | <b>Louisville Metro</b>                                    |
| <b>Council District:</b> | <b>15 – Marianne Butler</b>                                |
| <b>Case Manager:</b>     | <b>Brian Mabry, AICP, Planning &amp; Design Supervisor</b> |

## REQUEST

- Area-wide change in in zoning from R-6, R-7 and OR-2 to C-1 and R-6 to OR, on 11 parcels fronting on Taylor Boulevard, between Berry Boulevard and West Southern Heights Avenue located in Louisville Metro.

## CASE SUMMARY/BACKGROUND/SITE CONTEXT

On October 8, 2015, Metro Council adopted the Jacobs Neighborhood Small Area Plan. Land Use Recommendation 4 of the Plan recommends:

- Rezone the parcels on Taylor Boulevard between Conn Street and Carlisle Avenue from R7 to C1 and OR2 to C1. Rezone the parcels at the southwest corner of Taylor Boulevard and Camden Avenue and at the southwest corner of Taylor Boulevard and Strader from R6 to C1.

The purpose of the recommendation is to help define the neighborhood gateway at the intersection of Taylor Boulevard (a Major Arterial) and Berry Boulevard (a Minor Arterial) and to allow for future development of additional small scale, neighborhood-oriented commercial along the marketplace corridors of Taylor and Berry. The Plan recommends that the rezoning take place within approximately a one-year timeframe from adoption.

On September 22, 2016, Louisville Metro Council approved Resolution Number 087, Series 2016 (See Attachment 1), which directs the Planning Commission to consider an area-wide rezoning on properties in the Jacobs neighborhood. The 11 properties that are part of the resolution are contemplated to potentially go from R-6, R-7 and OR-2 to C-1, Commercial. These properties are currently used as taverns, a church and accessory structure, a lodge, and single-family residences. One of the properties is vacant.

The C-1 zoning district allows a number of uses, including but not limited to the following:

- Residential uses such as: Dwelling, Multiple family; Dwelling, Single-family; or Dwelling, Two-family.
- Retail uses such as: Antique shops; Beauty and barber shops; Convenience and grocery stores; Laundries or laundrettes, self-service; Package liquor stores (no on-site alcohol consumption allowed); or Pawn shops.
- Office uses such as: Banks, credit unions, savings and loans, check cashing services and similar financial institutions; Medical laboratories; or Office, business, professional and governmental.
- Overnight accommodations such as: Bed and breakfasts; Hotels; or Motels.

- Institutional uses such as: Clubs, private, non-profit or proprietary; Colleges, schools and institutions of learning; Libraries, museums, historical buildings and grounds, arboretums, aquariums, and art galleries; or Religious buildings.

In addition to the 11 properties described in Resolution Number 087, Series 2016, Staff also proposes bringing another property into the request, 3600 Taylor Boulevard. This property is currently used as a dental office and Staff recommends it be rezoned from R-6 to OR.

The OR zoning district allows a number of uses, including but not limited to the following:

- Residential uses such as: Dwelling, Multiple family; or Dwelling, Single-family.
- Office uses such as: Doctors' offices; Office, professional and business.
- Overnight accommodations such as: Bed and breakfasts.
- Institutional uses such as: Colleges, schools and institutions of learning; Libraries, museums, historical buildings and grounds, arboretums, aquariums, and art galleries; or Religious buildings.

Planning and Design Services Staff held a Neighborhood Meeting at Most Blessed Sacrament Catholic Church on November 14, 2016. Six people attended, including Councilmember Butler and her Legislative Aid. All affected property owners were invited to attend along with first and second tier adjacent property owners and persons or groups signed up to receive notice of Planning Commission meetings within Council District 15. The purpose of the meeting was to inform property owners and residents of the proposed changes, and to get them involved in the process.

Louisville Metro's Land Development Code uses a two tiered approach to zoning. The zoning districts listed in the Land Development Code govern permitted and conditional uses, and density/intensity standards. The form district regulations are used in conjunction with the zoning district regulations, and set forth site design standards to provide a pattern or rhythm of development within each form district. Therefore, changes to zoning districts mainly affect the uses permitted on the property, as well as the density and intensity of development permitted.

### **INTERESTED PARTY COMMENTS**

Staff has received some phone calls requesting more information and has had some email correspondence with Dr. James Ransdell, who owns the business at 3600 Taylor Boulevard, but has received no other formal comments from interested parties at the date of publication of this Staff Report.

Dr. Ransdell disagrees with the recommendation that his property be rezoned from R-6, Residential Multi-Family, to OR, Office Residential. The property is used as a dental office, a nonconforming use in R-6. While the Jacobs Neighborhood Small Area Plan does not recommend changing the zoning of the property, after the holding Neighborhood Meeting and getting feedback from Dr. Ransdell, Staff concluded that it would be appropriate to bring the property into this area-wide rezoning request. Staff recommends the OR zoning district for this particular property because it is the least intense zoning district that allows the existing use. The property owner, as of the date of publication of this Staff Report, disagrees with that recommendation. He desires C-1 on the property. Staff has informed the property owner how to advocate for C-1 zoning on the property.

### **APPLICABLE PLANS AND POLICIES**

Cornerstone 2020  
Jacobs Neighborhood Small Area Plan

### **STANDARD OF REVIEW FOR REZONING**

Criteria for granting the proposed form district change/rezoning: *KRS Chapter 100.213*

1. The proposed form district/rezoning change complies with the applicable guidelines and policies Cornerstone 2020; OR
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

## STAFF ANALYSIS FOR REZONING

**WHEREAS**, the Planning Commission finds that the area wide rezoning complies with the applicable guidelines and policies of Cornerstone 2020.

**WHEREAS**, the Planning Commission further finds that the area wide rezoning complies with Guideline 1, Community Form of Cornerstone 2020. The area wide rezoning will ensure that new development will be designed to be compatible with the scale and form of existing development in the neighborhood, as well as with the pattern of existing uses. The neighborhood is comprised of a mix of residential and commercial uses with a grid pattern of streets, alleys and sidewalks and with two main thoroughfares, Taylor Boulevard and Barry Boulevard.

**WHEREAS**, the Planning Commission further finds that the area wide rezoning complies with Guideline 2, Centers of Cornerstone 2020. The area wide rezoning will promote an efficient use of land , investment in existing infrastructure and help to encourage revitalization. The area wide rezoning will encourage light commercial and office uses to take place in and around the intersection of Taylor Boulevard and Barry Boulevard, an identified neighborhood gateway. The area wide rezoning will encourage vitality and a sense of place in the neighborhood.

**WHEREAS**, the Planning Commission further finds that the area wide rezoning complies with Guideline 3, Compatibility of Cornerstone 2020. The area wide rezoning will help to solidify the viability of long-standing compatible commercial uses along Taylor Boulevard by removing their nonconforming status and making them conforming uses. In addition, the area wide rezoning will encourage light commercial and office uses to take place in and around identified activity centers in the neighborhood, thus lessening the potential of non-residential expansion into residential areas.

**WHEREAS**, the Planning Commission further finds that the area wide rezoning complies with Guideline 6, Economic Growth and Sustainability. The area wide rezoning will encourage light commercial and office uses to take place in and around an identified neighborhood gateway where existing infrastructure is adequate to support these uses.

**WHEREAS**, the Planning Commission further finds that the area wide rezoning complies with Guideline 14, Infrastructure. The area wide rezoning will encourage effective and appropriate connections between land use patterns and supporting infrastructure.

**WHEREAS**, the Planning Commission further finds that the area wide rezoning complies with Land Use Recommendation 4 of the Jacobs Neighborhood Small Area Plan. The Plan recommends rezoning the subject properties to C-1 in order to encourage future light commercial and office development at the neighborhood gateway at the intersection of Taylor and Berry Boulevards. Although the Plan does not recommend rezoning of the property at 3600 Taylor Boulevard, through further public engagement at the Neighborhood Meeting, Staff came to believe it appropriate to include the property within the area wide rezoning request.

**WHEREAS**, the Planning Commission further finds that based on the reasons stated above, or otherwise stated in the staff report, and as depicted in the maps presented at the Planning Commission public hearing, the area wide rezoning complies with all other Guidelines and Policies of Cornerstone 2020.

**WHEREAS**, the Planning Commission further finds that the existing zoning classification is inappropriate and the proposed zoning classification is appropriate. The existing Residential and Office Residential zoning designations of the subject properties are not ideal for the intersection of a Major Arterial and a Minor Arterial. The area wide rezoning will ensure that new development will be appropriate for this neighborhood gateway. In addition, the area wide rezoning will help to solidify the viability of long-standing compatible commercial uses along Taylor Boulevard by removing their nonconforming status and making them conforming uses.

**STAFF CONCLUSIONS**

Staff analysis finds that the area wide rezoning complies with all applicable Guidelines ad Policies of Cornerstone 2020, and that the existing zoning classifications are inappropriate and the proposed zoning classifications are appropriate.

Twelve properties were considered under this area wide rezoning. Two properties are proposed to be rezoned from R-6 to C-1. Six are proposed to be rezoned from R-7 to C-1. Three are proposed to be rezoned from OR-2 to C-1. One is proposed to be rezoned from R-6 to OR.

This area wide rezoning helps to implement the desire by the neighborhood, found in the Jacobs Plan, to allow for future development of additional small scale, neighborhood-oriented commercial uses at the neighborhood gateway intersection of Taylor and Berry Boulevards. The area wide rezoning also brings into conformance three commercial properties along Taylor Boulevard that are currently nonconforming commercial uses.

Required Actions

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission **RECOMMENDS** to the legislative council of Louisville Metro government that the change in zoning as described in the staff report and maps presented at the Planning Commission public hearing, be **APPROVED** or **DENIED**

**NOTIFICATION**

| Date     | Purpose of Notice                          | Recipients   |
|----------|--|--|
| 10/31/16 | Neighborhood Meeting                       | Property owners of properties proposed to be rezoned<br>1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners<br>Subscribers of Council District 15 Notification of Development Proposals |
| 11/22/16 | LD&T Meeting & Planning Commission Hearing | Property owners of properties proposed to be rezoned<br>1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners<br>Subscribers of Council District 15 Notification of Development Proposals |
| 11/30/16 | Hearing Before PC                          | Legal Advertisement in the Courier-Journal   |

**ATTACHMENTS**

1. Resolution 087, Series 2016
2. Zoning Map
3. Property List

1. Resolution 087, Series 2016

**RESOLUTION NO. 087, SERIES 2016**

**A RESOLUTION REQUESTING THAT THE PLANNING COMMISSION INITIATE THE PROCESS OF IMPLEMENTING LAND USE RECOMMENDATION FOUR CONTAINED IN THE EXECUTIVE SUMMARY OF THE JACOBS NEIGHBORHOOD PLAN PERTAINING TO THE CHANGE IN ZONING DESIGNATIONS OF PROPERTIES IDENTIFIED THEREIN, HOLD A PUBLIC HEARING AND FORWARD ITS RECOMMENDATION TO THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT FOR FINAL ACTION.**

**Sponsored by: Councilwoman Marianne Butler**

WHEREAS, the Legislative Council of the Louisville/Jefferson County Metro Government ("Metro Council"), under Ordinance No. 167, Series 2015, approved October 12, 2015, adopted the Jacobs Neighborhood Plan and appended its Executive Summary to Cornerstone 2020, the Comprehensive Plan, pursuant to Chapter 161 of the Louisville/Jefferson County Metro Code of Ordinances, entitled "Neighborhood Plans," and,

WHEREAS, the Metro Council understands that Chapter 161, "Neighborhood Plans," contains provisions guiding the amendment and review of adopted neighborhood plans, and wishes to implement that process in response to certain recommendations stated in the Jacobs Neighborhood Plan, and,

WHEREAS, the Metro Council understands that the Executive Summary of the Jacobs Neighborhood Plan sets forth various recommendations that, together, suggest specific changes in zoning district classifications ("rezonings") for a number of properties located within a specified area of Jacobs Neighborhood as depicted on a map, attached hereto as Exhibit A, and,

WHEREAS, the Metro Council, through the Planning Commission and its supporting staff, wishes to address said land use recommendations of the Executive Summary of the Jacobs Neighborhood Plan, specifically, Land Use Recommendation Number Four, which includes the following rezonings of properties, and as further depicted in Exhibit A attached hereto: 1) Along Taylor Boulevard, between Carlisle Avenue and Conn Street, parcels currently zoned R7 Multi-Family Residential and OR1 Office Residential to C1 Commercial; and 2) The two parcels located on the southwest corner of Taylor Boulevard and Camden Avenue and the southwest corner of Taylor Boulevard and Strader Avenue, respectively, should be rezoned from R6 Multi-Family to C1 Commercial; and

WHEREAS, in accordance with the Jacobs Neighborhood Plan, the Metro Council finds that the specific zoning changes for the Jacobs Neighborhood suggested herein are proposed in order to make the current zoning consistent with the existing and proposed land use and to encourage future development that aligns with the vision of the Jacobs Neighborhood plan.

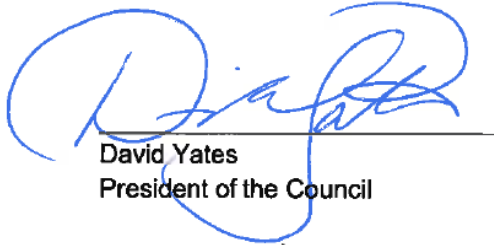
**NOW, THEREFORE, BE IT RESOLVED BY THE METRO COUNCIL AS FOLLOWS:**

**Section 1:** The Metro Council requests that the Planning Commission initiate the process of implementing Land Use Recommendation Number Four as set forth hereinabove and as in the Executive Summary of the Jacobs Neighborhood Plan and, following a public hearing on the subject, forward its recommendations as required to the Metro Council for further action.

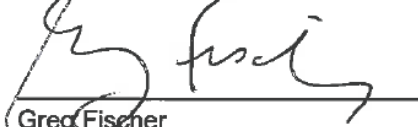
**Section 2:** This Resolution shall take effect upon passage and approval.



H. Stephen Ott  
Metro Council Clerk



David Yates  
President of the Council



Greg Fischer  
Mayor

Approved: 9/22/16  
Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney



By: 

R-114-16

2. Zoning Map



**Jacobs Neighborhood Plan Area**

Proposed Area-Wide Rezoning



### 3. Property List

#### R-6 to C-1

| Owner Name:                    | Address:         | Tax Block & Lot Number: |
|--------------------------------|------------------|-------------------------|
| Huddleston, James H. & Darlene | 3640 Taylor Blvd | 065B00840000            |
| Blair, Louis & Jean            | 3700 Taylor Blvd | 065C01570000            |

#### R-7 to C-1

| Owner Name:                       | Address:         | Tax Block & Lot Number: |
|-----------------------------------|------------------|-------------------------|
| Louisville, Corrections Fraternal | 3556 Taylor Blvd | 065A00740000            |
| Carlisle Avenue Baptist Church    | 3520 Taylor Blvd | 065A00830000            |
|                                   | 3536 Taylor Blvd | 065A00780000            |
| Mills, Scott K.                   | 3528 Taylor Blvd | 065A00810000            |
| Brown, Anita C. & Efford L.       | 3530 Taylor Blvd | 065A00800000            |
| Lutes, Timothy                    | 3532 Taylor Blvd | 065A00790000            |

#### OR-2 to C-1

| Owner Name:                    | Address:         | Tax Block & Lot Number: |
|--------------------------------|------------------|-------------------------|
| Carlisle Avenue Baptist Church | 3548 Taylor Blvd | 065A00750000            |
|                                |                  | 065A00760000            |
|                                |                  | 065A00770000            |

#### R-6 to OR

| Owner Name:            | Address:         | Parcel ID:   |
|------------------------|------------------|--------------|
| Ransdell, James E. III | 3600 Taylor Blvd | 065B01750000 |