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CREEK ALLEY CONTRACTING, LLC  
JUSTIFICATION FOR ZONING MAP AMENDMENT

The Applicant, Creek Alley Contracting, LLC, pursuant to KRS 100.213 and the Cornerstone 2020 Comprehensive Plan provides the following as justification for its request to rezone its property located at 2516 South Fourth Street, Louisville, Jefferson County, Kentucky.

In support hereof, the Applicant has filed herewith its Re-Zone Plan which provides a request that the property which consists of 0.34 acres have 0.15 acres rezoned from R6 to C1 with the proposed use being a mixed use retail and residential development with 10 dwelling units proposed.

As indicated in the application, the property is currently vacant and is zoned residential. The property is located in close proximity to the University of Louisville campus and is seen as an opportunity by the applicant to provide both retail services and housing to the area. The applicant submits that there are numerous residential and commercial sites in the area and that the proposed uses are uniquely suited for this site. Further the growth of the area surrounding the University and nearby Churchill Downs has influenced property uses in the area making this property appropriate for the project. As noted on the Plan Development Report, the property is located in a "Traditional Neighborhood" district and "Enterprise Zone."

KRS 100.213(1) provides:

Before any map amendment is granted, the planning commission or the legislative body or fiscal court must find that the map amendment is in agreement with the adopted comprehensive plan, or, in the absence of such a finding, that one (1) or more of the following apply and such finding shall be recorded in the minutes and records of the planning commission or the legislative body or fiscal court: (a) That the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate; and (b) That there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area.

The Applicant submits that the map amendment is in agreement with the comprehensive plan and that even if that criteria is not fulfilled that the existing zoning is inappropriate; that the proposed zoning is appropriate and that there have been major changes within the area which justify the zoning change.

The applicant submits that the proposed development conforms with the following provisions of Cornerstone 2020:

A. Goal C1- Support the redevelopment, enhancement and preservation of existing

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neighborhoods and villages to provide safe and healthy places to live where residents share a sense of place. Encourage new neighborhoods and villages that are culturally and economically diverse and are interwoven with environmental resources and accessible parks and open spaces.

B. Objective C1.1- Recognize and encourage the unique and diverse characteristics of Louisville and Jefferson County's neighborhoods, traditional neighborhoods and villages.

C. Goal C2/Community Design- Encourage diversity in the types of neighborhoods and villages available to residents while ensuring that all neighborhoods and villages contain the elements needed for a neighborhood that works as a healthy, vibrant, livable place.

D. Objective C2.5/Streetscape- strengthen the identity of neighborhoods, traditional neighborhoods and villages and to create a pleasant and safe environment, streetscape elements should include, street trees, landscaping, signage or features consistent with the existing pattern of community design which may or may not include street furniture, sidewalks, and lighting.

E. Objective C2.7/Appropriate housing: Promote the integration of appropriate housing units in all neighborhood, traditional neighborhood, and village form districts so that no form district can be employed as a means to exclude appropriate housing from residential neighborhoods. Permit and encourage appropriate housing in existing neighborhoods and as part of new subdivision development.

F. Goal C3/Land Use: Protect existing residential neighborhoods from adverse impacts of proposed development and land use changes. Encourage neighborhoods, traditional neighborhoods and villages that accommodate people of different ages and incomes. A variety of land uses should be encouraged which serve residents' daily needs and are compatible with the scale and character of the neighborhood.

G. C3.2/Traditional Neighborhood Districts: Traditional neighborhood districts are generally characterized by a range of residential densities and a variety of housing types, street patterns which include alley ways, on-street parking, occasional office uses on predominantly residential blocks, and proximity to parks and open spaces and to marketplace corridors or to the downtown. The objectives governing traditional neighborhoods shall include:

a. Proposed residential, office and neighborhood commercial developments in aging neighborhoods with distressed and vacant housing should be encouraged. However, more intense commercial development and industrial development which is incompatible with the traditional neighborhood form should be discouraged even in distressed traditional neighborhoods in order to maintain the integrity of the form district.

H. Goal C4/Site Design: Preserve and enhance the character and integrity of neighborhoods and villages through compatible site and building design of proposed

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development and land use changes.

I. Objective C4.1. Utilize performance standards for site design elements of neighborhoods and villages to ensure that development and redevelopment is compatible with the organization and pattern of the neighborhood, traditional neighborhood, or village form district.

J. Objective C4.2/Intensity: Design non-residential development in neighborhood and village centers at a scale and intensity that is compatible with the character of the district.

K. Objective C4.3/Building Height: Establish a range of recommended building heights and sizes in neighborhoods, traditional neighborhoods and villages to ensure compatibility with surrounding buildings. Encourage new infill development to be of similar scale and height as existing development.

L. Objective C4.5/Building Design: Ensure that new buildings and structures are compatible with the streetscape and character of the neighborhood, traditional neighborhood or village.

As the project meets all of the above provisions of Cornerstone 2020 and the zoning map amendment is appropriate and otherwise compliant with other applicable rules and regulations, the Applicant respectfully requests that this request be granted.

Respectfully submitted,

D. BERRY BAXTER  
BERRY, FLOYD & BAXTER, PSC  
117 WEST MAIN STREET  
LAGRANGE, KY 40031  
PHONE: 502-225-0050  
FACSIMILE: 502-225-0550  
EMAIL: baxterlaw@icloud.com  
ATTORNEY FOR APPLICANT

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Neighborhood Meeting Notification

TO: Adjoining Property Owners of 2516-2520 South 4<sup>th</sup> Street,  
Address/Location of Site

Neighborhood Group Representatives expressing interest in the Area, and

Barbara Shanklin, Metro Councilperson for 2nd District

FROM: Creek Alley Contracting, Developer (s)

RE: Development Proposal for Property located at 2516-2520 South 4<sup>th</sup> Street

DATE: July 2, 2018

A proposal to develop Retail/Multi-Family (proposed land use) will be submitted for property located at 2516-2520 South 4<sup>th</sup> Street.

In accordance with new procedures of Louisville Metro Planning and Design Services, we have been directed to invite adjoining property owners and neighborhood group representatives to discuss this proposal before an application can be filed. This will be an informal meeting to give you the opportunity to review the proposed plan and discuss the proposal with the developer or his representative. This meeting will be held in addition to the established procedures of the Board of Zoning Adjustment, including full public hearing.

**The meeting to discuss this development proposal will be held on**

July 18, 2018 at 6:30pm EST  
Date Time

South Louisville Community Center, 2911 Taylor Blvd, Louisville KY 40208  
Location

At this meeting, representatives from Creek Alley Contracting will explain the proposal and then discuss any concerns you have. The purpose of this meeting is to increase your understanding of this case early in the process. We encourage you to attend this meeting and to share any concerns you may have about this proposal.

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James & Sylvia G Osbourne  
850 Woodland Hills Drive  
Taylorsville, KY 40071

Timothy Scott Gillespie & Sharon  
M McDonogh  
2521 S 5th Street  
Louisville, KY 40208

David Joyner  
119 Declaration Dr  
Louisville, KY 40214

Betty Sosa Carracelas  
2508 S 4th Street  
Louisville, KY 40208

Tai Q Tchen  
8528 Alfama Way  
Elk Grove, CA 95757

James L Dekecia  
2522 S 5th Street  
Louisville, KY 40208

University Point LLC  
120 S Brook Street  
Louisville, KY 40202

David P Sangster  
4300 Pleasant Glen Drive  
Louisville, KY 40299

David James, District 6 Council  
601 W. Jefferson Street  
Louisville, KY 40202

Berry Baxter  
117 W Main Street  
La Grange, KY 40031

Estate of Beula G Drye  
1414 Belmar Drive  
Louisville, KY 40213

CCDS LLC  
106 Pennsylvania Ave  
Louisville, KY 40206

Mandy Diehl  
2504 S 4th Street  
Louisville, KY 40208

My H Nguyen  
2510 S 4th Street  
Louisville, KY 40208

Three Winks LLC  
10817 Bluegrass Pkwy  
Louisville, KY 40299

William Thomas & Lynn M  
Rump  
2518 S 5th Street  
Louisville, KY 40208

Reynolds Lofts LLC  
201 Price Road  
Lexington, KY 40511

Belknap Crossing LLC  
40 Hill Road  
Louisville, KY 40204

AL Engineering, Inc  
13000 Middletown Ind Blvd Ste A  
Louisville, KY 40202

Joel Dock, Louisville Metro P&Z  
444 S 5<sup>th</sup> Street, Ste 300  
Louisville, KY 40202

Old Hill Investments LLC  
2719 Old Hill Road  
Floyds Knobs, IN 47119

Kenneth P Mayer  
2500 S 4th Street  
Louisville, KY 40208

Odalys Corrales  
3511 E Indian Trail  
Louisville, KY 40213

Ross Schitter  
1007 Corn Island Court  
Louisville, KY 40207

Three Winks LLC  
10817 Bluegrass Pkwy  
Louisville, KY 40299

Jesse Miller  
2518 S 5th Street  
Louisville, KY 40208

Louisville Jefferson County Metro  
Government  
527 W Jefferson Street  
Louisville, KY 40202

Belknap Crossing LLC  
40 Hill Road  
Louisville, KY 40204

Creek Alley Contracting LLC  
4206 Grand Court  
Crestwood, KY 40014

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Fark, Land Trust  
PO Box 8155  
Louisville, KY 40257

Hamid Sohail & Koasar Farzana  
2522 S 4th Street  
Louisville, KY 40208

Letoya K Garland  
3863 S Nucla Street  
Aurora, CO 80013

Daniel L Bodner  
2538 Ridgewood Avenue  
Louisville, KY 40217

James E & Billie J Kuhn  
5906 Grayson Court  
Louisville, KY 40222

William G & Fay T McEwan  
424 Creel Avenue  
Louisville, KY 40208

Jerry G & Cheryl H Autry  
418 Creel Avenue  
Louisville, KY 40208

GAB Enterprises LLC  
339 E Laurel River Dr  
Shepherdsville, KY 40165

Marlin G & Janice Faith  
7524 Autumn Pointe Drive  
Louisville, KY 40214

Red Planet LLC  
2538 Ridgewood Avenue  
Louisville, KY 40217

Ark, Land Trust  
PO Box 6406  
Louisville, KY 40206

Thomas R & Virginia L Adcock  
2519 S 5th Street  
Louisville, KY 40208

Gary Allen  
1556 Altawood Drive  
Clarksville, IN 47129

Edward C & Mary A Hartt  
413 Montana Avenue  
Louisville, KY 40208

Robo Properties LLC  
10705 Rock Moss Court  
Louisville, KY 40291

Charles & Donna Corbett  
6101 Partridge Place  
Floyds Knobs, IN 47119

Joseph W & Trina M Burnett  
PO Box 43544  
Louisville, KY 40253

GAB Enterprises LLC  
339 E Laurel River Dr  
Shepherdsville, KY 40165

Four Winks LLC  
10817 Bluegrass Pkwy  
Louisville, KY 40299

Red Planet LLC  
2538 Ridgewood Avenue  
Louisville, KY 40217

Ark, Land Trust  
PO Box 6406  
Louisville, KY 40206

Virginia Adcock  
2519 S 5th Street  
Louisville, KY 40208

Campus Crest at Louisville LLC  
PO Box 92129  
South Lake, TX 76092

Under One Roof Properties LLC  
17001 Meeting House Road  
Fishersville, KY 40023

Estate of Terry G Heuser  
504 E Ormsby Avenue  
Louisville, KY 40203

Robert E Rosenbarger  
420 Creel Avenue  
Louisville, KY 40208

GAB Enterprises LLC  
339 E Laurel River Dr  
Shepherdsville, KY 40165

GAB Enterprises LLC  
339 E Laurel River Dr  
Shepherdsville, KY 40165

Christopher Griffin  
408 Worthing Court  
Louisville, KY 40245

Bluegrass Development LLC  
9109 Nottingham Pkwy  
Louisville, KY 40222

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Developer's Neighborhood Meeting

Meeting Date: 7-18-18 Time: 6:30 Location: 2911 Taylor Blvd

Developer's Name CREEK ALLEY CONTRACTING

Description of Proposal REZONE FOR MIXED USE

Subject Site Location 2516-2520 So 4th St.

Neighbors in Attendance

Name	Address and Zip Code	Phone#(Optional)
DAVID Simmons	1222 Sate Ave Louisville 40215	(CCAS LLC)
Chris Carter	106 Pennsylvania Av. 40206	(25th St. Prop)
Chris Griffin	2528 S 4th St	502 475-4931
Bob ROSENBERG	420 CREEL AVE	502 286 7185
Jerry Long	418 Cree Ave	
Fred Levein	154 Triferman Lane	502-736 0511
KYLE ONAN	P.O. Box 635 Pewee Valley	643-6510 Creek Alley
Krishan Onan	P.O. Box 635 Pewee Valley	502 282 2996
Max Onan	P.O. Box 635 Pewee Valley	502/225 0374
Linda Onan	P.O. Box 635 Pewee Valley	502 225 0574
Samuel M. Thompson	P.O. 292 (Hammock) Creek 40092	
Alex Rosenberg (Eng)	13000 Middletown Ind Blvd Ste A	40023
Benny Dixer (Cathy)	117 W. Main, Le Grange Ky	40031

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CREEK ALLEY CONTRACTING NEIGHBORHOOD MEETING  
PROJECT: 4<sup>TH</sup> STREET DEVELOPMENT LOCATED AT 5216 S. 4<sup>TH</sup> STREET  
MEETING DATE: July 18, 2018 at 6:30 PM

Notes from Neighborhood Meeting for Creek Alley Construction Project located at 2516-2520 South 4<sup>th</sup> Street conducted at the South Louisville Community Center 2911 Taylor Blvd., Louisville, KY 40208 commencing at 6:30 p.m.

Attached are the attendance sign in sheets.

D. Berry Baxter, counsel for the developer, presented a general overview of the next steps to occur as part of the process. He advised those assembled that they would receive an additional notice concerning the public meeting before the Planning Commission which date has yet to be determined.

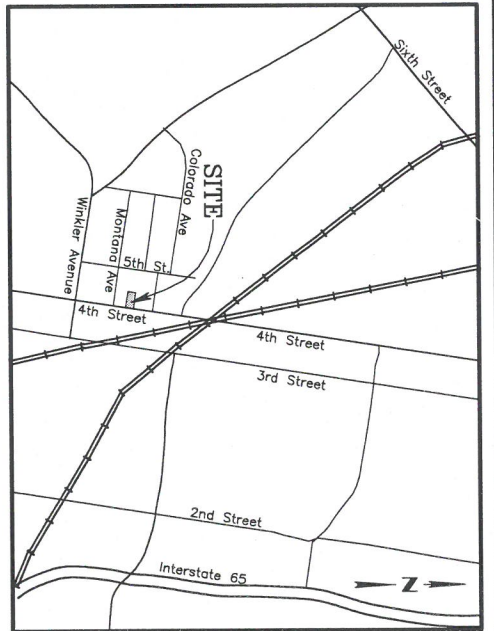
Alex Rosenberg of AL Engineering, Inc. then discussed the project with the assembled attendees. He advised that it would be commercial on the first floor with 10 apartments over the commercial.

1. A question was asked about what commercial uses are permitted and the potential uses were explained.
2. Where will parking occur? On street for the commercial with 1 space for each unit.
3. Question was raised about why commercial and if there is a tenant. There is no tenant currently lined up. A comment was made that residential would be better since the parking will be an issue since 4<sup>th</sup> Street is being reworked.
4. Will the development go all the way to 5<sup>th</sup> Street? Answer is no since there is an alley to access the off-street parking. A concern was raised about people parking in the alley impeding traffic flow and fire protection. The alley is ten feet wide. Further a concern was expressed about people congregating in the alley with fire pits or grills. On the flip side, a neighbor was pleased that the alley was being cleaned up.
5. In response to a question, the engineer advised that the façade had not yet been determined. He further explained that the building would only be two stories in its entirety.

There being no further concerns, the meeting adjourned at 6:50 p.m.

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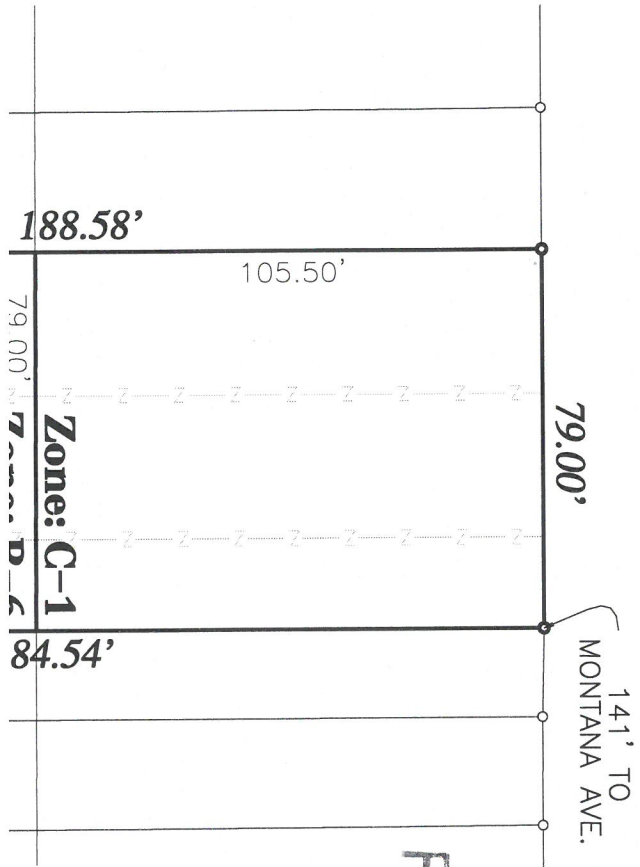




VICINITY MAP  
NO SCALE



## S. 4th Street 60' ROW



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**General Waiver Justification:**

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer **all** of the following questions. Use additional sheets if needed. **A response of yes, no, or N/A is not acceptable.**

**1. Will the waiver adversely affect adjacent property owners?**

Due to the odd configuration of zoning in this area, the required LBA is not consistent with the residential use and will not affect adjacent property owners.

**2. Will the waiver violate the Comprehensive Plan?**

The waiver will not violate the comprehensive plan because the intent of the LBA is to screen different intensity uses. While the zone is C-1, the use is residential.

**3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?**

To comply with the mixed use infill development standards, parking is required to be in the rear. The reduction in LBA will still provide for landscaping and is necessary to provide standard parking spaces.

**4. Has either (a) the applicant incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) or would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?**

The proposed development would not comply with the parking regulations if the waiver is not granted.

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