

Land Development & Transportation Committee Staff Report

March 24, 2022



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| Case No: | 20-ZONE-0037 |
| Project Name: | 969 Barrett Avenue |
| Location: | 969 Barrett Avenue |
| Owner(s): | Red Mushroom Holdings, LLC |
| Applicant: | Red Mushroom Holdings, LLC |
| Representative(s): | Goldberg Simpson PLLC; LD&D |
| Jurisdiction: | Louisville Metro |
| Council District: | 8 – Cassie Chambers Armstrong |
| Case Manager: | Julia Williams, AICP, Planning Supervisor |

REQUEST(S)

- **Change-in-Zoning** from R-5B to C-R
- **Waiver** of Land Development Code, section 10.2.4 to omit the landscape buffer area adjacent to R-5B district (20-WAIVER -0120)
- **Detailed District Development Plan**

CASE SUMMARY

The subject property is being used as an office (non-conforming to the R-5B district) and no change in the use is proposed at this time. The change in zoning request is to facilitate future commercial use of the property. No improvements to the structure are proposed. Parking areas in front and curb work along Barret Ave will be performed.

STAFF FINDING

The application is in order and ready for the next available public hearing before the Planning Commission.

TECHNICAL REVIEW

The C-R Commercial Residential District was discussed with the applicant. The C-R zoning district is intended as a specialized district to promote the reuse of structures located in urban areas of Louisville Metro that had been constructed for mixed commercial and residential use, which may be currently under used or vacant, and which are located at street corners or on blocks with a significant number of retail business uses. The C-R district would eliminate the ability to request a Conditional Use Permit for outdoor alcohol sales associated with a restaurant in the future.

The Original Highlands Neighborhood Plan (2006) applies to the site. The plan recommends this area to be the Barret Avenue Arts District. The Plan recommends the area across Barret Avenue from the site be re-zoned to C-R while the site was recommended as R-5B. An areawide change in zoning (case #16074) was approved for the site in 2013. It appears that the prior zoning on the site before the areawide change in zoning was C-1.

INTERESTED PARTY COMMENTS

Please see attached citizen letters

STANDARD OF REVIEW FOR ZONING DISTRICT CHANGES

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 Plan 2040; 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 Plan 2040 which have substantially altered the basic character of the area.

STAFF ANALYSIS FOR CHANGE IN ZONING / FORM DISTRICT

The site is located in the Traditional Neighborhood Form District

Traditional Neighborhood: This form is characterized by predominantly residential uses, by a grid pattern of streets with sidewalks and often including alleys. Residential lots are predominantly narrow and often deep, but the neighborhood may contain sections of larger estate lots, and also sections of lots on which appropriately integrated higher density residential uses may be located. The higher density uses are encouraged to be located in centers or near parks and open spaces having sufficient carrying capacity. There is usually a significant range of housing opportunities, including multi-family dwellings. Traditional neighborhoods often have and are encouraged to have a significant proportion of public open space such as parks or greenways, and may contain civic uses as well as appropriately located and integrated neighborhood centers with a mixture of mostly neighborhood-serving land uses such as offices, shops, restaurants and services. Although many existing traditional neighborhoods are 50 to 120 years old, the Traditional Neighborhood Form may be used when establishing new developments and redevelopments. Revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on (a) preservation and renovation of existing buildings in stable neighborhoods (if the building design is consistent with the predominant building design in those neighborhoods), (b) in the case of new developments or redevelopments using traditional building scales and site layouts, (c) the preservation of the existing or establishing a new grid pattern of streets and alleys, and (d) preservation of or creation of new public open spaces.

REQUIRED ACTIONS:

- SET the Public Hearing date

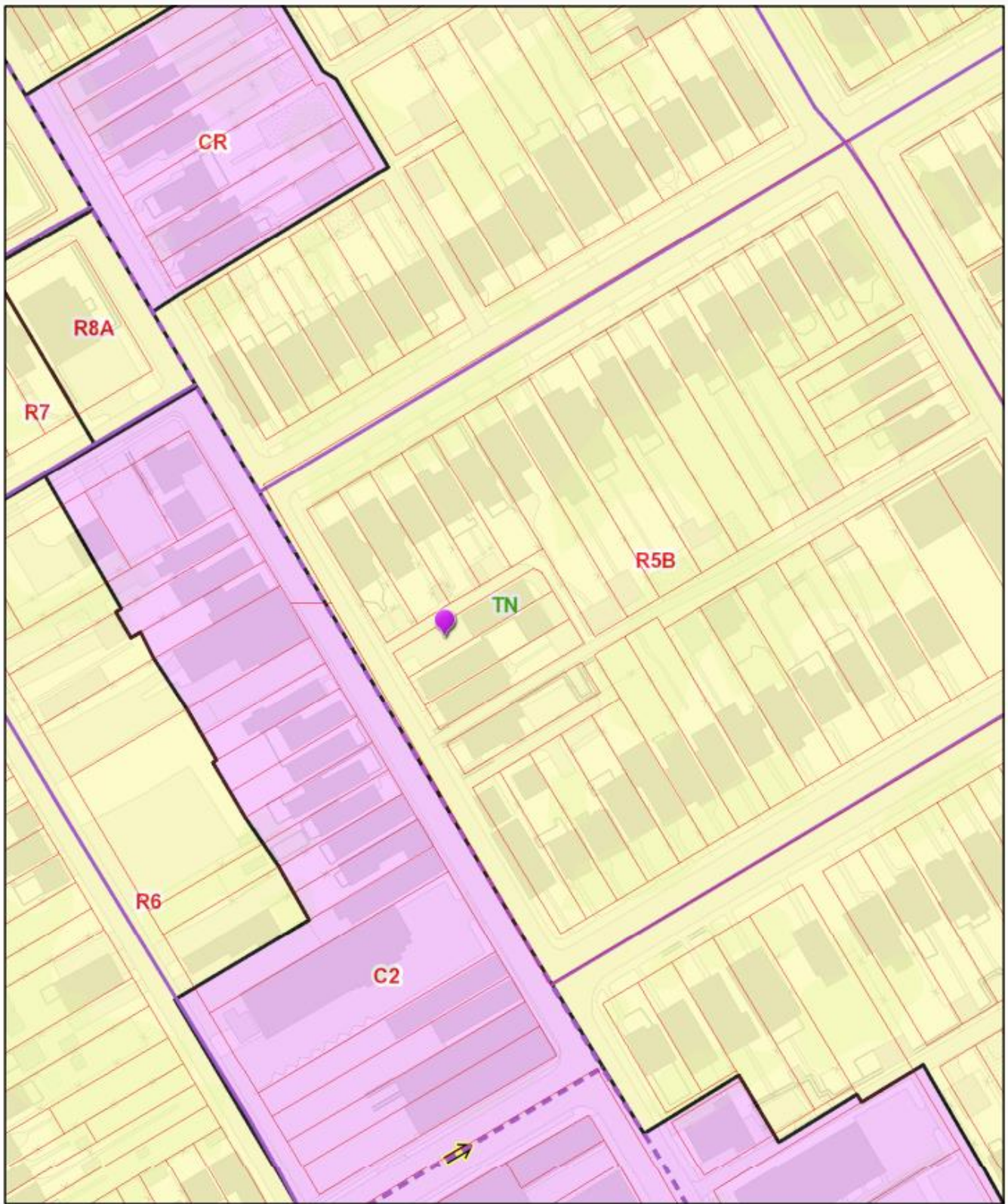
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|---------|------------------------------------|--|
| 3/11/22 | Hearing before LD&T on 3/24/22 | 1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 8 |
| | Hearing before Planning Commission | 1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 8 |
| | Hearing before PC | Sign Posting on property |
| | Hearing before PC | Legal Advertisement in the Courier-Journal |

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Proposed Binding Elements

1. **Zoning Map**



2. Aerial Photograph



3. Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
3. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
4. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
5. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.