

St. Germain, Dante

From: John Talbott <John@bardlaw.net>
Sent: Tuesday, February 25, 2020 3:51 PM
To: Burdick, Stephanie A.
Cc: St. Germain, Dante; Paul Whitty
Subject: Wilson/Hepburn

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Dear Stephanie, I am following up on our discussion regarding the Memorandum dated February 24, 2020 sent to Dante St. Germain.

As you know, I thought the memorandum gave an incomplete picture of the affordable housing issue before the Planning Commission and at worst could inadvertently give the Planning Commission the inaccurate impression that the Louisville CARES rental rates do not constitute affordable housing under the Comprehensive Plan.

Your memo referenced that you reviewed the Land Development Code (the "LDC") and in speaking to you, you expressed that you based your assessment solely on the Permitted Use regulation of LDC 4.3.20, and not the Comprehensive Plan. I wish to point out that the "Permitted Use" section of which you were relying is not the code section applicable to this rezoning request. Indeed, the applicant is not requesting a "Permitted Use" at all, but rather is seeking a zoning change which falls under completely different criteria.

Zoning Changes are controlled not by the LDC, but by the Kentucky Revised Statutes, particularly KRS 100.213. The language contained in this statute allows for zoning changes when (1) the map amendment is in agreement with the **comprehensive plan**; (2) the existing zoning classification given to the property is inappropriate and the proposed classification is appropriate under the **comprehensive plan**; or (3) when there are major changes of an economic, physical, or social nature which were not anticipated in **comprehensive plan** and which have substantially altered the basic character of such area.

The Comprehensive Plan is the authoritative document regarding zoning changes, not the LDC referenced in your memo. Additionally, as I pointed out, the Louisville CARES program is specifically referenced as "affordable housing" in the 2040 Comprehensive Plan itself, which states under 4.5 Housing, Goal 3: Ensure long-term affordability and livable options in all neighborhoods, Policy/Programmatic No. 8 should **"Support affordable housing initiatives such as the Louisville Housing Trust Fund and Louisville CARES."** (emphasis added)

As you can see, Louisville CARES is specifically listed in the Comprehensive Plan as an affordable housing initiative to be supported relative to rezoning requests. Consequently I would ask that you amend your memorandum to the extent that it is part of the official record to clearly express that (1) Louisville CARES is an accepted affordable housing measure; (2) that it is explicitly cited in the Comprehensive Plan as I point out, and (3) that the rates submitted by the applicant as provided to you are within the Louisville CARES standards.

Many thanks in advance for your attention to this matter. As you may know, the hearing is set for March 5, 2020 so I would appreciate your correcting your memo consistent with the aforementioned promptly. In the interest of time and if it is easier, please feel free to cite this email as a correct rendition of Louisville CARES and its application to this above rezoning request.

With kind regards,



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