

Docket No. 22-ZONE-0009

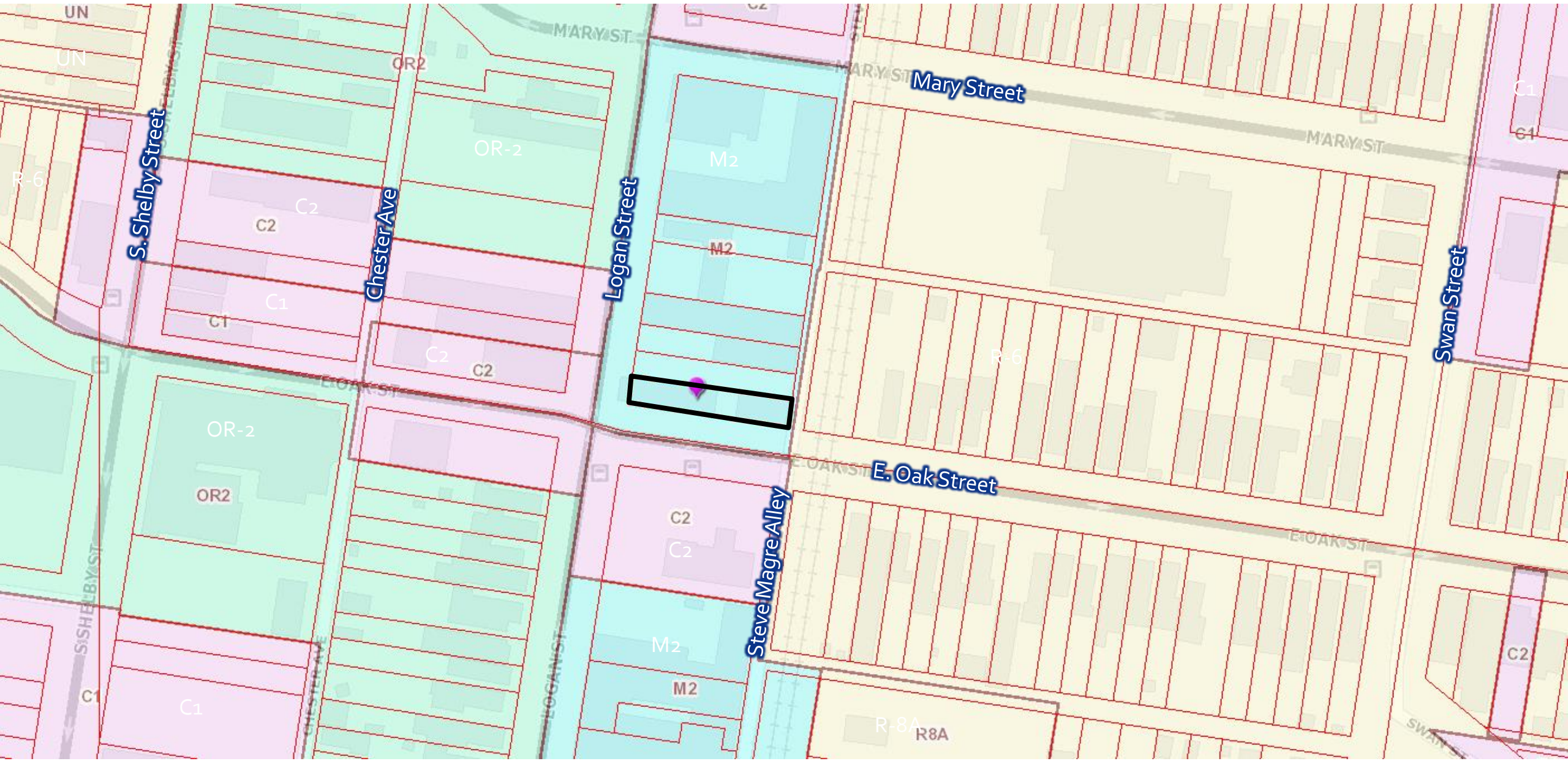
Zone change from M-2 to C-2 to allow a 1-unit short term rental on the 2nd floor of an existing building located at 905 E. Oak Street

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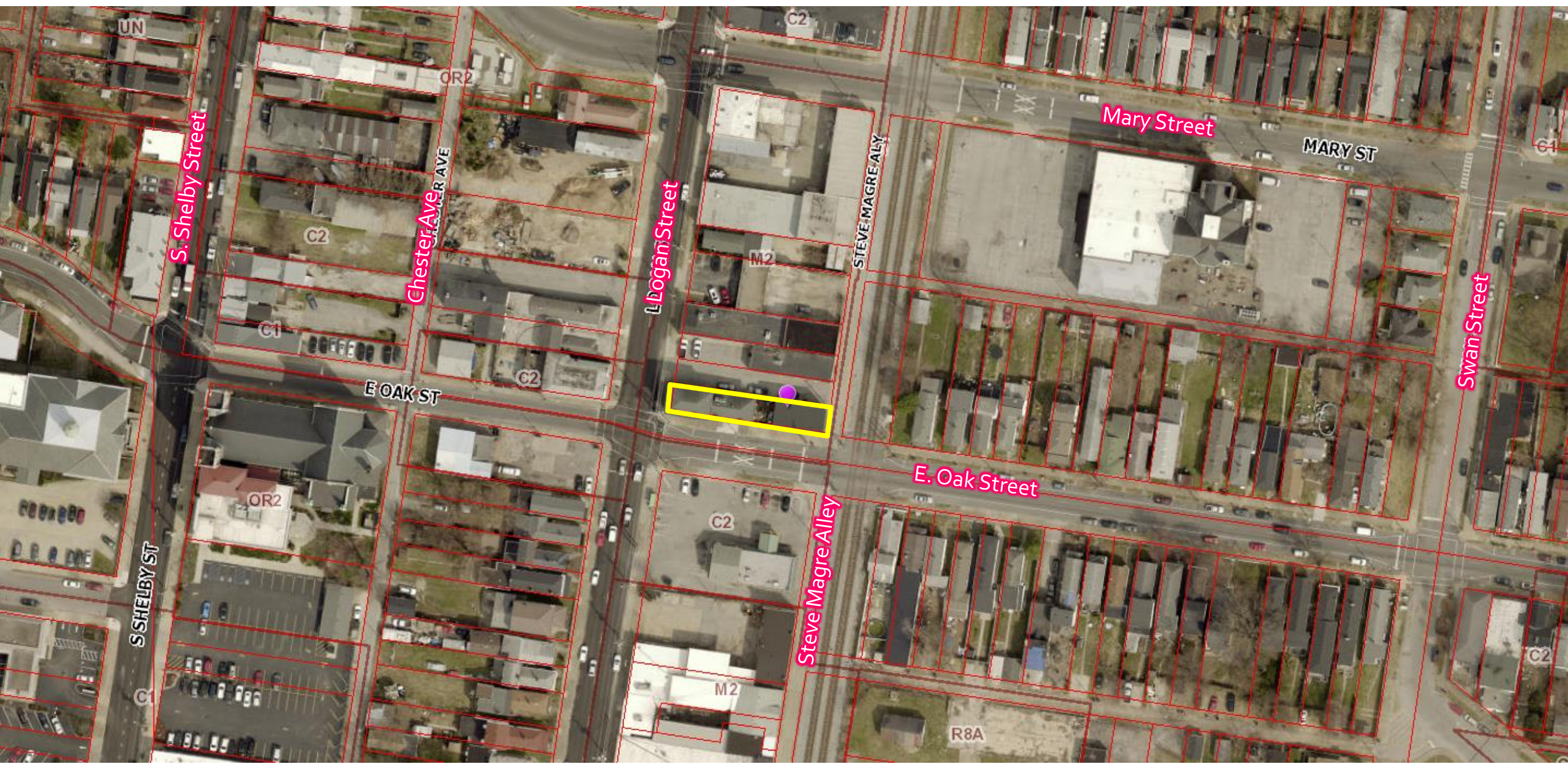
Tab 1

LOJIC Zoning Map



Tab 2

*Aerial photograph of the
site and surrounding area*



S. Shelby Street

CHESTER AVE
Chester Ave

Logan Street

STEVE MAGRE ALY
Steve Magre Alley

Mary Street

MARY ST

Swan Street

E OAK ST

E. Oak Street

SSHELBY ST

OR2

C2

Steve Magre Alley

M2

R8A

C2

Tab 3

*Ground level photographs
of the site and surrounding
area*





SITE

LOGAN

ONE WAY
←

FOR SALE

Bike

View of site from intersection of E. Oak and Logan Streets



SITE

View of from of site from Logan Street



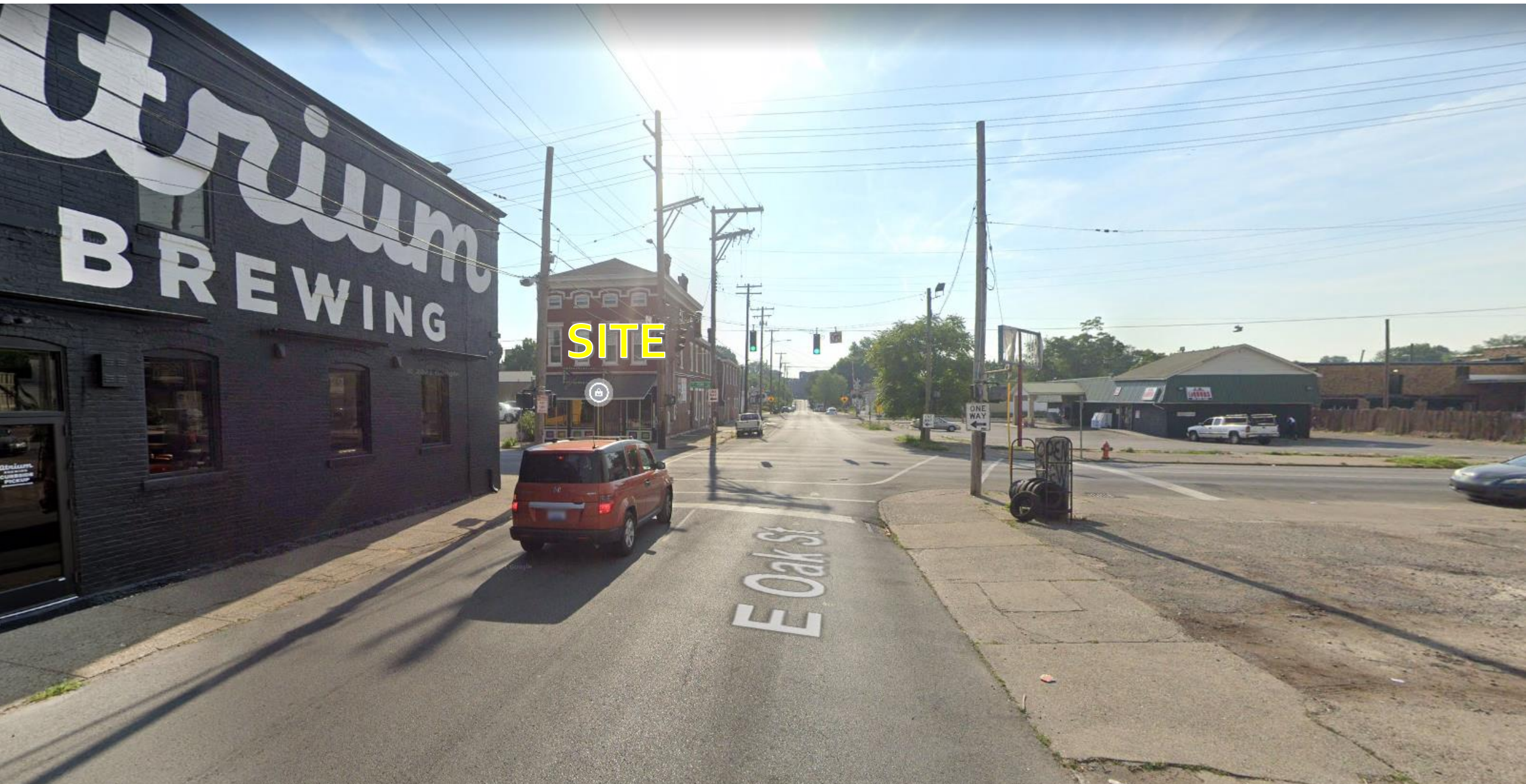
SITE

View of alley behind site



SITE

View of E. Oak Street looking west. Site is to the right.



View of E. Oak Street looking east. Site is to the left.

Tab 4

*Neighborhood Meeting
notice list map, letter to
neighbors inviting them to
the meeting and summary
of meeting*

Adjoining property owner notice list map wherein 34 neighbors plus those on the DPDS "interested party list" were invited to the neighborhood meeting and subsequent LD&T and Planning Commission public hearing.



BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG • 1000 N. HURSTBOURNE PARKWAY • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223
(502) 426-6688 • WWW.BARDLAW.NET

Paul B. Whitty
Email: PAUL@BARDLAW.NET
Mobile: (502) 459-2001

December 28, 2021

RE: Neighborhood meeting for proposed change in zoning from M-2 to C-2 to allow a 1-unit short term rental on the 2nd floor of the existing building located at 905 E. Oak Street

Dear Neighbor:

We are writing to notify you about an upcoming “neighborhood meeting” regarding the above referenced project. Because of the COVID-19 emergency orders requiring and/or recommending social distancing, we are required to hold the neighborhood meeting virtually at this time. The details are set forth in this letter and the supporting attachments. If you cannot obtain access to the virtual meeting, we may be able to assist you in that regard or otherwise assure a telephone or in-person conversation.

The applicant, Joe Burnett, Jr. is seeking to down-zone the property referenced above from M-2 to C-2. The existing building is currently and will remain an antique shop on the first floor. The applicant is proposing a 1-unit short term rental on the second floor. There will be no changes to the exterior of the building. Accordingly, we have filed a plan for pre-application review with Planning and Design Services (PDS) that has been assigned case number **21-ZONEPA-0147** and case manager **Dante St. Germain**.

The virtual meeting will be held on **Thursday, January 13, 2022** beginning at **6:00 p.m.**

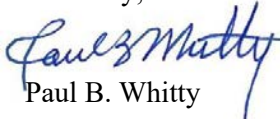
Enclosed for your review are the following:

1. The development plan sheet
2. LOJIC site location zoning map sheet showing the location of the site
3. Detailed summary sheet of the project
4. Contact information sheet
5. Instruction sheet on how to join the virtual meeting.
6. Information sheet on how to obtain case information online from PDS’s online customer service portal.
7. PDS’s “After the Neighborhood Meeting” sheet

If you are unable to attend the virtual meeting, or have any questions or comments, please feel free to email or call me or contact the PDS case manager listed on the attached contact information sheet.

We look forward to our opportunity to visit virtually or by phone.

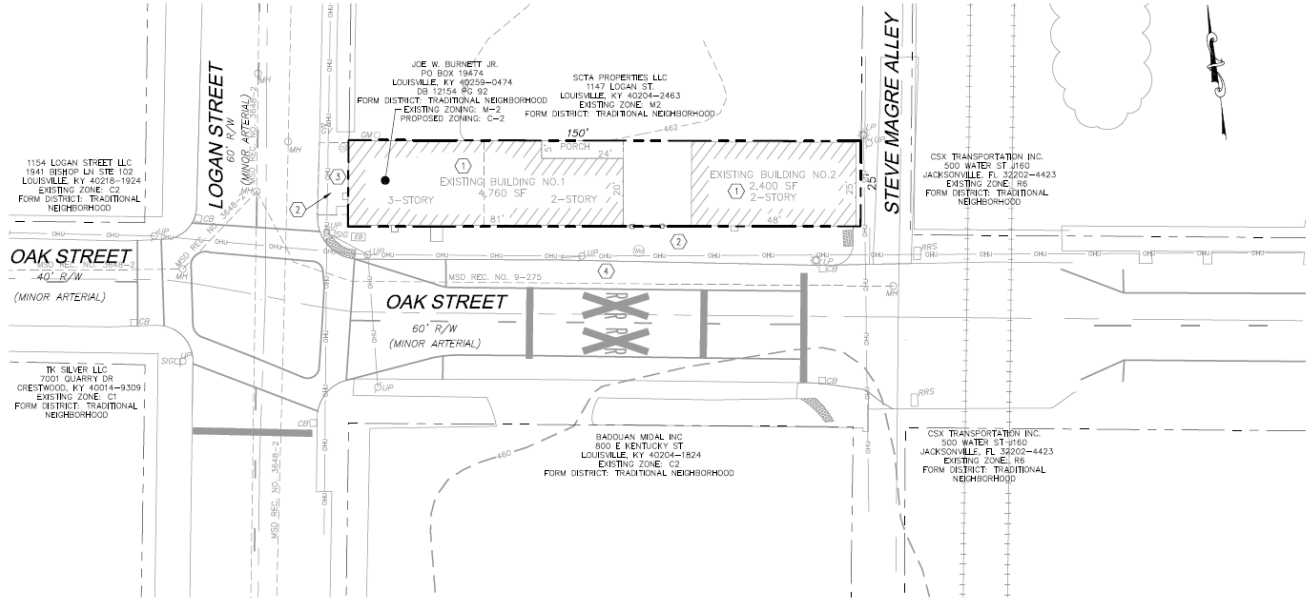
Sincerely,



Paul B. Whitty

cc: Hon. Jecorey Arthur, Councilman, District 4
Dante St. Germain, case manager with Division of Planning & Design Services
Jason Hall, PE with Prism Engineering & Design Group, LLC
Joe W. Burnett, Jr., Applicant

DEVELOPMENT PLAN



Front View



Side View



LOJIC SITE LOCATION SHEET



DETAILED SUMMARY SHEET

The applicant, Joe Burnett, Jr. is seeking to down-zone the property referenced above from M-2 to C-2. The existing building is currently and will remain an antique shop on the first floor. The applicant is proposing a 1-unit short term rental on the second floor. There will be no changes to the exterior of the building. Accordingly, we have filed a plan for pre-application review with Planning and Design Services (PDS) that has been assigned case number **21-ZONEPA-0147** and case manager **Dante St. Germain**.

The property is located north of E. Oak Street on the east side of Logan Street as shown on the attached "LOJIC Site Location" attachment.

The property is in the Traditional Neighborhood Form District, with no proposed change thereto. The building was constructed in the 1880s and has seen several uses over the years including a tavern and a grocery store. No alterations are planned for the building and the property. All utilities exist and are available to the site. All parking will be on-street.

NOTICE OF POTENTIAL DEVELOPMENT PLAN CHANGES. Please be advised that this "Detailed Summary" is being provided early in the application process. As such, whereas every effort has been made to assure accuracy, changes may be made to the development plan before the now scheduled neighborhood meeting and also after it based on public comments and those of various agencies and PDS staff review. Any changes will be available for public review on the PDS Online Customer Service Portal. Instructions on how to access this information is provided in the PDS's online customer service portal information sheet. Additionally, those changes with the final plan would be presented at the time of the public hearing(s). You may also contact the PDS case manager if you have any questions, or contact any others listed on the Contact Information Sheet where contact information is provided.

CONTACT INFORMATION SHEET

1. PRIMARY CONTACT

*Bardenwerper, Talbott & Roberts, PLLC
1000 N. Hurstbourne Pkwy., 2nd Floor
Louisville, KY 40223
Attn: John Talbott – (502) 741-8783
john@bardlaw.net*

2. ENGINEERING FIRM

*Prism Engineering & Design Group, LLC
2309 Watterson Trail, Suite 200
Louisville, Kentucky 40299
Attn: Jason Hall - (502) 491-8891 Ext. 1
jason@pedgllc.com*

3. APPLICANT

*Joe Burnett
joeburnettjr@gmail.com*

4. CASE MANAGER OR SUPERVISOR

*Dante St. Germain
Planning & Design Services
444 South Fifth Street, Suite 300
Louisville, KY 40202
(502) 574-4388
Dante.St.Germain@louisvilleky.gov*

INSTRUCTION SHEET ON HOW TO JOIN THE VIRTUAL MEETING

You may join the meeting using a computer, tablet, smart phone, or standard telephone.

Burnett/E. Oak Street Neighbor Meeting
Thu, Jan 13, 2022 6:00 PM - 7:00 PM (EST)

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/983346405>

You can also dial in using your phone.

United States (Toll Free): [1 877 309 2073](tel:18773092073)

United States: [+1 \(646\) 749-3129](tel:+16467493129)

Access Code: 983-346-405

New to GoToMeeting? Get the app now and be ready when your first meeting starts:

<https://global.gotomeeting.com/install/983346405>

Note: If anyone would like the connection link emailed to them, or a set of the meeting slides, please email Anna Martinez at anna@bardlaw.net or Nanci Dively at nsd@bardlaw.net

IF YOU ARE UNABLE TO ATTEND THE VIRTUAL MEETING AND HAVE QUESTIONS, PLEASE FEEL FREE TO CONTACT ANY OF THE FOLLOWING:

Paul B. Whitty, Esq. – (502) 459-2001
paul@bardlaw.net
Bardenwerper, Talbott & Roberts, PLLC

Jason L. Hall - (502) 491-8891 Ext. 1
jason@pedgllc.com
Prism Engineering & Design Group, LLC

Dante St. Germain, AICP
Case Manager, Planning & Design Services
(502) 574-4388
Dante.St.Germain@louisvilleky.gov

**PLANNING & DESIGN SERVICES (PDS's)
ONLINE CUSTOMER SERVICE PORTAL INFORMATION SHEET**

To view details of the zone change online, use the link at:

<https://aca-louisville.accela.com/LJCMG/Welcome.aspx?TabName=Home&TabList=Home>

Click on the "Search" tab

Then "Planning Applications"

Enter case number in "Record Number" box

Click on "Record Info" tab

AFTER THE NEIGHBORHOOD MEETING SHEET

After the Neighborhood Meeting

This Neighborhood Meeting is an opportunity for the applicants and surrounding neighbors to discuss and develop an understanding of the proposal prior to a public hearing. At the conclusion of this neighborhood meeting, the applicant has 90 days to file a formal application with Planning & Design Services. If the formal application is not filed within 90 days, the applicant will be required to have another neighborhood meeting.

Once the formal application is filed, a public hearing will be scheduled to consider the application. This public meeting is your official opportunity to speak in support or opposition to the proposal. If you received a notice regarding this neighborhood meeting, or did not receive a notice but signed the sign in sheet, you will receive a notice of the public meeting.

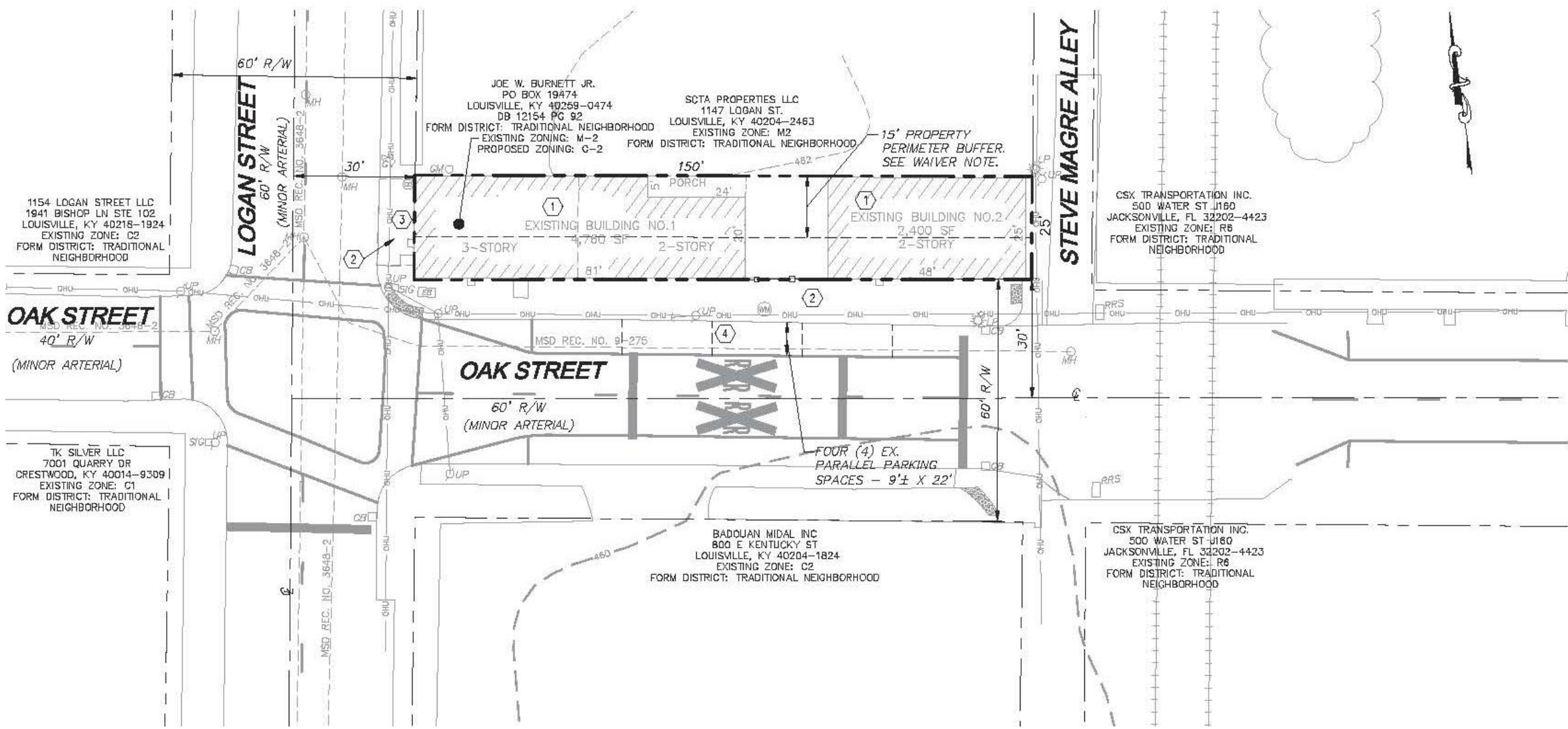
If you are interested in staying informed about this proposal, or have any questions about the formal review process, you may call the Planning & Design Services office at **(502) 574-6230**. Please refer to the case number in your inquiry. You may also go to **<https://louisvilleky.gov/government/planning-design>** to view meeting agendas, search case information, or obtain other Planning & Design Services information.

Neighborhood Meeting Summary

A virtual neighborhood meeting was held on Thursday, January 13th at 6:00 p.m. Those in attendance included the applicant's representatives, Paul Whitty, attorney with Bardenwerper, Talbott & Roberts, and Jason Hall, land planner and engineer with Prism Engineering as well as the applicant Joe Burnett.

There were no other attendees. Meeting concluded at 6:30.

Tab 5
*Development Plan &
Interior Photos*



1154 LOGAN STREET LLC
 1941 BISHOP LN STE 102
 LOUISVILLE, KY 40218-1924
 EXISTING ZONE: C2
 FORM DISTRICT: TRADITIONAL NEIGHBORHOOD

OAK STREET
 MSD REC. NO. 9-275
 40' R/W
 (MINOR ARTERIAL)

TK SILVER LLC
 7001 QUARRY DR
 CRESTWOOD, KY 40014-9309
 EXISTING ZONE: C1
 FORM DISTRICT: TRADITIONAL NEIGHBORHOOD

LOGAN STREET
 60' R/W
 (MINOR ARTERIAL)
 MSD REC. NO. 3648-2

JOE W. BURNETT JR.
 PO BOX 19474
 LOUISVILLE, KY 40269-0474
 DB 12154 PG 92
 FORM DISTRICT: TRADITIONAL NEIGHBORHOOD
 EXISTING ZONING: M-2
 PROPOSED ZONING: C-2

SOTA PROPERTIES LLC
 1147 LOGAN ST.
 LOUISVILLE, KY 40204-2463
 EXISTING ZONE: M2
 FORM DISTRICT: TRADITIONAL NEIGHBORHOOD

15' PROPERTY PERIMETER BUFFER.
 SEE WAIVER NOTE.

OAK STREET
 60' R/W
 (MINOR ARTERIAL)

BADOUAN MIDAL INC
 800 E KENTUCKY ST
 LOUISVILLE, KY 40204-1824
 EXISTING ZONE: C2
 FORM DISTRICT: TRADITIONAL NEIGHBORHOOD

STEVE MAGRE ALLEY

CSX TRANSPORTATION INC.
 500 WATER ST J160
 JACKSONVILLE, FL 32202-4423
 EXISTING ZONE: R6
 FORM DISTRICT: TRADITIONAL NEIGHBORHOOD

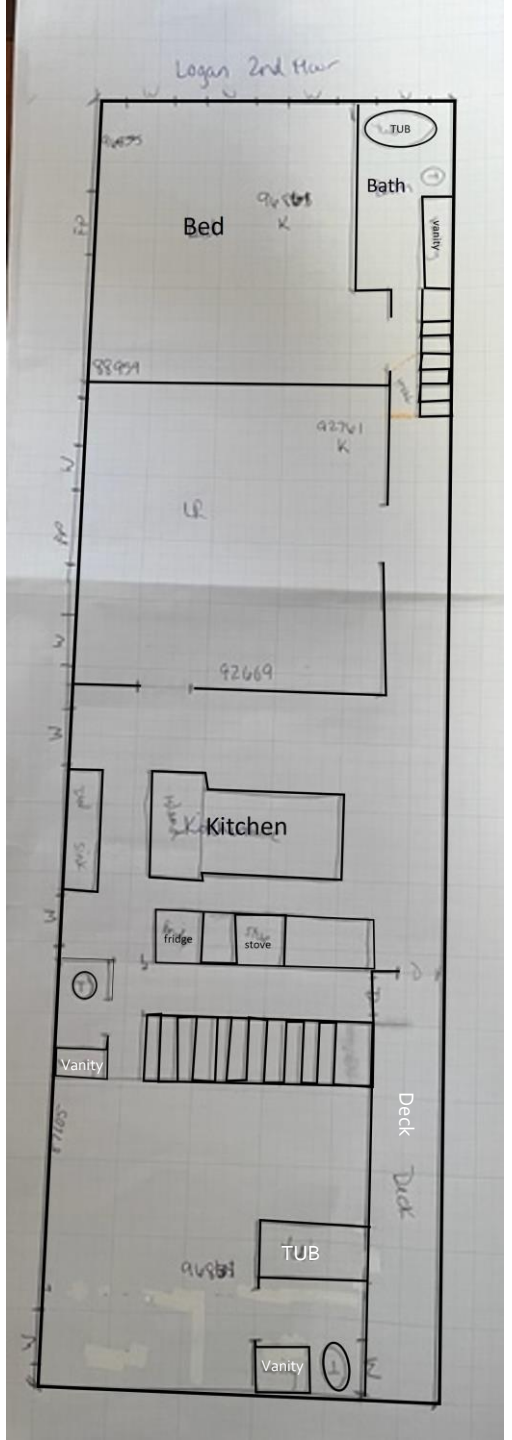
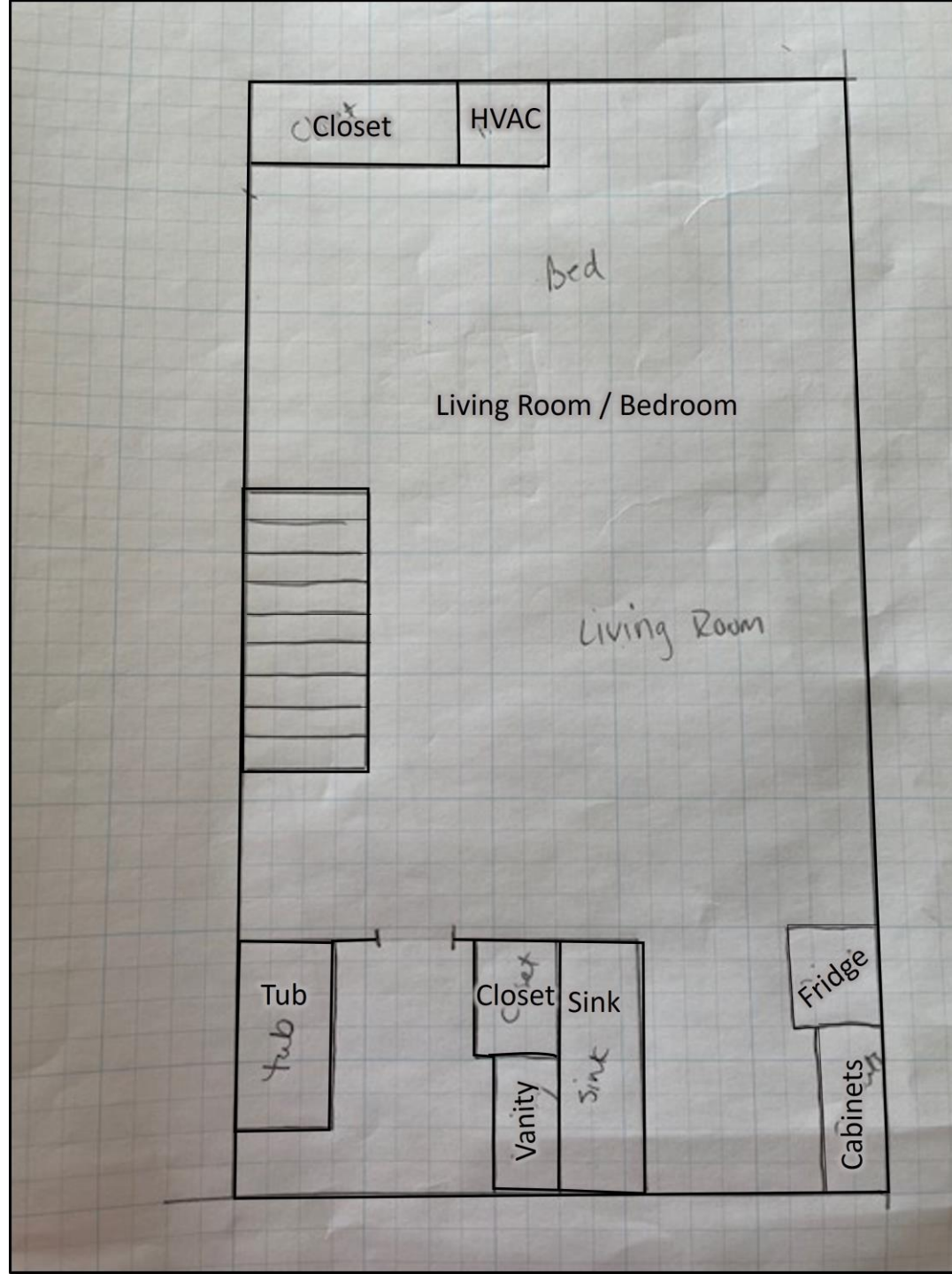
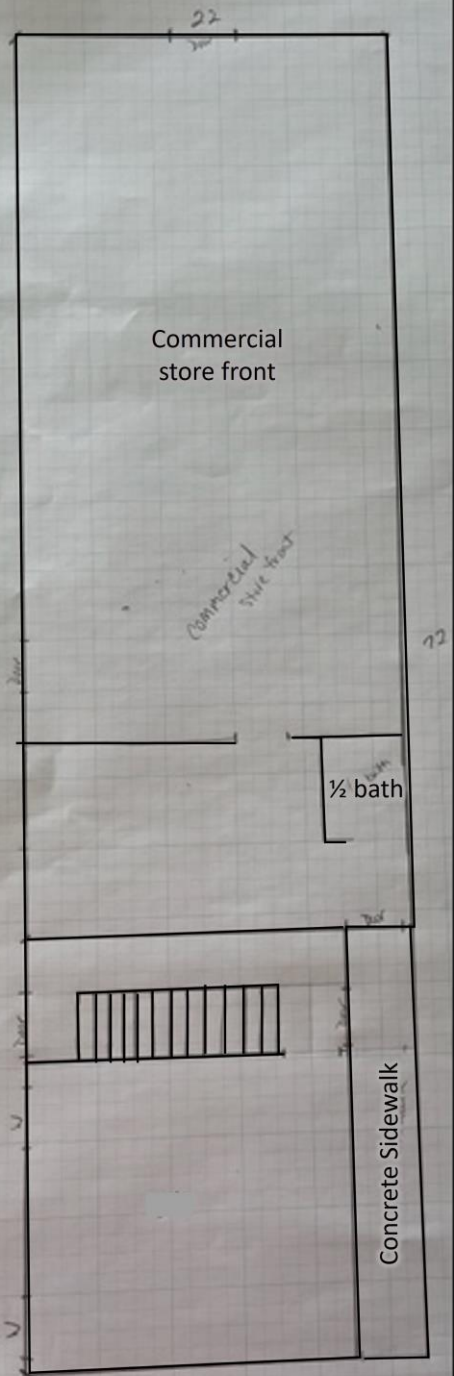
CSX TRANSPORTATION INC.
 500 WATER ST J160
 JACKSONVILLE, FL 32202-4423
 EXISTING ZONE: R6
 FORM DISTRICT: TRADITIONAL NEIGHBORHOOD

EXISTING BUILDING NO.1
 3-STORY
 4,780 SF

EXISTING BUILDING NO.2
 2-STORY
 2,400 SF

FOUR (4) EX. PARALLEL PARKING SPACES - 9'± X 22'







































Tab 6

*Statement of Compliance
filed with the original zone
change application with
all applicable Goals of the
2040 Plan*

BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

1000 N. HURSTBOURNE PARKWAY • BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG. • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223
(502) 426-6688 • (502) 425-0561 (FAX) • WWW.BARDLAW.NET

STATEMENT OF COMPLIANCE WITH ALL APPLICABLE GOALS, OBJECTIVES AND POLICIES OF THE PLAN 2040 COMPREHENSIVE PLAN

Applicant/Owner: Joe Burnett, Jr.
Location: 905 E. Oak Street
Proposed Use: Antique Store and Short-Term Rental
Engineers, Land Planners and
Landscape Architects: Prism Engineering
Request: Zone change from M-2 to C-2

COMMUNITY FORM

Goal 1 – Guide the form and design of development to respond to distinctive physical, historic and cultural qualities.

The proposed zone change and detailed district development plan (DDDP) complies with applicable Objectives a, b, c, & f and applicable Policies 6, 7, 8, 15, 16, 17, 18 and 21 as follows:

The proposed change in zoning to C-2 complies with Goal 1 in several ways. First, this development will take an existing under-utilized building and modify same only to the extent of allowing C-2 uses which is consistent with the Traditional Neighborhood Form and will continue to allow property to provide low intensity retail services and short-term rental to serve the redeveloping Shelby Park/Smoketown area. The “anchor” tenant of this development will continue to be the first-floor antique store for the immediate future.

The development and proposed zone change will remain compatible with the scale and site design of nearby existing developments because virtually no physical changes are being proposed. It is not a non-residential expansion into existing residential areas and in fact with the short-term rental proposed the project introduces a residential occupancy in a formerly industrial area formerly in decline that is being redeveloped. The site is located at the intersection of two transit corridors (East Oak and Logan Streets) and does not permit hazardous uses or uses that would produce nuisances.

Goal 2 – Encourage sustainable growth and density around mixed-use centers and corridors.

The proposed zone change and DDDP complies with applicable Objectives b & d and Policies 1, 4, 5, 6, 7, 8, 9, 10 and 11 as follows:

The proposed change in zoning from M-2 to C-2 to allow additional uses will encourage sustainable growth and avoid the above referenced potential decline and will continue to provide appropriate commercial activity with its adaptive reuse around a mixed-use center and along commercial corridors compatible with the Traditional Neighborhood Form District and existing infrastructure.

Goal 3 – Enhance neighborhood by protecting and integrating open space, watershed and other natural resources.

The proposed zone change and DDDP complies with applicable Objectives a, c & d and Policies 9, 10, 11 and 12 as follows:

The proposed development plan will enhance the surrounding neighborhood by not diminishing any open space or natural resources and will repurpose the existing structure built in the early 1880s within an existing activity center. Access to the site is not through areas of lower intensity and is accessible by multi-modal forms of transportation. There will be no impact on existing transportation infrastructure and no additional roadway improvements are necessary. The site and surrounding area have sidewalks and is a very walkable area.

Goal 4 – Promote and preserve the historic and archaeological resources that contribute to our authenticity.

The proposed zone change and DDDP complies with applicable Objective b and Policies 1 & 2 as follows:

The rezoning and development plan will preserve an existing building and use of the retail activity center through interior renovations with no exterior changes resulting from this adaptive reuse.

MOBILITY

Goal 1 – Implement an accessible system of alternative transportation modes.

The proposed zone change and DDDP complies with applicable Objectives a, b & e and Policy 4 as follows:

The development plan evidences the current existing physical condition of the property which contains an accessible system of alternative transportation modes of travel through sidewalks and connections between the uses for bicycles and pedestrian traffic. The site is served by public transportation through multiple TARC bus lines adjacent to the property encouraging efficient access and minimizing distances of travel. It also continues to place higher density and intensity near existing commercial corridors and along the minor arterial streets.

Goal 2 – Plan, build and maintain a safe, accessible and efficient transportation system.

The proposed zone change and DDDP complies with applicable Objectives a, b & e and Policy 4 as follows:

The development plan complies with the objectives and policies of Goal 2 by promoting safe, accessible and efficient transportation uses by accommodating pedestrian, bicycle and vehicular access with traffic likely to be routed along East Oak Street.

Goal 3 – Encourage land use and transportation patterns that connect Louisville Metro and support future growth.

The proposed zone change and DDDP complies with applicable Objectives a, b, c, & d and Policies 1, 2, 3, 4, 5, 6, 9 and 10 as follows:

The development plan complies with the objectives and policies of Goal 3 by providing walking and bicycling opportunities with the sidewalks and interconnected walkways and by providing a mix of complimentary neighborhood serving businesses, services and reducing miles travelled by car by providing the activity center the tools to survive into the future. The plan will not burden the transportation network but will allow the site to continue to be consistent with the purpose of the Traditional Neighborhood. The plan is consistent with long range transportation plans of the community. The parking requirements of the site consider the density of the use and the character and pattern of the Form District in that it will continue to serve the community in the same way that it currently serves, with the only change being the addition of a short-term rental unit. The plan also satisfies the policy of supporting biking and pedestrian travel by providing for those modes of access.

COMMUNITY FACILITIES

Goal 2 – Plan for community facilities to improve quality of life and meet anticipated growth.

The proposed zone change and DDDP complies with applicable Objective b and Policies 1, 2, & 3 as follows:

This development plan is not a community facilities plan, but it does locate development in areas currently served by existing infrastructure, it has adequate water supply and access to sewers and all necessary utilities so as to not burden existing or future community facilities.

ECONOMIC DEVELOPMENT

Goal 1 – Provide an economic climate that improves growth, innovation, investment and opportunity for all.

The proposed zone change and DDDP complies with applicable Objectives a, c, d, f & h and Policies 3, 7, & 9 as follows:

This development plan complies with Goal 1 of Economic Development as it provides economic climate that improves growth, innovation, and investment opportunity for all by reusing and redeveloping an historic retail property currently zoned M-2 for different uses serving the surrounding community. It locates these new potential uses in an area with existing infrastructure in an efficient manner increasing economic opportunities in the area.

LIVABILITY

Goal 1 – Protect and enhance the natural environment and integrate it with the built environment as development occurs.

The proposed zone change and DDDP complies with applicable Policies 17, 21 and 24 as follows:

The development plan complies with the objectives and policies of Goal 1 of Livability element in that it provides pedestrian and bicycle connectivity while not creating any appreciable new traffic for the area. There are no karst features on the site which is not located in a regulatory flood plain.

HOUSING

The proposed zone change and DDDP complies with applicable Objectives and applicable Policies of Goal 1, 2, & 3 as it is an adaptive reuse which preserves an historic structure in an existing activity center near residential areas, thereby strengthening and supporting the housing in the area. This use will facilitate connected and mixed-use areas and ensure long term affordability and inter-generational living options for all in the community in a multi-modal transportation corridor with access to neighborhood goods and services. No residents will be displaced by this proposal which permits an innovative method of housing.

* * *

For all of these and other reasons set forth on the Detailed District Development Plan accompanying this application and in accordance with evidence to be presented at Planning Commission public hearings, this application will comply with all other applicable Objectives and Policies of the Plan 2040 Comprehensive Plan.

Respectfully submitted,

BARDENWERPER, TALBOTT & ROBERTS, PLLC
Bardenwerper Talbott & Roberts, PLLC
1000 N. Hurstbourne Parkway, Second Floor
Louisville, KY 40223
(502) 426-6688

Tab 7

*Proposed findings of fact
pertaining to compliance
with the 2040 Plan*

BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

1000 N. HURSTBOURNE PARKWAY • BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG. • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223
(502) 426-6688 • (502) 425-0561 (FAX) • WWW.BARDLAW.NET

PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GOALS OF THE 2040 PLAN

Applicant/Owner: Joe Burnett, Jr.
Location: 905 E. Oak Street
Proposed Use: Antique Store and Short-Term Rental
Engineers, Land Planners and
Landscape Architects: Prism Engineering
Request: Zone change from M-2 to C-2

WHEREAS, The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on May 12, 2022 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

WHEREAS, the proposed zone change and detailed district development plan (DDDP) complies with applicable Objectives a, b, c, & f and applicable Policies 6, 7, 8, 15, 16, 17, 18 and 21 OF Community Form Goal 1 because the proposed change in zoning to C-2 complies in several ways as this development will take an existing under-utilized building and modify same only to the extent of allowing C-2 uses which is consistent with the Traditional Neighborhood Form and will continue to allow property to provide low intensity retail services and short-term rental to serve the redeveloping Shelby Park/Smoketown area; and the "anchor" tenant of this development will continue to be the first-floor antique store for the immediate future; and

WHEREAS, the development and proposed zone change will remain compatible with the scale and site design of nearby existing developments because virtually no physical changes are being proposed; it is not a non-residential expansion into existing residential areas and in fact with the short-term rental proposed the project introduces a residential occupancy in a formerly industrial area formerly in decline that is being redeveloped; and the site is located at the intersection of two transit corridors (East Oak and Logan Streets) and does not permit hazardous uses or uses that would produce nuisances; and

WHEREAS, the proposed zone change and DDDP complies with applicable Objectives b & d and Policies 1, 4, 5, 6, 7, 8, 9, 10 and 11 Community Form Goal 2 because the proposed change in zoning from M-2 to C-2 will allow additional uses to encourage sustainable growth and avoid potential decline and will continue to provide appropriate commercial activity with its adaptive reuse around a mixed-use center and along a commercial corridor compatible with the Traditional Neighborhood Form District and existing infrastructure; and

WHEREAS, the proposed zone change and DDDP complies with applicable Objectives a, c & d and Policies 9, 10, 11 and 12 Community Form Goal 3 because the development plan will enhance the surrounding neighborhood by not diminishing any open space or natural resources and will repurpose the existing structure built in the early 1880s including the “ghost sign” on the south elevation of the building protected by binding element within an existing activity center; and access to the site is not through areas of lower intensity and is accessible by multi-modal forms of transportation; there will be no impact on existing transportation infrastructure and no additional roadway improvements are necessary and the site and surrounding area have sidewalks and is a very walkable area; and

WHEREAS, the proposed zone change and DDDP complies with applicable Objective b and Policies 1 & 2 of Community Form Goal 4 because the rezoning and development plan will preserve an existing building and use of the retail activity center through interior renovations with no exterior changes resulting from this adaptive reuse; and

WHEREAS, the proposed zone change and DDDP complies with applicable Objectives a, b & e and Policy 4 of Mobility Goal 1 because the development plan preserves the existing exterior physical condition of the property which contains an accessible system of alternative transportation modes of travel through sidewalks and connections between the uses for bicycles and pedestrian traffic; and the site is served by public transportation through multiple TARC bus lines adjacent to the property encouraging efficient access and minimizing distances of travel; and it also continues to place higher density and intensity near existing commercial corridors and along the minor arterial streets; and

WHEREAS, the proposed zone change and DDDP complies with applicable Objectives a, b & e and Policy 4 of Mobility Goal 2 by promoting safe, accessible and efficient transportation uses by accommodating pedestrian, bicycle and vehicular access with traffic likely to be routed along East Oak Street; and

WHEREAS, the proposed zone change and DDDP complies with applicable Objectives a, b, c, & d and Policies 1, 2, 3, 4, 5, 6, 9 and 10 of Mobility Goal 3 by providing walking and bicycling opportunities with the sidewalks and interconnected walkways and by providing a mix of complimentary neighborhood serving businesses, services and reducing miles travelled by car by providing the activity center the tools to survive into the future; and the plan will not burden the transportation network but will allow the site to continue to be consistent with the purpose of the Traditional Neighborhood; the plan is consistent with long range transportation plans of the community; the parking requirements of the site consider the density and intensity of the use and the character and pattern of the Form District in that it will continue to serve the community in the same way that it currently serves, with the only change being the addition of a short-term rental unit; and the plan also satisfies the policy of supporting biking and pedestrian travel by providing for those modes of access; and

WHEREAS, the proposed zone change and DDDP complies with applicable Objective b and Policies 1, 2, & 3 of Community Facilities Goal 2 because although this development plan is not a community facilities plan, it does locate development in areas currently served by existing

infrastructure, has adequate water supply and access to sewers and all necessary utilities so as to not burden existing or future community facilities; and

WHEREAS, the proposed zone change and DDDP complies with applicable Objectives a, c, d, f & h and Policies 3, 7, & 9 because this development plan complies with Goal 1 of Economic Development as it provides an economic climate that improves growth, innovation, and investment opportunity for all by reusing and redeveloping an historic retail property currently zoned M-2 Industrial for different and more appropriate uses serving the surrounding community; and it locates these new potential uses in an area with existing infrastructure in an efficient manner increasing economic opportunities in the area; and

WHEREAS, the proposed zone change and DDDP complies with applicable Policies 17, 21 and 24 because the development plan complies with the objectives and policies of Goal 1 of Livability element in that it provides pedestrian and bicycle connectivity while not creating any appreciable new traffic for the area; and there are no karst features on the site which is also not located in a regulatory flood plain; and

WHEREAS, the proposed zone change and DDDP complies with applicable Objectives and applicable Policies of Housing Goals 1, 2, & 3 as it is an adaptive reuse which preserves an historic structure in an existing activity center near residential areas, thereby strengthening and supporting the housing in the area; this use will facilitate connected and mixed-use areas and ensure long term affordability and inter-generational living options for all in the community in a multi-modal transportation corridor with access to neighborhood goods and services; and no residents will be displaced by this proposal which permits an innovative method of housing; and

WHEREAS, the requested waiver of the LDC 10.2.4 requirements to provide perimeter buffer plantings and allow encroachment for the existing buildings and improvements into the required property perimeter buffer is adequately justified because there will be no adverse effects on adjacent neighbors as the buildings were built to the lot lines in the 1880's including the canopy in the right of way on Logan Street and a license agreement therefor will be obtained from Metro Public Works and the waiver will preserve the historic character of the building in compliance with Plan 2040 Community Form Goal 1, Objective f which encourages revitalization and adaptive reuse and Goal 4, Objective 6, Policy 3 which also encourages adaptive reuse of historic structures and is the minimum necessary to afford relief as it is an historic existing condition and no other relief is available and strict compliance would create an unnecessary hardship and deprive the applicant of a reasonable use of the land because the historic building would have to be moved or demolished.

* * *

WHEREAS, for all the reasons explained at LD&T and the Planning Commission public hearing and also in the public hearing exhibit books, on the approved detailed district development plan, this application also complies with all other applicable Goals of the 2040 Plan;

NOW, THEREFORE, the Louisville Metro Planning Commission hereby recommends to the Louisville Metro Council that it rezone the subject property from M-2 to C-2 and approves the Detailed District Development Plan with binding elements and associated waiver request.