

**Planning Commission
Staff Report**
October 15, 2020



Case No:	20-ZONE-0063
Project Name:	Longtail Building
Location:	2532 S. 4 th Street
Owner(s):	Longtail Ventures, LLC
Applicant:	Longtail Ventures, LLC
Representative(s):	Wyatt, Tarrant, & Combs, LLP
Jurisdiction:	Louisville Metro
Council District:	6 – David James
Case Manager:	Joel P. Dock, AICP, Planner II

REQUEST(S)

- **Change-in-Zoning** from R-6, multi-family & C-1, commercial to C-2, commercial
- **Detailed District Development Plan**

CASE SUMMARY

A change in zoning to facilitate the rehabilitation and improvement of a former corner-lot tavern and 2 adjacent properties for a beer garden with indoor and outdoor gathering space is proposed. The subject site is primarily zoned C-1 with the rear portion of the site being within the R-6 district. An existing residential structure has been converted to accommodate an open-air gathering space that flows into the outdoor space and connects with the structure on the corner. The 1st floor of the corner-lot structure will be used for tavern operations and the 2nd floor will remain an office space. Most recently, an office use has been present within the corner-lot structure.

STAFF FINDING

The proposal conforms to the land use and development policies of Plan 2040. The proposed zoning district is located along a major arterial roadway having public transit service and a well-connected pedestrian network. It is within proximity to population centers and the University of Louisville. It is located appropriately for its intensity within an area having a variety of intensities and densities.

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

The Following is a summary of staff's analysis of the proposed rezoning against the Land Use and Development Policies of Plan 2040:

The site is located in the Traditional Neighborhood Form District

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 fifty to one hundred twenty years old, it is hoped that the Traditional Neighborhood Form will be revitalized under the new Comprehensive Plan. 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) the preservation of the existing grid pattern of streets and alleys, (c) preservation of public open spaces

The proposed commercial zoning district maintains consistency with the rearmost limits of nearby commercial development and the area of commercial development is vacant, containing no residential structures. The expanded district has a limited impact on the residential aspects of the block face as the proposed district aligns with commercial development immediately opposite Montana Avenue. The proposed zoning district is located along a major arterial roadway having public transit service and a connected pedestrian network. It is within proximity to population centers and the University of Louisville. Adequate infrastructure is available to serve commercial developments. Transitions will be made as required by Ch. 10 of the LDC to provide adequate buffering of noise upon residential to the rear

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DETAILED DISTRICT DEVELOPMENT PLAN

- a. The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites;

STAFF: The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites will be conserved as the site does not appear to adversely impact these features. Existing canopy is being preserved in the northwest corner of the property.

- b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community will be provided by public sidewalks and transit service in this well-connected, traditional neighborhood.

- c. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development will be provided by an interior open/gathering/recreation space.

- d. The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;

STAFF: The Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community.

- e. The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: The proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development as structures are being rehabilitated consistently with the historic character of structures on site and nearby area, as well as the form districts pattern of development.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF: The proposed development plan conforms to Plan 2040 as the proposal is located on a transit route near the University of Louisville and population centers to support transit oriented development and an efficient public transportation system. The proposal also preserves existing structures that exhibit compatibility with the character of the area and maintain features of traditional neighborhoods.

REQUIRED ACTIONS

- **RECOMMEND** to the Louisville Metro Council that the **Change-in-Zoning** from R-6, multi-family & C-1, commercial to C-2, commercial on property described in the attached legal description be **APPROVED** or **DENIED**
- **APPROVE** or **DENY** the **Detailed District Development Plan**

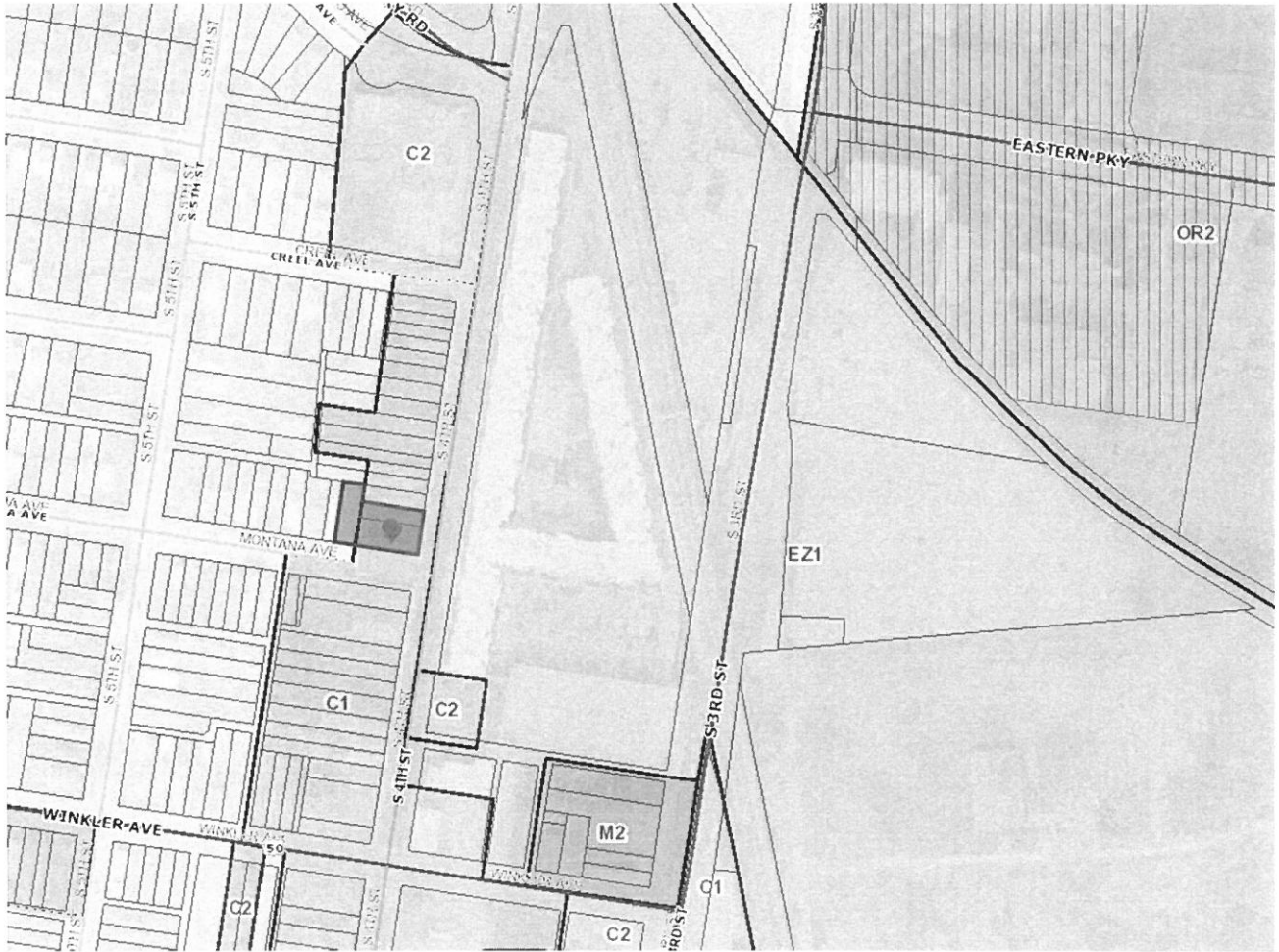
NOTIFICATION

Date	Purpose of Notice	Recipients
9/10/20	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 6
9/30/20	Hearing before Planning Commission	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 6
10/1/20	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Plan 2040 Staff Analysis
4. Proposed Binding Elements

1. **Zoning Map**



2. Aerial Photograph



3. Plan 2040 Staff Analysis

- + Exceeds Guideline
- ✓ Meets Guideline
- Does Not Meet Guideline
- +/- More Information Needed
- NA Not Applicable

Traditional Neighborhood: Non-Residential

Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
Land Use & Development Goal 1: Community Form	6. Discourage non-residential expansion into existing residential areas unless applicant can demonstrate that any adverse impact on residential uses will be mitigated. Evaluation of impacts may include, but not be limited to, displacement of residents, loss of affordable housing units, traffic, parking, signs, lighting, noise, odor, and stormwater. Appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential.	✓	The proposed district constitutes a non-residential expansion into a residential area as the rearmost portion of the subject site is the beginning of the residential development along the block face. Despite this expansion the commercial zoning district maintains consistency with the rearmost limits of nearby commercial development and the area of commercial development is vacant, containing no residential structures. The expanded district has a limited impact on the residential aspects of the block face as the proposed district aligns with commercial development immediately opposite Montana Avenue.
Land Use & Development Goal 1: Community Form	7. Locate higher density and intensity uses near major transportation facilities and transit corridors, employment centers, in or near activity centers and other areas where demand and adequate infrastructure exists or is planned.	✓	The proposed zoning district is located along a major arterial roadway having public transit service and a connected pedestrian network. Adequate infrastructure is available to serve commercial developments.
Land Use & Development Goal 1: Community Form	17. Mitigate adverse impacts of traffic from proposed development on nearby existing communities.	✓	The proposal has a limited impact on traffic as the site is primarily zoned commercial at this time and the site fronts an arterial roadway with transit service in a walkable urban community within proximity to population centers.
Land Use & Development Goal 1: Community Form	18. Mitigate adverse impacts of noise from proposed development on existing communities.	✓	Transitions will be made as required by Ch. 10 of the LDC to provide adequate buffering of noise upon residential to the rear.

Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
Land Use & Development Goal 2: Community Form	1. Locate activity centers in appropriate areas in all Form Districts. Design and density should be compatible with desired form, adjacent uses, and existing and planned infrastructure.	✓	The proposed district is located appropriately for its intensity along a major arterial roadway with transit service. Transitions will be made as required by Ch. 10 of the LDC to provide adequate buffering of noise upon residential to the rear.
Land Use & Development Goal 2: Community Form	4. Allow non-residential development within the Neighborhood, Traditional Neighborhood and Village Form Districts to occur only at locations with appropriate access and connectivity.	✓	The subject property has an appropriate level of connectivity and can be accessed without interfering with lower intensity uses.
Land Use & Development Goal 2: Community Form	5. Locate retail commercial development in activity centers where it can be demonstrated that sufficient population exists or is anticipated to support it.	✓	The subject property fronts an arterial roadway with transit service in a walkable urban community within proximity to population centers and the University of Louisville.
Land Use & Development Goal 2: Community Form	6. Encourage a more compact development pattern in activity centers that result in efficient land use and cost-effective infrastructure investment.	✓	The proposal results in compact development as existing structures will be rehabilitated resulting in a cost-effective infrastructure investment.
Land Use & Development Goal 2: Community Form	7. Encourage activity centers to include a mixture of compatible land uses in order to reduce traffic congestion by requiring fewer trips, support and enhance alternative modes of travel, and encourage vitality and a sense of place.	✓	The proposed district is located appropriately for its intensity along a major arterial roadway with transit service and adjacent to a variety of intensities and densities.
Land Use & Development Goal 2: Community Form	9. Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses.	✓	The proposal will result in rehabilitation of existing structures that provide office or residential uses.
Land Use & Development Goal 3: Community Form	9. Encourage development that respects the natural features of the site through sensitive site design, avoids substantial changes to the topography, and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	✓	The proposed district utilizes a previously developed site and does not impact floodplain or other environmental features.
Land Use & Development Goal 3: Community Form	10. Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exists in order to prevent property damage and public costs associated with soil slippage and foundation failure and to minimize environmental degradation.	✓	The proposed district utilizes a previously developed site and does not impact floodplain or soils.

Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
Land Use & Development Goal 3: Community Form	12. When reviewing proposed developments consider changes to flood-prone areas and other features vulnerable to natural disasters such as sinkholes and landslides. Ensure appropriate measures to protect health, safety and welfare of future users of the development.	✓	The proposed district utilizes a previously developed site and would not appear to impact vulnerable natural features.
Land Use & Development Goal 4: Community Form	1. Preserve buildings, sites, districts and landscapes that are recognized as having historic or architectural value and ensure that new land uses are compatible in height, massing, scale, architecture style and placement when located within the impact area of such resources.	✓	The proposed district preserves existing structures that exhibit compatibility with the character of the area.
Land Use & Development Goal 4: Community Form	2. Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.	✓	The proposed district preserves existing structures that exhibit compatibility with the character of the area and maintain the cultural features of traditional neighborhoods.
Land Use & Development Goal 1: Mobility	4. Encourage higher densities and intensities within or near existing marketplace corridors, existing and future activity centers, and employment centers to support transit-oriented development and an efficient public transportation system.	✓	The proposed higher intensity district is located on a transit route near the University of Louisville and population centers to support transit oriented development and an efficient public transportation system.
Land Use & Development Goal 2: Mobility	4. Avoid access to development through areas of significantly lower intensity or density development if such access would create significant nuisances.	✓	Access to the site is from areas of similar intensity and access does not encroach upon residential areas.
Land Use & Development Goal 3: Mobility	1. Encourage a mix of complementary neighborhood serving businesses and services in neighborhood and village centers to encourage short trips easily made by walking or bicycling.	✓	The proposed district allows a range of complementary uses, as well as uses that are more regional. The proposed district is, however, located appropriately for its intensity along a major arterial roadway with transit service and adjacent to a variety of intensities and densities.
Land Use & Development Goal 3: Mobility	2. To improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Housing should be encouraged near employment centers.	✓	The proposed district will be easily accessible as the site is located along a transit route in a walkable urban neighborhood near the University of Louisville.

Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
Land Use & Development Goal 3: Mobility	3. Evaluate developments for their ability to promote public transit and pedestrian use. Encourage higher density mixed-use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation and housing choices.	✓	The proposed district will be easily accessible as the site is located along a transit route in a walkable urban neighborhood near the University of Louisville.
Land Use & Development Goal 3: Mobility	5. Evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality.	✓	The proposed district will be easily accessible as the site is located along a transit route in a walkable urban neighborhood near the University of Louisville.
Land Use & Development Goal 3: Mobility	6. Ensure that those who propose new developments bear or share in rough proportionality the costs of transportation facilities and services made necessary by development.	✓	Transportation improvements necessitated by the proposed district will be made, such as bike racks or sidewalk/curb repair
Land Use & Development Goal 3: Mobility	9. When existing transportation facilities and services are inadequate and public funds are not available to rectify the situation, the developer may be asked to make improvements, roughly proportional to the projected impact of the proposed development, to eliminate present inadequacies if such improvements would be the only means by which the development would be considered appropriate at the proposed location.	✓	Transportation improvements necessitated by the proposed district will be made, such as bike racks or sidewalk/curb repair
Land Use & Development Goal 3: Mobility	10. Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel.	✓	Transportation improvements necessitated by the proposed district will be made, such as bike racks or sidewalk/curb repair
Land Use & Development Goal 2: Community Facilities	1. Locate development in areas served by existing utilities or capable of being served by public or private utility extensions.	✓	The proposed district is in an area served by existing utilities or capable of being served by public or private utility extensions
Land Use & Development Goal 2: Community Facilities	2. Ensure that all development has an adequate supply of potable water and water for fire-fighting purposes. Locate only very low-density land uses on sites that use on-lot sewage disposal systems or on a private supply of potable water.	✓	An adequate supply of potable water and water for fire-fighting purposes is available.

Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
Land Use & Development Goal 2: Community Facilities	3. Ensure that all development has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as determined by the Metropolitan Sewer District (MSD).	✓	Adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as determined by the Metropolitan Sewer District is provided.
Land Use & Development Goal 1: Economic Development	3. Locate commercial uses generating high volumes of traffic on a major arterial street, at the intersection of two minor arterials, or at a location with adequate access to a major arterial and at locations where nuisances and activities of the proposed use will not adversely affect adjacent areas.	✓	The proposed district allows a range of complementary uses, as well as uses that a more regional. Overall, the proposed district will be easily accessible as the site is located along a transit route in a walkable urban neighborhood near the University of Louisville and provide services to the adjacent neighborhood.
Land Use & Development Goal 1: Livability	21. Mitigate negative development impacts to the integrity of the regulatory floodplain by encouraging development patterns that minimize disturbance and consider the increased risk of more frequent flooding events.	✓	The proposed district utilizes a previously developed site and is not located within the floodplain.
Housing: Goal 2	1. Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area.	✓	The proposed district does not prevent the ability to incorporate residential uses on the 2 nd floor of the corner structure.
Housing: Goal 3	2. As neighborhoods evolve, discourage displacement of existing residents from their community.	✓	There are no current residents within structures on-site.

4. 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 Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. 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 or certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter
 - c. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
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. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.

Land Development & Transportation Committee
Staff Report
September 24, 2020



Case No:	20-ZONE-0063
Project Name:	Longtail Building
Location:	2532 S. 4 th Street
Owner(s):	Longtail Ventures, LLC
Applicant:	Longtail Ventures, LLC
Representative(s):	Wyatt, Tarrant, & Combs, LLP
Jurisdiction:	Louisville Metro
Council District:	6 – David James
Case Manager:	Joel P. Dock, AICP, Planner II

REQUEST(S)

- **Change-in-Zoning** from R-6, multi-family & C-1, commercial to C-2, commercial
- **Detailed District Development Plan**

CASE SUMMARY

A change in zoning to facilitate the rehabilitation and improvement of a former corner-lot tavern and 2 adjacent properties for a beer garden with indoor and outdoor gathering space is proposed. The subject site is primarily zoned C-1 with the rear portion of the site being within the R-6 district. An existing residential structure has been converted to accommodate an open-air gathering space that flows into the outdoor space and connects with the structure on the corner. The 1st floor of the corner-lot structure will be used for tavern operations and the 2nd floor will remain an office space. Most recently, an office use has been present within the corner-lot structure.

STAFF FINDING

Except for the current parking standards, which are under consideration by Metro Council, and calculations shown on the most recently submitted detailed plan, the proposal appears to be in order and ready for the next available public hearing before the Planning Commission.

TECHNICAL REVIEW

The most recent submittal of the development plan on August 10, 2020 provides parking calculations based on currently adopted parking standards contained in Ch. 9 of the Land Development Code. It utilizes the reductions afforded to development in traditional form districts and includes a parking waiver of 4 spaces. On-street parking is being used exclusively. However, the Planning Commission made a recommendation to Metro Council to adopt amended parking standards at its public hearing on August 20th. Council is scheduled to adopt the recommendations at its meeting on September 17, 2020.

The recommended amended would result in the proposed development being complaint with those standards. Most notable in this case, structures over 50 years old are not required to provide additional parking and the ratio for taverns is to be increased from 1 space per 100 sq. ft. to 1 space per 1,000 sq. ft. Parking calculations on the plan will need to be revised in advance of the public hearing to demonstrate compliance.

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.

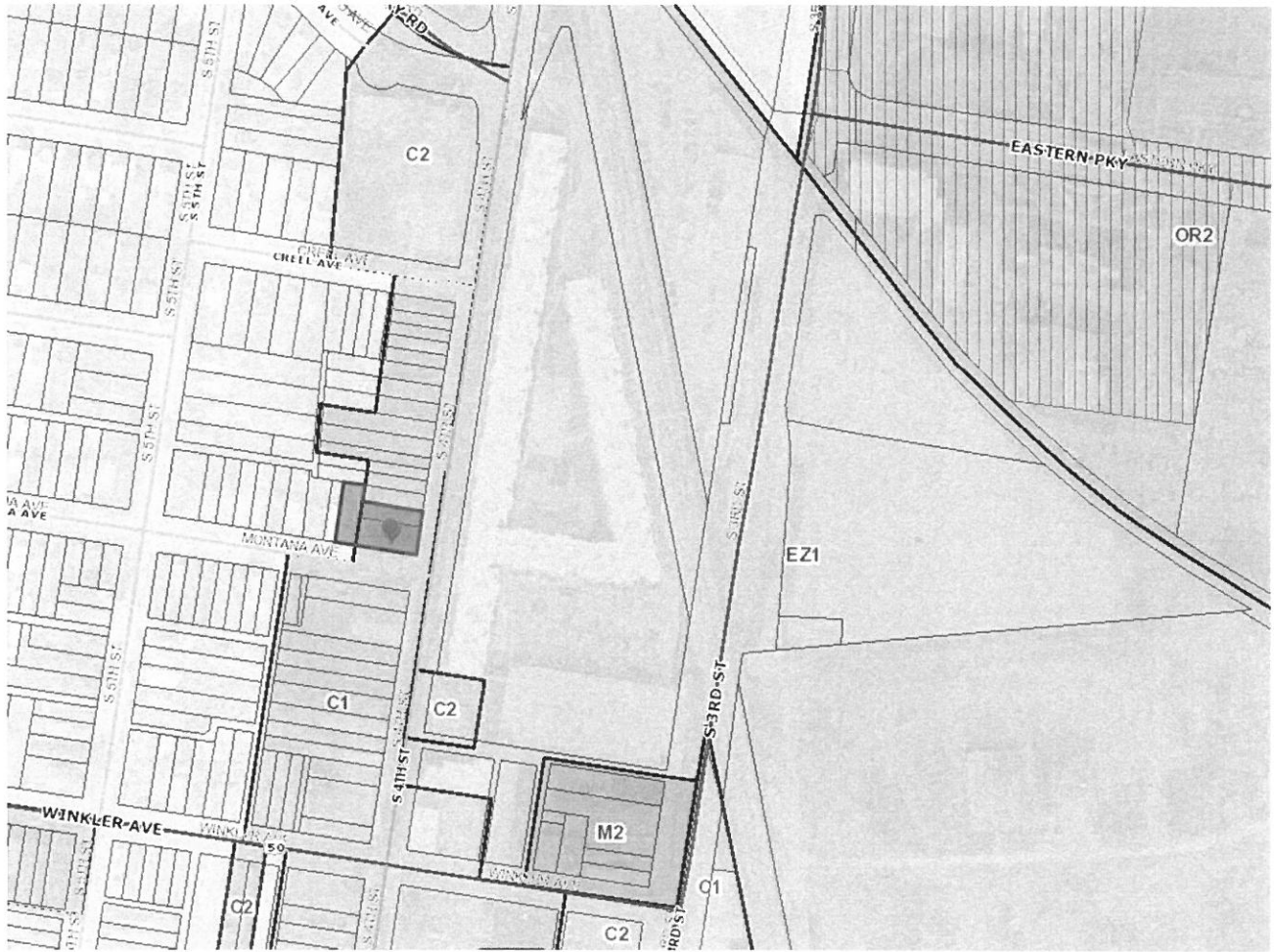
NOTIFICATION

Date	Purpose of Notice	Recipients
9/10/20	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 6
	Hearing before Planning Commission	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 6
	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



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 Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. 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 or certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter
 - c. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
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. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.

Pre-Application Staff Report



Case No:	20-ZONEPA-0019
Project Name:	Longtail Building
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Owner(s):	Longtail Ventures, LLC
Applicant:	Longtail Ventures, LLC
Representative(s):	Wyatt, Tarrant, & Combs, LLP
Jurisdiction:	Louisville Metro
Council District:	5 – Donna Purvis
Case Manager:	Joel P. Dock, AICP, Planner II

REQUEST(S)

- **Change-in-Zoning** from R-6, multi-family & C-1, commercial to C-2, commercial

CASE SUMMARY

A change in zoning from R-6 and C-1 to C-2 is proposed. The subject site is primarily zoned C-1 with the rear portion being within the R-6 district. The portion to be rezoned from R-6 to C-2 is vacant. Existing commercial portions of the subject property contain a single-family home in poor condition and an "historic" tavern. No improvements to the site have been indicated on the development plan.

STAFF FINDING

The proposal generally conforms to Plan 2040. The commercial zoning district maintains consistency with the rearmost limits of nearby commercial development and has a limited impact on the residential aspects of the block face as the proposed district aligns with commercial development immediately opposite Montana Avenue. The proposed district allows a range of complementary uses, as well as uses that are more regional. The applicant should consider their specific needs for the C-2 zoning district prior to formal application as lower intensity options may be available, see agency comments.

TECHNICAL REVIEW

Agency comments must be addressed prior to scheduling of public meetings.

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STAFF ANALYSIS FOR CHANGE IN ZONING

The Following is a summary of staff's analysis of the proposed rezoning against the Land Use and Development Policies of Plan 2040:

The site is located in the Traditional Neighborhood Form District

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 fifty to one hundred twenty years old, it is hoped that the Traditional Neighborhood Form will be revitalized under the new Comprehensive Plan. 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) the preservation of the existing grid pattern of streets and alleys, (c) preservation of public open spaces

The proposed district constitutes a non-residential expansion into a residential area as the rearmost portion of the subject site is the beginning of the residential development along the block face. Despite this expansion a commercial zoning district maintains consistency with the rearmost limits of nearby commercial development. Additionally, the area of commercial development is vacant, containing no residential structures. The expanded district has a limited impact on the residential aspects of the block face as the proposed district aligns with commercial development immediately opposite Montana Avenue.

The proposed higher intensity district is in a walkable urban neighborhood on a transit route near the University of Louisville and population centers to support transit-oriented development and an efficient public transportation system. Access to the site is from areas of similar intensity and access does not encroach upon residential areas.

The proposed district allows a range of complementary uses, as well as uses that a more regional. The applicant should consider their specific needs for the zoning district prior to formal application. Transitions (LBA) shall be provided to create compatibility between the rear of the lot and the adjacent residential use

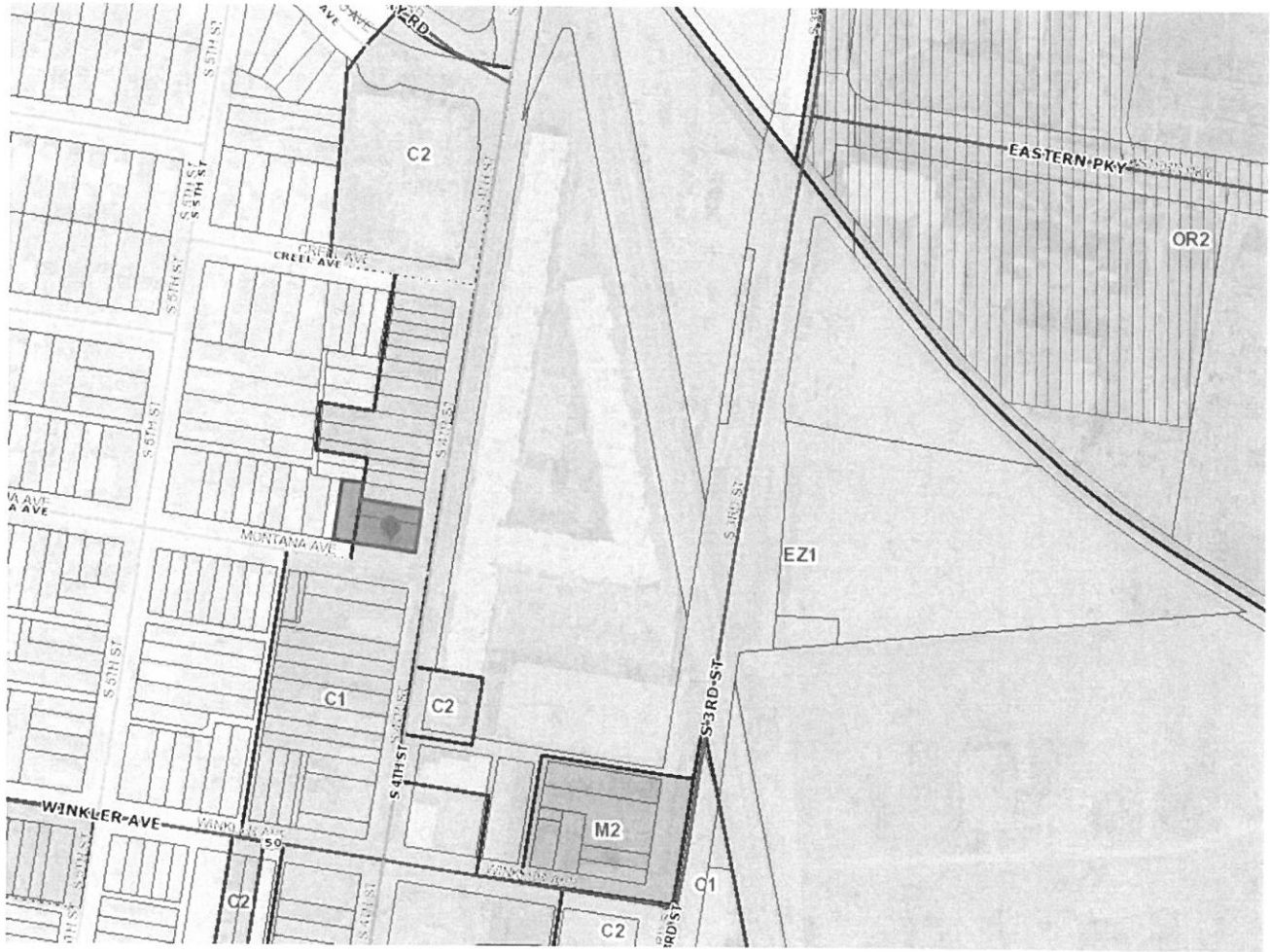
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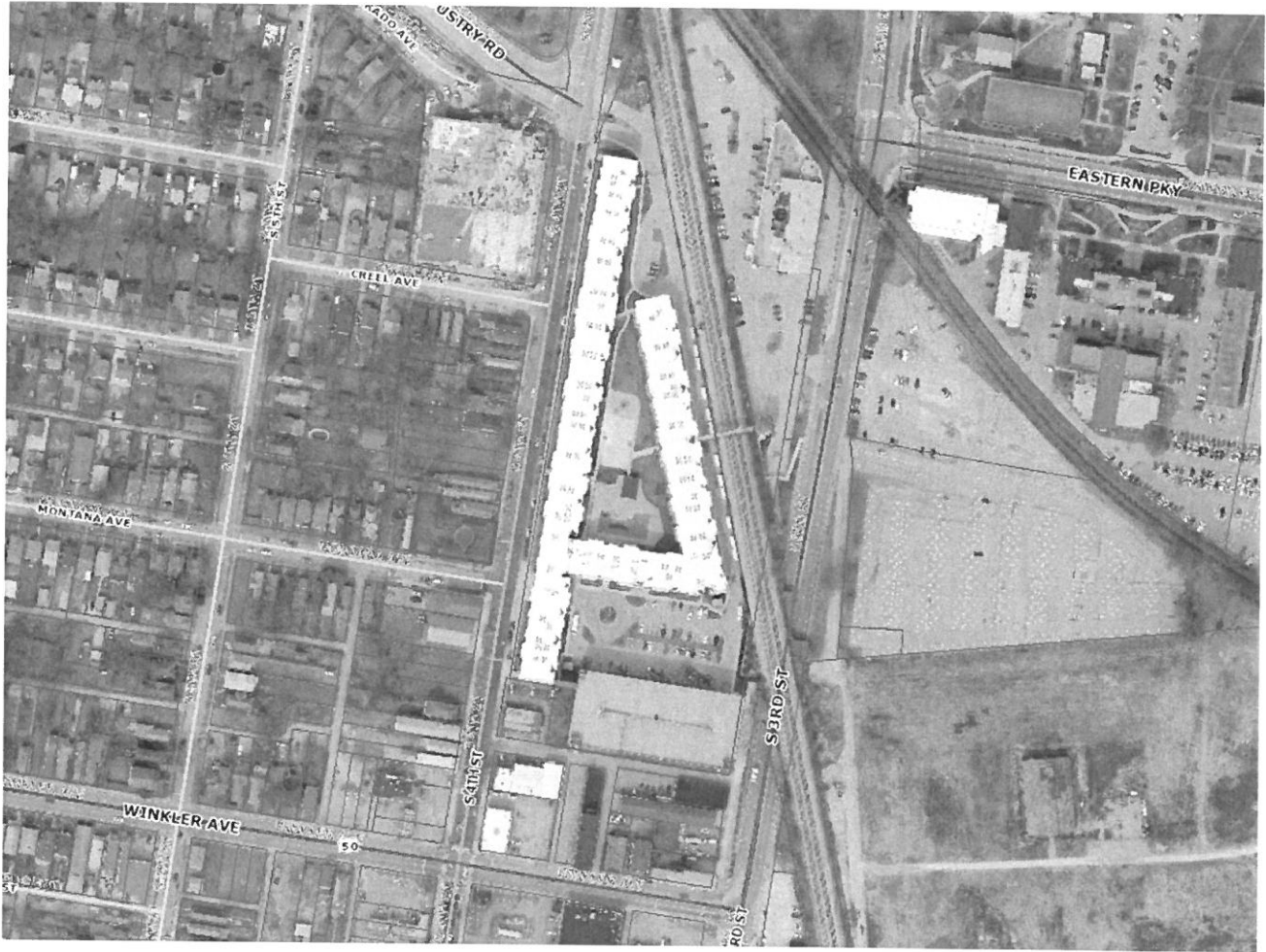
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1. **Zoning Map**



2. Aerial Photograph



3. Plan 2040 Staff Analysis

- + Exceeds Guideline
- ✓ Meets Guideline
- Does Not Meet Guideline
- +/- More Information Needed
- NA Not Applicable

Traditional Neighborhood: Non-Residential

Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
Land Use & Development Goal 1: Community Form	6. Discourage non-residential expansion into existing residential areas unless applicant can demonstrate that any adverse impact on residential uses will be mitigated. Evaluation of impacts may include, but not be limited to, displacement of residents, loss of affordable housing units, traffic, parking, signs, lighting, noise, odor, and stormwater. Appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential.	✓	The proposed district constitutes a non-residential expansion into a residential area as the rearmost portion of the subject site is the beginning of the residential development along the block face. Despite this expansion the commercial zoning district maintains consistency with the rearmost limits of nearby commercial development and the area of commercial development is vacant, containing no residential structures. The expanded district has a limited impact on the residential aspects of the block face as the proposed district aligns with commercial development immediately opposite Montana Avenue.
Land Use & Development Goal 1: Community Form	7. Locate higher density and intensity uses near major transportation facilities and transit corridors, employment centers, in or near activity centers and other areas where demand and adequate infrastructure exists or is planned.	✓	The proposed zoning district is located along a major arterial roadway having public transit service and a connected pedestrian network. Adequate infrastructure is available to serve commercial developments.
Land Use & Development Goal 1: Community Form	17. Mitigate adverse impacts of traffic from proposed development on nearby existing communities.	✓	The proposal has a limited impact on traffic as the site is primarily zoned commercial at this time and the site fronts an arterial roadway with transit service in a walkable urban community within proximity to population centers.
Land Use & Development Goal 1: Community Form	18. Mitigate adverse impacts of noise from proposed development on existing communities.	+/-	Transition shall be made to mitigate noise impacts adjacent to residential

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Land Use & Development Goal 2: Community Form	1. Locate activity centers in appropriate areas in all Form Districts. Design and density should be compatible with desired form, adjacent uses, and existing and planned infrastructure.	+/-	The proposed district is located appropriately for its intensity along a major arterial roadway with transit service. Development Plan – Transitions (LBA) shall be provided to create compatibility between the rear of the lot and the adjacent residential use.
Land Use & Development Goal 2: Community Form	4. Allow non-residential development within the Neighborhood, Traditional Neighborhood and Village Form Districts to occur only at locations with appropriate access and connectivity.	✓	The subject property has an appropriate level of connectivity and can be accessed without interfering with lower intensity uses.
Land Use & Development Goal 2: Community Form	5. Locate retail commercial development in activity centers where it can be demonstrated that sufficient population exists or is anticipated to support it.	✓	The subject property fronts an arterial roadway with transit service in a walkable urban community within proximity to population centers and the University of Louisville.
Land Use & Development Goal 2: Community Form	6. Encourage a more compact development pattern in activity centers that result in efficient land use and cost-effective infrastructure investment.	✓	The proposal results in compact development as existing structures will be rehabilitated resulting in a cost-effective infrastructure investment.
Land Use & Development Goal 2: Community Form	7. Encourage activity centers to include a mixture of compatible land uses in order to reduce traffic congestion by requiring fewer trips, support and enhance alternative modes of travel, and encourage vitality and a sense of place.	+/-	The proposed district is located appropriately for its intensity along a major arterial roadway with transit service. Development Plan – Transitions (LBA) shall be provided to create compatibility between the rear of the lot and the adjacent residential use.
Land Use & Development Goal 2: Community Form	9. Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses.	✓	The proposal will result in rehabilitation of existing structures that provide office or residential uses.
Land Use & Development Goal 3: Community Form	9. Encourage development that respects the natural features of the site through sensitive site design, avoids substantial changes to the topography, and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	✓	The proposed district utilizes a previously developed site and does not impact floodplain or other environmental features.

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Land Use & Development Goal 3: Community Form	10. Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exists in order to prevent property damage and public costs associated with soil slippage and foundation failure and to minimize environmental degradation.	✓	The proposed district utilizes a previously developed site and does not impact floodplain or soils.
Land Use & Development Goal 3: Community Form	12. When reviewing proposed developments consider changes to flood-prone areas and other features vulnerable to natural disasters such as sinkholes and landslides. Ensure appropriate measures to protect health, safety and welfare of future users of the development.	✓	The proposed district utilizes a previously developed site.
Land Use & Development Goal 4: Community Form	1. Preserve buildings, sites, districts and landscapes that are recognized as having historic or architectural value and ensure that new land uses are compatible in height, massing, scale, architecture style and placement when located within the impact area of such resources.	✓	The proposed district preserves existing structures that exhibit compatibility with the character of the area.
Land Use & Development Goal 4: Community Form	2. Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.	✓	The proposed district preserves existing structures that exhibit compatibility with the character of the area and maintain the cultural features of traditional neighborhoods.
Land Use & Development Goal 1: Mobility	4. Encourage higher densities and intensities within or near existing marketplace corridors, existing and future activity centers, and employment centers to support transit-oriented development and an efficient public transportation system.	✓	The proposed higher intensity district is located on a transit route near the University of Louisville and population centers to support transit oriented development and an efficient public transportation system.
Land Use & Development Goal 2: Mobility	4. Avoid access to development through areas of significantly lower intensity or density development if such access would create significant nuisances.	✓	Access to the site is form areas of similar intensity and access does not encroach upon residential areas.
Land Use & Development Goal 3: Mobility	1. Encourage a mix of complementary neighborhood serving businesses and services in neighborhood and village centers to encourage short trips easily made by walking or bicycling.	+/-	The proposed district allows a range of complementary uses, as well as uses that a more regional. The applicant should consider their specific needs for the zoning district prior to formal application.

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Land Use & Development Goal 3: Mobility	2. To improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Housing should be encouraged near employment centers.	✓	The proposed district will be easily accessible as the site is located along a transit route in a walkable urban neighborhood near the University of Louisville.
Land Use & Development Goal 3: Mobility	3. Evaluate developments for their ability to promote public transit and pedestrian use. Encourage higher density mixed-use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation and housing choices.	✓	The proposed district will be easily accessible as the site is located along a transit route in a walkable urban neighborhood near the University of Louisville.
Land Use & Development Goal 3: Mobility	5. Evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality.	✓	The proposed district will be easily accessible as the site is located along a transit route in a walkable urban neighborhood near the University of Louisville.
Land Use & Development Goal 3: Mobility	6. Ensure that those who propose new developments bear or share in rough proportionality the costs of transportation facilities and services made necessary by development.	+/-	Improvements necessitated by the proposed district should be made, such as bike racks or sidewalk repair
Land Use & Development Goal 3: Mobility	9. When existing transportation facilities and services are inadequate and public funds are not available to rectify the situation, the developer may be asked to make improvements, roughly proportional to the projected impact of the proposed development, to eliminate present inadequacies if such improvements would be the only means by which the development would be considered appropriate at the proposed location.	+/-	Improvements necessitated by the proposed district should be made, such as bike racks or sidewalk repair
Land Use & Development Goal 3: Mobility	10. Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel.	+/-	Improvements necessitated by the proposed district should be made, such as bike racks or sidewalk repair
Land Use & Development Goal 2: Community Facilities	1. Locate development in areas served by existing utilities or capable of being served by public or private utility extensions.	✓	The proposed district is located in an area served by existing utilities or capable of being served by public or private utility extensions

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Land Use & Development Goal 2: Community Facilities	2. Ensure that all development has an adequate supply of potable water and water for fire-fighting purposes. Locate only very low-density land uses on sites that use on-lot sewage disposal systems or on a private supply of potable water.	✓	An adequate supply of potable water and water for fire-fighting purposes is available.
Land Use & Development Goal 2: Community Facilities	3. Ensure that all development has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as determined by the Metropolitan Sewer District (MSD).	✓	Adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as determined by the Metropolitan Sewer District is provided.
Land Use & Development Goal 1: Economic Development	3. Locate commercial uses generating high volumes of traffic on a major arterial street, at the intersection of two minor arterials, or at a location with adequate access to a major arterial and at locations where nuisances and activities of the proposed use will not adversely affect adjacent areas.	+/-	The proposed district allows a range of complementary uses, as well as uses that a more regional. The applicant should consider their specific needs for the zoning district prior to formal application.
Land Use & Development Goal 1: Livability	21. Mitigate negative development impacts to the integrity of the regulatory floodplain by encouraging development patterns that minimize disturbance and consider the increased risk of more frequent flooding events.	✓	The proposed district utilizes a previously developed site and is not located within the floodplain.
Housing: Goal 2	1. Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area.	+/-	Will residential uses be provided?
Housing: Goal 3	2. As neighborhoods evolve, discourage displacement of existing residents from their community.	+/-	Does the property have current residential tenants? How will current tenants be accommodated for during proposed improvements?

