

ORDINANCE NO. 002, SERIES 2020

**AN ORDINANCE OVERTURNING THE RECOMMENDATION OF THE PLANNING COMMISSION AND MAINTAINING THE EXISTING ZONING OF R-6 RESIDENTIAL MULTI-FAMILY AND OR-2 OFFICE-RESIDENTIAL ON PROPERTY LOCATED AT 768, 810, AND 850 BARRET AVENUE AND 1236 EAST BRECKENRIDGE STREET CONTAINING APPROXIMATELY 9.6742 AND BEING IN LOUISVILLE METRO (CASE NO. 19ZONE0046)(AMENDMENT BY SUBSTITUTION)**

**SPONSORED BY: COUNCIL MEMBER BRANDON COAN**

**WHEREAS**, the Legislative Council of the Louisville/Jefferson County Metro Government (the “Council”) has considered the evidence presented at the public hearing held by the Louisville Metro Planning Commission (the “Planning Commission”) and the recommendations of the Planning Commission and its staff as set out in the minutes and records of the Planning Commission in Case No. 19ZONE0046; and

**WHEREAS**, the Council rejects the findings of the Planning Commission for the zoning change in Case No. 19ZONE0046 and has made alternative findings of fact based upon the Planning Commission’s record that support maintaining the existing OR-2 Office-Residential zoning designation for the time being; and

**WHEREAS**, the Council makes the following findings of fact based upon the record established before the Planning Commission for Case No. 19ZONE0046 to overturn the recommendation of the Planning Commission and maintain for the time being the existing OR-2 Office-Residential zoning designation on the property located at 768, 810, and 850 Barret Avenue and 1236 East Breckenridge Street and being in Louisville Metro; and

**WHEREAS**, a number of the findings of fact made by the Planning Commission were based upon the idea that *some* uses which are allowed in C-2 Commercial would be appropriate for the site, but those same findings fail to enumerate, discuss, and/or

weigh the potential impacts of those other C-2 Commercial allowed uses which would not be appropriate; and

**WHEREAS**, the findings of fact made by the Planning Commission regarding the *potential* for mixed use development, community-serving uses, residential/affordable development, and/or aging in place on the site if zoned C-2 in no way guarantee that such developments would actually occur; and

**WHEREAS**, the finding of fact made by the Planning Commission regarding the *potential* for preservation of the structures on the site fails to even contemplate any such preservation; and

**WHEREAS**, the finding of fact made by the Planning Commission which *claims* that the existing zoning classification is inappropriate provides little discussion of why it is inappropriate; and

**WHEREAS**, the current zoning of OR-2 meets many of the very same standards which the Planning Commission used to justify its recommendation to rezone the property; and

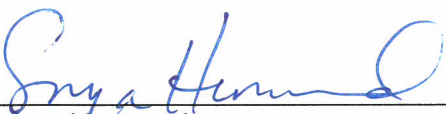
**WHEREAS**, maintaining for the time being the current zoning of OR-2 is appropriate for the site given the past history and uncertain future of the site's redevelopment; and

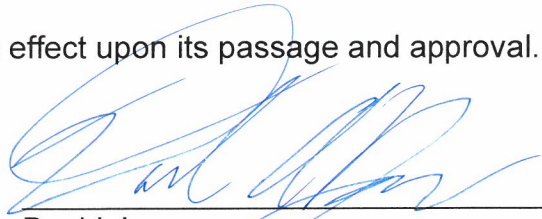
**WHEREAS**, many of the remaining findings of fact made by the Planning Commission are also speculative in nature, such as those dealing with traffic issues, as there is no specific proposed use, development plan, or traffic study provided;

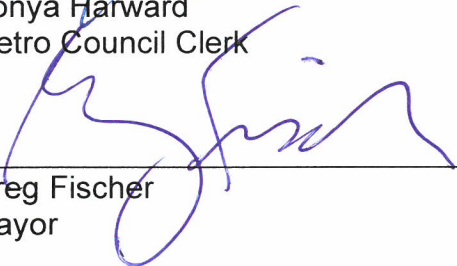
**NOW THEREFORE BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISIVLLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:**

**SECTION I:** That the zoning of the property located at 768, 810, and 850 Barret Avenue and 1236 East Breckenridge Street containing approximately 9.6742 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 19ZONE0046, shall remain R-6 Residential Multi-Family and OR-2 Office-Residential for the time being, and that the decision of the Planning Commission in that case is overridden.

**SECTION II:** This Ordinance shall take effect upon its passage and approval.

  
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Sonya Harward  
Metro Council Clerk

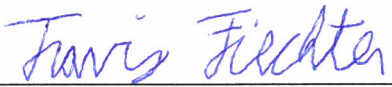
  
\_\_\_\_\_  
David James  
President of the Council

  
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Greg Fischer  
Mayor

1/27/2020  
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Approval Date

**APPROVE AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

By:   
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