

ORDINANCE NO. 040, SERIES 2017

**AN ORDINANCE MAINTAINING THE EXISTING ZONING OF R-7 RESIDENTIAL MULTI-FAMILY ON PROPERTY LOCATED AT 604 EASTERN PARKWAY CONTAINING 0.211 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 16ZONE1058). (AMENDED BY SUBSTITUTION)**

**SPONSORED BY: COUNCILWOMAN MADONNA FLOOD**

**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. 16ZONE1058;

**WHEREAS**, the Council rejects the findings of the Planning Commission for the zoning change in Case No. 16ZONE1058 and has made alternative findings of fact based upon the Planning Commission's records that support maintaining the existing R-7 Residential Multi-Family zoning designation;

**WHEREAS**, the site is surrounded by residential uses and uses permitted by right in residential zones and introduces a non-residential expansion into an existing residential area in violation of Community Form/Land Use Guideline 3 constituting "spot zoning" which is contrary to Kentucky law;

**WHEREAS**, the introduction of a non-residential use mid-block does not create a transition of use and intensity but rather destabilizes surrounding residential uses;

**WHEREAS**, the introduction of a non-residential use at this location destabilizes the Olmstead Parkway and creates a precedent for other such uses along the Olmstead Parkway;

**WHEREAS**, the proposed rezoning will not reduce trips and does not encourage stability and sense of place in violation of Community Form/Land Use Guideline 2;

**WHEREAS**, any office signage amidst residential uses will degrade the visual quality of the surroundings in violation of Community Form/Land Use Guideline 3: Compatibility;

**WHEREAS**, access to the proposed offices past residential uses may create a nuisance in violation of Mobility/Transportation Guideline 8;

**WHEREAS**, parking will not be available on Miller's Lane and any parking on Miller's Lane will create a hazard; and

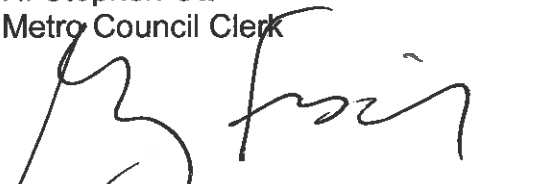
**WHEREAS**, the extension of Miller's Lane will improperly reduce the front yard of the adjacent residence.

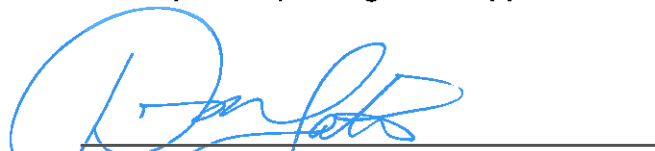
**NOW THEREFORE BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:**


**SECTION I:** That the zoning of the property located at 604 Eastern Parkway containing 0.211 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 16ZONE1058, shall hereby remain R-7 Residential Multi-Family.

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

  
\_\_\_\_\_  
H. Stephen Ott  
Metro Council Clerk

  
\_\_\_\_\_  
Greg Fischer  
Mayor

  
\_\_\_\_\_  
David Yates  
President of the Council

  
\_\_\_\_\_  
Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

By: *Paul Smith*  
O-060-17 Amended by Substitution (pbw)

**LOUISVILLE METRO COUNCIL  
READ AND PASSED  
March 9, 2017**