



**Detailed Statement of Compliance
With the Applicable Guidelines and Policies of the
Plan 2040 Comprehensive Plan
(Revised June 20, 2019)**

Property Owner: Pin-Realty, LLC
Applicant: Pin-Realty, LLC
Case No.: 19ZONE1003
Location: 1692 Mercer Avenue
Engineer: Prism Engineering & Design Group, LLC.
Proposed Use: Private Administrative Office for VisionFirst Eyecare Billing Staff
Requests: Rezoning required from R-5 to OR, with landscape waivers

Introductory Statement

Pin-Realty, LLC, proposes a change in zoning from the existing R-5 zoning to the proposed OR zoning classification for the property located at 1692 Mercer Avenue. The existing residence is proposed to be used as administrative office space for VisionFirst Eyecare which is located at 4000 Poplar Level Road, and abuts the 1692 Mercer Avenue site.

At its Poplar Level Road location, VisionFirst Eyecare provides patient care, but also provides eyeglass lens preparation and billing services for all of its office locations. VisionFirst Eyecare has grown over the years and is proposing to utilize the existing structure at 1692 Mercer Avenue as administrative office space. Patients would not be seen in this office and no changes would be made to the exterior of the structure, nor to the site. No signage and no additional lighting will be necessary.

The applicant had approached planning staff to discuss the possibility of utilizing a conditional use permit per LDC section 4.2.20, which allows an optometrist to operate in an R-5 zone under certain conditions. Staff determined, at that time, that a conditional use permit would not be an option for this site, even though the proposed use is directly related to the optometrist office and the proposed use would be a less intense use than that allowed by the conditional use permit. Moreover, the conditional use permit would have allowed the existing R-5 zoning to remain.

The existing property known as 1692 Mercer Avenue is comprised on three separate parcels. Each of the existing parcels is currently zoned R-5, therefore, a change in zoning with respect to all three parcels is requested.

Community Form Goal 1: Guide the form and design of development

The subject property is located within an existing Neighborhood Form District and abuts parcels that are located within the business corridor along Poplar Level Road, which is a major arterial roadway. The proposed OR zoning change is within the community form guidelines, since Plan 2040 intends that Neighborhood Form Districts may contain service oriented uses. As stated, the intent of this request is to allow VisionFirst Eyecare to use this existing residential structure as a private administrative office for their billing staff, which will support the existing VisionFirst Eyecare office located at 4000 Poplar Level Road and allow the facility to continue to provide services to the neighborhood at its current location.

The applicant intends to use the existing residential structure in its current exterior condition. There would be no exterior changes that would cause this structure to stand out as an office use in a residential area. Office staff will not park on the site, as staff will park in other VisionFirst Eyecare parking areas. Additionally, the subject site is located across Mercer Avenue from the existing Holy Family Parish facility, with buildings and parking areas that are more office/institutional in their design and configuration.

The zone change request is the minimum change necessary to allow for the use of the existing residential structure as a private office for VisionFirst Eyecare administrative staff, while not allowing a high density or more intense zoning district or use. With this property abutting the existing C-1 zoned property containing the existing VisionFirst Eyecare offices, the proposed use will be for office staff that will be an extension of the existing VisionFirst Eyecare office. Office staff would enter the building from the eastern side of the site, which faces the existing C-1 zoned property. Patients would not be seen in this office and no changes would be made to the exterior of the structure, nor to the site. No signage and no additional lighting will be necessary. In general, this private office use would not result in any type of hazardous use or any emissions related to air, noise or light, other than those currently associated with the residential structure.

Community Form Goal 2: Encourage sustainable growth and density

Plan 2040 encourages diversity in land uses, while enhancing the quality of life within the neighborhood, as well as encouraging rehabilitation of existing buildings to provide commercial, office and residential uses. With VisionFirst Eyecare providing an established service use in the neighborhood, the proposed zoning change encourages continued vitality of the area, bringing investment into the neighborhood and this improves the overall quality of place. The site is located along the existing business and transit corridor of Poplar Level Road. The proposed zone change allows the existing business to grow and continue to provide services to the community, without requiring exterior changes to the structure or any additional infrastructure, construction or community disruption.

The proposed use is for a private office to be housed in the existing structure, which that would be considered as a minimal expansion of the existing eyecare facility. The office use is a low intensity use and the proposed OR zone designation would allow only uses and growth that is allowed by the Land Development Code and the comprehensive plan. Plan 2040 encourages residential and office uses above retail and other mixed use multi-story retail buildings, however, the existing structure is considered a one and one-half story structure, with minimal space on the second level. The second level would not be viable as a stand-alone office use, therefore, the office use is proposed for the main floor level, as well.

Community Form Goal 3: Protection of natural resources

The proposed zone change request will have no negative impacts on the natural resources within the neighborhood. With the zone change from R-5 to OR, the existing residential structure will be utilized as a private office for administrative staff of VisionFirst Eyecare. The existing structures and the existing site will remain as it is today, with no exterior changes to the structures, nor any changes to the site, which will not impact the existing natural resources. Since there are no site improvements proposed, there will be no impact on existing soils, existing earth slopes or related environmental considerations.

Plan 2040 encourages development along the Ohio River Corridor, but gives consideration to flood prone areas and other features such as karst related features. This site is currently developed and is not located within the Ohio River Corridor and does not lie within a designated floodplain area. Additionally, no karst activity is apparent at the site.

Community Form Goal 4: Preserve historic and archaeological resources

Plan 2040 intends to preserve historic and archaeological resources in the neighborhood. The proposed request does not impact any known historic or archaeological resources. Preservation of existing buildings and sites is encouraged. The existing structure will be reused as private office space, which conforms to the comprehensive plan, as the site is located adjacent to the existing business corridor along a major arterial roadway.

The comprehensive plan also encourages the preservation of existing landscapes. The applicant proposes to maintain the existing site landscaping as it currently exists, so that the character of the property remains unchanged. Strictly following the Land Development Code would require extensive screening and buffering between this site and the adjoining residential use, which would seem somewhat contrary to Plan 2040 recommendations.

Mobility Goal 1: Implement an accessible system of transportation

Plan 2040 encourages access to existing transportation systems, which is accomplished at this site. The site is located along the existing transit corridor of Poplar Level Road, which is a major arterial roadway.

Mobility Goal 2: Plan, build and maintain a safe and accessible transportation system

Plan 2040 recommends avoiding access for developments through areas of significantly lower intensity of density, if such access would create a nuisance. In this case, the site is directly adjacent to Mercer Avenue, which is within approximately 175 feet of Poplar Level Road, a major arterial roadway. Therefore, the applicant's proposed zoning change and proposed use would not create a nuisance for the neighborhood.

Mobility Goal 3: Encourage land use and transportation patterns that connect and support future growth in Louisville Metro

Plan 2040 encourages transportation facilities and services that promote and accommodate growth, with development that is a mixture of neighborhood serving businesses and services that encourage short trips which are easily made by walking or bicycling. As stated previously, the applicant's request will allow the existing structure to be utilized as a private office that would be an extension of the existing eyecare office adjacent to this location.

Additionally, the comprehensive plan encourages the promotion of public transit and pedestrian movement. While this site will have no significant effect on the existing transportation network, the site is located along established transit routes, with established pedestrian facilities along Poplar Level Road. The existing site will be connected to the existing eyecare parking area with a proposed sidewalk connection to be completed at the applicant's cost, which will allow access to the existing transit corridor of Poplar Level Road.

Community Facilities Goal 2: Plan for community facilities

The existing site is served by existing utilities and infrastructure that can sustain the proposed office use. No additional infrastructure and disruption to existing services will be required for the proposed office use. The proposed use is of low intensity requiring minimal utility demands and will have no significant impact on the existing transportation systems.

Livability Goal 1: Protect and enhance the natural environment and integrate it with the built environment as development occurs

The proposed zone change request will have no negative impacts on the existing environment within the site or within the neighborhood. With the zone change from R-5 to OR, the existing residential structure will be utilized as a private office for administrative staff of VisionFirst Eyecare. The existing structures and the existing site will remain in their current conditions, with no exterior changes to the structures, nor any changes to the site, which will not impact the existing environment. Since there are no site improvements proposed, there will be no impact on existing soils, existing earth slopes or related environmental considerations. No hazardous materials will be stored or generated at this location. This site is currently developed and is not located within a designated floodplain area. Additionally, no karst activity is apparent at the site.

Housing Goals 1 and 2: Diverse housing and mixed use neighborhoods

The applicant is proposing to use the existing structure as a private office, however, with the Office-Residential (OR) zone requested, the use of this structure could easily be returned to residential at a future date.

Housing Goal 3: Ensure long-term affordability and livable options

The applicant purchased this property from the previous owner, who was moving out of the area. No residents are being displaced by the applicant's proposal. The applicant is proposing to use the existing structure as a private office, however, with the Office-Residential (OR) zone requested, the use of this structure could easily be returned to residential at a future date.

Summary Statement

For all the above reasons and others identified on the Site Plan submitted with this application, including conditions of approval that may need to be addressed with neighbors and presented by the time of Planning Commission review, this application complies with all relevant and applicable Guidelines and Policies of the Plan 2040 Comprehensive Plan.