

ORDINANCE No. 100, SERIES 2015

**AN ORDINANCE CHANGING THE ZONING FROM R-7 MULTI-FAMILY RESIDENTIAL TO C-1 COMMERCIAL ON PROPERTY LOCATED AT 3901 WEST MARKET STREET CONTAINING 24,000.00 SQUARE FEET AND BEING IN LOUISVILLE METRO (CASE NO. 14ZONE1030) (AS AMENDED).**

**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 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. 14ZONE1030; and,

WHEREAS, the Council concurs in and adopts the findings of the Planning Commission for the zoning change in Case No. 14ZONE1030 and approves and accepts the recommendations of the Planning Commission as set out in said minutes and records, and attaches 4 agreed upon binding elements as set forth in Section I below;

**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 3901 West Market Street, containing 24,000.00 square feet and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 14ZONE1030, is hereby changed from R-7 Multi-Family Residential to C-1 Commercial; provided, however, said property shall be subject to the binding elements as set forth in the minutes of the Planning Commission in Case No. 14ZONE1030, with the addition of the following binding elements:-

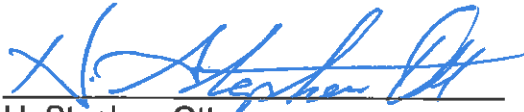
13. The exterior building elevations shall change from what was approved at the Planning Commission public hearing to those accompanying this ordinance, resulting in a substitution of 3 display cases to house historic Shawnee Neighborhood photographs (as selected in consultation with the Shawnee Neighborhood Association) for several previous Planning Commission-approved spandrel glass windows.

14. The outdoor space at the corner of 39<sup>th</sup> and Market Streets shall be finished with a ground surface determined by DPDS in consultation with the Metro Councilperson from District 5 and thereafter made available by Hutton/Family Dollar by deed or easement to Louisville Metro Government for use through a Metro-determined process to select or allow vendors to sell fresh fruits and vegetables.

15. A 6-foot high, double-sided, solid wood fence shall be installed along the rear property line in place of shrubbery as requested by the Metro Councilperson from District 5 in consultation with the DPDS case manager so as to assure no duplicative screening requirements in this area and with Metro Transportation Planning and Public Works so as to assure appropriate sight distances.

16. Damage, if any, to public infrastructure caused by the developer during the course of construction shall be repaired at developer's cost.

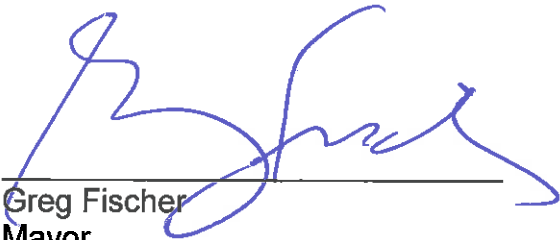
**Section II:** This Ordinance shall take effect upon its passage and approval.



H. Stephen Ott  
Metro Council Clerk



David W. Tandy  
President of the Council



Greg Fischer  
Mayor

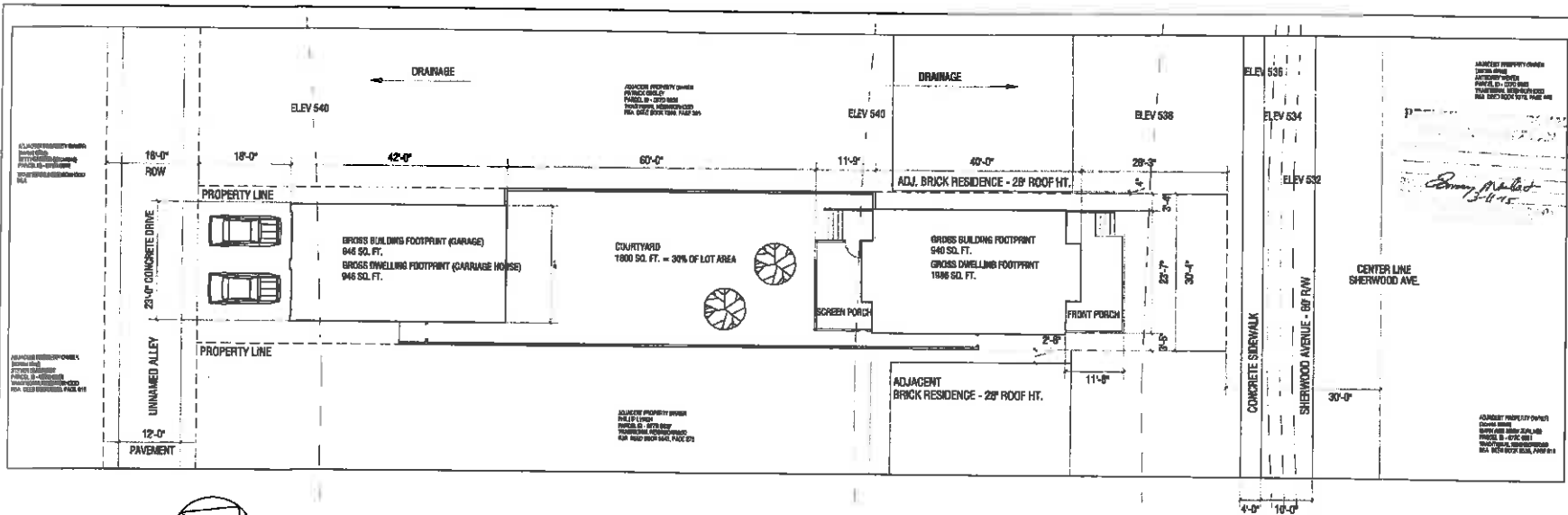
Approved: 6/30/15  
Date

**APPROVED AS TO FORM AND LEGALITY:**

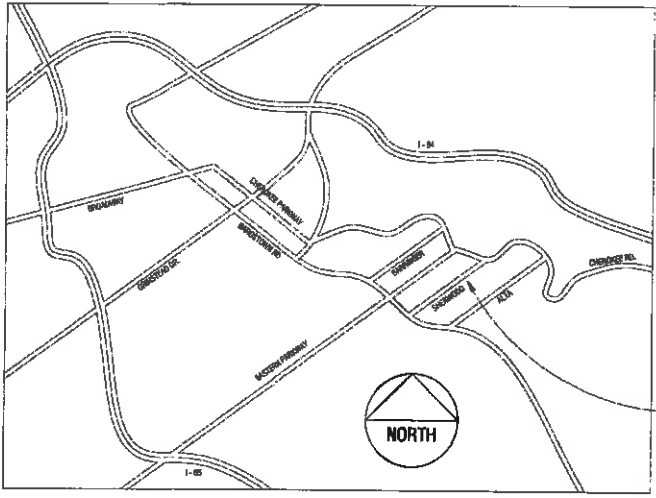
Michael J. O'Connell  
Jefferson County Attorney

By: 

**LOUISVILLE METRO COUNCIL  
READ AND PASSED**  
*June 25, 2015*



**SITE PLAN**  
SCALE: 1" = 10'-0"



**VICINITY MAP**  
NO SCALE

**SITE**

FLOOR AREA RATIO - COVERED FLOOR AREA / AREA OF PLOT = 2922 / 6066 = 0.48  
 DWELLING UNITS / ACRE - 2 UNITS / .1393 ACRES = 14.35  
 SIDE YARD SETBACK - 3'-4" AS REQ'D BY TABLE 5.2.2  
 PROPOSED ROOF HEIGHT = 30'  
 NEIGHBOR'S ON EITHER SIDE ROOF HEIGHT = 28'  
**LEGAL DESCRIPTION:**

Beginning on the Southeast side of Sherwood 1686.86 1/4 feet Northeastwardly from the Bardtown Road, as now improved, as measured along the southeast side of Sherwood Avenue running thence North 53 degrees, 45 min. and 20 sec. along the South side of Sherwood Avenue 30' - 0" and extending to the alley property line at a bearing of South 50 degrees 15 min. and 00 sec. a distance of 200' - 0" and turning back along the rear property line at a bearing of South 50 degrees 45 min. and 00 sec. a distance of 30' 4" and extending back to the North West corner of the property at a bearing of North 39 degrees, 15 min. and 00 sec. a distance of 200' - 0".

Being a portion of the same property conveyed to CSG Limited Liability Company from Jean Green and Jeanne Callam, unrecorded, by deed dated January 2, 2011, of record in Deed Book 8686, Page 897, in the records for Jefferson County, KY.

**PARKING CALCULATION TABLE 9.1.2A:**

MIN. SPACES REQUIRED - 2 SPACES  
 MAX. SPACES REQUIRED - 4 SPACES OUTDOORS  
 SPACES PROVIDED - 3 IN GARAGE, 2 OUTDOORS

**TREE CANOPY REQUIREMENTS:**

INCREASE IN BUILDING AREA OR IMPERVIOUS SURFACE AREA OF > 20% < 50% SHALL PROVIDE 1/2 OF THE REQUIRED TREE CANOPY REQUIRED  
 1/2 X 15% OF 6060 SQ. FT. = 455 SQ. FT. OF NEW CANOPY

**KARST SURVEY:**

A SURVEY OF THE PROPERTY HAS BEEN PERFORMED BY GREENBAUM ASSOCIATES GEO-ENGINEERING ON THE WEEK OF FEBRUARY 10 TO 14, 2015.

**PRELIMINARY APPROVAL**

Conditions of Approval:  
 State planning code  
 this separate structure  
 be completely supported  
 5/5. Need to define base  
 of structure base with in District  
 7-14-15

LOUISVILLE & JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT

**LEGEND**

Symbol	Description
(Circle with cross)	Tree

**NOTICE**

PERMITS SHALL BE ISSUED ONLY IN CONFORMANCE WITH THE BINDING ELEMENTS OF THIS DISTRICT DEVELOPMENT PLAN.

**REVISIONS**

No.	Description	Date

**APPROVED DISTRICT DEVELOPMENT PLAN**

DOCKET NO. 14-0001-0007  
 APPROVAL DATE: May 21, 2015  
 EXPIRATION DATE:    
 SIGNATURE OF PLANNING COMMISSION:    
 TITLE:  

**RECEIVED**

MAY 21 2015  
 PLANNING & DESIGN SERVICES



**HANSEN ARCHITECTURE**  
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 www.ah.hansen@gmail.com  
 web site: ah.hansenarch.com



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 2180 SHERWOOD

owner/developer address:  
 Eric Hansen  
 2027 Bonnycastle  
 Louisville KY 40205

7/28/15