

Louisville Metro Planning Commission Public Hearing - January 5, 2023

Louisville Metro Land Development & Transportation Committee - December 8, 2022

Neighborhood Meeting - October 18, 2022



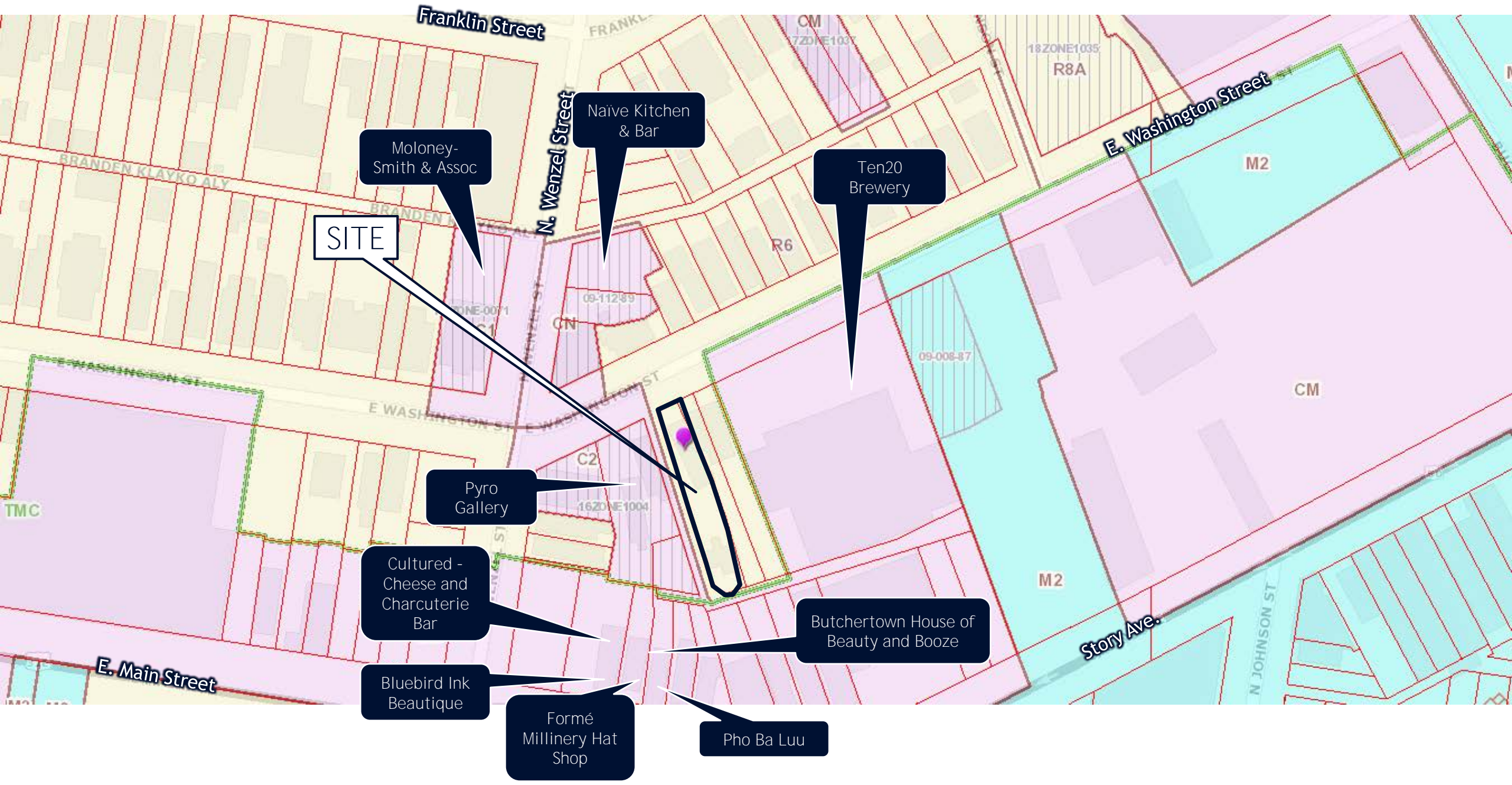
Docket No. 22-ZONE-0150

Zone change from R-6 to C-1 to allow the re-use of the existing property to allow a retail unit and 3 multi-family units and Waiver of LDC 10.2.4 to allow the existing buildings to encroach into the LBA along the eastern property line on property located at
1008 E. Washington Street

Index

1. LOJIC Zoning Map
2. Aerial photographs of the site and surrounding area
3. Ground level photographs of the site and surrounding area
4. Neighborhood Meeting notice list map, letter to neighbors inviting them to the meeting and summary of meeting
5. Development Plan
6. Statement of Compliance filed with the original zone change application with all applicable Goals of the 2040 Plan and Waiver Justification
7. Proposed findings of fact pertaining to compliance with the 2040 Plan and Waiver criteria

TAB 1
LOJIC ZONING
MAP



SITE

Moloney-Smith & Assoc

Naive Kitchen & Bar

Ten20 Brewery

Pyro Gallery

Cultured - Cheese and Charcuterie Bar

Butchertown House of Beauty and Booze

Bluebird Ink Boutique

Formé Millinery Hat Shop

Pho Ba Luu

TAB 2
AERIAL PHOTOGRAPH
OF THE SITE AND
SURROUNDING AREA



Naïve Kitchen & Bar

Ten20 Brewery

SITE

Pyro Gallery

Cultured - Cheese and Charcuterie Bar

ButcherTown House of Beauty and Booze

Bluebird Ink Boutique

Formé Millinery Hat Shop

Pho Ba Luu

CLAYKO AVE

N. Wenzel Street

E. Washington St

E WASHINGTON ST

E. Main Street

31E

Story Ave

50

N JOHNSON ST

SWENZEL ST

BAXTER AVE

JOHNSON ST

42

TAB 3
GROUND LEVEL
PHOTOGRAPHS OF
THE SITE AND
SURROUNDING AREA



View of site from E. Washington Street.



View of E. Washington Street looking east. Site is to the right.



SITE

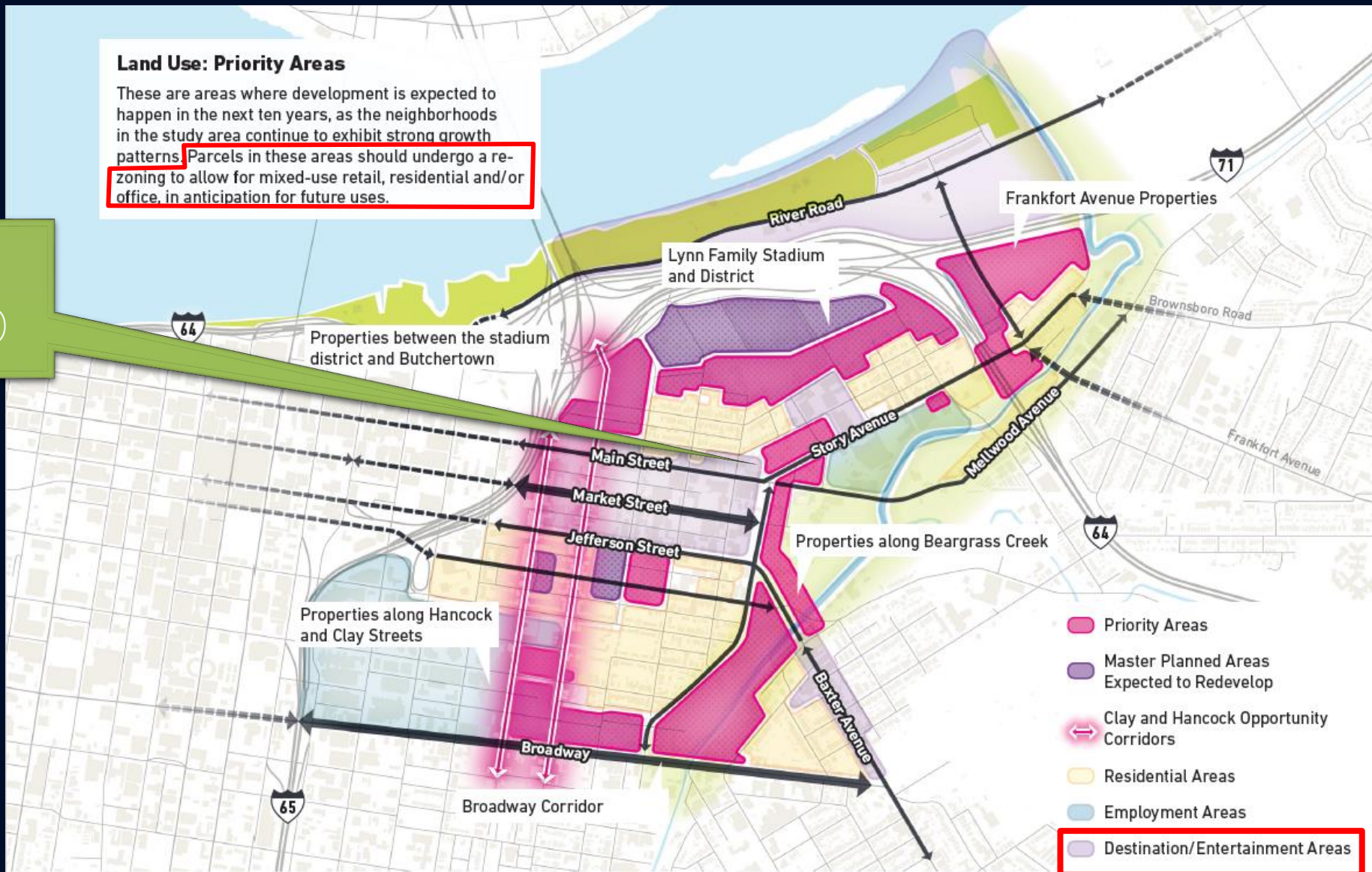
View of E. Washington Street looking west. Site is to the left.

BUTCHERTOWN, PHOENIX HILL & NULU NEIGHBORHOOD PLAN

Land Use: Priority Areas

These are areas where development is expected to happen in the next ten years, as the neighborhoods in the study area continue to exhibit strong growth patterns. **Parcels in these areas should undergo a rezoning to allow for mixed-use retail, residential and/or office, in anticipation for future uses.**

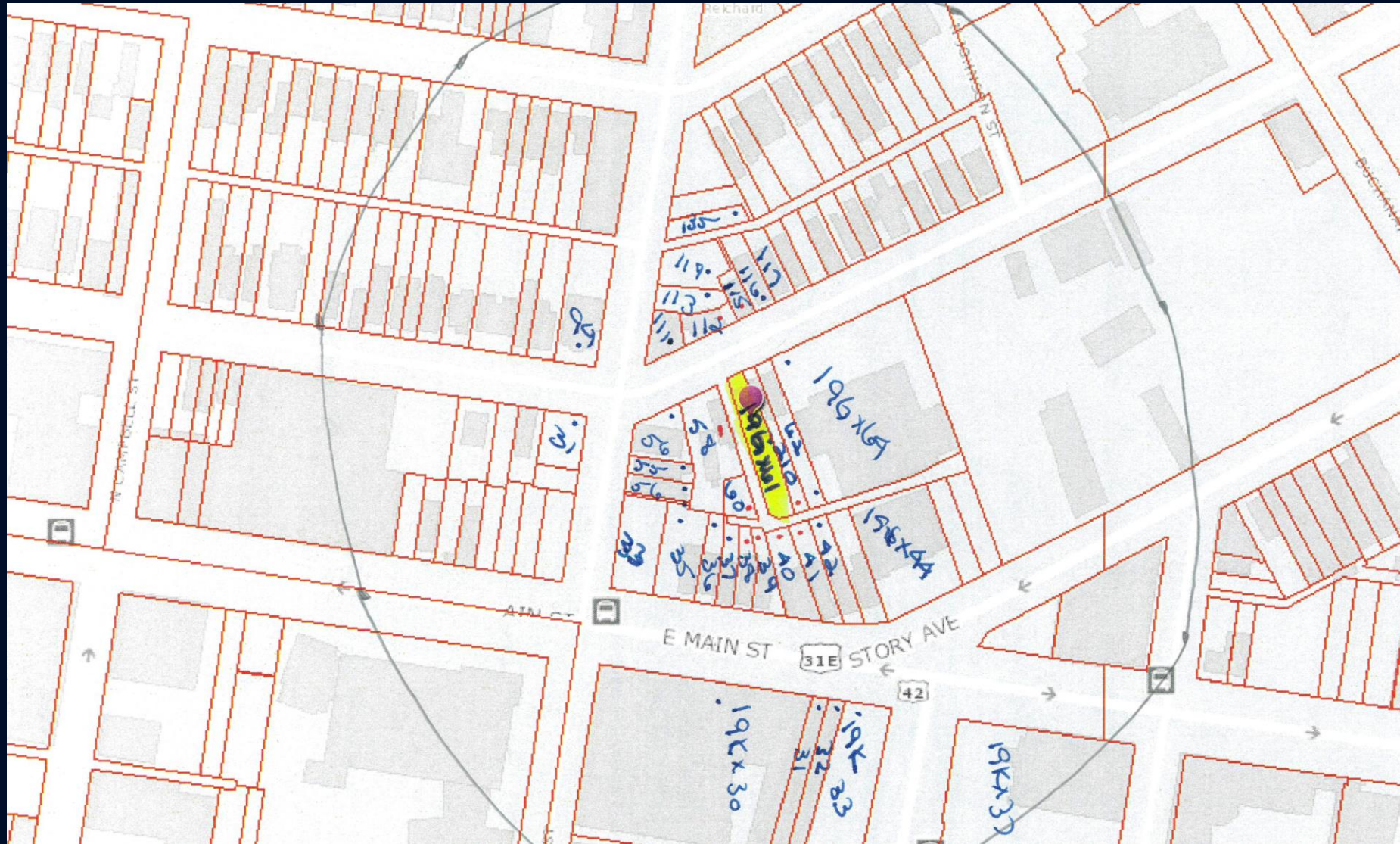
SITE
(Approximate)



TAB 4

NEIGHBORHOOD MEETING
NOTICE LIST MAP, LETTER
TO NEIGHBORS INVITING
THEM TO THE MEETING
AND SUMMARY OF MEETING

Adjoining property owner notice list map wherein 30 neighbors plus those on the DPDS “interested party list” were invited to the neighborhood meeting and subsequent LD&T and Planning Commission public hearing.



BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG • 1000 N. HURSTBOURNE PARKWAY • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223
(502) 426-6688 • WWW.BARDLAW.NET

Nicholas R. Pregliasco
Email: NRP@BARDLAW.NET
Mobile: (502) 777-8831

October 4, 2022

RE: Neighborhood meeting for a proposed change in zoning from R-6 to C-1 to allow the re-use of the existing property to allow a retail unit and 3 multifamily units on property located at 1008 E. Washington Street

Dear Neighbor:

We are writing to invite you to a meeting we have scheduled to present neighbors with our zone change and Detailed District Development Plan (DDDP) to allow for the re-use of the existing property mentioned above.

Accordingly, we filed a plan for pre-application review with the Division of Planning and Design Services (DPDS) that was assigned case number, **22-ZONEPA-0120** and case manager, **Jay Lockett**. The existing multifamily building currently hold 4 residential units. The applicant is proposing to remodel the building, converting one residential unit to a retail unit. Accordingly, we would like to show and explain this plan so that we might hear what thoughts, issues and concerns you may have.

In that regard, a meeting will be held on **Tuesday, October 18, 2022**, beginning at **6:30 p.m.** at the **AC Hotel by Marriott Louisville Downtown** located at **727 E. Market Street, Louisville, KY 40202**.

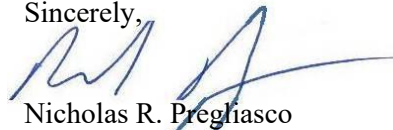
Enclosed for your review are the following:

1. The development plan and site photo sheet
2. LOJIC site location zoning map sheet showing the location of the site
3. Detailed summary sheet of the project
4. Contact information sheet and Information on how to obtain case information online from PDS' online customer service portal
5. PDS' "After the Neighborhood Meeting" sheet

If you are unable to attend the meeting, or have any questions or comments, please feel free to email or call me at the number listed above.

We look forward to our opportunity to visit with you.

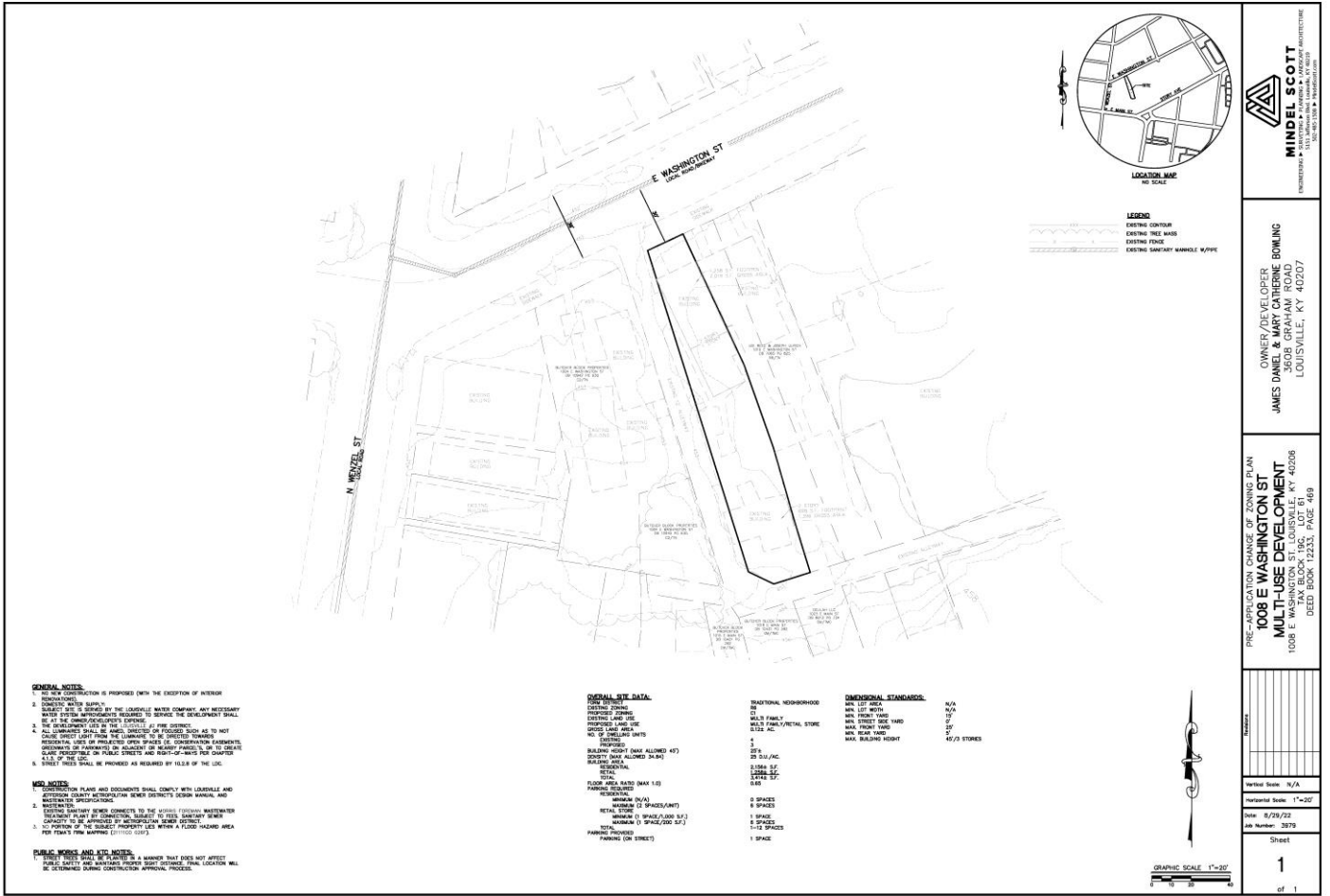
Sincerely,



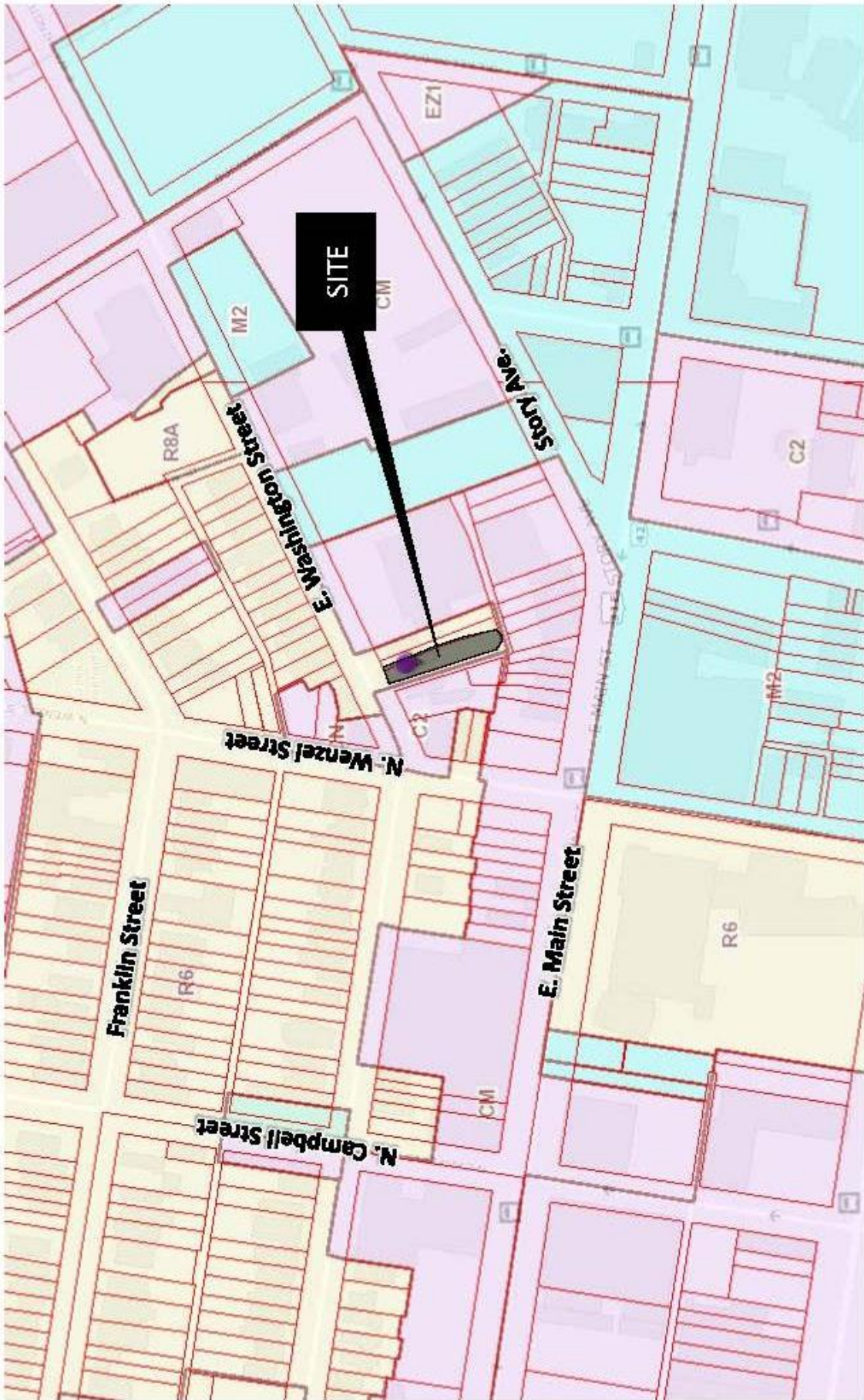
Nicholas R. Pregliasco

cc: Hon. Jecorey Arthur, Councilman, District 4
Jay Lockett, case manager with Division of Planning & Design Services
Kathy Linares, engineer and land planner with Mindel Scott & Associates, Inc.
Daniel Bowling, Applicant

DEVELOPMENT PLAN and SITE PHOTO



LOJIC SITE LOCATION SHEET



DETAILED SUMMARY SHEET

Our client is seeking to rezone the property from R-6 to C-1. The existing multifamily building currently holds 4 residential units. The applicant is proposing to remodel the building, converting one residential unit to a retail unit. A plan has been filed for pre-application review with the Division of Planning and Design Services (DPDS) that was assigned case number, **22-ZONEPA-0120** and case manager, **Jay Luckett**.

The property is located on the south side of E. Washington Street, east of N. Wenzel Street at 1008 E. Washington Street, as shown on the attached “LOJIC Site Location” attachment.

The present zoning is R-6 and the proposed zoning is C-1. The form district is Traditional Neighborhood with no proposed change thereto. The landscaping, screening and buffering will generally be as shown on the development plan which is the minimum amount required by Chapter 10 of the Louisville Metro Land Development Code (LDC).

All dumpster pads/compactors, transformers, AC units, generator pads (if any) will be screened pursuant to Chapter 10 of the LDC.

Sanitary sewer service will utilize existing property service connection.

Storm water assure that the post-development rate of run-off does not exceed pre-development conditions.

NOTICE OF POTENTIAL DEVELOPMENT PLAN CHANGES. Please be advised that this “Detailed Summary” is being provided early in the application process. As such, whereas every effort has been made to assure accuracy, changes may be made to the development plan before the now scheduled neighborhood meeting and also after it based on public comments and those of various agencies and PDS staff review. Any changes will be available for public review on the PDS Online Customer Service Portal. Instructions on how to access this information is provided in the PDS’s online customer service portal information sheet. Additionally, those changes with the final plan would be presented at the time of the public hearing(s). You may also contact the PDS case manager if you have any questions, or contact any others listed on the Contact Information Sheet where contact information is provided.

CONTACT INFORMATION SHEET

1. PRIMARY CONTACT

*Bardenwerper, Talbott & Roberts, PLLC
1000 N. Hurstbourne Pkwy., 2nd Floor
Louisville, KY 40223
Nick Pregliasco – (502) 777-8831
nrp@bardlaw.net*

2. ENGINEERING FIRM

*Mindel Scott & Associates, Inc.
5151 Jefferson Blvd.
Louisville, KY 40219
Attn: Kathy Linares – (502) 485-1508
klinares@mindelscott.com*

3. APPLICANT

*Daniel Bowling
(502) 817-7491
danielbowling@aol.com*

4. CASE MANAGER OR SUPERVISOR

*Jay Lockett, AICP
Planning & Design Services
444 South Fifth Street, Suite 300
Louisville, KY 40202
(502) 574-5159
Jay.lockett@louisvilleky.gov*

PLANNING & DESIGN SERVICES (PDS's) ONLINE CUSTOMER SERVICE PORTAL INFORMATION SHEET

To view details of the zone change online, use the link at:

<https://aca-louisville.accela.com/LJCMG/Welcome.aspx?TabName=Home&TabList=Home>

Click on the “Search” tab
Then “Planning Applications”
Enter case number in “Record Number” box
Click on “Record Info” tab

After the Neighborhood Meeting

This Neighborhood Meeting is an opportunity for the applicants and surrounding neighbors to discuss and develop an understanding of the proposal prior to a public hearing. At the conclusion of this neighborhood meeting, the applicant has 90 days to file a formal application with Planning & Design Services. If the formal application is not filed within 90 days, the applicant will be required to have another neighborhood meeting.

Once the formal application is filed, a public hearing will be scheduled to consider the application. This public meeting is your official opportunity to speak in support or opposition to the proposal. If you received a notice regarding this neighborhood meeting, or did not receive a notice but signed the sign in sheet, you will receive a notice of the public meeting.

If you are interested in staying informed about this proposal, or have any questions about the formal review process, you may call the Planning & Design Services office at **(502) 574-6230**. Please refer to the case number in your inquiry. You may also go to **<https://louisvilleky.gov/government/planning-design>** to view meeting agendas, search case information, or obtain other Planning & Design Services information.

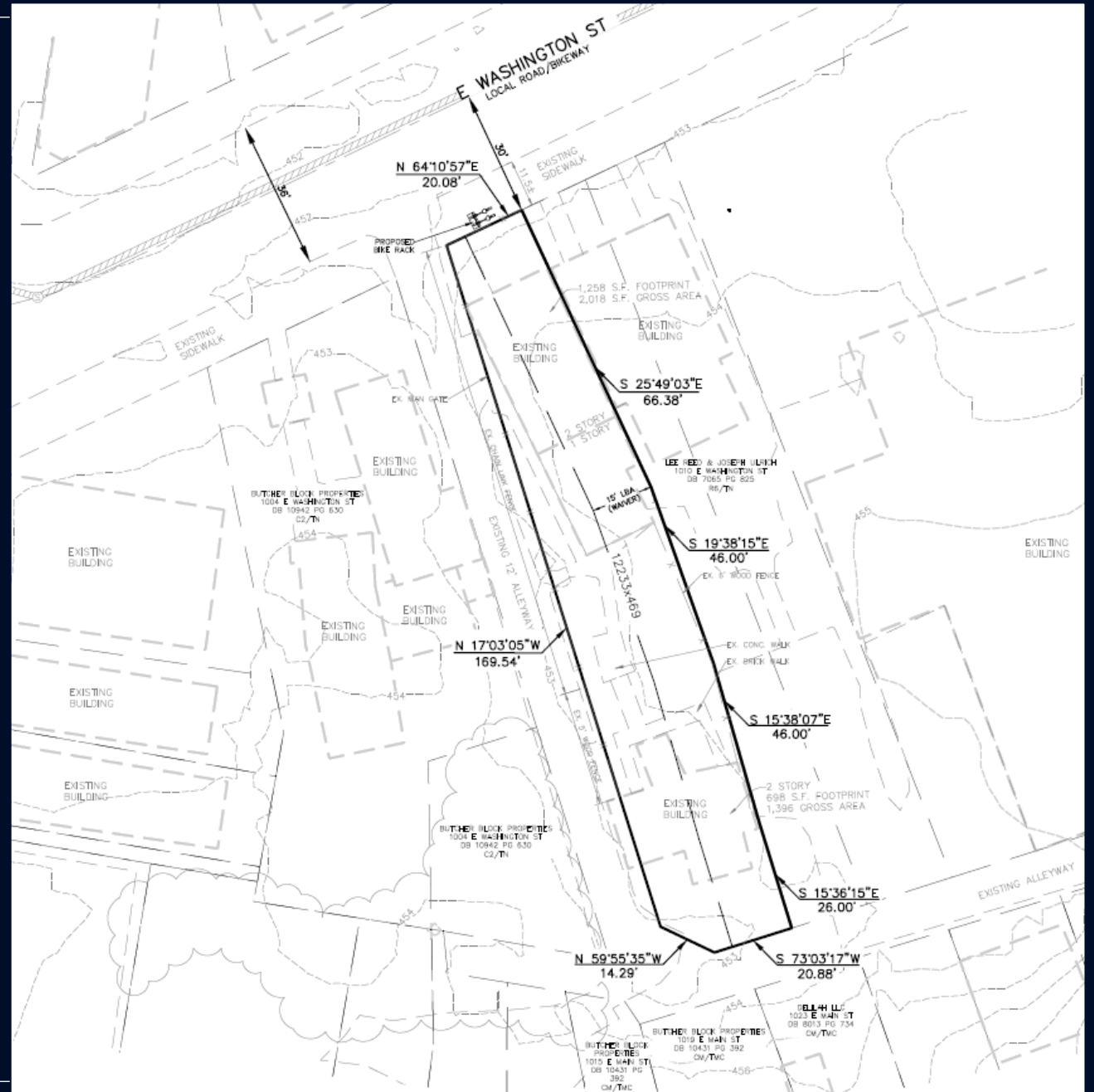
Neighborhood Meeting Summary

A duly noticed neighborhood meeting was held on Tuesday, October 18, 2022, beginning at 6:30 p.m. at the AC Hotel by Marriott Louisville Downtown located at 727 E. Market Street, Louisville, KY 40202. Those in attendance included the applicant, Dan Bowling, applicant's broker, Paul Grisanti, Grisanti Group Commercial Real Estate, Megan Widmer, the potential lessee of the proposed retail space, and the applicant's representative, Christian Miller, attorney with Bardenwerper, Talbott & Roberts.

There were zero persons in attendance. The aforementioned parties waited thirty ("30") minutes before disassembling the presentation. With no persons present by 7:05 p.m., the meeting was concluded.

Tab 5
Development Plan

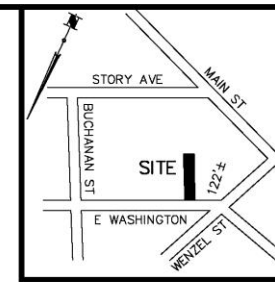
DEVELOPMENT PLAN



BOUNDARY SURVEY

NOTES:

1. THIS PLAT OF SURVEY REPRESENTS A BOUNDARY SURVEY AND COMPLIES WITH 201 KAR 18:150.
2. THIS SURVEY WAS CONDUCTED USING A TRIMBLE R-10 DUAL FREQUENCY RECEIVER VIA "RTK" SURVEY METHODS WITH THE KTC BASE AND VRS SYSTEM. THE RELATIVE POSITIONAL ACCURACY IS WITHIN ±0.05' + 100 PPM, WHICH MEETS OR EXCEEDS THE MINIMUM STANDARDS OF GOVERNING AUTHORITIES FOR AN URBAN SURVEY.
3. THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, ENCUMBRANCES, RESTRICTIONS AND RIGHTS OF OTHERS WHETHER RECORDED OR NOT.

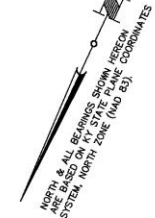
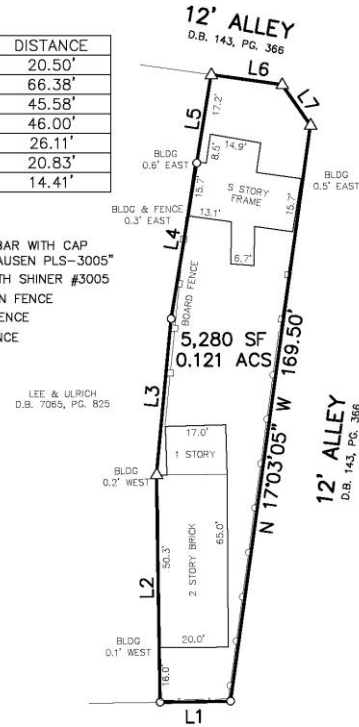


LOCATION MAP
NO SCALE

LINE	BEARING	DISTANCE
L1	N 64°10'57" E	20.50'
L2	S 25°49'03" E	66.38'
L3	S 19°38'15" E	45.58'
L4	S 15°38'07" E	46.00'
L5	S 15°36'15" E	26.11'
L6	S 73°03'17" W	20.83'
L7	N 59°55'35" W	14.41'

LEGEND

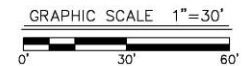
- SET 1/2"X18" REBAR WITH CAP STAMPED "GHEHLHAUSEN PLS-3005"
- ▲ SET MAG NAIL WITH SHINER #3005
- - - EX. WROUGHT IRON FENCE
- EX. CHAIN LINK FENCE
- EX. 6' BOARD FENCE



LAND SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE SURVEY AS DEPICTED HEREON WAS PERFORMED BY PERSONS UNDER MY DIRECT SUPERVISION, AND MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS FOR AN URBAN SURVEY AS ESTABLISHED BY THE COMMONWEALTH OF KENTUCKY, PER 201 KAR 18:150.

EAST WASHINGTON STREET
60' R/W



TIMOTHY L GEHLHAUSEN PLS# 3005
NOT VALID WITHOUT ORIGINAL SIGNATURE AND SEAL OF THE PROFESSIONAL SURVEYOR

MINDEL SCOTT
ENGINEERING ► SURVEYING ►
PLANNING ► LANDSCAPE ARCHITECTURE
5151 Jefferson Blvd. Louisville, KY 40219
502-485-1508 ► MindelScott.com

BOUNDARY SURVEY

PROPERTY OF:
JAMES & MARY BOWLING
3608 GRAHAM ROAD
LOUISVILLE, KY. 40207
PARCEL ID 019G00610000
DEED BOOK 12233, PAGE 469

PROPERTY ADDRESS:
1008 EAST WASHINGTON STREET
LOUISVILLE, KENTUCKY

DATE: 4 OCT 22

SCALE: 1"=30'

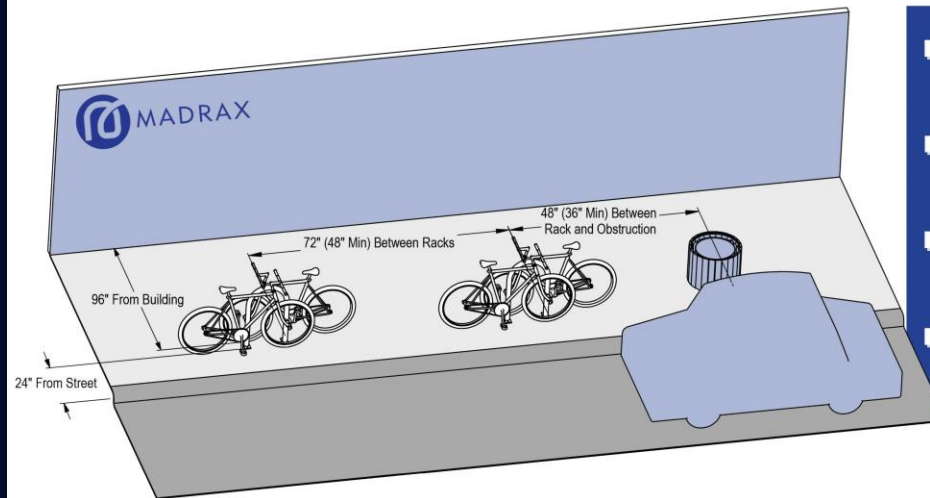
Bike Parking Site Layout

The primary scheme of your bike parking design should incorporate adequate clearance between the bike rack and walls, other fixed objects and driving or parked cars. In general, bike parking should allow for:

- Enough end and side clearance to operate bicycles into and out of the parking area
- Adequate clearance around the rack for cyclists to access and securely lock the bicycle to the rack from the side
- Accessing the rack from all sides so all available parking spaces may be used

The orientation of your bike racks in relation to these elements will also necessitate different placements.

Parallel Bike Rack Layout Recommendation



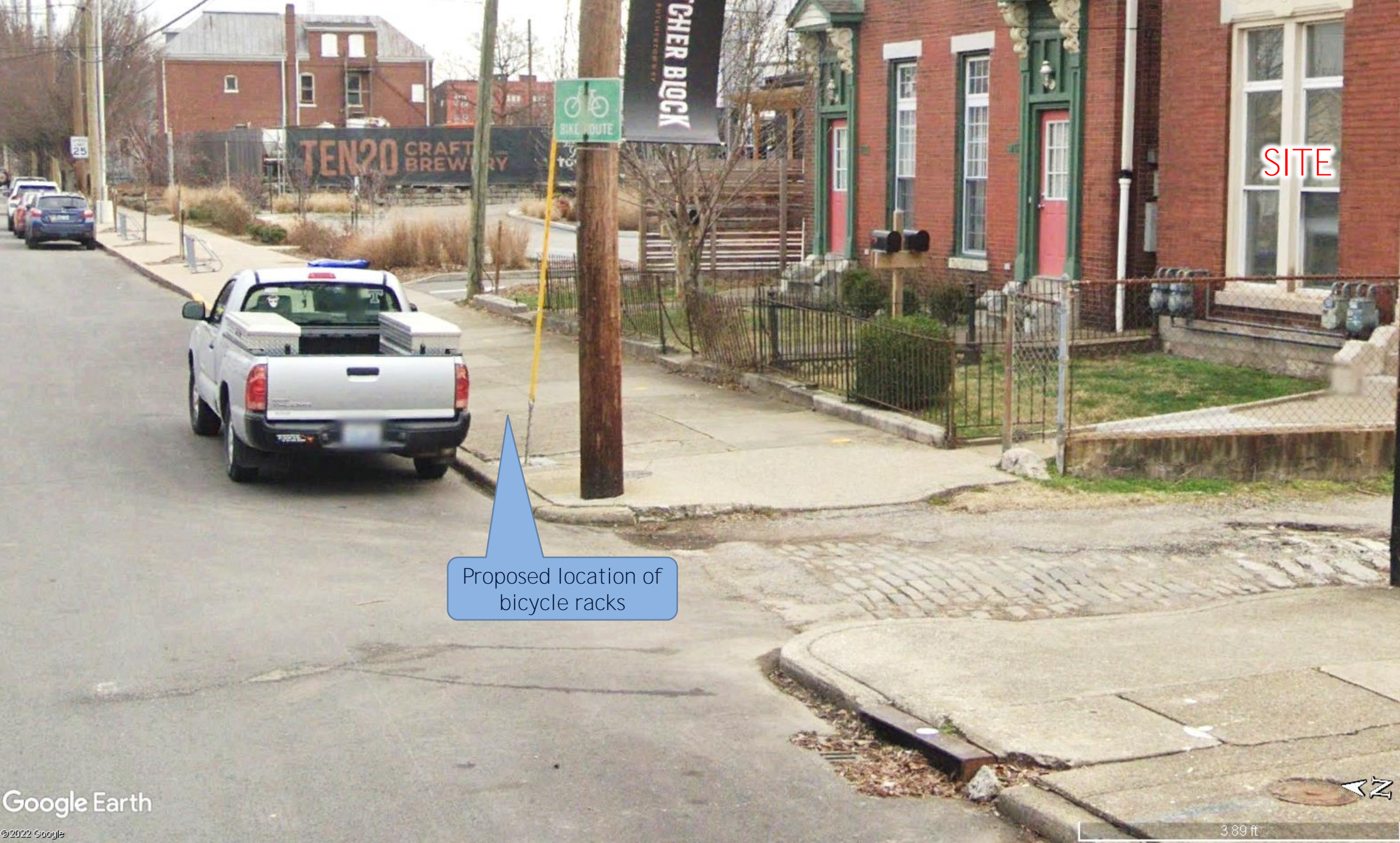
- Setback from walls and other fixed objects
48" recommended | 36" minimum
- Setback from roads/parked cars
24" minimum
- Setback from walls to create aisles/pedestrian walkways
96" minimum
- Spacing between bike racks
72" recommended | 48" minimum



Proposed location of bicycle racks

SITE

Proposed location of bicycle racks



Tab 9

Statement of Compliance filed with
the original zone change application
with all applicable Goals of the 2040
Plan and Waiver Justification

BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

1000 N. HURSTBOURNE PARKWAY • BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG. • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223
(502) 426-6688 • (502) 425-0561 (FAX) • WWW.BARDLAW.NET

STATEMENT OF COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICES OF THE PLAN 2040 COMPREHENSIVE PLAN

Applicant: James Daniel Bowling and Mary Catherine Bowling

Owner: James Daniel Bowling and Mary Catherine Bowling

Location: 1008 E. Washington Street, Louisville, Kentucky 40206

Proposed Use: Retail store

Engineers, Land Planners and
Landscape Architects: Mindel Scott & Associates

Request: Change in Zoning from R-6 to C-1

INTRODUCTION

The property currently contains a multifamily structure with four residential dwelling units. Applicant is proposing a zone change from R-6 to C-1 to allow a mixed-use structure and change one of those residential units into a retail shop. This development adjoins C-2 zoned property to the west, R-6 zoned property to the north and east, all in the Traditional Neighborhood Form District, and CM zoned property to the south, which is in the Traditional Marketplace Form District. It is located along East Washington Street in a small, vibrant, and growing commercial center that contains properties with multiple commercial and residential uses, and is within the study area boundary of the Butchertown Neighborhood Plan and the Butchertown, Phoenix Hill & NuLu Neighborhood Plan.

COMMUNITY FORM

As Plan 2040 notes, the Community Form plan element is meant to guide the shape, scale, and character of development so as to promote a connected, healthy, authentic, sustainable, and equitable built environment. This plan element is achieved in part through the hybrid form of zoning utilized, where zoning district usage requirements combine with form district design requirements to achieve the requisite-built environment.

This proposed zone change conforms with the Policies in the Community Form as shown below.

Goal 1: Guide the form and design of development to respond to distinctive physical, historic and cultural qualities.

This proposal complies with Policies 2.1, 3.1.2, 3.2, 6, 7, 8, 15, 16, 17, 18, 19, 20, and 21 for the

following reasons. The proposed rezoning will permit one vacant unit from a four-unit multifamily structure to serve the area as a retail store. The subject property is situated within the Traditional Neighborhood Form District, which is characterized predominately by residential uses and, at appropriate neighborhood centers, a mixture of offices, retail shops, restaurants and services. This application complies with these Policies because the proposed use will add a retail shop to an area that already has a variety of residential and non-residential uses and mixed-use sites. Furthermore, the application proposes no changes to the exterior of the building, thus preserving the existing building in this stable neighborhood. Indeed, the three remaining residential units are all long-term leases that will have additional access to retail services through the proposed change in use. The site is located near transit services with TARC stops being located just a few hundred feet away. Numerous mixed-use sites are nearby in this growing commercial center to provide services to the residential aspect of this proposed mixed-use facility. The proposal will comply with all lighting and noise standards of the Land Development Code and the Louisville Metro Code of Ordinances. Moreover, as there are no changes to the existing structures being proposed with this zoning change, including no additional lighting, electronic signage, or any alterations to the exterior that would create any visual, noise or light pollution, there are not any anticipated adverse visual, noise and light impacts to be mitigated. The site will be subject to and anticipates being compliant with all applicable noise ordinances. The addition of the retail use will add only minimal additional traffic, and the proposal includes adding bicycle parking and using an existing pedestrian path to encourage transportation methods other than personal automobiles. This application further avoids all industrial development and hazardous materials concerns as those uses are not permitted on the proposed zoning.

Goal 2: Encourage sustainable growth and density around mixed use centers and corridors.

The proposal complies with Policies 1, 4, 5, 6, 7, 8, 9, 10, 11, 13, and 16 for the reasons previously set forth and as set forth below. The site is located near and within a mixed-use center providing neighborhood goods and services and jobs with a sufficient support population and appropriate access and connectivity within a compact pattern of development. This site encourages multimodal transportation and utilizes existing access as it is located near TARC routes and pedestrian walkways, and it will contain a bicycle rack to further increase multimodal transportation patterns. The placement and design of the building, which is pre-existing and will not be altered, is already appropriate for the form district. This site does not propose to have any underutilized parking lots. The proposed retail space is compact and appropriate for the existing infrastructure and land use pattern of the area. Walkability and alternative modes of transportation are encouraged by the addition of this multi-use structure to this area. Additionally, the proposed development involves the renovation and reuse of an existing structure, which is in keeping with the land use policies of Plan 2040 and the CHASE principles, in addition to being an appropriate fit for the form district.

Goal 3: Encourage neighborhoods by protecting and integrating open space, watersheds and other natural resources.

This proposal complies with Policies 9, 10, 11, and 12 because there are no known natural features, slopes, flood prone areas or hydric soils on the site. The site is not located within the floodplain, nor is the site along the Ohio River. The site proposes no new construction, instead choosing to utilize the already-existing development that has no distinctive natural features.

Goal 4: Promote and preserve the historic and archeological resources that contribute to our authenticity.

The proposal complies with Policies 1 and 2 because it will preserve the existing structure on the site, which is a contributing structure within the Butchertown National Register Historic District.

MOBILITY

As Plan 2040 notes, the Mobility element seeks to create a multi-modal transportation system that is safe and accessible to citizens throughout Louisville. It contains three Goals with multiple Policies, and this proposed rezoning conforms with those Policies as shown below.

Goal 1: Implement an accessible system of alternative transportation modes.

This proposal complies with Policies 1, 3, and 4, as the site will be a multi-use residential and commercial site located in an expanding activity center and will provide required bicycle parking and requisite vehicular and pedestrian connectivity, with no waivers requested regarding mobility. A nearby TARC route is within walking distance.

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

This proposal complies with Policy 4 because the plan utilizes existing public roadways and does not, through one small retail store contraposed against the surrounding residential, commercial, and industrial uses, create an intensity or density imbalance such as would cause a nuisance. There is currently a TARC route nearby this location.

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

This proposal complies with Policies 1, 2, 3, 4, 5, 6, 9, and 10. This proposal seeks to create a mixed-use structure in an area where multi-modal transportation is highly accessible. There is a TARC route near this site. The plan will comply with the right of way as required by the Land Development Code. The plan also will provide the requisite bicycle parking, and it already has pedestrian access via a sidewalk along E. Washington Street. The plan reduces the need for multiple automobile trips along this growing activity center by permitting higher-density, mixed use development, and improving air quality and reducing vehicle miles traveled through the encouragement of bicycle and pedestrian access. The plan will also comply with identified and necessary improvements or repairs to the sidewalks adjacent to the site.

COMMUNITY FACILITIES

As Plan 2040 notes, Community Facilities seeks to integrate variegated public and private facilities across Louisville Metro for the purpose of meeting the long-range needs of the community through engaging and sustainable means. This plan element contains three Goals with multiple Policies. This proposed rezoning conforms to those Policies as follows.

Goal 2: Plan for community facilities to improve quality of life and meet anticipated growth.

This proposal complies with Policies 1, 2, and 3 because utilities will be available to the site, including potable water and sewer services. A fire station, Louisville Fire Department Engine 21, is 0.6 miles away.

ECONOMIC DEVELOPMENT

As Plan 2040 notes, the Economic Development plan element has as its goal the development of a healthy, equitable, sustainable, and innovative economic climate that strengthens the community's ability to attract and retain a strong and diverse workforce. This plan element contains two Goals with multiple Policies. This proposed rezoning conforms to these Policies as follows.

Goal 1: Provide an economic climate that improves growth, innovation, investment and opportunity for all.

This proposal complies with Policy 2 which encourages industries to locate in industrial subdivisions or adjacent to an existing industry to take advantage of special infrastructure needs, because the zoning requested would not permit industrial uses on the site.

This proposal also complies with Policy 3, which suggests locating high-volumes-of-traffic generating commercial uses along major arterial streets or at the intersection of two minor arterials, or at other similarly-traveled locations. This proposed site, though a commercial use, is not anticipated to generate significant amounts of traffic, thus its location on a local class road aligns with the intent of Policy 3. As Louisville Metro's population continues to grow, so does demand for all types of services such as those provided in this plan. This proposed improvement and expansion of a current use is part of a developer/owner response to that demand, and therefore both stabilizes and offers increased opportunities for employment and tax base for the City.

LIVABILITY

As Plan 2040 notes, the Livability plan element seeks to guide and direct the available resources to promote the health and well-being of citizens of Louisville Metro. This element has as its focus the public health through promotion of access to fresh food, health care, and places of health and safety. This element is interested in preserving the tree canopy, reducing waste, and conserving energy. It has four Goals and multiple Policies. This proposed rezoning conforms to the Policies as follows.

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

This proposal complies with Policies 17, 21, and 24 because the site is not proposed for industrial zoning and is not located near the Ohio River or the airport and does not contain a regulatory floodplain.

HOUSING

As Plan 2040 notes, the Housing plan element, as its name suggests, seeks to enhance this "necessity of life" known as housing. It seeks to promote equitable, diverse, physically accessible, and affordable housing choices. Importantly, this element seeks to provide equitable access to opportunities, services, and amenities. This element contains three Goals with multiple Policies. This proposed rezoning conforms to the Policies as follows.

Goal 1: Expand and ensure a diverse range of housing choices.

This proposal complies with Policy 2 because it supports aging in place by increasing the variety of

neighborhood-serving goods and services in the immediate area. Additionally, the site is served by transit.

Goal 2: Facilitate the development of connected mixed-use neighborhoods.

This proposal complies with Policies 1 and 2 because it permits inter-generational, mixed-income and mixed-use development connected to the surrounding area and provides amenities in the provision of goods and services in proximity to housing. The site is within an established neighborhood scale area, and there are already mixed uses available in the area providing a variety of services and employment opportunities.

Goal 3: Ensure long-term affordability and livable options in all neighborhoods.

This proposal complies with Policies 2 and 3 because there are no existing residents to displace as the unit that is being converted into a retail use has been vacant for many months. Additionally, the proposed plan provides goods and services in close proximity to the remaining residents and also the other nearby residents. It also creates a mixed-use residential and commercial development, thus increasing production of fair and affordable housing options.

* * *

For all of these and other reasons set forth on the Detailed District Development Plan accompanying this application and in accordance with evidence presented at Planning Commission public hearings, this application will comply with all other applicable Guidelines and Policies of the Plan 2040 Comprehensive Plan.

Respectfully submitted,

Christian K.R. Miller
BARDENWERPER, TALBOTT & ROBERTS, PLLC
Bardenwerper Talbott & Roberts, PLLC
1000 N. Hurstbourne Parkway, Second Floor
Louisville, KY 40223
(502) 426-6688

Tab 10

Proposed findings of fact pertaining to compliance with the 2040 Plan and Waiver criteria

BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

1000 N. HURSTBOURNE PARKWAY • BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG. • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223
(502) 426-6688 • (502) 425-0561 (FAX) • WWW.BARDLAW.NET

PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GOALS, OBJECTIVES AND POLICIES OF THE 2040 PLAN

<u>Applicant & Owner</u>	James Daniel Bowling and Mary Catherine Bowling
<u>Location:</u>	1008 E. Washington Street, Louisville, Kentucky 40206
<u>Proposed Use:</u>	Retail store
<u>Engineers, Land Planners and Landscape Architects:</u>	Mindel Scott & Associates
<u>Request:</u>	Change in Zoning from R-6 to C-1

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on January 5, 2023 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

INTRODUCTION

WHEREAS, the property currently contains a multifamily structure with four residential dwelling units; applicant is proposing a zone change from R-6 to C-1 to allow a mixed-use structure and change one of those residential units into a retail shop; this development adjoins C-2 zoned property to the west, R-6 zoned property to the north and east, all in the Traditional Neighborhood Form District, and CM zoned property to the south, which is in the Traditional Marketplace Form District; and it is located along East Washington Street in a small, vibrant, and growing commercial center that contains properties with multiple commercial and residential uses, and is within the study area boundary of the Butchertown Neighborhood Plan and the Butchertown, Phoenix Hill & NuLu Neighborhood Plan; and

COMMUNITY FORM

WHEREAS, as Plan 2040 notes, the Community Form plan element is meant to guide the shape, scale, and character of development so as to promote a connected, healthy, authentic, sustainable, and equitable built environment; and this plan element is achieved in part through the hybrid form of zoning utilized, where zoning district usage requirements combine with form district design requirements to achieve the requisite-built environment; and

WHEREAS, this proposed zone change conforms with the Policies in the Community Form as shown below because as to Goal 1: Guide the form and design of development to respond to distinctive physical, historic and cultural qualities; and

WHEREAS, this proposal complies with Policies 2.1, 3.1.2, 3.2, 6, 7, 8, 15, 16, 17, 18, 19, 20, and 21 because the proposed rezoning will permit one vacant unit from a four-unit multifamily structure to serve the area as a retail store; the subject property is situated within the Traditional Neighborhood

Form District, which is characterized predominately by residential uses and, at appropriate neighborhood centers, a mixture of offices, retail shops, restaurants and services; this application complies with these Policies because the proposed use will add a retail shop to an area that already has a variety of residential and non-residential uses and mixed-use sites; furthermore, the application proposes no changes to the exterior of the building, thus preserving the existing building in this stable neighborhood; indeed, the three remaining residential units are all long-term leases that will have additional access to retail services through the proposed change in use; the site is located near transit services with TARC stops being located just a few hundred feet away; numerous mixed-use sites are nearby in this growing commercial center to provide services to the residential aspect of this proposed mixed-use facility; the proposal will comply with all lighting and noise standards of the Land Development Code and the Louisville Metro Code of Ordinances; moreover, as there are no changes to the existing structures being proposed with this zoning change, including no additional lighting, electronic signage, or any alterations to the exterior that would create any visual, noise or light pollution, there are not any anticipated adverse visual, noise and light impacts to be mitigated; the site will be subject to and anticipates being compliant with all applicable noise ordinances; the addition of the retail use will add only minimal additional traffic, and the proposal includes adding bicycle parking and using an existing pedestrian path to encourage transportation methods other than personal automobiles; and this application further avoids all industrial development and hazardous materials concerns as those uses are not permitted on the proposed zoning; and

WHEREAS, to Goal 2: Encourage sustainable growth and density around mixed use centers and corridors the proposal complies with Policies 1, 4, 5, 6, 7, 8, 9, 10, 11, 13, and 16 for the reasons previously set forth and because the site is located near and within a mixed-use center providing neighborhood goods and services and jobs with a sufficient support population and appropriate access and connectivity within a compact pattern of development; this site encourages multimodal transportation and utilizes existing access as it is located near TARC routes and pedestrian walkways, and it will contain a bicycle rack to further increase multimodal transportation patterns; the placement and design of the building, which is pre-existing and will not be altered, is already appropriate for the form district; this site does not propose to have any underutilized parking lots; the proposed retail space is compact and appropriate for the existing infrastructure and land use pattern of the area; walkability and alternative modes of transportation are encouraged by the addition of this multi-use structure to this area; additionally, the proposed development involves the renovation and reuse of an existing structure, which is in keeping with the land use policies of Plan 2040 and the CHASE principles, in addition to being an appropriate fit for the form district; and

WHEREAS, to Goal 3: Encourage neighborhoods by protecting and integrating open space, watersheds and other natural resources this proposal complies with Policies 9, 10, 11, and 12 because there are no known natural features, slopes, flood prone areas or hydric soils on the site; the site is not located within the floodplain, nor is the site along the Ohio River; and the site proposes no new construction, instead choosing to utilize the already-existing development that has no distinctive natural features; and

WHEREAS, to Goal 4: Promote and preserve the historic and archeological resources that contribute to our authenticity the proposal complies with Policies 1 and 2 because it will preserve the existing structure on the site, which is a contributing structure within the Butchertown National Register Historic District; and

MOBILITY

WHEREAS, as Plan 2040 notes, the Mobility element seeks to create a multi-modal transportation

system that is safe and accessible to citizens throughout Louisville; and it contains three Goals with multiple Policies, and this proposed rezoning conforms with those Policies as shown below; and

WHEREAS, to Goal 1: Implement an accessible system of alternative transportation modes this proposal complies with Policies 1, 3, and 4, as the site will be a multi-use residential and commercial site located in an expanding activity center and will provide required bicycle parking and requisite vehicular and pedestrian connectivity, with no waivers requested regarding mobility; and a nearby TARC route is within walking distance; and

WHEREAS, to Goal 2: Plan, build and maintain a safe, accessible and efficient transportation system this proposal complies with Policy 4 because the plan utilizes existing public roadways and does not, through one small retail store contraposed against the surrounding residential, commercial, and industrial uses, create an intensity or density imbalance such as would cause a nuisance; and there is currently a TARC route nearby this location; and

WHEREAS, to Goal 3: Encourage land use and transportation patterns that connect Louisville Metro and support future growth this proposal complies with Policies 1, 2, 3, 4, 5, 6, 9, and 10 because this proposal seeks to create a mixed-use structure in an area where multi-modal transportation is highly accessible; there is a TARC route near this site; the plan will comply with the right of way as required by the Land Development Code; the plan also will provide the requisite bicycle parking, and it already has pedestrian access via a sidewalk along E. Washington Street; the plan reduces the need for multiple automobile trips along this growing activity center by permitting higher-density, mixed use development, and improving air quality and reducing vehicle miles traveled through the encouragement of bicycle and pedestrian access; and the plan will also comply with identified and necessary improvements or repairs to the sidewalks adjacent to the site; and

COMMUNITY FACILITIES

WHEREAS, as Plan 2040 notes, Community Facilities seeks to integrate variegated public and private facilities across Louisville Metro for the purpose of meeting the long-range needs of the community through engaging and sustainable means; this plan element contains three Goals with multiple Policies; and this proposed rezoning conforms to those Policies as follows; and

WHEREAS, to Goal 2: Plan for community facilities to improve quality of life and meet anticipated growth this proposal complies with Policies 1, 2, and 3 because utilities will be available to the site, including potable water and sewer services; and a fire station, Louisville Fire Department Engine 21, is 0.6 miles away; and

ECONOMIC DEVELOPMENT

WHEREAS, as Plan 2040 notes, the Economic Development plan element has as its goal the development of a healthy, equitable, sustainable, and innovative economic climate that strengthens the community's ability to attract and retain a strong and diverse workforce; this plan element contains two Goals with multiple Policies; and this proposed rezoning conforms to these Policies as follows; and

WHEREAS, to Goal 1: Provide an economic climate that improves growth, innovation, investment and opportunity for all this proposal complies with Policy 2 which encourages industries to locate in industrial subdivisions or adjacent to an existing industry to take advantage of special infrastructure needs, because the zoning requested would not permit industrial uses on the site; and

WHEREAS, this proposal also complies with Policy 3, which suggests locating high-volumes-of-traffic generating commercial uses along major arterial streets or at the intersection of two minor arterials, or at other similarly-traveled locations; this proposed site, though a commercial use, is not anticipated to generate significant amounts of traffic, thus its location on a local class road aligns with the intent of Policy 3; as Louisville Metro’s population continues to grow, so does demand for all types of services such as those provided in this plan; this proposed improvement and expansion of a current use is part of a developer/owner response to that demand, and therefore both stabilizes and offers increased opportunities for employment and tax base for the City; and

LIVABILITY

WHEREAS, as Plan 2040 notes, the Livability plan element seeks to guide and direct the available resources to promote the health and well-being of citizens of Louisville Metro; this element has as its focus the public health through promotion of access to fresh food, health care, and places of health and safety; this element is interested in preserving the tree canopy, reducing waste, and conserving energy; and it has four Goals and multiple Policies; and this proposed rezoning conforms to the Policies as follows; and

WHEREAS, to Goal 1: Protect and enhance the natural environment and integrate it with the built environment as development occurs this proposal complies with Policies 17, 21, and 24 because the site is not proposed for industrial zoning and is not located near the Ohio River or the airport and does not contain a regulatory floodplain; and

HOUSING

WHEREAS, as Plan 2040 notes, the Housing plan element, as its name suggests, seeks to enhance this “necessity of life” known as housing; it seeks to promote equitable, diverse, physically accessible, and affordable housing choices; importantly, this element seeks to provide equitable access to opportunities, services, and amenities; this element contains three Goals with multiple Policies; and this proposed rezoning conforms to the Policies as follows; and

WHEREAS, to Goal 1: Expand and ensure a diverse range of housing choices this proposal complies with Policy 2 because it supports aging in place by increasing the variety of neighborhood-serving goods and services in the immediate area; and additionally, the site is served by transit; and

WHEREAS, to Goal 2: Facilitate the development of connected mixed-use neighborhoods, this proposal complies with Policies 1 and 2 because it permits inter-generational, mixed-income and mixed-use development connected to the surrounding area and provides amenities in the provision of goods and services in proximity to housing; the site is within an established neighborhood scale area, and there are already mixed uses available in the area providing a variety of services and employment opportunities; and

WHEREAS, to Goal 3: Ensure long-term affordability and livable options in all neighborhoods this proposal complies with Policies 2 and 3 because there are no existing residents to displace as the unit that is being converted into a retail use has been vacant for many months; additionally, the proposed plan provides goods and services in close proximity to the remaining residents and also the other nearby residents; and it also creates a mixed-use residential and commercial development, thus increasing production of fair and affordable housing options; and

* * *

WHEREAS, for all the reasons explained at LD&T and the Planning Commission public hearing and also in the public hearing exhibit books, on the approved detailed district development plan, this application also complies with all other applicable Goals of the 2040 Plan;

NOW, THEREFORE, the Louisville Metro Planning Commission hereby recommends to the Louisville Metro Council that it rezone the subject property from R-6 to C-1 and approves the Detailed District Development Plan.

Waiver Findings of Fact

Waiver of Section 10.2.4 to allow the existing buildings to encroach into the LBA along the eastern property line.

WHEREAS, the waiver will not adversely affect adjacent property owners because the adjacent property owner has already indicated his support for the rezoning and the waiver, and these properties each have existing buildings located near or on the property line, thus this waiver does not create any new privacy or buffering issues; and an e-mail has been provided showing support from the only affected adjoining property owner; and

WHEREAS, the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance filed with the original rezoning application, as the waiver is necessary for the rezoning and the continued growth of mixed-use properties in this area, given that this development will have three residential units and one commercial unit within the same building; and

WHEREAS, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the buildings on both properties are already located in the area of the requested LBA waiver; and

WHEREAS, strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because without this landscape waiver it would be impossible to rezone this property without demolishing the existing buildings; and additionally, this parcel is long and narrow, and the LBA consumes at least half of the property, so the waiver is necessary to permit any reasonable development of the parcel; and

NOW, THEREFORE, the Louisville Metro Planning Commission hereby approves this Waiver.