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October 11, 2023

Dante, St. Germain, Case Manager
Louisville Metro Division of Planning & Design Services
Develop Louisville
444 S. Fifth Street, 3rd Floor
Louisville, Kentucky 40202

Re: Request for the Planning Commission to waive the 2-year rule on property located at
7504R Preston Highway, #22-ZONE-0115

Dear Dante:

We are herewith requesting the Louisville Metro Planning Commission waive the 2-year rule set forth in Section 3.02.03 of the Planning Commission Bylaws and Policies for the above referenced address.

The previous zone change application under docket no. 22-ZONE-0115 was a request to rezone the property at 7504R Preston Highway from R-5 to OTF to allow its use as a hotel. This prior zone change application was recommended for denial by the Planning Commission on May 25, 2023, which was upheld by Metro Council in Ordinance 110, Series 2023.

The basis for the current request to waive the 2-year rule is the applicant has revised its proposed use and proposed zoning district from the previous request of a hotel and OTF zoning to multi-family residential and R-6 zoning.

As you may recall, during the business session at the Planning Commission's May 25, 2023 hearing, each of the Planning Commission members indicated that the issue they had with the then rezoning proposal related to the requested hotel use. As a hotel use, it would have been a "non-residential expansion into a residential area".

Each of the Planning Commission members seemed to concur and mentioned the use of this property should be stepped down from the pre-plan certain C-1 zoned commercial along Preston Highway (which is in the Suburban Marketplace Form District) to the R-5 zoned single-family residential to the west (which is in the Suburban Neighborhood Form District, like the subject property). The new R-6 multi-family residential proposal will provide a less intense transition from the more intense commercial along Preston Highway to the mentioned single family residential. The new rezoning application requests to keep the property as Suburban Neighborhood Form District.

Another major concern at the May 25, 2023 Planning Commission hearing centered on security related to the proposed hotel use and its nightly rentals. The new proposal would be for multi-family residential with long term tenants/residents.

During the business session, it was even suggested that a requested change to apartments would be a better use for this property, which is now being suggested.

At the May 25, 2023 Planning Commission hearing, the motion to deny was revised to specifically include the basis for not following the staff report's recommendation that the proposal complied with Comprehensive Plan 2040. Thus, the basis for the denial was added, *"being that this would be a non-residential expansion into an existing residential area where there will be adverse impact on the adjacent residential uses with respect to noise and lighting"*.

Section 3.02.03 of the Planning Commission Bylaws and Policies state:

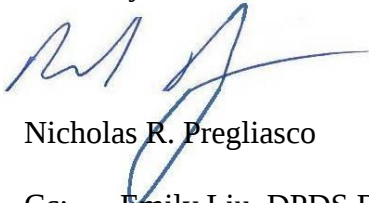
For purposes of this Policy, "differs significantly" shall mean (a) a different land use; or (b) any other difference that the Planning Commission finds to constitute a significant change from the original application.

We believe the change from a hotel use with OTF zoning to multi-family residential and R-6 zonings fits that definition.

Please let us know if we can schedule this request for an upcoming meeting of the Planning Commission for consideration.

Many thanks.

Sincerely,



Nicholas R. Pregliasco

Cc: Emily Liu, DPDS Director
Brian Davis, DPDS Assistant Director
John Miller, Miller Wihry

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