

ZONING APPLICATION JUSTIFICATION STATEMENT
2630 E. Burnett Ave., Louisville, KY 40210
Case No.: 19ZONE1008

April 4, 2019

The applicant, 2630 Burnett LLC, is requesting approval of a zoning change from R-5 Single Family Residential to OR-1 Office Residential in order to utilize the existing building as a boarding and lodging house with 8 units. The subject site is located near the terminus of W Burnett Avenue at Olive Street, in the Park Duvalle neighborhood. The subject property is surrounded by R-5 zoned properties except to the north-east, which is zoned R-6. The nearest non-residential zoning is 1 block away to the north, where properties are zoned C-2 and M-2. The properties that surround the site are used for single-family residential uses.

The reason for the proposed change in use and zoning is rooted in the unique nature and history of the subject site compared to the surrounding neighborhood. The surrounding neighborhood consists of single-family one and two-story homes. The subject site contains a sprawling 5,921 square foot three-story historic building with a walk-in attic. The subject site was the first building on the original neighborhood plat. Historically, the subject site was the main farmhouse on a farm which included the area encompassing the current neighborhood. The lot is much larger than most of the adjoining properties. Additionally, as can be seen on the project plans, the lot is uniquely situated within the neighborhood as compared to surrounding properties.

Applicant purchased the building on or about December 27, 2018. The previous owner was holding catering and special events without proper permit or zoning. The previous owner did not have the money to rehabilitate the deteriorating property and he eventually filed for bankruptcy (Case No. 15-30018, US Bankruptcy Court, Western District of Kentucky). When the applicant purchased the building after receiving permission from the bankruptcy court, it was faced with a dilapidated property that required significant repairs and renovation before it could be used for any purpose.

When the applicant closed on the property, the site was experiencing problems with squatters and junkies. Not only was the historic building in near condemnable condition (**Exhibit 1**), but applicant discovered needles from squatting junkies in the basement (**Exhibit 2**). Once applicant assumed ownership it began cleaning up and rehabilitating the property as well as securing the property to prevent future squatters and drug use.

Applicant's plan is to use the property as a high-end boarding and lodging house. Applicant subjects all residents to stringent background checks. Applicant markets the

RECEIVED

APR 08 2019
PLANNING &
DESIGN SERVICES

9 ZONE 1008

rooms to students, professionals and other business people who may be in Louisville for only a few months at a time for business or training. Applicant is working with UPS to offer discounts for when they have pilots, flight attendants or workers in from out of town. Applicant has successfully utilized this formula in other locations as well.

The requested zoning change and proposed use will not adversely affect adjoining property owners. Applicant proposes a binding element be included that restricts the use of the building and explicitly prohibits any half-way house or transitional living (this was the main concern at the neighborhood meeting). Given the condition of the building and its use by squatting junkies prior to applicant's ownership, the proposed use and renovation will improve the neighborhood's overall aesthetics, appearance, and safety.

The site is located in the Traditional Neighborhood Form District (emphasis added):

This form is characterized by predominantly residential uses, by a grid pattern of streets with sidewalks and often including alleys. Residential lots are predominantly narrow and often deep, **but the neighborhood may contain sections of larger estate lots, and also sections of lots on which appropriately integrated higher density residential uses may be located.** The higher density uses are encouraged to be located in centers or near parks and open spaces having sufficient carrying capacity. There is usually a significant range of housing opportunities, including multi-family dwellings. Traditional neighborhoods often have and are encouraged to have a significant proportion of public open space such as parks or greenways, and may contain civic uses as well as appropriately located and integrated neighborhood centers with a mixture of mostly neighborhood-serving land uses such as offices, shops, restaurants and services. Although many existing traditional neighborhoods are 50 to 120 years old, the Traditional Neighborhood Form may be used when establishing new developments and redevelopments. Revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on **(a) preservation and renovation of existing buildings in stable neighborhoods** (if the building design is consistent with the predominant building design in those neighborhoods), (b) in the case of new developments or redevelopments using traditional building scales and site layouts, (c) the preservation of the existing or establishing a new grid pattern of streets and alleys, and (d) preservation of or creation of new public open spaces.

The proposed use is compatible with the Traditional Neighborhood Form District and in compliance with Cornerstone 2040. The proposed use reuses the existing building and will not require major renovations or any structural changes to accommodate the

RECEIVED

APR 04 2019

PLANNING &
DESIGN SERVICES

9 ZONE 1008

boarding and lodging house. The subject site is a significantly larger lot than surrounding properties and has sufficient carrying capacity.

The proposed zoning district would allow high density residential uses as it is located two blocks from two separate transit corridors. There are no wet or highly permeable soils, severe, steep or unstable slopes evident on the site. The existing structure is proposed to be reused and the structure is eligible for the National Register of Historic Places. There is no anticipated significant impact to the transportation network by the proposed zoning district change. No improvements to transportation facilities and services are anticipated as necessary by the proposed zoning district change.

The Staff Analysis's main concerns (and applicant's responses) as to the Traditional Neighborhood Form District and compliance with Cornerstone 2040 are as follows:

1. **Cornerstone 2040 Community Goal Concern:** How will the surrounding single-family residential uses be buffered from the proposed higher density office-residential zoning?

Applicant's Response: Due to the large size of the property and the existing vegetation on the perimeter of the site, the existing state and spacing of the site acts as a natural buffer. However, pursuant to tables 10.2.1, 2, 3 & 4 of the LDC, an additional buffer is planned as follows: a 10' Landscape Buffer Area along the side lines of the property that includes an 8' privacy fence (exceeding the 6' screen requirement).

2. **Cornerstone 2040 Mobility Goal Concern:** Access to the subject site is through areas of significantly lower intensity development. How will traffic nuisances be mitigated?

Applicant's Response: The Staff Analysis has already determined that "There is no anticipated significant impact to the transportation network by the proposed zoning district change." There is significant street parking available on the street that will not put any additional burden on the current street parking situation. There will be additional basement garage parking on site as well.

3. **Cornerstone 2040 Housing Goal Concern:** How will the proposed zoning district change encourage a mixture of compatible land uses?

Applicant's Response: The current site has not been used as a residential home in many years. The building was dilapidated and run down and being used as an event space without proper zoning or permit. Due to the uniqueness and large size of the property and building compared to the rest of the neighborhood a single-family residence at the site is untenable. Converting the building to the proposed use encourages a mixture

RECEIVED
APR 08 2019
DESIGN SERVICES

ZONE 1008

of compatible uses in the Traditional Neighborhood. Specifically, it provides “integrated higher density residential uses” while still allowing for “preservation and renovation of existing buildings”.

4. **Cornerstone 2040 Livability Goal Concern:** How will the unique characteristics of the landscape type and native plant communities be recognized and incorporated?

Applicant’s Response: The existing vegetation will be maintained during renovation. The tree canopy requirements called for in the plan will consist of trees native to this region.

5. **Cornerstone 2040 Housing Goal Concern:** How will the proposed zoning district change support aging in place?

Applicant’s Response: The proposed high-end boarding and lodging will provide a community room for residents, inclusive costs suitable for those on a fixed living, landscaping, and weekly cleaning. This will encourage “aging in place” as an elderly resident will be able to live at the site without assistance for a much longer period than if he or she was responsible for landscaping and cleaning of a larger space.

6. **Cornerstone 2040 Housing Goal Concern:** How will the proposed zoning district encourage inter-generational, mixed-income and mixed-use development?

Applicant’s Response: Due to the nature of the proposed use, applicant anticipates a diverse combination of students, young professionals and elderly residents who do not want the stress and added responsibility of maintaining and caring for a single-family home or unit.

7. **Cornerstone 2040 Housing Goal Concern:** How is displacement of existing residents being avoided?

Applicant’s Response: There will be no displacement of current residents. The current property sits vacant and the plan does not call for destruction of any existing residences or buildings.

8. **Cornerstone 2040 Housing Goal Concern:** How will the proposed zoning district encourage the use of innovative methods to increase the production of fair and affordable housing.

Applicant’s Response: Applicant’s proposed use as a high-end boarding and lodging facility for students and young professionals (and potentially elderly residents) is an innovative proposal applicant has already utilized at other locations. The proposed

RECEIVED
APR 08 2019
PLANNING &
DESIGN SERVICES

zoning district will allow a currently vacant building that has not been utilized as a single-family home in years to gain new life and provide care-free all-inclusive housing at a set cost (albeit not a low rate) for residents.

In conclusion, the applicant's proposed use and zoning change allows a vacant, dilapidated, and peculiarly unique property with a rich history to receive new life. The proposed project will improve the overall aesthetics of the neighborhood. The applicant is proposing binding elements and safeguards to ensure the property is never used as a halfway house and that the property will remain compatible and connected with the Traditional Neighborhood surrounding it.

Respectfully Submitted,



Andrew C. Weeks
Lawrence & Lawrence, PLLC
440 S. 7th St., Ste. 200
Louisville, KY 40203
(502) 589-5855 | Phone
(502) 589-9472 | Fax
ACWeeks@REALLAWKY.com

RECEIVED

APR 08 2019

PLANNING &
DESIGN SERVICES

79 ZONE 1008