

SKETCH ADDENDUM

Borrower/Client John Beckman and Theodore Wathen

Property Address 1400 Hepburn Avenue

County Jefferson

Zip Code 40204

Lender Liberty National Bank

1st floor $7.1(68.5) = 486$
 $22.1(78.5) = 1735$
 $8.2(17.0) = 139$

2360

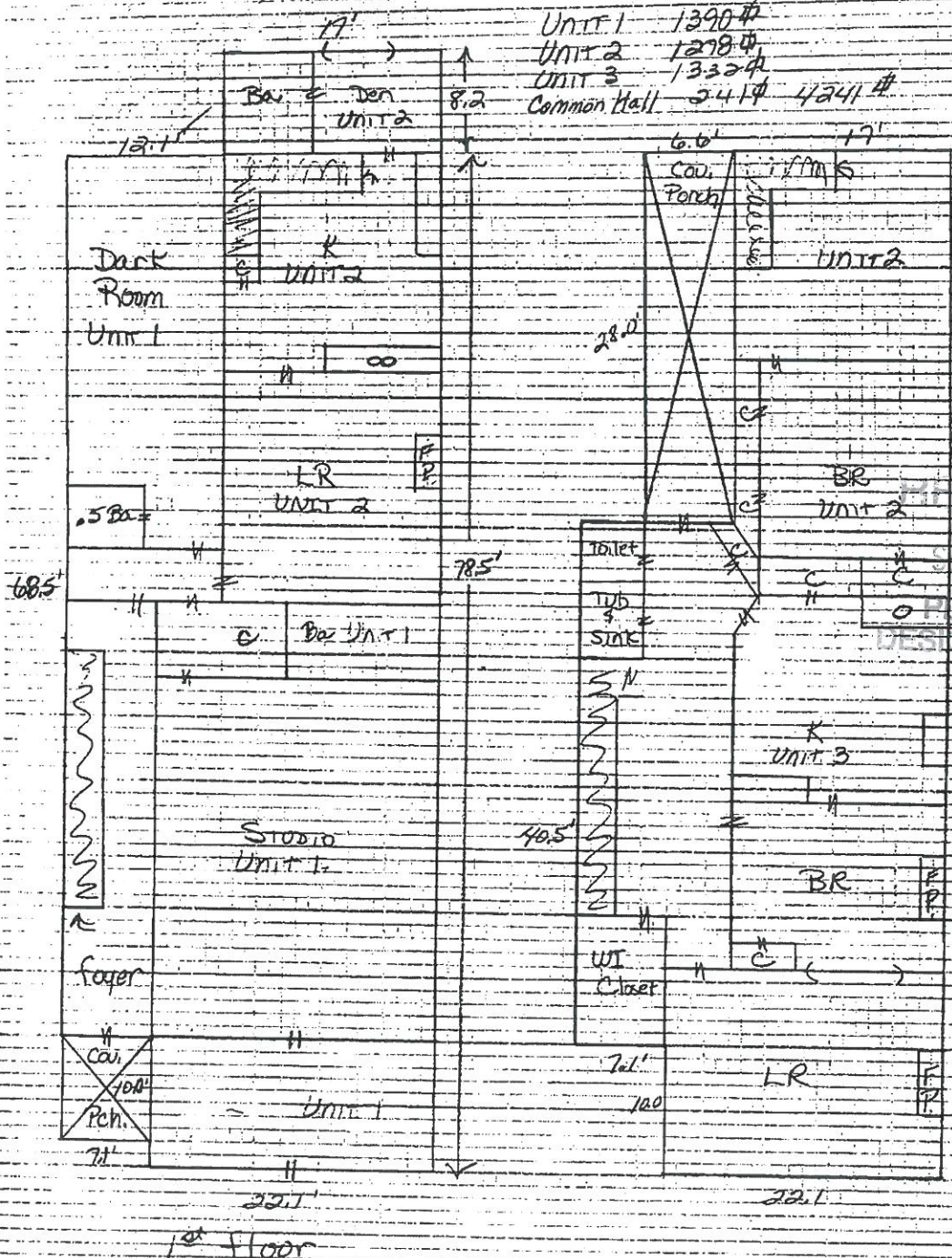
2nd floor $17.0(78.5) = 1335$
 $5.1(50.5) = 258$
 $7.1(40.5) = 288$

1887

4241 D

Back Terrace

Unit 1	1390 #	
Unit 2	1278 #	
Unit 3	1332 #	
Common Hall	241 #	4241 #



RECEIVED

SEP 26 2019

PLANNING & DESIGN SERVICES



RECEIVED
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PLANNING &
DESIGN SERVICES

19 - WY ZONE - 0060

#1



19 - L. ZONE - 0060

#2



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PLANNING &
DESIGN SERVICES

#3
19 - ZONE - 0060



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19 - ZONE - #060



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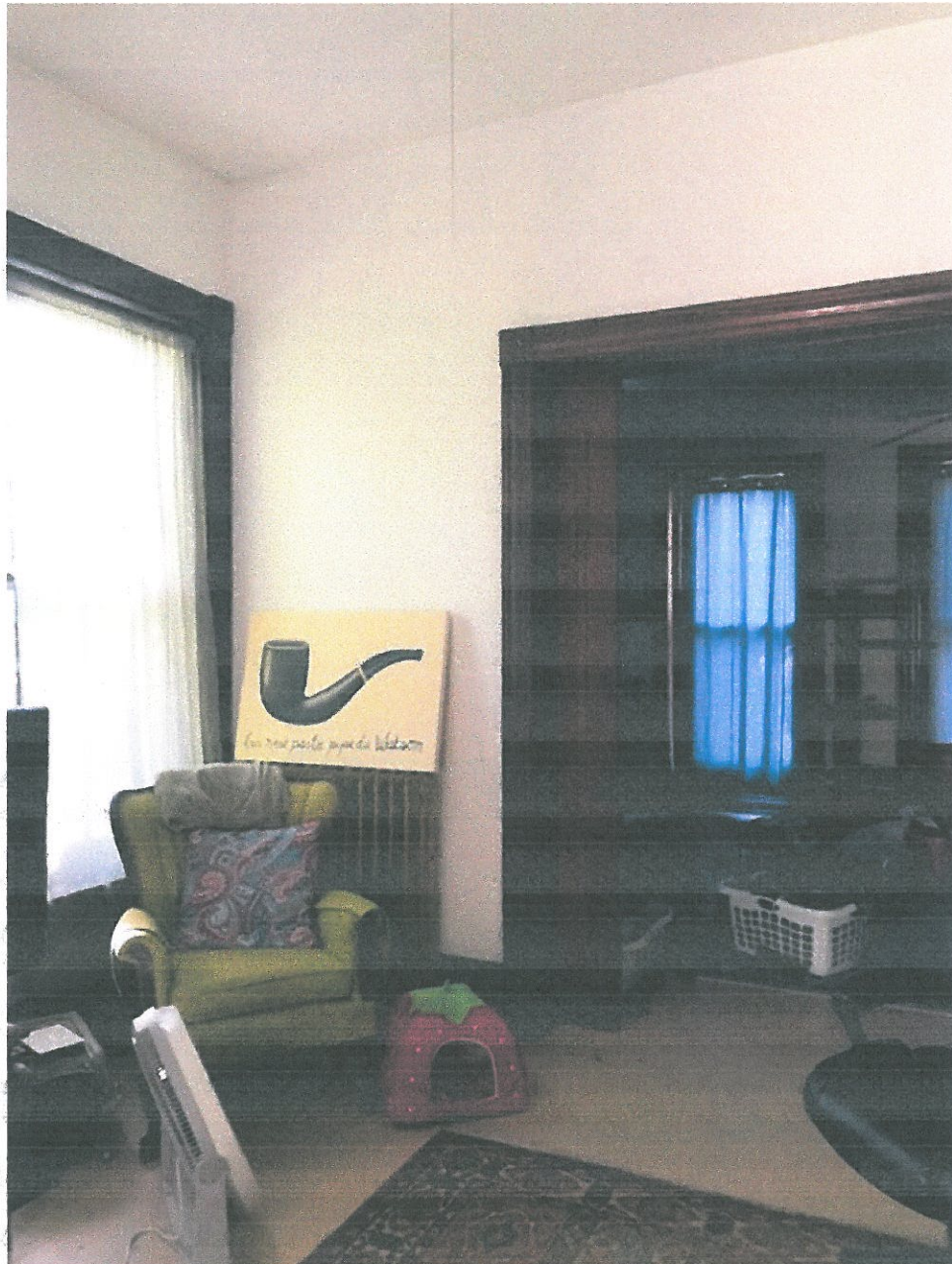
#6
19 - 1st ZONE - 0060



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PLANNING &
SIGN SERVICES

#7

19 - W I ZONE - 0060



RECEIVED
SEP 26 2019
PLANNING &
DESIGN SERVICES

#8

19 - ZONE - 0060



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DESIGN SERVICES

#9

19 - 111 ZONE - 0060



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PLANNING &
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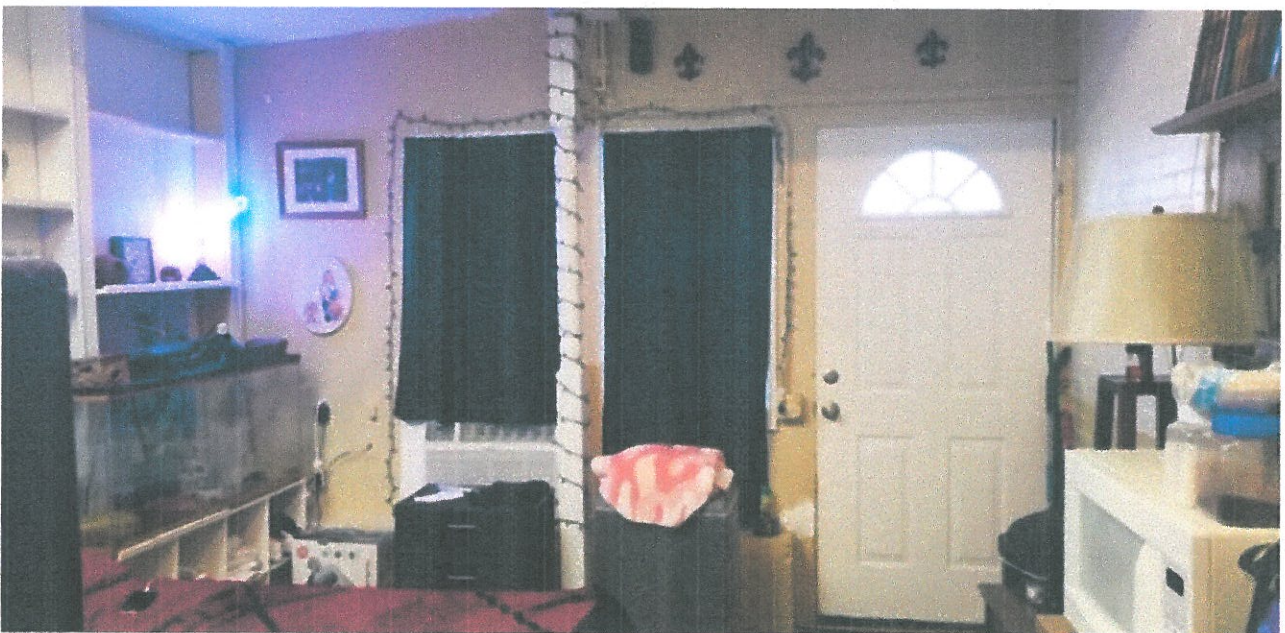
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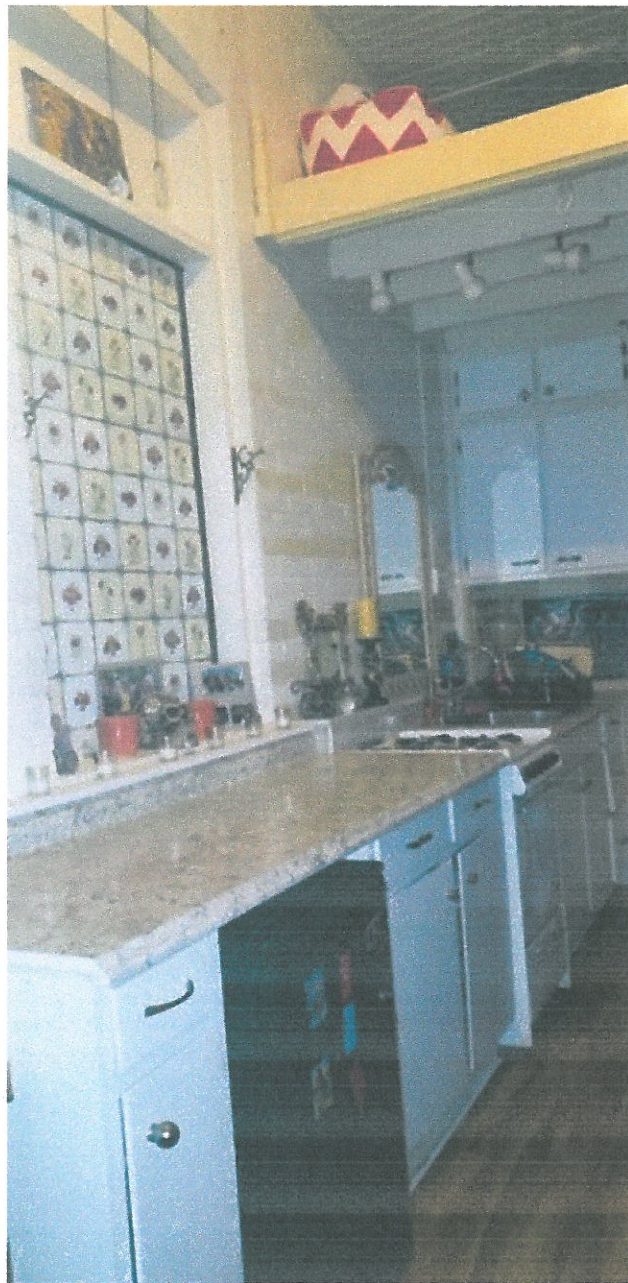
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19 - 0000 ZONE - 00060



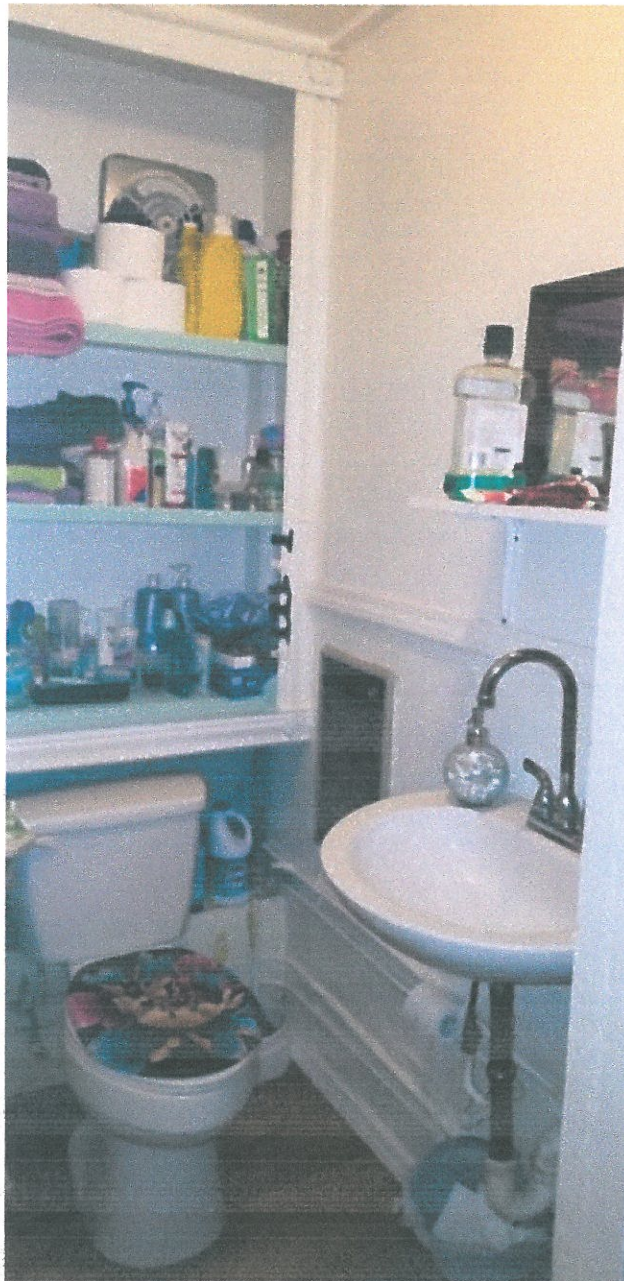
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#13
19 - ZONE - 0060



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PLANNING &
DESIGN SERVICES

14
19 - 2nd ZONE - 0060



RECEIVED
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PLANNING &
DESIGN SERVICES

19 - 1st ZONE - 0060

#15



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SIGN SERVICES

19 - ZONE #16
- 0000

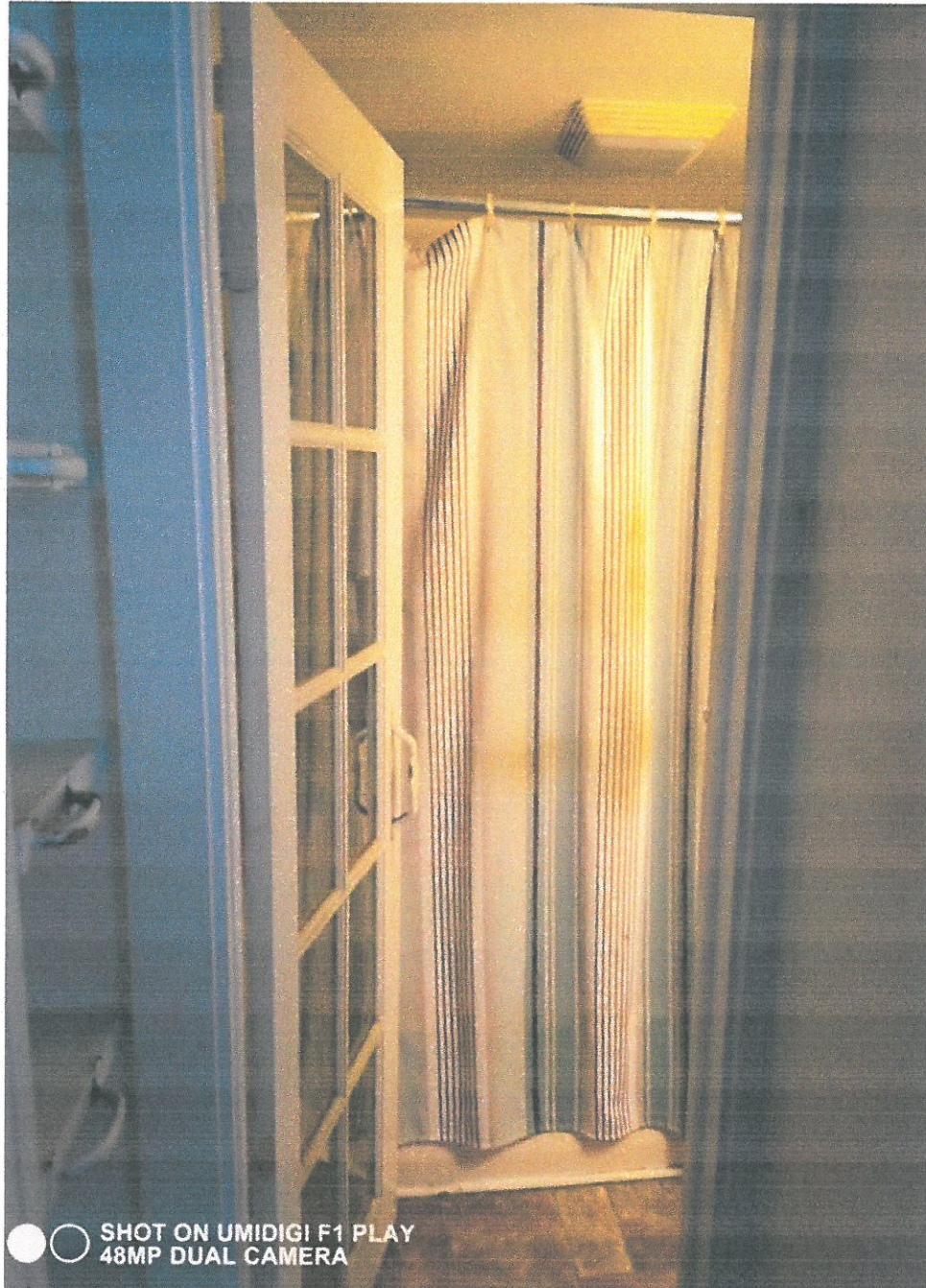


SHOT ON UMIDIGI F1 PLAY
48MP DUAL CAMERA

RECEIVED
SEP 26 2019
PLANNING &
DESIGN SERVICES

#17

19- ZONE - 0060



SHOT ON UMIDIGI F1 PLAY
48MP DUAL CAMERA

RECEIVED
SEP 26 2019
PLANNING &
DESIGN SERVICES

#18
19- . ZONE . - 0060

Louisville Metro Planning Commission - March 5, 2020 (cont.)
Louisville Metro Planning Commission - December 19, 2019, February 20, 2020
Louisville Metro Land Development & Transportation Committee - October 24, 2019
Neighborhood Meeting - September 3, 2019

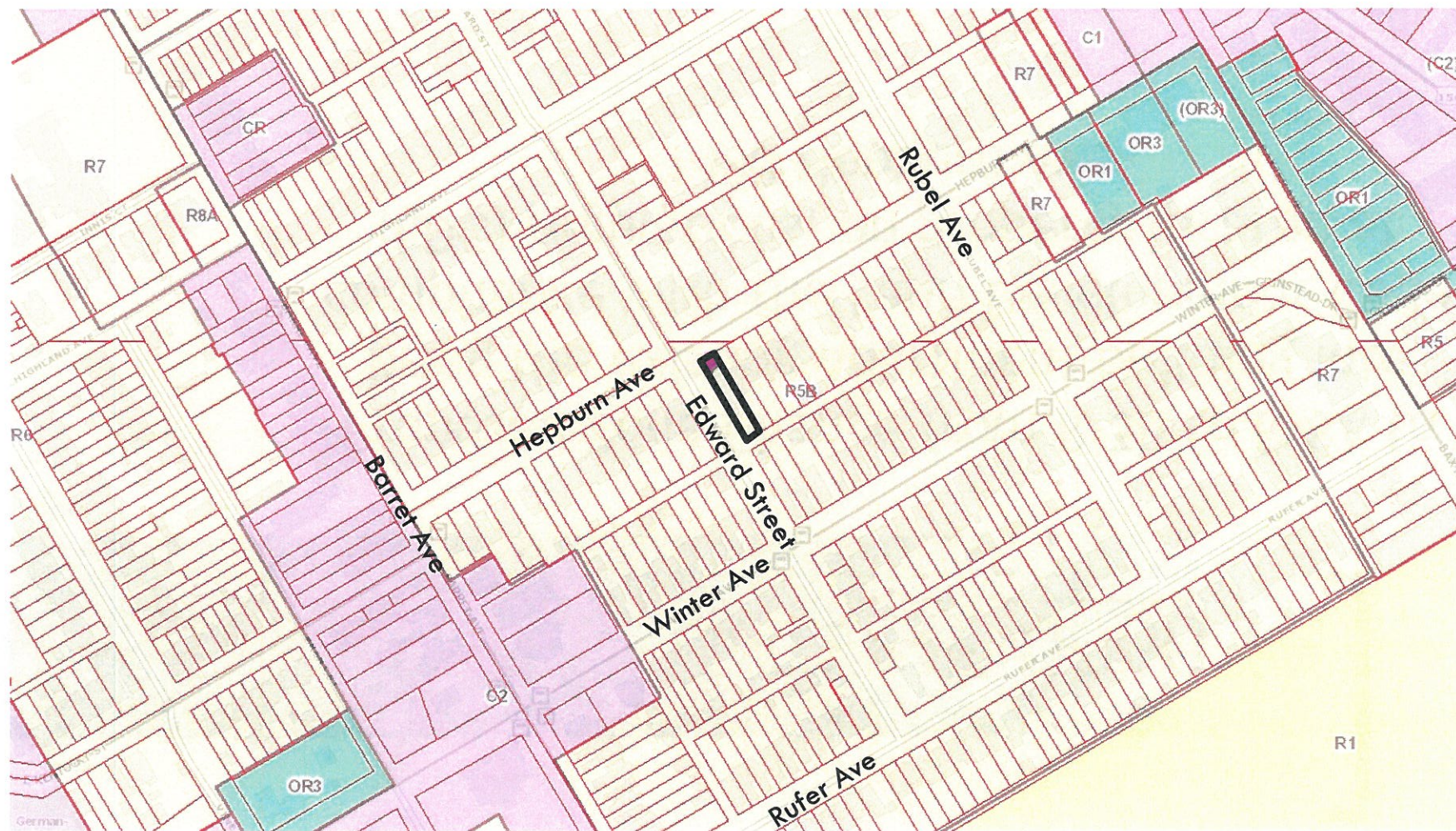


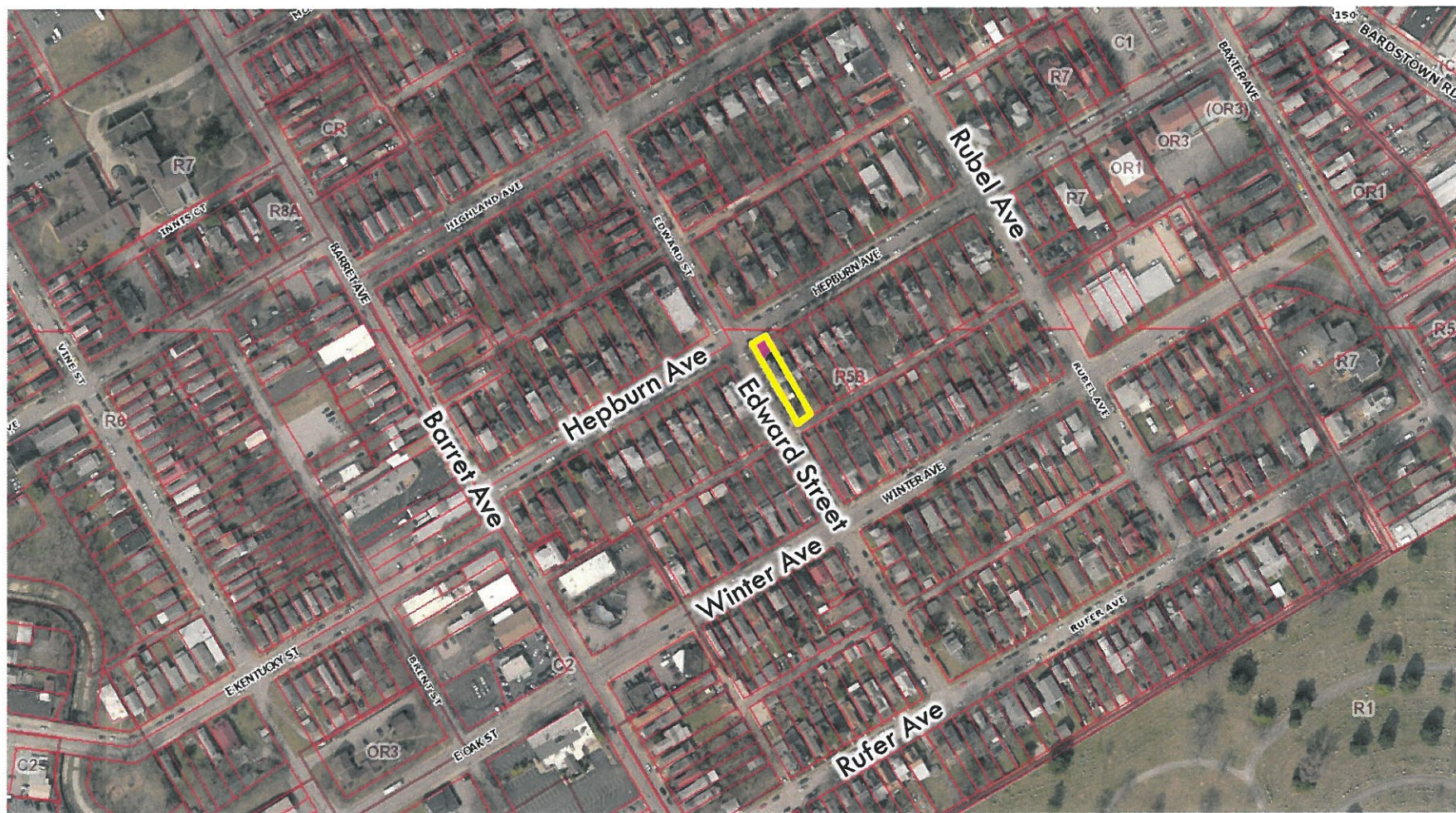
Docket No. 19-ZONE-0060

Proposed Zone Change from R-5B to R-8A to
bring the existing apartment building into
compliance with the Land Development Code
(LDC) regulations, on property located at
1400 Hepburn Ave

Attorneys: Bardenwerper Talbott & Roberts, PLLC

Land Planners, Landscape Architects and Engineers: Milestone Design Group



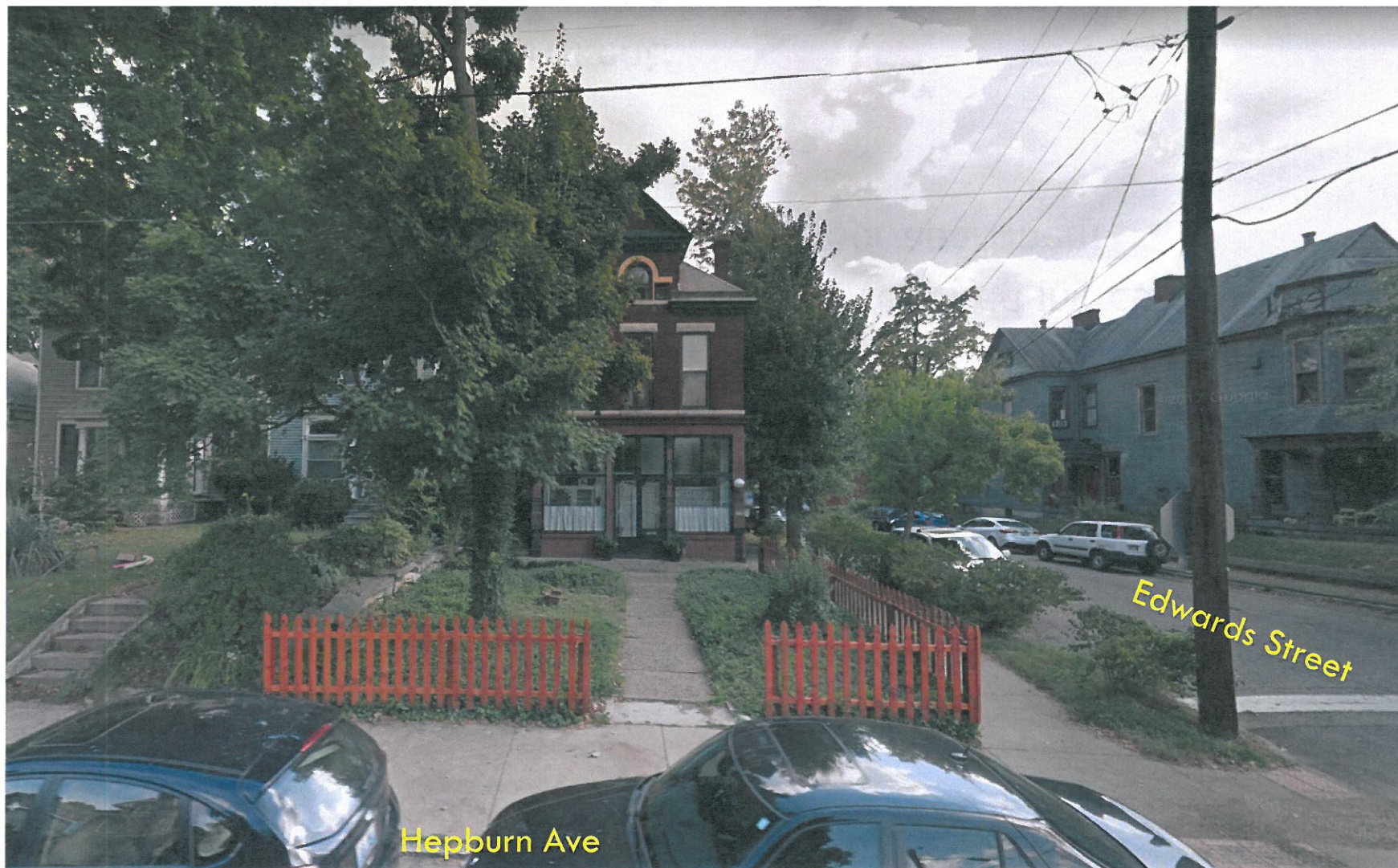


Fire Code Compliance

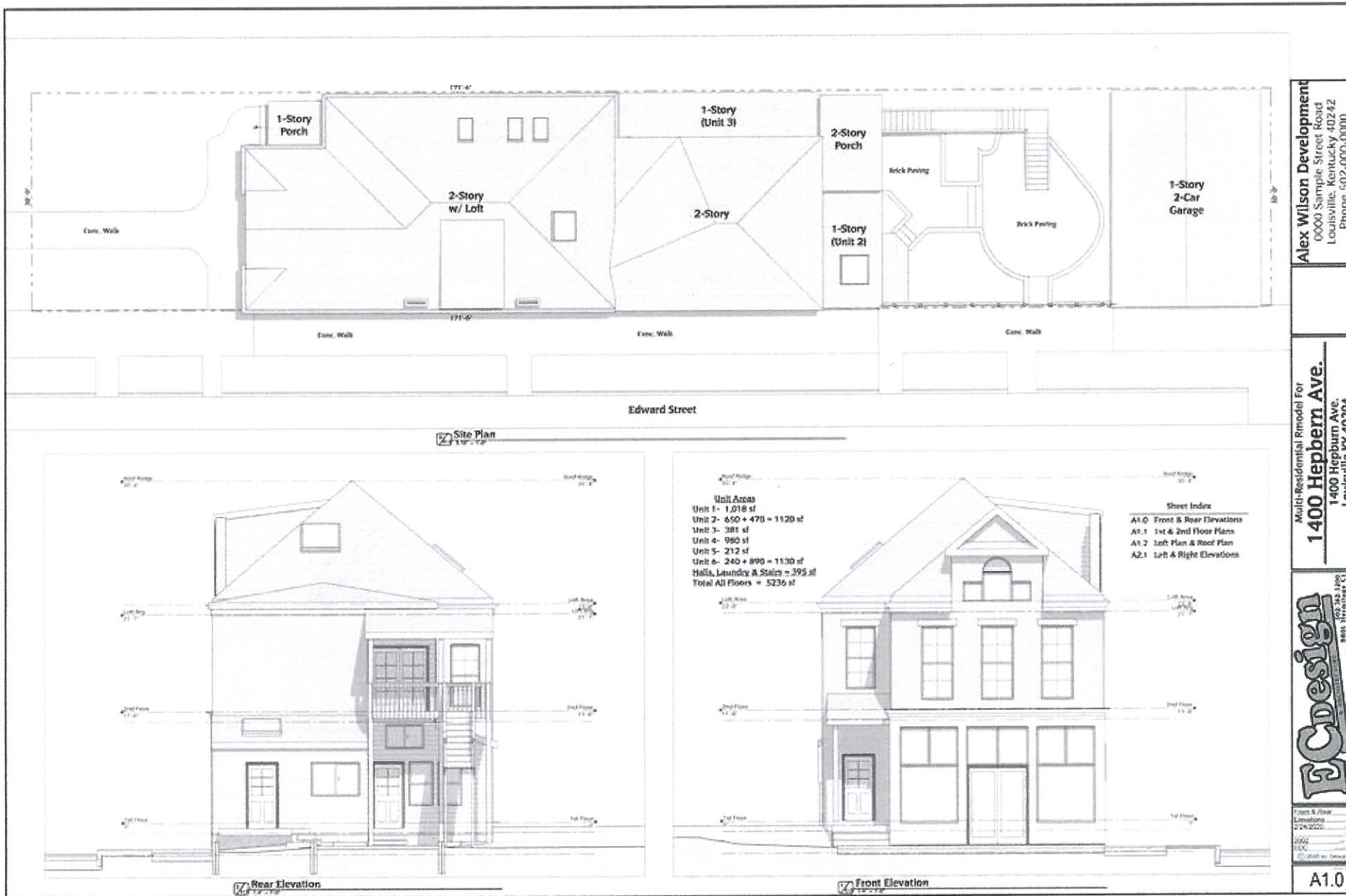
- Smoke Detector with 10 Year Lithium Battery verified in all apartments
- Smoke Detector with 10 Year Lithium Battery added in Laundry Room
- Smoke Detector with 10 Year Lithium Battery added in all hallways
- Operational self-closing doors added to all hallway units
- All Apartments have or will have compliant means of ingress/egress

Structural Code Compliance

- Reorganizing the 2nd Floor Apartment and 3rd Floor Apartment
 - Work completed w/i 90 days of zoning approval
- 3rd floor Apartment:
 - Changed to 2nd floor apartment with a 3rd floor loft for living space
 - Bedroom on second floor with required ingress and egress
 - Adding 240 sq ft to the 3rd floor apartment
 - Now 1,258 square feet
- Second Floor Apartment:
 - Now 979 square feet



View of site from Hepburn Ave.



Alex Wilson Development
 0000 Sample Street Road
 Louisville, Kentucky 40242
 Phone 502-000-0000

Multi-Residential Rmndel For
1400 Hepburn Ave.
 1400 Hepburn Ave.
 Louisville KY 40204

ECdesign
 4000 1st Ave
 Louisville, KY 40204

Project & Plan
 1400 Hepburn Ave
 1400 Hepburn Ave
 1400 Hepburn Ave
 1400 Hepburn Ave

A1.0



Left Elevation
11'-10"



Right Elevation
11'-10"

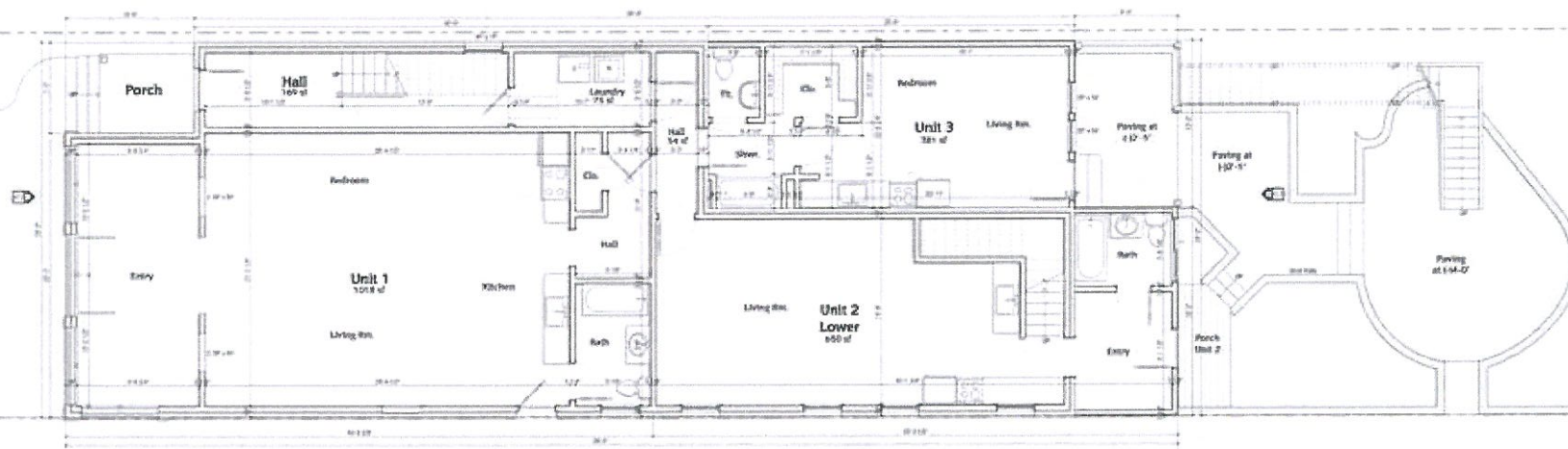
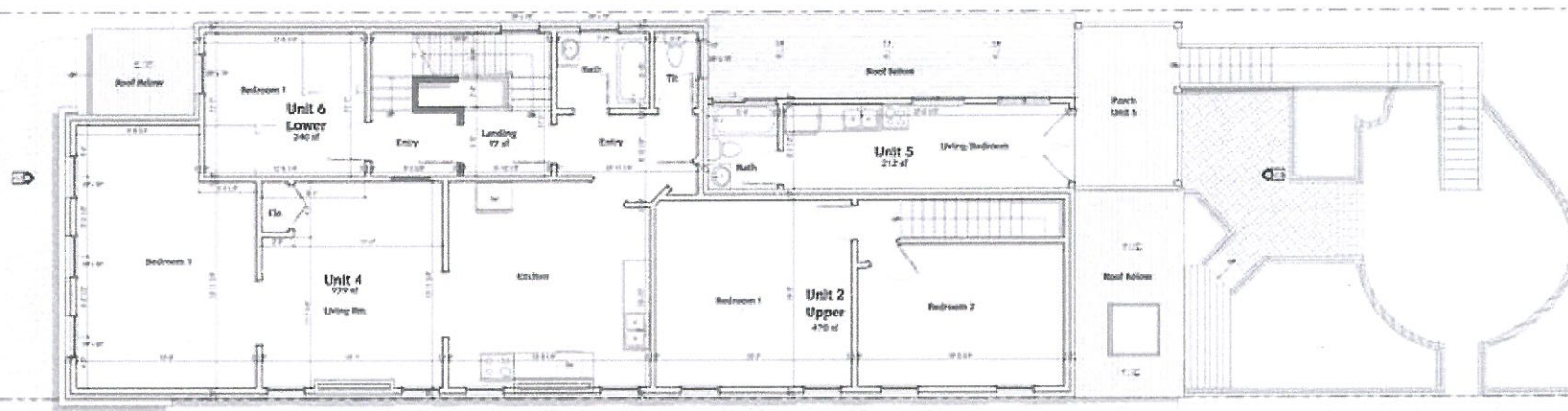
Alex Wilson Development
0000 Sample Street Road
Louisville, Kentucky 40242
Phone 502-000-0000

Multi-Residential Remodel For
1400 Hepburn Ave.
1400 Hepburn Ave.
Louisville KY 40204

ECdesign
800-765-8424
Louisville, KY 40204

Left & Right
Elevations
2/24/2020
2000
B.C.C.
200 2000 in. 2000

A2.1

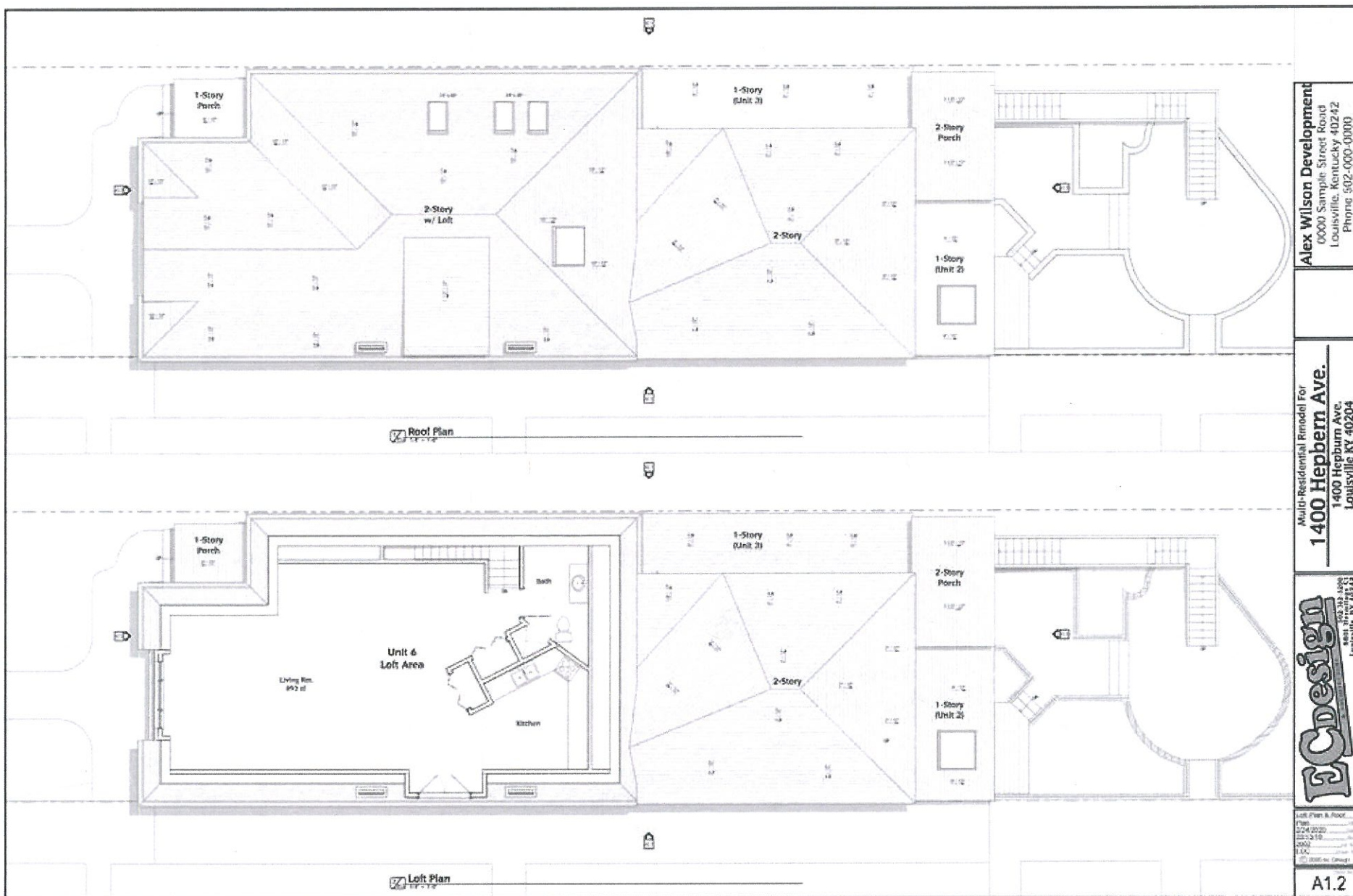


Alex Wilson Development
0000 Sample Street Road
Louisville, Kentucky 40242
Phone 502-000-0000

Multi-Residential Renodel For
1400 Hepburn Ave.
1400 Hepburn Ave.
Louisville KY 40204

ECdesign
BRIAN E. COOPER, AIA
Landscape Architect
1400 Hepburn Ave.
Louisville, KY 40204

1400 Hepburn Ave.
Plan
2/24/2025
2002
LAX
© 2002 Alex Wilson Development



Alex Wilson Development
0000 Sample Street Road
Louisville, Kentucky 40242
Phone 502-000-0000

Multi-Residential Rm Model For
1400 Hepburn Ave.
1400 Hepburn Ave.
Louisville KY 40204

ECdesign
1001 S. 1st St. #100
Louisville, KY 40203
502-251-1111

Loft Plans & Roof Plans
11-12
11-12
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A1.2

2019 Louisville CARES Rent and Income Limits*

Income Limit Category	Persons in Family							
	1	2	3	4	5	6	7	8
80% AMI	\$42,800	\$48,900	\$55,000	\$61,100	\$66,000	\$70,900	\$75,800	\$80,700

Apt #	Bedrooms	Rent	Utilities	Total Occupancy Costs	Rent Limits
1	1 Bedroom	\$800	@\$100	\$900	\$1,147
2	1 Bedroom	\$953	@\$100	\$1,053	\$1,147
3	2 Bedroom	\$1,000	\$150	\$1,150	\$1,376
4	1 Bedroom	\$850	@\$100	\$950	\$1,147
5	Efficiency	\$745	included	\$745	\$1,070
6	Efficiency	\$586	included	\$586	\$1,070

* All units receive free water

** All tenants use common laundry room - landlord pays associated utility costs.

Proposed Binding Elements

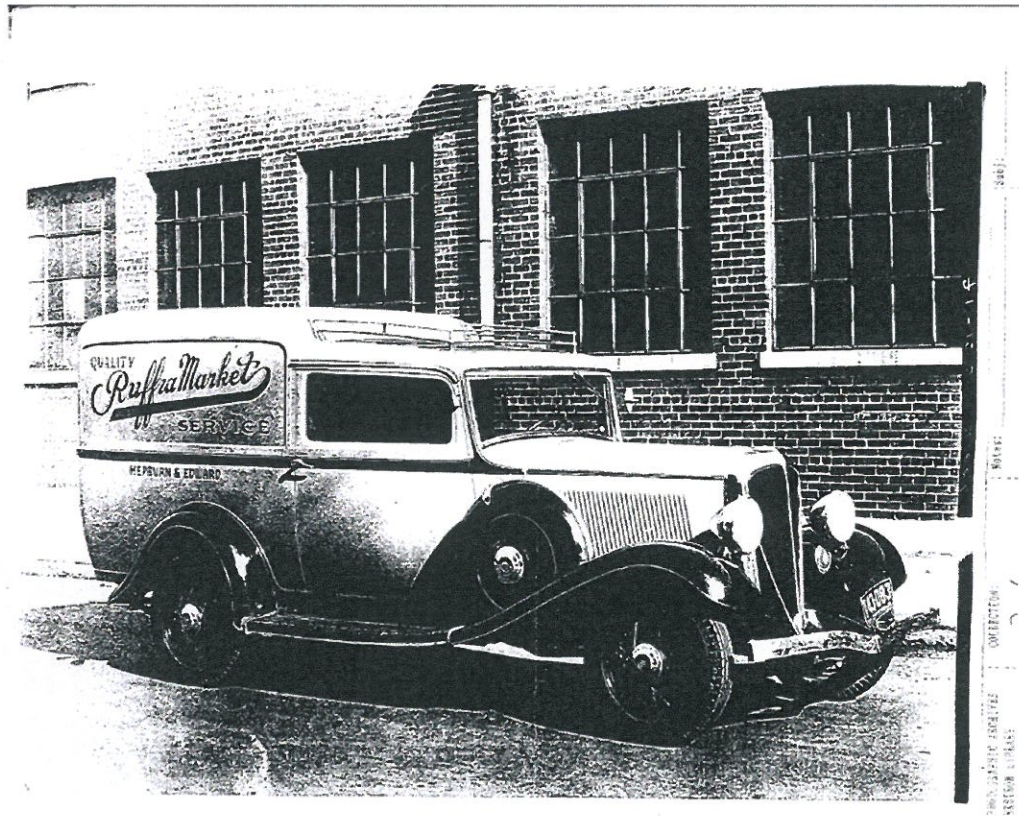
- The property shall obtain a certificate of occupancy from Metro Codes and Regulations within ninety days of final approval of the rezoning by the Metro Council.
- Rental rates for the units must be “affordable” as defined by the Metro Louisville CARES Program (“Creating Affordable Residences for Economic Success”). Subsequent rent increases shall be limited to the annual percentage increase of the Louisville CARES Program.



Questions?

HISTORY OF PROPERTY

1. Originally used as a market (known in 1930 as “Ruffra’s Market”) and continued until 1954
2. Zoned R-6 Multifamily residential since 1931, the date of the adoption of zoning regulations
3. Used as a furniture company from 1959-1963
4. Used as a clothing store from 1967-1976
5. Used as a “Best Buy Shop” in 1979
6. Used as a photography studio from 1981 for many years



HERMAN STRAUS & SONS @

A Complete Department Store

4TH AND MARKET

PHONE CITY 1080

CARON'S 1930 DIRECTORY

1689

RUFF—

- " Jos L baker 1218 Krieger r 917 Clark's Lane
- " Margaret wid J F r 1214 Chester av
- " Mary R opr Euro Shirt Co b 1115 Forrest
- " Mittie dom r 717 S 21st
- " Rudolph C Rev pastor St Vincent DePaul (R C) Church r 1207 S Shelby
- " Walter J b 1131 Fischer av
- " Wm H real estate 716 Cecil av
- Ruffin Jas A student b Mullins Hall
- Ruffner Alma stenog Bradley-Preston Tob Co b 1910 Esquire
- " Elmer lab r 2220 Green al
- " Elmer C car washer Mid-Continent Petroleum Corp r 3124 Rudd av
- " Geo E asst treas Stewart Dry Goods Co r 1312 Willow av
- " Geo E Jr clk Nat Bank of Ky b 1312 Willow av
- " John F b 1312 Willow av
- " Laura B wid Wm r 2716 W Chestnut
- " Mary C stock girl Stewart Dry Goods Co b 1312 Willow av
- " Nelson J fireman B&B Lndy r 1910 Esquire
- " Wm M musician b 1312 Willow av
- Ruffra Albert W chauff Dehler Bros Co b 433 E Oak
- " Frank r 3346 S Preston
- " Frank Jr gardener 3320 S Preston
- " Frank H agt Met Life Ins Co r 629 S 44th
- " Frank J plumber Gulf Refining Co r 977 Schiller av
- " Irvin F clk Park City Market r 1206 Goss
- " Jos A propr Ruffra's Market r 1400 Hepburn av
- " Julia wid Jacob r 111 S 42d
- " Lawrence clk rms 548 S 2d
- " Market J A Ruffra propr 1400 Hepburn av
- " Reineida propr Park City Market b 201 W Chestnut
- " Rose Mae forkdy Starks Bldg b 644 Barbee Way South
- " Wm J shaper Mengel Co r 119 S 20th
- Ruffa Margaret stenog Lou Conservatory of Music r Avoca
- Ruffy Earl brklayr b 917 S 28th
- Rufus John dispenser Hook Drug Co

**LOUISVILLE
PAPER CO.**
Everything in Paper
1315 Maple Quick Service Many Phones

- Ruhl Albert T farmer r 198 Thompson av
- " Albert W helper Ky Book Mfg Co b 198 Thompson av
- " Bernadine clk Board of Education b 721 E Breckdge
- " Bernadine wid John r 721 E Breckdge
- " Elizabeth b 198 Thompson av
- " Emmett lab b 606 E Jeff
- " Evelyn S opr Sou Bell Tel Co r 1130 Samuel
- " Florence W stenog Mut Benefit Life Ins Co b 936 S Brook
- " Fred W bkpr Lewis Implement & Seed Co r 1821 Stevens av
- " John clk b 1708 Stevens av
- " John rms 513 S 2d
- " Jos G chauff Lou Gas & Elec Co r 1130 Samuel
- " Julius J sec Seiberz & Ruhl r 996 Barret
- " Kathryn wid Peter r 150 Stevenson av
- " Leona cashr L Ruhl & Co b 1807 Brownsboro rd
- " Louis F (L Ruhl & Co) r 1807 Brownsboro Road
- " L & Co (L F and J L Allgeier) grocers 1807 Brownsboro rd
- " Mary wid John b 1022 Lampton
- " Mary H dressmkr 721 E Breckdge
- " Moritz b 821 E Gray
- " Nettie E wid Geo r 936 S Brook
- Ruhr Rosa wid August b 800 S 35th
- Ruhs Jacob emp Stan San Mfg Co r 1917 7th

1884 The Louisville Trusts

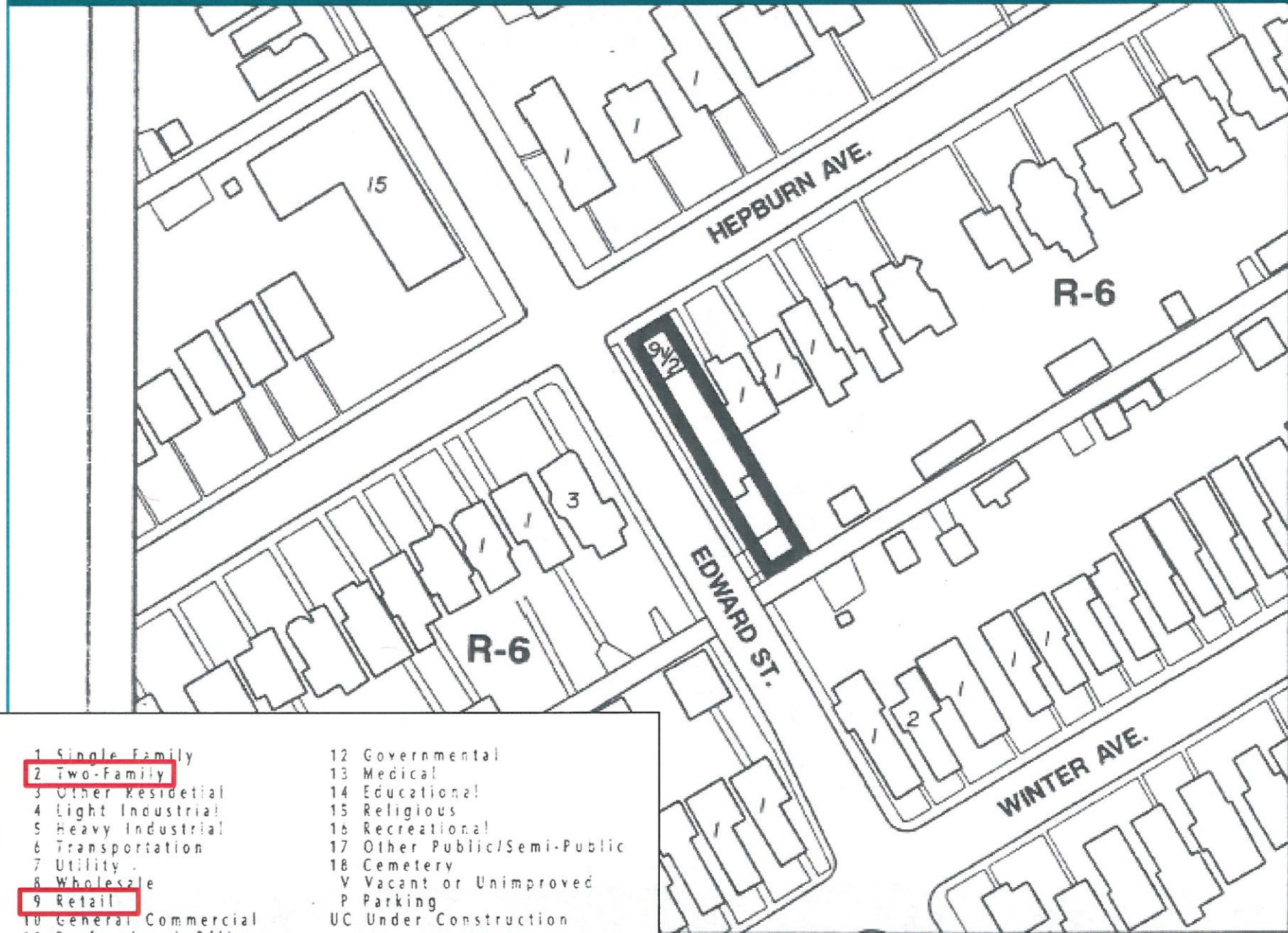
Insurance, Savings, Trust, Real Estate Loans

421 WEST MARKET STREET

PRIOR ZONING



BOZA Land Use Map, #B-86-91



#B-86-91

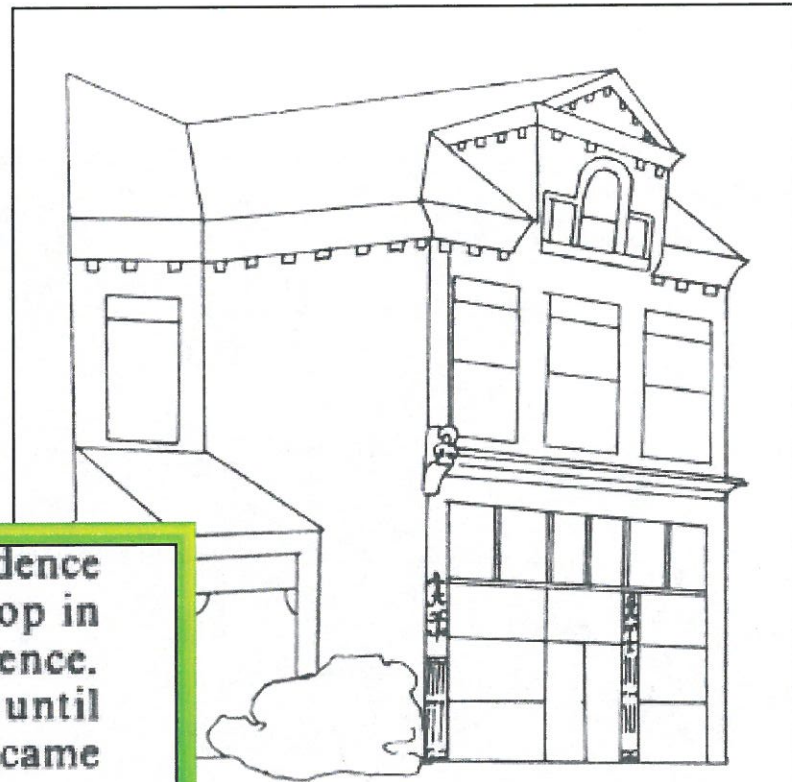


1400 Hepburn Avenue

Common to older neighborhoods was the corner grocery. 1400 Hepburn Avenue is the most handsome of these corner stores in the Highland Neighborhood, and is virtually unaltered from its original condition. Built as a grocery and residence combined, Conrad Oldiges first opened shop in 1893, and lived in the second floor residence. Oldiges Grocery served this neighborhood until 1924, when ownership changed hands and it became Ruffra Brothers Grocery.

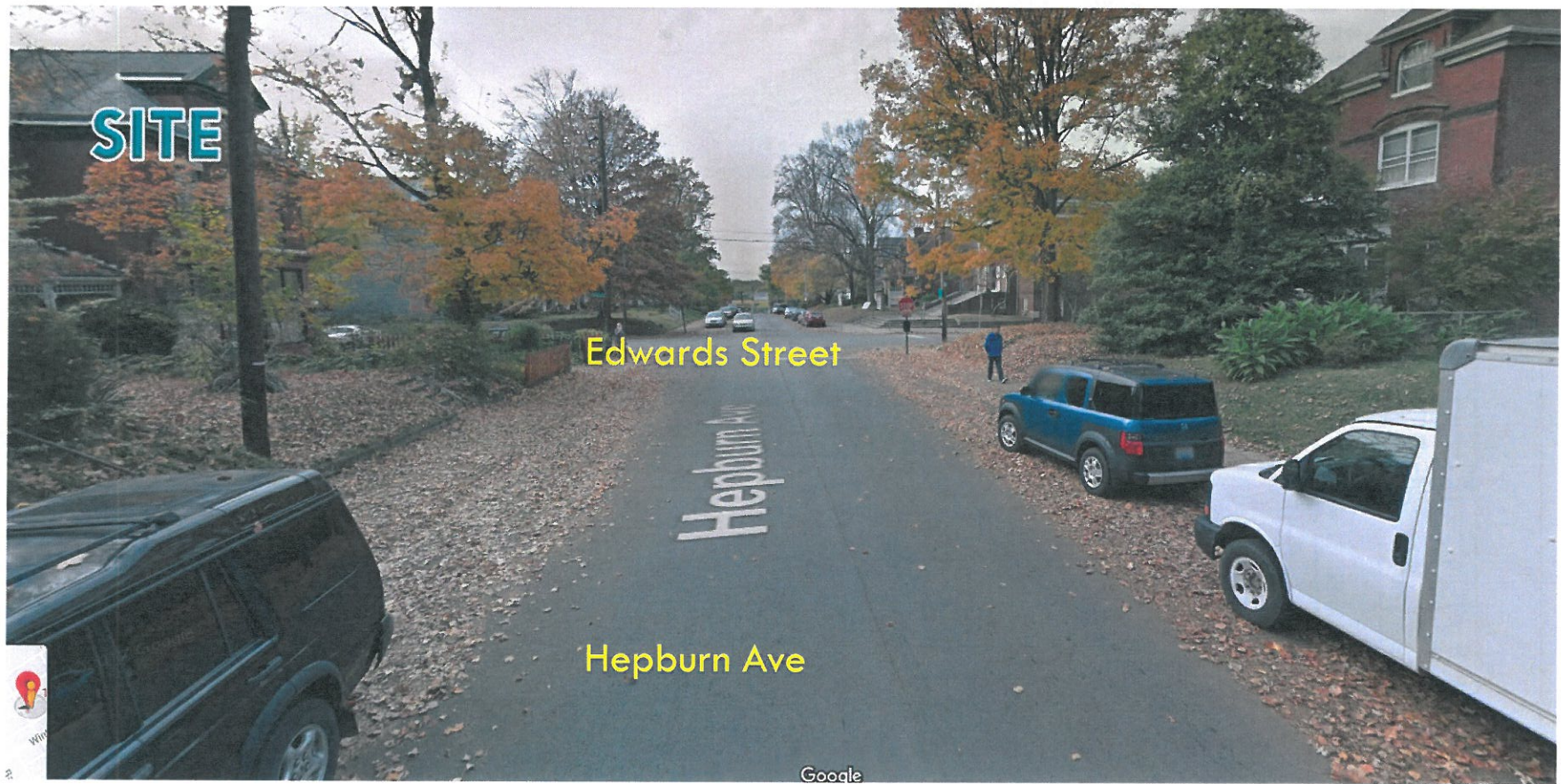
#B-86-91

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View of Hepburn Ave looking west, towards Edward Street. Site is on the left.



View of Hepburn Ave looking east. Site is on the right.



View of Edwards Street looking south. Site is on the left.

Apartment Example



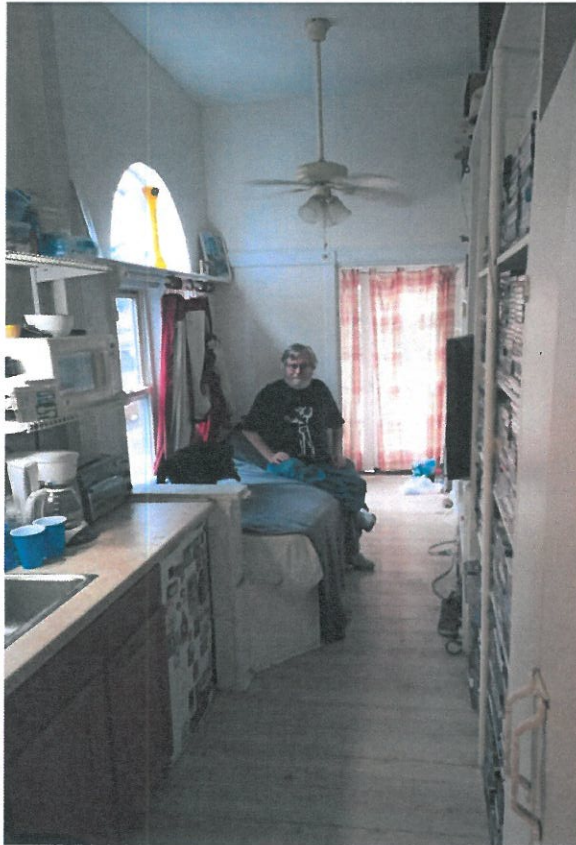
Apartment Example



Apartment Example



Apartment Example

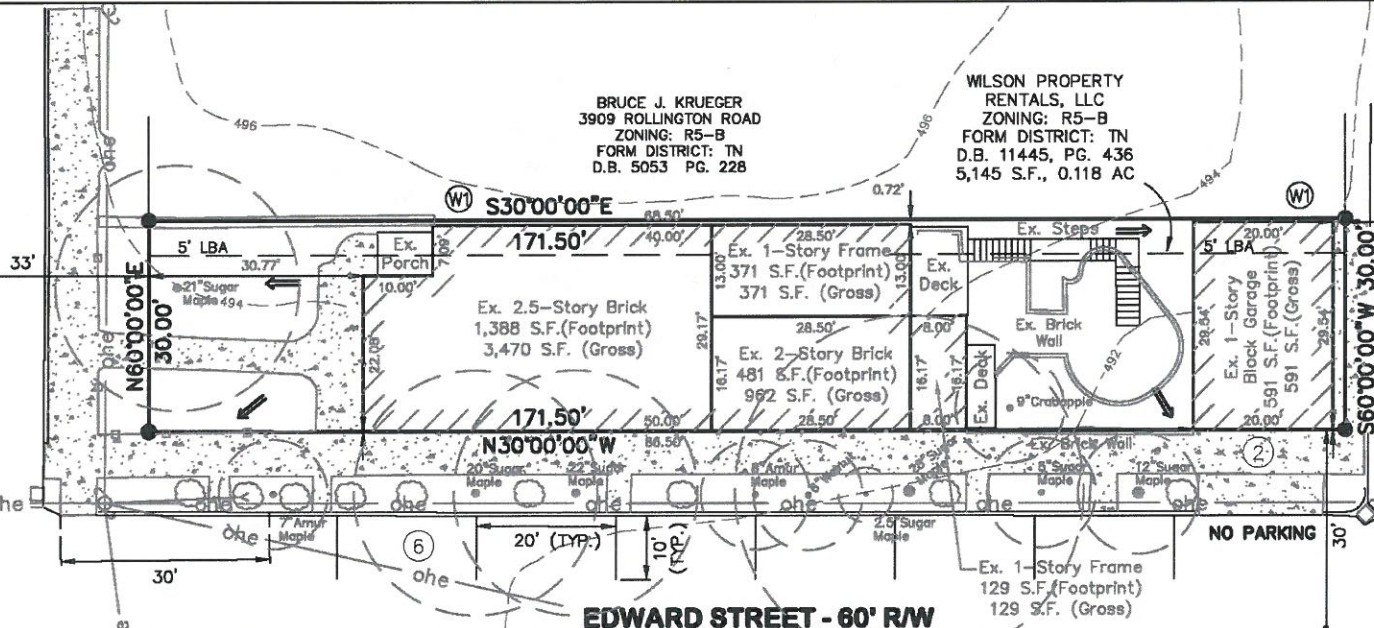


Adjoining property owner notice list map wherein 36 neighbors plus those on the DPDS “interested party list” were invited to the neighborhood meeting and subsequent LD&T and Planning Commission public hearing.



HEPBURN AVENUE - 66' RW
(LOCAL STREET)

33'



EDWARD STREET - 60' R/W
(LOCAL STREET)

EX. 15" SAN. SEWER, REC.# 01673-1

UNNAMED 20' ALLEY (LOCAL)

EX. 18" SAN. SEWER, REC.# 00006-7-1

EX. 15" SAN. SEWER, REC.# 00002-40-1

FRANCIS

2.2.13 R-8A Residential Multi-Family District

The following provisions shall apply in the R-8A Residential Multi Family District unless otherwise provided in these regulations.

A. Permitted Uses:

All uses permitted in the R-1 Residential Single Family District, as well as the following use(s):

Assisted living residence

Bed and Breakfasts

Colleges, schools and institutions of learning (except training schools)

Day care centers, day nurseries, nursery schools and kindergartens

Dwellings, Multiple family

Dwellings, Two-family

Family care home (minihome)

Libraries, museums, historical buildings and grounds, arboretums, aquariums, and art galleries

Parks, playgrounds, and community centers

Religious buildings

B. Conditional Uses

Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4 Part 2 for a listing of uses and requirements that apply to specific uses.

C. Permitted Uses With Special Standards*

Certain uses are permitted in this district provided they meet the special standards and requirements listed for such uses in Chapter 4 Part 3.

D. Property Development Regulations

Refer to the applicable Form District regulations in Chapter 5 for lot size, setback, building height and other restrictions.

E. Maximum Density and FAR

1. Maximum Floor Area Ratio: 3.0

2. Maximum Density 58.08 dwellings per acre

IMPORTANT POINTS

1. No changes to structure.
2. No changes to use. Property currently has 6 apartments.
3. Rezoning being sought to bring long-term use into compliance.
4. Hope to retain long-term tenants.
5. Original Highlands Neighborhood Plan allows R-8 zoning.
6. Needed affordable housing.
7. Socio-economic diversity.
8. No history of problems at property.

Plan 2040

3.1.13. **Conservation:** The Conservation Form District is characterized by its natural features and scenic landscapes. Historically, these districts are characterized by agricultural land, woods and fields, creeks and streams, riparian areas, wetlands, forests, wildlife habitat, parklands, steep slopes, floodplains, and dark skies. Future development in Conservation Form Districts should preserve natural and historical resources while providing opportunity for low-impact, sustainable and mixed-use development that include innovative housing varying in design, type, size and affordability. To conserve natural areas, innovative and clustered developments are encouraged and incentivized. Commercial and other nonresidential buildings that serve community, recreational or tourism needs are located near major roadways and/or recreational areas. Multi-modal transportation opportunities should be extended to the area, including connections to parks, recreational areas and residential areas to enhance connectivity. Innovative and environmentally-friendly methods of development, especially in the areas of waste management, wastewater disposal, stormwater runoff and energy efficiency should be considered to enhance the character of the district and the health of the watershed.

Preserving open spaces, greenways, parks and recreational areas, natural vistas, working farms, tree canopy, air quality, watershed health, dark skies and wildlife habitat, while offering a variety of housing opportunities, are goals in the district.

Any Conservation Form District shall be described and geographically-defined within a plan that is adopted as an amendment to this Comprehensive Plan.

3.2. **Design.** Use Form District pattern rather than Zoning Districts as a basis for site design standards such as lot dimensions, building scale, size, height, massing and materials as well as how buildings relate to other nearby buildings, the street, and the site itself. Design standards should reflect the special character of each Form District. Design of new development and redevelopment should take into account use by persons with disabilities.

3.3. **Form District Map.** The distinct boundaries of the Form Districts, along with the Zoning Districts and special districts, are delineated on the Form District Map that is adopted as part of the Land Development Code. The general Community Form Core Graphic shall be adopted by the Planning Commission as evidence of the intended Community Form and shall be considered in land use decisions by the Commission and legislative bodies. Once Form District boundaries are established by the legislative body, the Community Form Core Graphic shall be considered only in legislative body decisions related to Form District boundary changes. To promote appropriate mix of Form Districts, consider both the existing and evolving neighborhood character when reviewing expansion of a Form District boundary. The Community Form Core Graphic will be updated no less than annually.

Land Use & Development

4. Ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects.

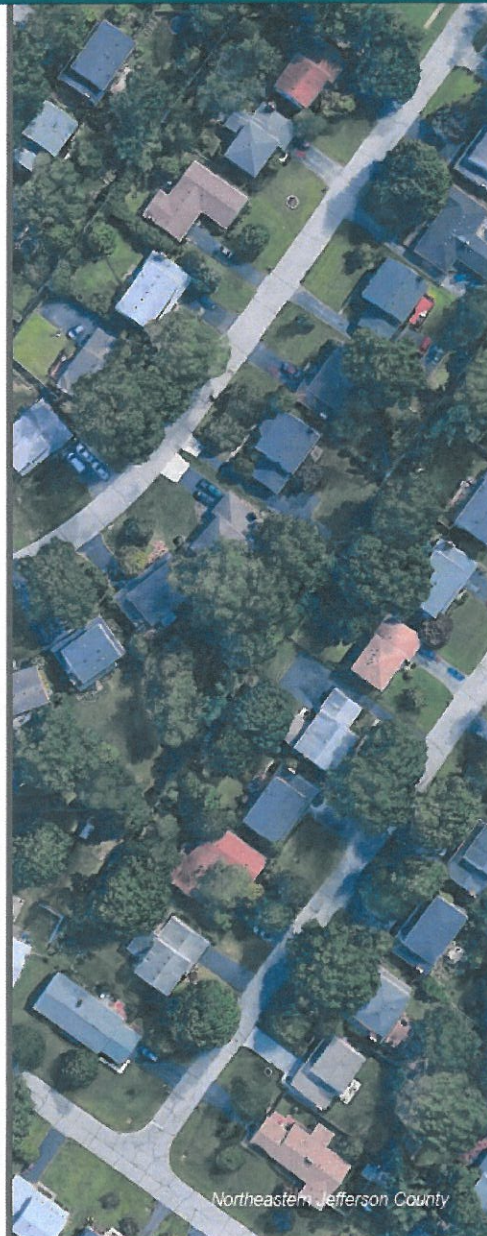
5. Allow a mixture of densities as long as their designs are compatible. Adjacent residential areas in different density categories may require actions to provide an appropriate transition between the areas. Examples include vegetative buffers, open spaces, landscaping and/or a transition of densities, site design, building heights, building design, materials and orientation that is compatible with those of nearby residences.

6. Discourage non-residential expansion into existing residential areas unless applicant can demonstrate that any adverse impact on residential uses will be mitigated. Evaluation of impacts may include, but not be limited to, displacement of residents, loss of affordable housing units, traffic, parking, signs, lighting, noise, odor, and stormwater. Appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential.

7. Locate higher density and intensity uses near major transportation facilities and transit corridors, employment centers, in or near activity

Community Form | 45

Affordable Housing in Plan 2040



Northeastern Jefferson County

Introduction

Housing is a necessity of life. The Housing plan element strives to enhance housing opportunities for all citizens of Louisville Metro. Promoting equitable housing means ensuring diverse, quality, physically accessible, affordable housing choices with access to opportunities, services and amenities. The Housing plan element guides fair and affordable housing practices by promoting affordable housing programs and formalizing policies that ensure the inclusion of affordable housing when financial incentives are given to housing developments. This plan element also promotes flexibility and housing programs for vacant lots and areas that were formerly redlined.

The Housing plan element contains three overarching goals, supported by a series of objectives and action-oriented policies to frame this community's vision for housing.

GOAL
1

Expand and ensure a diverse range of housing choices.

GOAL
2

Facilitate the development of connected, mixed-use neighborhoods.

GOAL
3

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

Policies

Land Use & Development

1. Encourage a variety of housing types including, but not limited to, detached and attached single family, multi-family, mixed use, zero lot line, average lot, cluster, and co-housing. Allow for accessory residential structures and apartments. Housing types should reflect the Form District pattern.
2. Promote housing options and environments that support aging in place. Encourage housing for older adults and people with disabilities to be located close to shopping and transit routes and, when possible, medical and other supportive facilities.
3. Develop a variety of housing types that meet the needs of all residents including an adequate supply of affordable housing and physically accessible housing.
4. Ensure that manufactured homes are compatible with the scale and character of the surrounding neighborhood. Manufactured homes must meet the most current U.S. Department of Housing and Urban Development Manufactured Home Construction and Safety Standards.
5. Ensure that appropriate safety measures are followed in the installation and siting of mobile homes and that mobile homes are compatible with the scale and character of the surrounding neighborhood.

Programmatic

6. Preserve, rehabilitate, and reuse existing housing stock where feasible. Support revitalization solutions to maintain existing housing stock in an effort to preserve sense of place and neighborhood vibrancy. Enhance programs and support regulations that facilitate the repair, maintenance, safety and improvement of housing in economically distressed neighborhoods.
7. Encourage inclusive communities, overcome disparities in access to Louisville Metro assets, and enhance housing choice for all residents throughout Louisville Metro by coordinating plans and investments to affirmatively further fair and affordable housing.
8. Establish incentives and development programs to retrofit existing housing stock to improve energy efficiency.
9. Increase flexibility of design and parking requirements to promote adaptive reuse and infill development.

Policies

Land Use & Development

1. Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area.
2. Locate housing within proximity to multi-modal transportation corridors providing safe and convenient access to employment opportunities, as well as within proximity to amenities providing neighborhood goods and services. Higher density, accessible residential uses should be located along transit corridors and in or near activity centers.
3. Encourage the inclusion of residential uses above retail and office uses in mixed-use, multi-story buildings. Provide flexibility to allow live-work units.

Programmatic

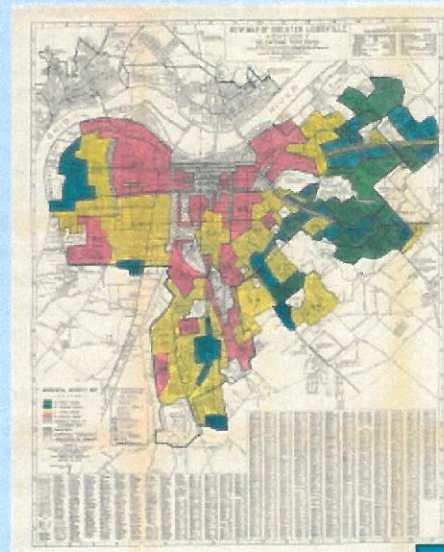
4. Adopt standards and regulations to encourage the use of vacant and abandoned properties for new housing.
5. Provide flexibility for housing to adapt to changing climates, demographics and technology, including but not limited to, building materials, design elements, and energy production and conservation methods.
6. Ensure adequate access between employment centers and population centers.
7. Encourage development, redevelopment, and rehabilitation of housing in downtown, older and declining neighborhoods and older

industrial areas that is consistent with the desired Form District pattern.

8. Incentivize residential development surrounding nonresidential use or as a component of a mixed-use development through flexible design and dimensional standards while maintaining appropriate transitions between incompatible uses.
9. Discourage new residential development near or within heavy industrial areas or near incompatible community facilities. Explore programs that recondition existing housing in such areas in order to mitigate adverse impacts.

Policies in Action: Redlining Louisville: The History of Race, Class, and Real Estate

Dating back to 1933, the United States government through the Home Owner's Loan Corporation (HOLC) created residential securities maps, better known as redlining maps, to guide investment in U.S. cities. These maps assigned grades to neighborhoods to indicate their desirability which determined access to mortgage, insurance, and credit for decades. Black, immigrant, and low-income neighborhoods were often given low grades, eliminating their ability to purchase homes or obtain credit. Although the HOLC was discontinued in 1951, the impact of disinvestment resulting from redlining is still evident in most U.S. cities today, including Louisville. The policies in this section attempt to address these lingering effects by promoting mixed-use, mixed-income development and encouraging the rehabilitation of older housing stock.



Policies

Land Use & Development

1. Encourage provision of fair and affordable housing by providing a variety of ownership options and unit costs throughout Louisville Metro. Expand opportunities for people to live in quality, variably priced housing in locations of their choice by encouraging affordable and accessible housing in dispersed locations throughout Louisville Metro.
2. As neighborhoods evolve, discourage displacement of existing residents from their community.
3. Encourage the use of innovative methods such as clustering, mixed-use developments, co-housing, and accessory apartments to increase the production of fair and affordable housing.
4. Provide safe and affordable housing opportunities and related supportive services throughout Louisville Metro to serve the homeless population and those in need of housing, including but not limited to, rent assistance, transitional housing, and shelters. Allow for supportive housing to be available for individuals entering or re-entering society upon their exit from residential care facilities, correctional facilities, foster care or similar institutions.
5. Promote and encourage the inclusion of design features that make housing safer and/or are known to help reduce crime (i.e. lighting, fences, front porches).

Programmatic

6. Incentivize the development of fair, affordable and accessible housing. Such incentives may include but not be limited to density bonuses for projects that include low/moderate income housing, waiving local fees as appropriate, and encouraging mixed-use projects that include appropriate housing components.
7. Provide incentives that allow for smaller lot sizes in single family residential Zoning Districts to increase opportunity and limit the burdens associated with housing costs.
8. Support affordable housing initiatives such as the Louisville Affordable Housing Trust Fund and Louisville CARES. Pursue a variety of sources and mechanisms including new financial and regulatory tools to preserve and develop housing units and various assistance programs for households whose needs are not met by the private market.
9. Perform and update a county-wide housing needs assessment to evaluate current housing conditions and markets.
10. Support programs that assist homeowners with housing costs such as mortgage and home improvement loans in formerly redlined neighborhoods, according to "Redlining Louisville."
11. Encourage neighborhood and community groups to provide resources to repair, maintain, improve and reuse distressed property in their communities.

12. Encourage and incentivize developments with a residential component to provide affordable and accessible housing as part of their development plan.
13. Where needed, as determined by a housing needs assessment, consider regulations for certain residential developments that receive public funding or financial incentives to provide affordable and accessible housing.
14. Encourage energy-efficiency investments to reduce overall housing costs and increase long term affordability.

Memo

To: Dante St. Germain, Planning & Design
From: Stephanie Burdick, SAB Consulting, LLC
cc: Justin Robinson, Executive Administrator, DCA
Date: February 24, 2020
Re: Wilson / Hepburn Rent Comparison **AMENDED 2/26/2020**

On February 25, 2020, I received a phone call from the applicant's counsel requesting that I clarify the memorandum I prepared on February 24, 2020. I included points of clarification below:

Develop Louisville - Division of Compliance and Administration (DCA) received a request to evaluate the rents charged at the subject property are affordable. The owner provided the attached chart to document their affordability. (Attachment 1) I have completed this request on behalf of DCA. I am an independent consultant who works with Develop Louisville – DCA and its Office of Housing.

1. It was assumed that the readers of this memorandum would understand how Develop Louisville – Division of Compliance and Administration (DCA), and specifically me, came to be involved in this request. In order to clarify this, I have provided an overview, below.

The chart (Attachment 1) was sent to Marilyn Edwards on February 4, 2020 by Paul Whitty. Marilyn Edwards formerly worked for Develop Louisville – DCA and retired on January 29, 2020. This information was then forwarded to me and Justin Robinson as we are both listed as appropriate contacts for her. Justin Robinson spoke with Paul Whitty on February 7, 2020 via phone. Justin Robinson emailed me on February 7, 2020 asking if I could review the chart for him. I responded to Justin Robinson on February 8, 2020 and he forwarded my response to Paul Whitty. Paul Whitty reached out to me directly on February 18, 2020 to discuss my email. I spoke with Paul Whitty via phone on February 18, 2020 at which time I asked for the Planning & Design staff in which he was working with so I could fully understand the request. On February 18, 2020, I had an in-person conversation with Dante St. Germain regarding their request. During this conversation, Dante asked for me to compare what was submitted by the property (Attachment 1) against the HUD Fair Market Rents and the Low Income Housing Tax Credit Program (LIHTC) rents as she said these are cited in the Land Development Code. I informed Dante that the LIHTC Program has two rent levels, one is based upon the 50% area median income limit and the other is based upon the 60% area median income limit, and you informed me to utilize the higher of the two rent limits, 60%.

"Affordable", in general, is defined as paying no more than 30% of your household income on housing costs (includes utilities). So, in terms of if the rent is "affordable" - that is dependent upon household's income. Programs developed to support affordable housing, such as the Low Income Housing Tax Credit Program (LIHTC), the HOME Investment Partnership Program (HOME) or Louisville CARES Program (CARES) set standard rent limits using this 30% calculation of an area's (Louisville Metro / Jefferson County) household median income. These rent limits make it easier to administer the program. However, if a household makes less than the median income for the area, upon which the rent limit calculation is based, they end up paying more than 30% of their household income on housing costs. For these households, paying more than 30% of the income on housing costs, they are considered cost burdened, yet, the rent charged to them would be compliant with program requirements.

2. I wanted to clarify that there are numerous ways in which affordable housing is defined. The overarching theme is that "affordable" is as paying no more than 30% of your household income on housing costs (including utilities). However, each affordable housing program, or guiding document, each have their own definition. I have included some of these definitions below. I have underlined verbiage in each definition to help point out the differences between how affordable housing and affordable rents are defined.

The applicant's counsel on our phone call on 2/25/2020 stated that the Comprehensive Plan identifies the Louisville CARES Program and The Louisville Affordable Housing Trust Fund. As previously mentioned, in the Land Development Code, the HUD Fair Market Rents and the Low Income Housing Tax Credit Program (LIHTC) rents are cited.

- The Louisville CARES program defines affordable housing as "*Housing, including utilities, that costs no more than 30% of income for a household earning 80% of area median income.*" (ref: Louisville CARES Policies and Procedures)
- The Louisville Affordable Housing Trust Fund (LAHTF) states in their funding application that, "*All projects using LAHTF funds must be affordable to those at or below 80% or 50% of area median income, as specified in the application. "Affordable" is defined as the cost of housing plus utilities being less than or equal to 30% of the household income. If the intended recipient for the unit size is a family of four, for example, then the cost of the housing plus average utility cost must be less than or equal to 30% of the area median income for that family size.*"
- The Low Income Housing Tax Credit Program defines an affordable rent as, "*a residential unit is rent-restricted if the gross rent with respect to such unit does not exceed 30 percent of the imputed income limitation applicable to such unit.*" (26 CFR Part 1 Section 42)
- The HUD Fair Market Rents are "*are estimates of rent plus the cost of utilities, except telephone. FMRs are housing market-wide estimates of rents that provide opportunities to rent standard quality housing throughout the geographic area in which rental housing units are in competition. The level at which FMRs are set is expressed as a percentile point within the rent distribution of standard quality rental housing units in the FMR area. FMRs are set at the 40th percentile rent, the dollar amount below which the rent for 40 percent of standard quality rental housing units fall within the FMR area. The 40th percentile rent is drawn from the distribution of rents of all units within the FMR area that are occupied by recent movers. Adjustments are made to exclude public housing units, newly built units and substandard units.*" (24 CFR Part 888 Section 113)

In Attachment 1, the owner compared their rents against the Louisville CARES program rent limits. The CARES program is designed to cater to "workforce" housing. This means that the household income is anticipated to be higher than in properties funded by other affordable housing programs. The rent limit for a CARES efficiency unit is based upon taking 30% of the 1-person household annual median income at 80% AMI (\$42,800) and dividing by 12. This results in a monthly rent limit (includes utilities) of \$1070 for an efficiency unit.

In Attachment 2, you can see that the LIHTC and Fair Market Rents are significantly lower than the Louisville CARES limits. If you evaluate the rents against these limits, only Apartment 6's rent is considered affordable under both rent limits. Apartment 5 rent is considered affordable only in comparison with the LIHTC rent limits. The other four (4) apartments, are anywhere between \$40 - \$365 over depending upon which rent limit is utilized.

3. I would like to clarify that the Louisville Affordable Housing Trust Fund (LAHTF) does not produce a rent schedule as other programs the other programs do. They work with each of their applicants to set rent limits which are affordable to the population served. As such, no rent limit is included in Attachment 2 for LAHTF.

Further, Attachment 2 provides a comparison of the subject property's rents against various affordable housing rent limits. I have updated Attachment 2 to document that the subject property is under the rent limits for the Louisville CARES Program. All six (6) apartments are considered affordable in comparison with the CARES rents.

ATTACHMENT 1

2019 Louisville CARES Rent and Income Limits*

Income Limit Category	Persons in Family							
	1	2	3	4	5	6	7	8
80% AMI	\$42,800	\$48,900	\$55,000	\$61,100	\$66,000	\$70,900	\$75,800	\$80,700

Apt #	Bedrooms	Rent	Utilities	Total Occupancy Costs	Rent Limits
1	1 Bedroom	\$800	@\$100	\$900	\$1,147
2	1 Bedroom	\$953	@\$100	\$1,053	\$1,147
3	2 Bedroom	\$1,000	\$150	\$1,150	\$1,376
4	1 Bedroom	\$850	@\$100	\$950	\$1,147
5	Efficiency	\$745	included	\$745	\$1,070
6	Efficiency	\$586	included	\$586	\$1,070

* All units receive free water

** All tenants use common laundry room - landlord pays associated utility costs.

ATTACHMENT 2

Income Limit Category	Persons in Family							
	1	2	3	4	5	6	7	8
80% AMI	\$42,800	\$48,900	\$55,000	\$61,100	\$66,000	\$70,900	\$75,800	\$80,700
60% AMI	\$32,100	\$36,720	\$41,280	\$45,840	\$49,560	\$53,220	\$56,880	\$60,540

Apt #	Bedrooms	Rent	Utilities	Total Occupancy Costs	HUD Fair Market Rent Limits	LIHTC 60% Rent Limits	CARES Rent Limits
1	1 Bedroom	\$800	@\$100	\$900	\$688	\$860	\$1,147
2	1 Bedroom	\$953	@\$100	\$1,053	\$688	\$860	\$1,147
3	2 Bedroom	\$1,000	\$150	\$1,150	\$853	\$1,032	\$1,376
4	1 Bedroom	\$850	@\$100	\$950	\$688	\$860	\$1,147
5	Efficiency	\$745	included	\$745	\$602	\$802	\$1,070
6	Efficiency	\$586	included	\$586	\$602	\$802	\$1,070

Amount Over/Under FMR	Amount Over/Under LIHTC	Amount Over/Under CARES
\$212	\$40	-\$247
\$365	\$193	-\$94
\$297	\$118	-\$226
\$262	\$90	-\$197
\$143	-\$57	-\$325
-\$16	-\$216	-\$484
over is displayed as a positive amount, while under is displayed as a negative amount		

Louisville Metro Planning Commission - December 19, 2019
Louisville Metro Land Development & Transportation Committee - October 24, 2019
Neighborhood Meeting - September 3, 2019



Docket No. 19-ZONE-0060

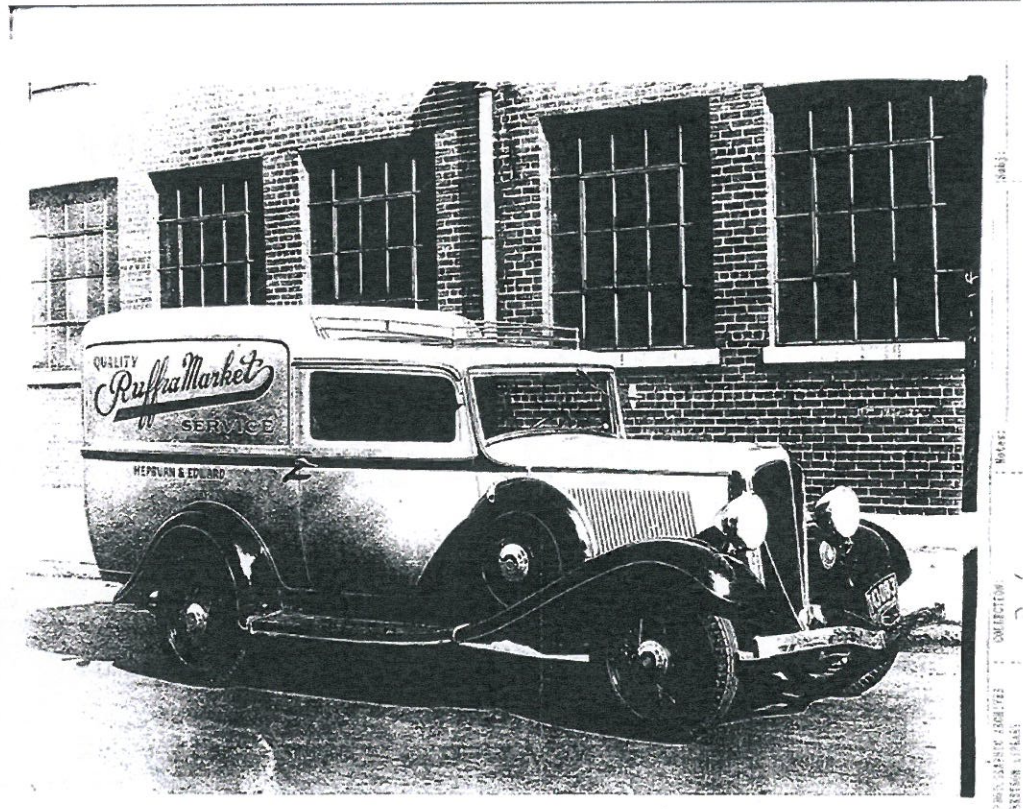
Proposed Zone Change from R-5B to R-8A to
bring the existing apartment building into
compliance with the Land Development Code
(LDC) regulations, on property located at
1400 Hepburn Ave

Attorneys: Bardenwerper Talbott & Roberts, PLLC

Land Planners, Landscape Architects and Engineers: Milestone Design Group

HISTORY OF PROPERTY

1. Originally used as a market (known in 1930 as “Ruffra’s Market”) and continued until 1954
2. Zoned R-6 Multifamily residential since 1931, the date of the adoption of zoning regulations
3. Used as a furniture company from 1959-1963
4. Used as a clothing store from 1967-1976
5. Used as a “Best Buy Shop” in 1979
6. Used as a photography studio from 1981 for many years



HERMAN STRAUS & SONS CO.

A Complete Department Store

4TH AND MARKET

PHONE CITY 1080

CARON'S 1930 DIRECTORY

1689

RUFF—

- " Jos L baker 1218 Krieger r 917 Clark's Lane
- " Margaret wid J F r 1214 Chester av
- " Mary R opr Enro Shirt Co b 1115 Forrest
- " Mittie dom r 717 S 21st
- " Rudolph C Rev pastor St Vincent DePaul (R C) Church r 1207 S Shelby
- " Walter J b 1131 Fischer av
- " Wm H real estate 716 Cecil av
- Ruffin Jas A student b Mullins Hall
- Ruffner Alma stenographer Bradley-Preston Tob Co b 1910 Esquire
- " Elmer lab r 2220 Green al
- " Elmer C car washer Mid-Continent Petroleum Corp r 3124 Rudd av
- " Geo E asst treas Stewart Dry Goods Co r 1312 Willow av
- " Geo E Jr clk Nat Bank of Ky b 1312 Willow av
- " John F b 1312 Willow av
- " Laura B wid Wm r 2716 W Chestnut
- " Mary C stock girl Stewart Dry Goods Co b 1312 Willow av
- " Nelson J fireman B&B Ludy r 1910 Esquire
- " Wm M musician b 1312 Willow av
- Ruffra Albert W chauff Dehler Bros Co b 433 E Oak
- " Frank r 3346 S Preston
- " Frank Jr gardener 3320 S Preston
- " Frank H agt Met Life Ins Co r 629 S 44th
- " Frank J plumber Gulf Refining Co r 977 Schiller av
- " Irvin F clk Park City Market r 1206 Goss
- " Jos A propr Ruffra's Market r 1400 Hepburn av
- " Julia wid Jacob r 111 S 42d
- " Lawrence clk rms 548 S 2d
- " Market J A Ruffra propr 1400 Hepburn av
- " Reineida propr Park City Market b 201 W Chestnut
- " Rose Mae forldy Starks Bldg b 644 Barbee Way South
- " Wm J shaper Mengel Co r 119 S 20th
- Ruffra Margaret stenog Lou Conservatory of Music r Avoca
- Ruffy Earl brklayr b 917 S 28th
- Rufus John dispenser Hook Drug Co

**LOUISVILLE
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Everything in Paper
13th & Maple Quick Service Many Phones

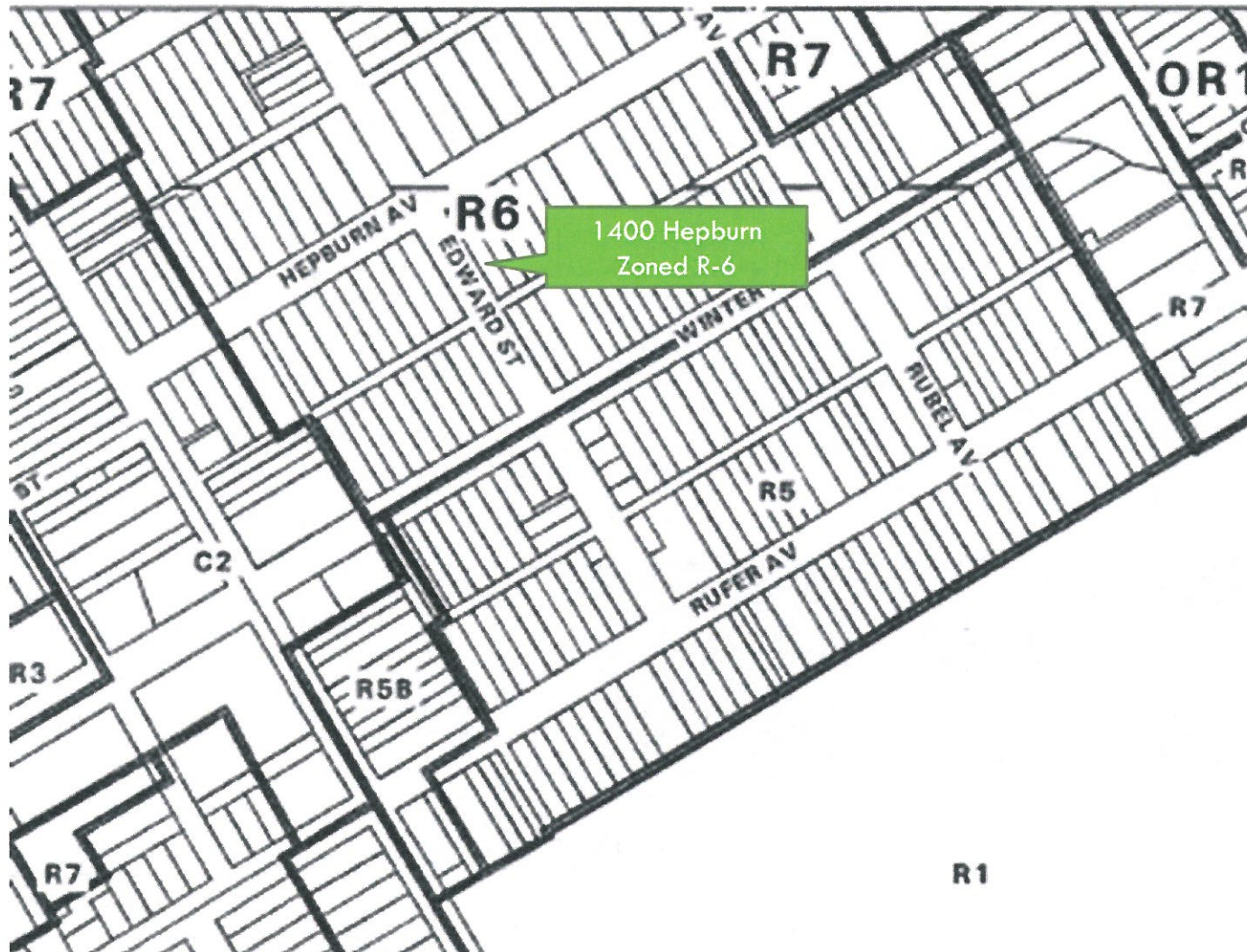
- Ruhl Albert T farmer r 198 Thompson av
- " Albert W helper Ky Book Mfg Co b 198 Thompson av
- " Bernadine clk Board of Education b 721 E Breckdge
- " Bernadine wid John r 721 E Breckdge
- " Elizabeth b 198 Thompson av
- " Emmett lab b 606 E Jeff
- " Evelyn S opr Sou Bell Tel Co r 1130 Samuel
- " Florence W stenog Mut Benefit Life Ins Co b 936 S Brook
- " Fred W bkpr Lewis Implement & Seed Co r 1821 Stevens av
- " John clk b 1708 Stevens av
- " John rms 513 S 2d
- " Jos G chauff Lou Gas & Elec Co r 1130 Samuel
- " Julius J sec Seiberz & Ruhl r 996 Barret
- " Kathryn wid Peter r 150 Stevenson av
- " Leona cashr L Ruhl & Co b 1807 Brownsboro rd
- " Lou's F (L Ruhl & Co) r 1807 Brownsboro Road
- " L & Co (L F and J L Allgeier) grocers 1807 Brownsboro rd
- " Mary wid John b 1022 Lampton
- " Mary H dressmkr 721 E Breckdge
- " Moritz b 821 E Gray
- " Nettie E wid Geo r 936 S Brook
- Ruhr Rosa wid August b 800 S 35th
- Ruhs Jacob emp Stan San Mfg Co r 1917 7th

1884 The Louisville Trust

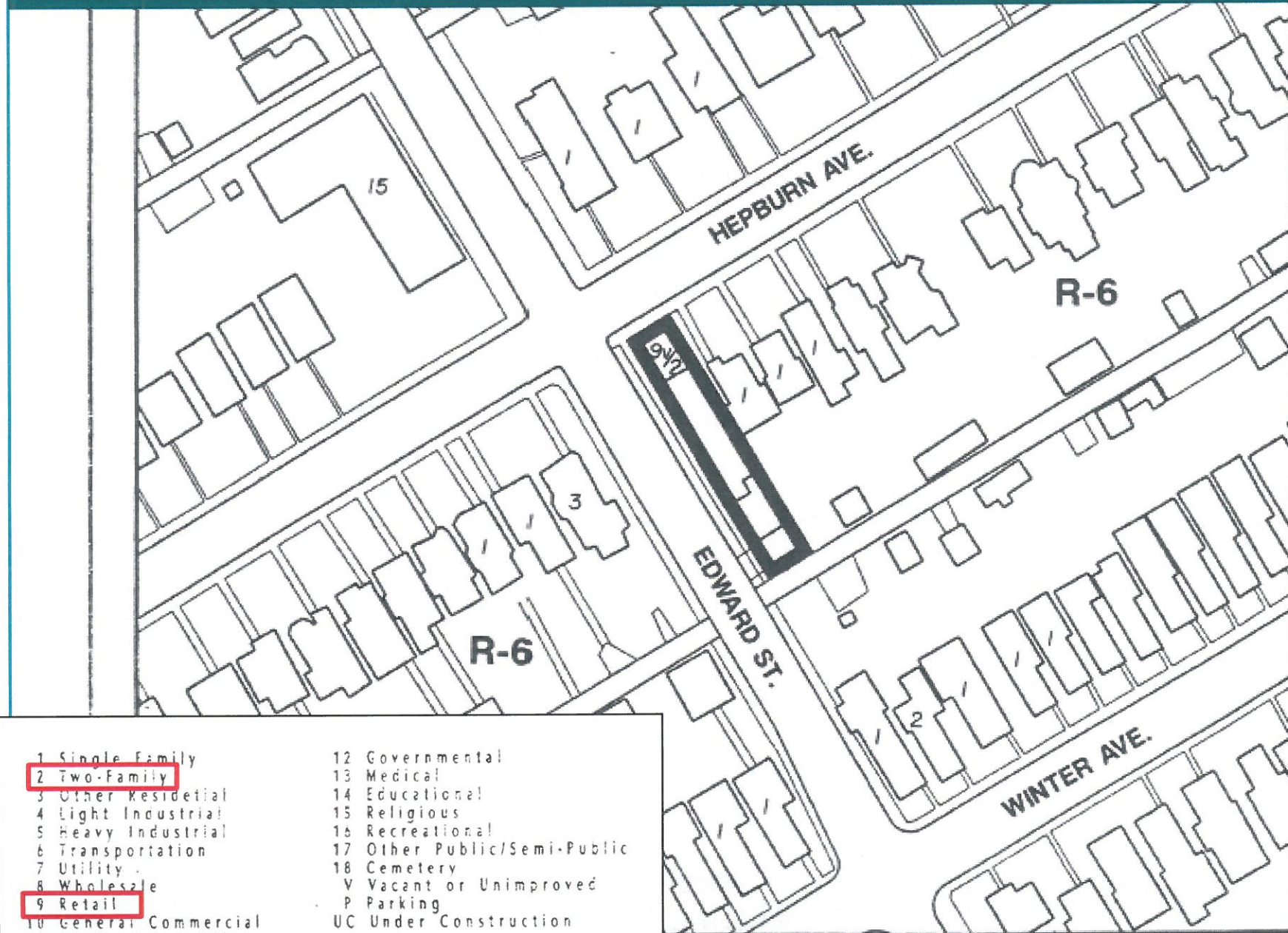
Commercial, Savings, Trust, Real Estate
Insurance, Safety Vault, Real Estate Loans

421 WEST MARKET STREET

PRIOR ZONING



BOZA Land Use Map, #B-86-91

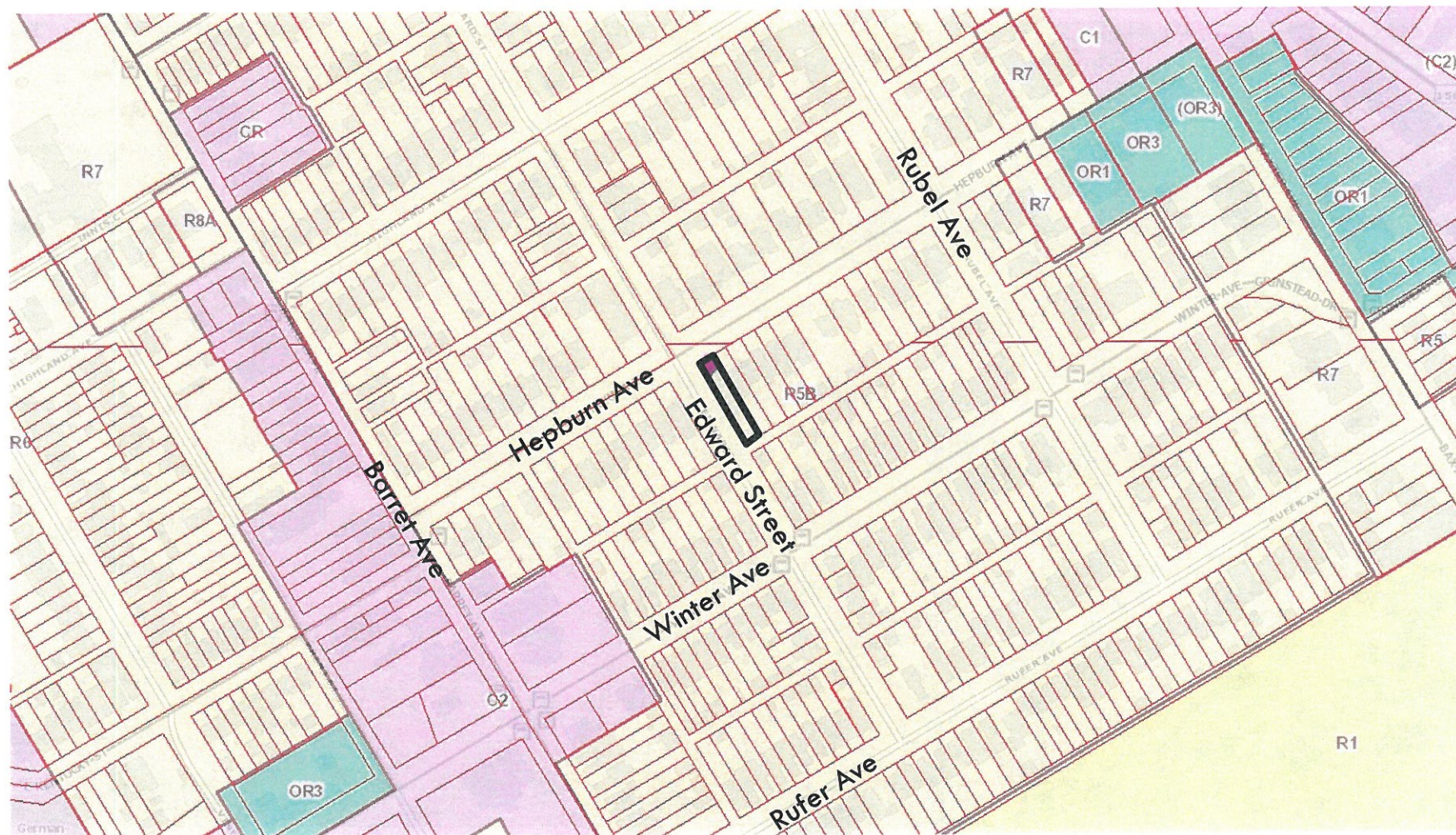


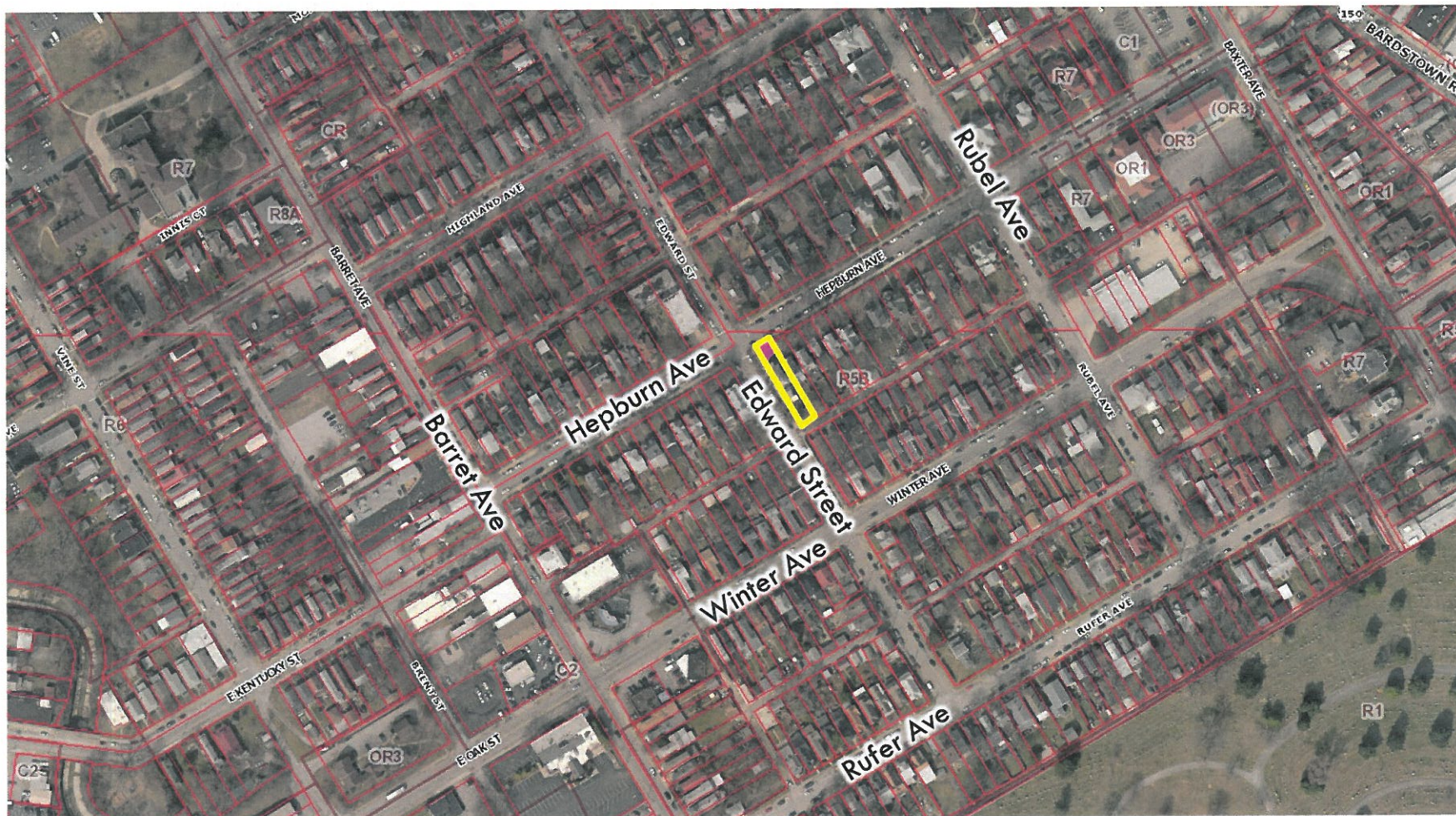
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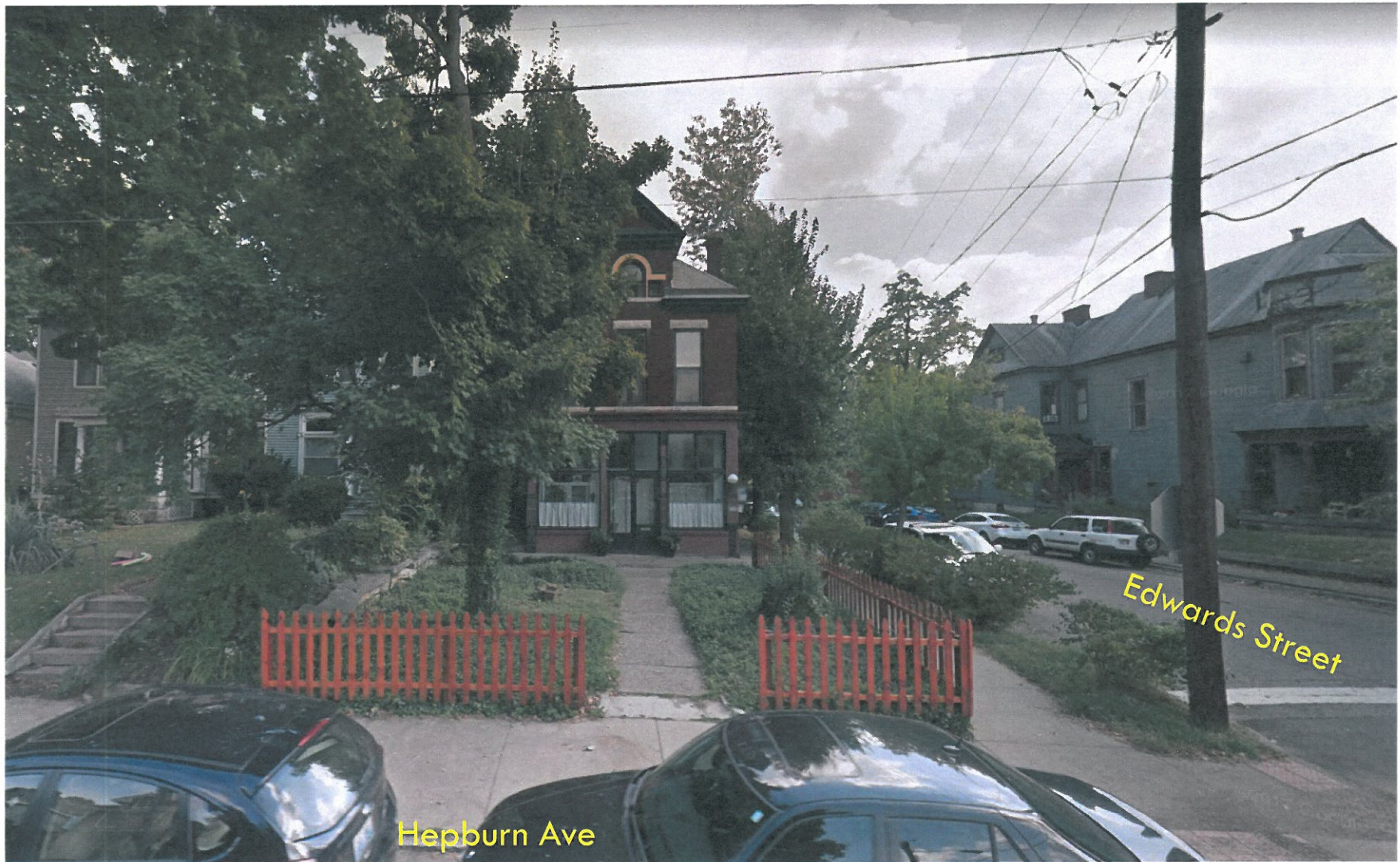


1400 Hepburn Avenue

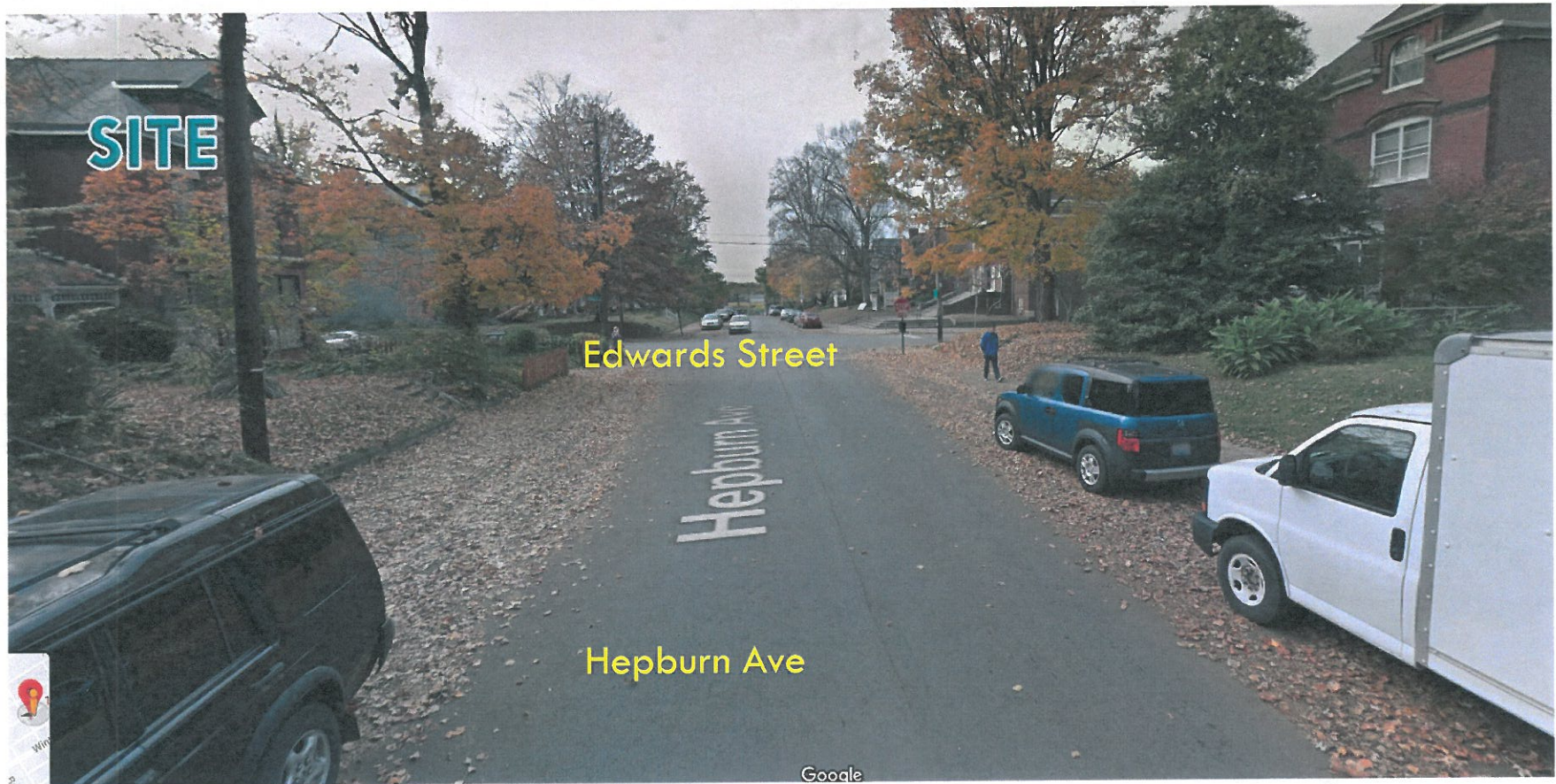
Common to older neighborhoods was the corner grocery. 1400 Hepburn Avenue is the most handsome of these corner stores in the Highland Neighborhood, and is virtually unaltered from its original condition. Built as a grocery and residence combined, Conrad Oldiges first opened shop in 1893, and lived in the second floor residence. Oldiges Grocery served this neighborhood until 1924, when ownership changed hands and it became Ruffra Brothers Grocery.







View of site from Hepburn Ave.



View of Hepburn Ave looking west, towards Edward Street. Site is on the left.



View of Hepburn Ave looking east. Site is on the right.



View of Edwards Street looking south. Site is on the left.

Apartment Example



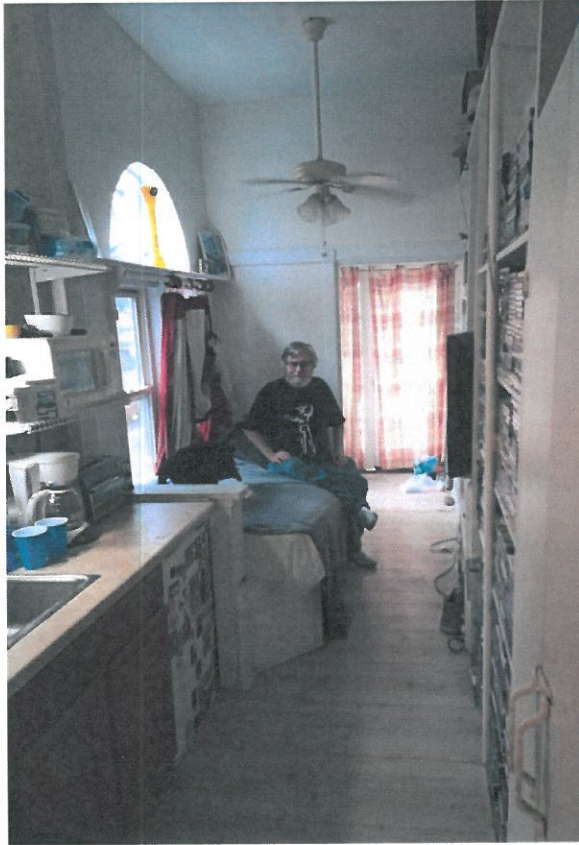
Apartment Example



Apartment Example



Apartment Example



Adjoining property owner notice list map wherein 36 neighbors plus those on the DPDS “interested party list” were invited to the neighborhood meeting and subsequent LD&T and Planning Commission public hearing.



2.2.13 R-8A Residential Multi-Family District

The following provisions shall apply in the R-8A Residential Multi Family District unless otherwise provided in these regulations.

A. Permitted Uses:

All uses permitted in the R-1 Residential Single Family District, as well as the following use(s):

Assisted living residence

Bed and Breakfasts

Colleges, schools and institutions of learning (except training schools)

Day care centers, day nurseries, nursery schools and kindergartens

Dwellings, Multiple family

Dwellings, Two-family

Family care home (minihome)

Libraries, museums, historical buildings and grounds, arboretums, aquariums, and art galleries

Parks, playgrounds, and community centers

Religious buildings

B. Conditional Uses

Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4 Part 2 for a listing of uses and requirements that apply to specific uses.

C. Permitted Uses With Special Standards*

Certain uses are permitted in this district provided they meet the special standards and requirements listed for such uses in Chapter 4 Part 3.

D. Property Development Regulations

Refer to the applicable Form District regulations in Chapter 5 for lot size, setback, building height and other restrictions.

E. Maximum Density and FAR

1. Maximum Floor Area Ratio: 3.0

2. Maximum Density 58.08 dwellings per acre

IMPORTANT POINTS

1. No changes to structure.
2. No changes to use. Property currently has 6 apartments.
3. Rezoning being sought to bring long-term use into compliance.
4. Hope to retain long-term tenants.
5. Original Highlands Neighborhood Plan allows R-8 zoning.
6. Needed affordable housing.
7. Socio-economic diversity.
8. No history of problems at property.

Plan 2040

3.1.13. Conservation: The Conservation Form District is characterized by its natural features and scenic landscapes. Historically, these districts are characterized by agricultural land, woods and fields, creeks and streams, riparian areas, wetlands, forests, wildlife habitat, parklands, steep slopes, floodplains, and dark skies. Future development in Conservation Form Districts should preserve natural and historical resources while providing opportunity for low-impact, sustainable and mixed-use development that include innovative housing varying in design, type, size and affordability. To conserve natural areas, innovative and clustered developments are encouraged and incentivized. Commercial and other nonresidential buildings that serve community, recreational or tourism needs are located near major roadways and/or recreational areas. Multi-modal transportation opportunities should be extended to the area, including connections to parks, recreational areas and residential areas to enhance connectivity. Innovative and environmentally-friendly methods of development, especially in the areas of waste management, wastewater disposal, stormwater runoff and energy efficiency should be considered to enhance the character of the district and the health of the watershed.

Preserving open spaces, greenways, parks and recreational areas, natural vistas, working farms, tree canopy, air quality, watershed health, dark skies and wildlife habitat, while offering a variety of housing opportunities, are goals in the district.

Any Conservation Form District shall be described and geographically-defined within a plan that is adopted as an amendment to this Comprehensive Plan.

3.2. Design. Use Form District pattern rather than Zoning Districts as a basis for site design standards such as lot dimensions, building scale, size, height, massing and materials as well as how buildings relate to other nearby buildings, the street, and the site itself. Design standards should reflect the special character of each Form District. Design of new development and redevelopment should take into account use by persons with disabilities.

3.3. Form District Map. The distinct boundaries of the Form Districts, along with the Zoning Districts and special districts, are delineated on the Form District Map that is adopted as part of the Land Development Code. The general Community Form Core Graphic shall be adopted by the Planning Commission as evidence of the intended Community Form and shall be considered in land use decisions by the Commission and legislative bodies. Once Form District boundaries are established by the legislative body, the Community Form Core Graphic shall be considered only in legislative body decisions related to Form District boundary changes. To promote appropriate mix of Form Districts, consider both the existing and evolving neighborhood character when reviewing expansion of a Form District boundary. The Community Form Core Graphic will be updated no less than annually.

Land Use & Development

4. Ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects.
 5. Allow a mixture of densities as long as their designs are compatible. Adjacent residential areas in different density categories may require actions to provide an appropriate transition between the areas. Examples include vegetative buffers, open spaces, landscaping and/or a transition of densities, site design, building heights, building design, materials and orientation that is compatible with those of nearby residences.
 6. Discourage non-residential expansion into existing residential areas unless applicant can demonstrate that any adverse impact on residential uses will be mitigated. Evaluation of impacts may include, but not be limited to, displacement of residents, loss of affordable housing units, traffic, parking, signs, lighting, noise, odor, and stormwater. Appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential.
 7. Locate higher density and intensity uses near major transportation facilities and transit corridors, employment centers, in or near activity
- Community Form | 45

Affordable Housing in Plan 2040



Northeastern Jefferson County

Introduction

Housing is a necessity of life. The Housing plan element strives to enhance housing opportunities for all citizens of Louisville Metro. Promoting equitable housing means ensuring diverse, quality, physically accessible, affordable housing choices with access to opportunities, services and amenities. The Housing plan element guides fair and affordable housing practices by promoting affordable housing programs and formalizing policies that ensure the inclusion of affordable housing when financial incentives are given to housing developments. This plan element also promotes flexibility and housing programs for vacant lots and areas that were formerly redlined.

The Housing plan element contains three overarching goals, supported by a series of objectives and action-oriented policies to frame this community's vision for housing.

GOAL
1

Expand and ensure a diverse range of housing choices.

GOAL
2

Facilitate the development of connected, mixed-use neighborhoods.

GOAL
3

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

Policies

Land Use & Development

1. Encourage a variety of housing types including, but not limited to, detached and attached single family, multi-family, mixed use, zero lot line, average lot, cluster, and co-housing. Allow for accessory residential structures and apartments. Housing types should reflect the Form District pattern.
2. Promote housing options and environments that support aging in place. Encourage housing for older adults and people with disabilities to be located close to shopping and transit routes and, when possible, medical and other supportive facilities.
3. Develop a variety of housing types that meet the needs of all residents including an adequate supply of affordable housing and physically accessible housing.
4. Ensure that manufactured homes are compatible with the scale and character of the surrounding neighborhood. Manufactured homes must meet the most current U.S. Department of Housing and Urban Development Manufactured Home Construction and Safety Standards.
5. Ensure that appropriate safety measures are followed in the installation and siting of mobile homes and that mobile homes are compatible with the scale and character of the surrounding neighborhood.

Programmatic

6. Preserve, rehabilitate, and reuse existing housing stock where feasible. Support revitalization solutions to maintain existing housing stock in an effort to preserve sense of place and neighborhood vibrancy. Enhance programs and support regulations that facilitate the repair, maintenance, safety and improvement of housing in economically distressed neighborhoods.
7. Encourage inclusive communities, overcome disparities in access to Louisville Metro assets, and enhance housing choice for all residents throughout Louisville Metro by coordinating plans and investments to affirmatively further fair and affordable housing.
8. Establish incentives and development programs to retrofit existing housing stock to improve energy efficiency.
9. Increase flexibility of design and parking requirements to promote adaptive reuse and infill development.

Policies

Land Use & Development

1. Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area.
2. Locate housing within proximity to multi-modal transportation corridors providing safe and convenient access to employment opportunities, as well as within proximity to amenities providing neighborhood goods and services. Higher density, accessible residential uses should be located along transit corridors and in or near activity centers.
3. Encourage the inclusion of residential uses above retail and office uses in mixed-use, multi-story buildings. Provide flexibility to allow live-work units.

Programmatic

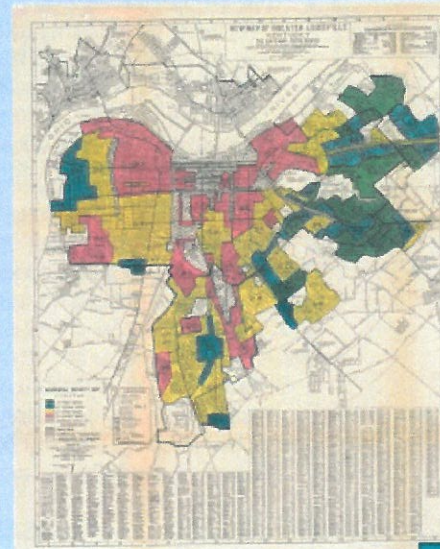
4. Adopt standards and regulations to encourage the use of vacant and abandoned properties for new housing.
5. Provide flexibility for housing to adapt to changing climates, demographics and technology, including but not limited to, building materials, design elements, and energy production and conservation methods.
6. Ensure adequate access between employment centers and population centers.
7. Encourage development, redevelopment, and rehabilitation of housing in downtown, older and declining neighborhoods and older

industrial areas that is consistent with the desired Form District pattern.

8. Incentivize residential development surrounding nonresidential use or as a component of a mixed-use development through flexible design and dimensional standards while maintaining appropriate transitions between incompatible uses.
9. Discourage new residential development near or within heavy industrial areas or near incompatible community facilities. Explore programs that recondition existing housing in such areas in order to mitigate adverse impacts.

Policies in Action: Redlining Louisville: The History of Race, Class, and Real Estate

Dating back to 1933, the United States government through the Home Owner's Loan Corporation (HOLC) created residential securities maps, better known as redlining maps, to guide investment in U.S. cities. These maps assigned grades to neighborhoods to indicate their desirability which determined access to mortgage, insurance, and credit for decades. Black, immigrant, and low-income neighborhoods were often given low grades, eliminating their ability to purchase homes or obtain credit. Although the HOLC was discontinued in 1951, the impact of disinvestment resulting from redlining is still evident in most U.S. cities today, including Louisville. The policies in this section attempt to address these lingering effects by promoting mixed-use, mixed-income development and encouraging the rehabilitation of older housing stock.



Policies

Land Use & Development

1. Encourage provision of fair and affordable housing by providing a variety of ownership options and unit costs throughout Louisville Metro. Expand opportunities for people to live in quality, variably priced housing in locations of their choice by encouraging affordable and accessible housing in dispersed locations throughout Louisville Metro.
2. As neighborhoods evolve, discourage displacement of existing residents from their community.
3. Encourage the use of innovative methods such as clustering, mixed-use developments, co-housing, and accessory apartments to increase the production of fair and affordable housing.
4. Provide safe and affordable housing opportunities and related supportive services throughout Louisville Metro to serve the homeless population and those in need of housing, including but not limited to, rent assistance, transitional housing, and shelters. Allow for supportive housing to be available for individuals entering or re-entering society upon their exit from residential care facilities, correctional facilities, foster care or similar institutions.
5. Promote and encourage the inclusion of design features that make housing safer and/or are known to help reduce crime (i.e. lighting, fences, front porches).

Programmatic

6. Incentivize the development of fair, affordable and accessible housing. Such incentives may include but not be limited to density bonuses for projects that include low/moderate income housing, waiving local fees as appropriate, and encouraging mixed-use projects that include appropriate housing components.
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10. Support programs that assist homeowners with housing costs such as mortgage and home improvement loans in formerly redlined neighborhoods, according to "Redlining Louisville."
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12. Encourage and incentivize developments with a residential component to provide affordable and accessible housing as part of their development plan.
13. Where needed, as determined by a housing needs assessment, consider regulations for certain residential developments that receive public funding or financial incentives to provide affordable and accessible housing.
14. Encourage energy-efficiency investments to reduce overall housing costs and increase long term affordability.

Docket No. 19-ZONEPA-0042

Dante St. Germain, DPDS Case Manager

Proposed Zone Change from R-5B to OR2 to
bring the site into compliance with the Land
Development Code (LDC) regulations, on
property located at 1400 Hepburn Ave

RECEIVED

SEP 16 2019

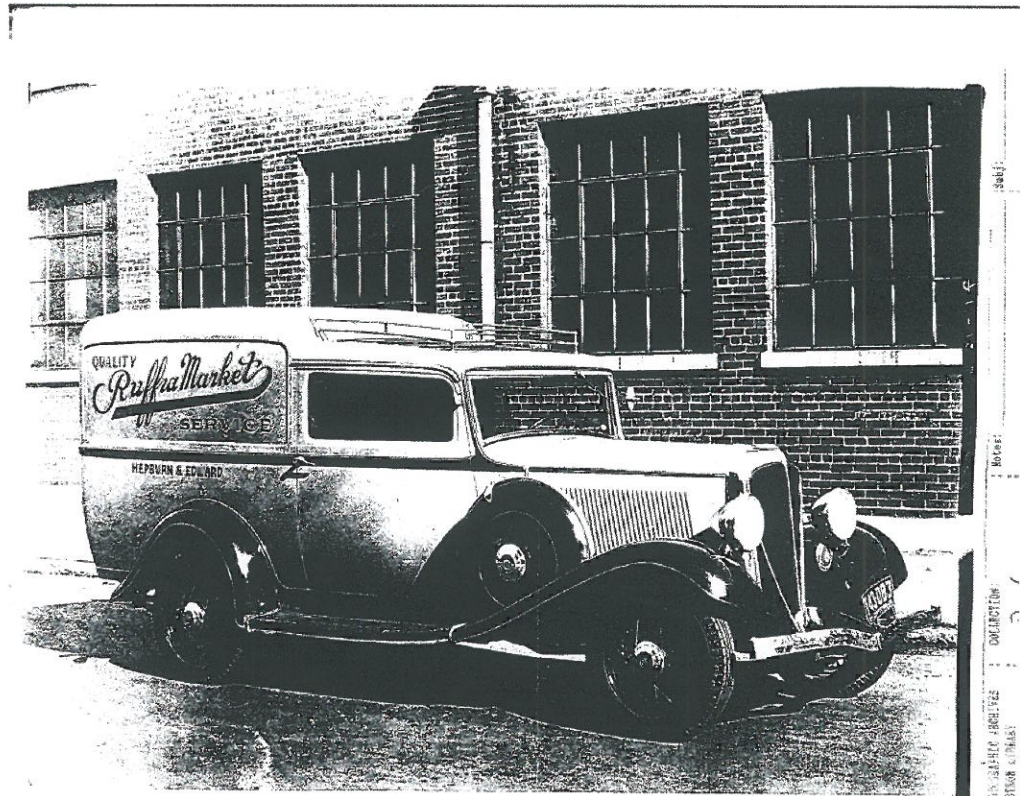
PLANNING &
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Attorneys: Bardenwerper Talbott & Roberts, PLLC

Land Planners, Landscape Architects and Engineers: Milestone Design Group

HISTORY OF PROPERTY

1. Originally used as a market (known in 1930 as "Ruffra's Market") and continued until 1954
2. Zoned R-6 Multifamily residential since 1931, the date of the adoption of zoning regulations
3. Used as a furniture company from 1959-1963
4. Used as a clothing store from 1967-1976
5. Used as a "Best Buy Shop" in 1979
6. Used as a photography studio from 1981 for many years



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HERMAN STRAUS & SONS @

A Complete Department Store

4TH AND MARKET

PHONE CITY 1080

CARON'S 1930 DIRECTORY

1689

RUFF—

- " Jos L baker 1218 Krieger r 917 Clark's Lane
- " Margaret wid J F r 1214 Chester av
- " Mary R opr Enro Shirt Co b 1115 Forrest
- " Mittie dom r 717 S 21st
- " Rudolph C Rev pastor St Vincent DePaul (R C) Church r 1207 S Shelby
- " Walter J b 1131 Fischer av
- " Wm H real estate 716 Cecil av
- Ruffin Jas A student b Mullins Hall
- Ruffner Alma stemmer Bradley-Preston Tob Co b 1910 Esquire
- " Elmer lab r 2220 Green al
- " Elmer C car washer Mid-Continent Petroleum Corp r 3124 Rudd av
- " Geo E asst treas Stewart Dry Goods Co r 1312 Willow av
- " Geo E Jr clk Nat Bank of Ky b 1312 Willow av
- " John F b 1312 Willow av
- " Laura B wid Wm r 2716 W Chestnut
- " Mary C stock girl Stewart Dry Goods Co b 1312 Willow av
- " Nelson J fireman B&B Lndy r 1910 Esquire
- " Wm M musician b 1312 Willow av
- Ruffa Albert W chauff Dehler Bros Co b 433 E Oak
- " Frank r 3346 S Preston
- " Frank Jr gardener 3320 S Preston
- " Frank H agt Met Life Ins Co r 629 S 44th
- " Frank J plumber Gulf Refining Co r 977 Schiller av
- " Irvin F clk Park City Market r 1206 Goss
- " Jos A propr Ruffra's Market r 1400 Hepburn av
- " Julia wid Jacob r 111 S 42d
- " Lawrence clk rms 548 S 2d
- " Market J A Ruffra propr 1400 Hepburn av
- " Reineida propr Park City Market b 201 W Chestnut
- " Rose Mae forldy Starks Bldg b 644 Barbee Way South
- " Wm J shaper Mengel Co r 119 S 20th
- Ruffa Margaret stenog Lou Conservatory of Music r Avoca
- Ruffy Earl brklayr b 917 S 28th
- Rufus John dispenser Hook Drug Co

LOUISVILLE PAPER CO.
INCORPORATED
Everything in Paper
13th & Maple Quick Service Many Phones

- Ruhl Albert T farmer r 198 Thompson av
- " Albert W helper Ky Book Mfg Co b 198 Thompson av
- " Bernadine clk Board of Education b 721 E Breckedge
- " Bernadine wid John r 721 E Breckedge
- " Elizabeth b 198 Thompson av
- " Emmett lab b 606 E Jeff
- " Evelyn S opr Sou Bell Tel Co r 1130 Samuel
- " Florence W stenog Mut Benefit Life Ins Co b 936 S Brook
- " Fred W bkpr Lewis Implement & Seed Co r 1821 Stevens av
- " John clk b 1708 Stevens av
- " John rms 513 S 2d
- " Jos G chauff Lou Gas & Elec Co r 1130 Samuel
- " Julius J sec Seiberz & Ruhl r 996 Barret
- " Kathryn wid Peter r 150 Stevenson av
- " Leona cashr L Ruhl & Co b 1807 Brownsboro rd
- " Louis F (L Ruhl & Co) r 1807 Brownsboro Road
- " L & Co (L F and J L Allgeier) grocers 1807 Brownsboro rd
- " Mary wid John b 1022 Lampton
- " Mary H dressmkr 721 E Breckedge
- " Moritz b 821 E Gray
- " Nettie E wid Geo r 936 S Brook
- Ruhr Rosa wid August b 800 S 35th
- Ruhs Jacob emp Stan San Mfg Co r 1917 7th

1884 The Louisville Trust

Commercial, Savings, Trust, Real Estate
Insurance, Safety Vault, Real Estate Loans
421 WEST MARKET STREET

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129 - ETT TONE 4 - 0 0 6 0

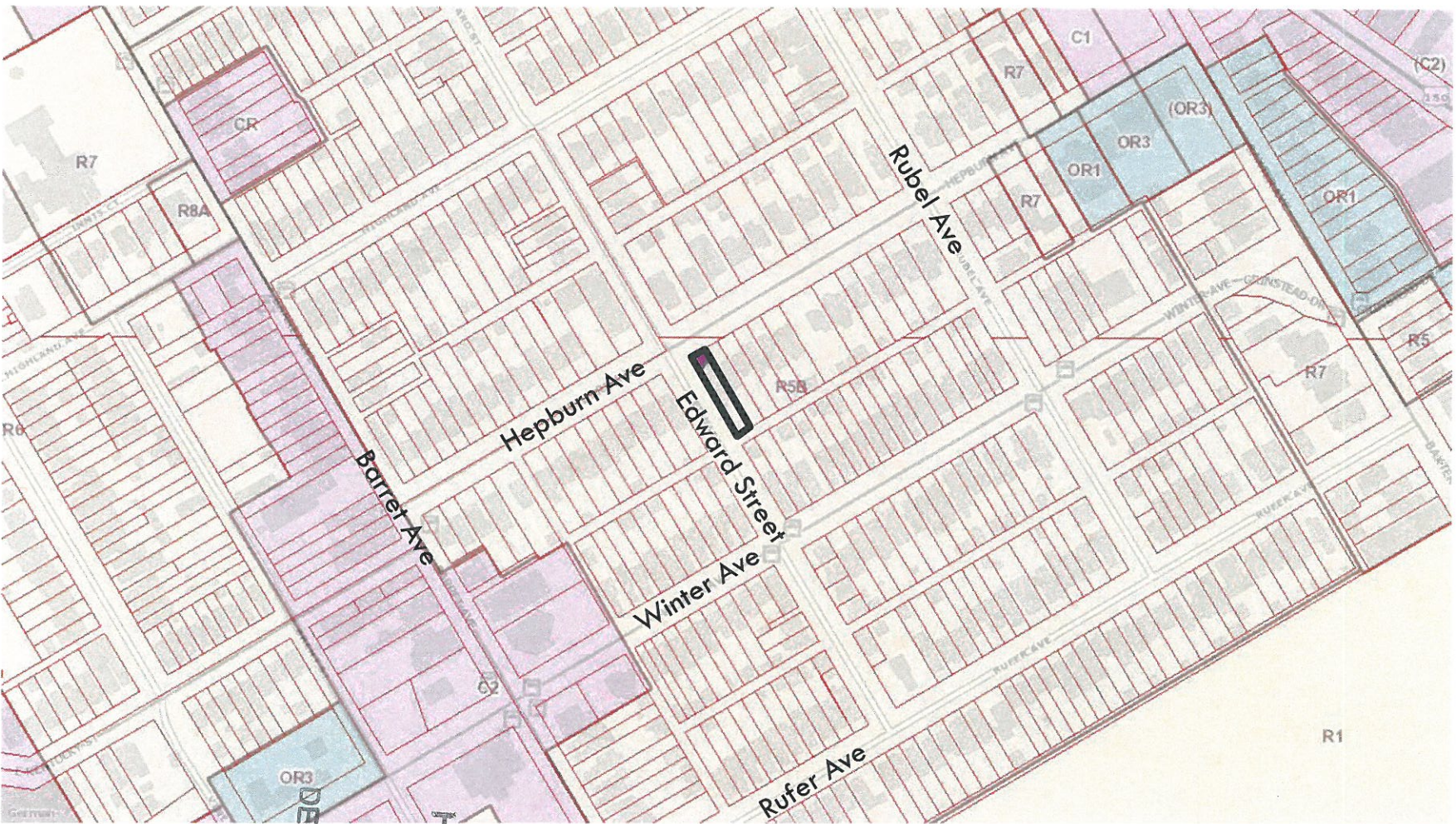
Prior Zoning



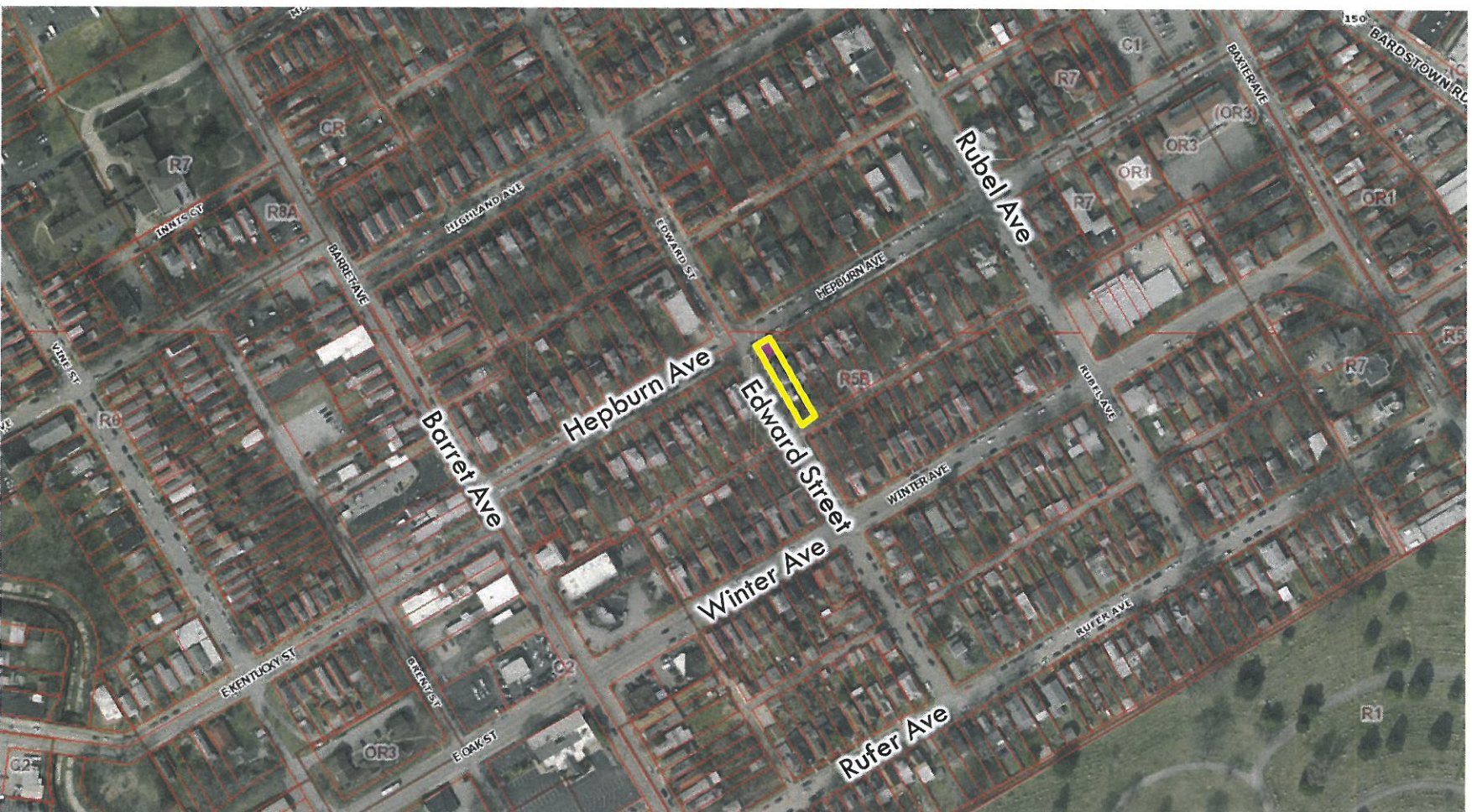
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IMPORTANT POINTS

1. No Changes to structure.
1. No Changes to use. Property currently has 6 apartments.
2. Rezoning being sought for financing
3. OR-2 Zoning sought because of density standard and to allow some flexibility in future use.



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19 - ZONE - 0060

1ST PHILADELPHIA
INDEPENDENT MINISTRY
1337 HEPBURN AVENUE
ZONING: R5-B
FORM DISTRICT: TN
D.B. 7954 PG. 803

HEPBURN AVENUE - 66' R/W
(LOCAL STREET)

BRUCE J. KRUEGER
3909 ROLLINGTON ROAD
ZONING: R5-B
FORM DISTRICT: TN
D.B. 5053 PG. 228

WILSON PROPERTY
RENTALS, LLC
ZONING: R5-B
FORM DISTRICT: TW
D.B. 11445, PG. 436
5,145 S.F., 0.118 AC

JOSEPH R. & LESLIE A. MITT
1113 CARDINAL DRIVE
ZONING: R5-B
FORM DISTRICT: TN
D.B. 6645 PG. 932

DARRIN L. RIDDLE
1401 WINTER AVENUE
ZONING: R5-B
FORM DISTRICT: TN
D.B. 7787 PG. 625

FRANCIS B. WHITEHOUSE III
1335 WINTER AVENUE
ZONING: R-8
FORM DISTRICT: TN
D.B. 11033 PG. 170

EDWARD STREET - 60' R/W
(LOCAL STREET)

ELIZABETH MADDOX
5514 APACHE ROAD
ZONING: R5-B
FORM DISTRICT: TN
D.B. 9088 PG. 397

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19-ZONE-0060

19 - ZONE - 0060

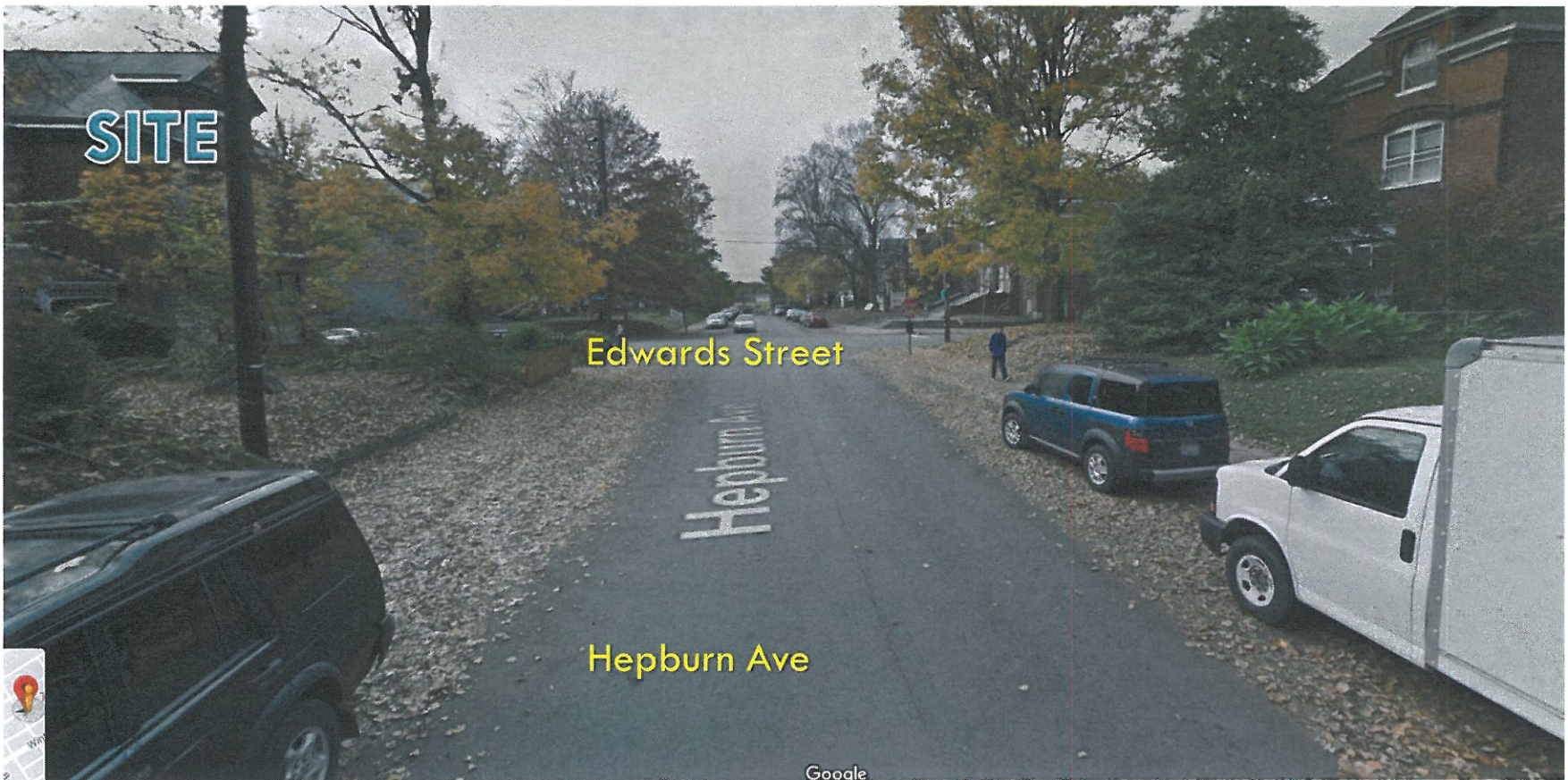


Hepburn Ave

Edwards Street

View of site from Hepburn Ave.

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View of Hepburn Ave looking west, towards Edward Street. Site is on the left.

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19-0060 ZONE



SITE

Edwards Street

Hepburn Ave

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View of Hepburn Ave looking east. Site is on the right.



View of Edwards Street looking south. Site is on the left.



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View of site from alley.

R-5A	R-8A	OR-2	
Multi-Family	Multi-Family	Multi-Family	
Maximum Density 12.10/ac	Maximum Density 58.08/Ac	Maximum Density 58.08/Ac	

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2.2.13 R-8A Residential Multi-Family District

The following provisions shall apply in the R-8A Residential Multi Family District unless otherwise provided in these regulations.

A. Permitted Uses:

All uses permitted in the R-1 Residential Single Family District, as well as the following use(s):

Assisted living residence

Bed and Breakfasts

Colleges, schools and institutions of learning (except training schools)

Day care centers, day nurseries, nursery schools and kindergartens

Dwellings, Multiple family

Dwellings, Two-family

Family care home (minihome)

Libraries, museums, historical buildings and grounds, arboretums, aquariums, and art galleries

Parks, playgrounds, and community centers

Religious buildings

B. Conditional Uses

Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4 Part 2 for a listing of uses and requirements that apply to specific uses.

C. Permitted Uses With Special Standards*

Certain uses are permitted in this district provided they meet the special standards and requirements listed for such uses in Chapter 4 Part 3.

D. Property Development Regulations

Refer to the applicable Form District regulations in Chapter 5 for lot size, setback, building height and other restrictions.

Maximum Density and FAR

1. Maximum Floor Area Ratio: 3.0
2. Maximum Density 58.08 dwellings per acre

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19 - ZONE - 0060

2.3.3 OR-2 Office/Residential District

The following provisions shall apply in the OR-2 Office/Residential District unless otherwise provided in these regulations:

A. Permitted Uses:

All uses permitted in the OR Office Residential District, as well as the following use(s):

Artist studios

Assisted Living Residence

Barbers/Cosmetologists/Hairdressers/Manicurists

Boarding and lodging houses

Community residences

Computer programming services

Convents and monasteries

Dwellings, Multiple family

Dwellings, Two family

Family care home (minihome)

B. Conditional Uses:

Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4 Part 2 for a listing of uses and requirements that apply to specific uses.

C. Permitted Uses With Special Standards*

Certain uses are permitted in this district provided they meet the special standards and requirements listed for such uses in Chapter 4 Part 3.

D. Property Development Regulations

Refer to the applicable Form District regulations in Chapter 5 for lot size, setback, building height and other restrictions.

Maximum Density and FAR

1. Maximum Floor Area Ratio:.....3.0
2. Maximum Density:58.08 dwellings per acre

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QUESTIONS



St. Germain, Dante

From: John Talbott <John@bardlaw.net>
Sent: Tuesday, February 25, 2020 3:51 PM
To: Burdick, Stephanie A.
Cc: St. Germain, Dante; Paul Whitty
Subject: Wilson/Hepburn

CAUTION: This email came from outside of Louisville Metro. Do not click links or open attachments unless you recognize the sender and know the content is safe

Dear Stephanie, I am following up on our discussion regarding the Memorandum dated February 24, 2020 sent to Dante St. Germain.

As you know, I thought the memorandum gave an incomplete picture of the affordable housing issue before the Planning Commission and at worst could inadvertently give the Planning Commission the inaccurate impression that the Louisville CARES rental rates do not constitute affordable housing under the Comprehensive Plan.

Your memo referenced that you reviewed the Land Development Code (the "LDC") and in speaking to you, you expressed that you based your assessment solely on the Permitted Use regulation of LDC 4.3.20, and not the Comprehensive Plan. I wish to point out that the "Permitted Use" section of which you were relying is not the code section applicable to this rezoning request. Indeed, the applicant is not requesting a "Permitted Use" at all, but rather is seeking a zoning change which falls under completely different criteria.

Zoning Changes are controlled not by the LDC, but by the Kentucky Revised Statutes, particularly KRS 100.213. The language contained in this statute allows for zoning changes when (1) the map amendment is in agreement with the **comprehensive plan**; (2) the existing zoning classification given to the property is inappropriate and the proposed classification is appropriate under the **comprehensive plan**; or (3) when there are major changes of an economic, physical, or social nature which were not anticipated in **comprehensive plan** and which have substantially altered the basic character of such area.

The Comprehensive Plan is the authoritative document regarding zoning changes, not the LDC referenced in your memo. Additionally, as I pointed out, the Louisville CARES program is specifically referenced as "affordable housing" in the 2040 Comprehensive Plan itself, which states under 4.5 Housing, Goal 3: Ensure long-term affordability and livable options in all neighborhoods, Policy/Programmatic No. 8 should "Support affordable housing initiatives such as the Louisville Housing Trust Fund and **Louisville CARES.**" (emphasis added)

As you can see, Louisville CARES is specifically listed in the Comprehensive Plan as an affordable housing initiative to be supported relative to rezoning requests. Consequently I would ask that you amend your memorandum to the extent that it is part of the official record to clearly express that (1) Louisville CARES is an accepted affordable housing measure; (2) that it is explicitly cited in the Comprehensive Plan as I point out, and (3) that the rates submitted by the applicant as provided to you are within the Louisville CARES standards.

Many thanks in advance for your attention to this matter. As you may know, the hearing is set for March 5, 2020 so I would appreciate your correcting your memo consistent with the aforementioned promptly. In the interest of time and if it is easier, please feel free to cite this email as a correct rendition of Louisville CARES and its application to this above rezoning request.

With kind regards,



John C. Talbott

Bardenwerper Talbott & Roberts, PLLC

Office 502-426-6688

Cell 502-741-8783

Memo

To: Dante St. Germain, Planning & Design
From: Stephanie Burdick, SAB Consulting, LLC
cc: Justin Robinson, Executive Administrator, DCA
Date: February 24, 2020
Re: Wilson / Hepburn Rent Comparison

Develop Louisville - Division of Compliance and Administration (DCA) received a request to evaluate the rents charged at the subject property are affordable. The owner provided the attached chart to document their affordability. (Attachment 1) I have completed this request on behalf of DCA. I am an independent consultant who works with Develop Louisville – DCA and its Office of Housing.

"Affordable", in general, is defined as paying no more than 30% of your household income on housing costs (includes utilities). So, in terms of if the rent is "affordable" - that is dependent upon household's income. Programs developed to support affordable housing, such as the Low Income Housing Tax Credit Program (LIHTC), the HOME Investment Partnership Program (HOME) or Louisville CARES Program (CARES) set standard rent limits using this 30% calculation of an area's (Louisville Metro / Jefferson County) household median income. These rent limits make it easier to administer the program. However, if a household makes less than the median income for the area, upon which the rent limit calculation is based, they end up paying more than 30% of their household income on housing costs. For these households, paying more than 30% of the income on housing costs, they are considered cost burdened, yet, the rent charged to them would be compliant with program requirements.

In Attachment 1, the owner compared their rents against the Louisville CARES program rent limits. The CARES program is designed to cater to "workforce" housing. This means that the household income is anticipated to be higher than in properties funded by other affordable housing programs. The rent limit for a CARES efficiency unit is based upon taking 30% of the 1-person household annual median income at 80% AMI (\$42,800) and dividing by 12. This results in a monthly rent limit (includes utilities) of \$1070 for an efficiency unit.

Upon consultation with the Land Development Code, the HUD Fair Market Rents and the Low Income Housing Tax Credit Program (LIHTC) rents are cited. The LIHTC Program has two rent levels, one is based upon the 50% area median income limit and the other is based upon the 60% area median income limit. The chart (Attachment 2) utilizes the higher of the two rent limits, 60%.

In Attachment 2, you can see that the LIHTC and Fair Market Rents are significantly lower than the Louisville CARES limits. If you evaluate the rents against these limits, only Apartment 6's rent is considered affordable under both rent limits. Apartment 5 rent is considered affordable only in comparison with the LIHTC rent limits. The other four (4) apartments, are anywhere between \$40 - \$365 over depending upon which rent limit is utilized.

ATTACHMENT 2

Income Limit Category	Persons in Family							
	1	2	3	4	5	6	7	8
80% AMI	\$42,800	\$48,900	\$55,000	\$61,100	\$66,000	\$70,900	\$75,800	\$80,700
60% AMI	\$32,100	\$36,720	\$41,280	\$45,840	\$49,560	\$53,220	\$56,880	\$60,540

Apt #	Bedrooms	Rent	Utilities	Occupancy Costs	HUD Fair Market Rent Limits	LIHTC 60% Rent Limits	CARES Rent Limits
1	1 Bedroom	\$800	@\$100	\$900	\$688	\$860	\$1,147
2	1 Bedroom	\$953	@\$100	\$1,053	\$688	\$860	\$1,147
3	2 Bedroom	\$1,000	\$150	\$1,150	\$853	\$1,032	\$1,376
4	1 Bedroom	\$850	@\$100	\$950	\$688	\$860	\$1,147
5	Efficiency	\$745	included	\$745	\$602	\$802	\$1,070
6	Efficiency	\$586	included	\$586	\$602	\$802	\$1,070

* All units receive free water

** All tenants use common laundry room - landlord pays associated utility costs.

Amount Over/ Under LIHTC	Amount Over/ Under FMR
\$40	\$212
\$193	\$365
\$118	\$297
\$90	\$262
-\$57	\$143
-\$216	-\$16

2019 Louisville CARES Rent and Income Limits*

Income Limit Category	Persons in Family							
	1	2	3	4	5	6	7	8
80% AMI	\$42,800	\$48,900	\$55,000	\$61,100	\$66,000	\$70,900	\$75,800	\$80,700

Apt #	Bedrooms	Rent	Utilities	Total Occupancy Costs	Rent Limits
1	1 Bedroom	\$800	@\$100	\$900	\$1,147
2	1 Bedroom	\$953	@\$100	\$1,053	\$1,147
3	2 Bedroom	\$1,000	\$150	\$1,150	\$1,376
4	1 Bedroom	\$850	@\$100	\$950	\$1,147
5	Efficiency	\$745	included	\$745	\$1,070
6	Efficiency	\$586	included	\$586	\$1,070

* All units receive free water

** All tenants use common laundry room - landlord pays associated utility costs.