



Louisville Metro Government

Legislation Details (With Text)

File #: O-373-19 **Version:** 3 **Name:**

Type: Ordinance **Status:** Passed

File created: 10/29/2019 **In control:** Metro Council

On agenda: 1/9/2020 **Final action:** 1/9/2020

Title: AN ORDINANCE OVERTURNING THE RECOMMENDATION OF THE PLANNING COMMISSION AND MAINTAINING THE EXISTING ZONING OF R-6 RESIDENTIAL MULTI-FAMILY AND OR-2 OFFICE-RESIDENTIAL ON PROPERTY LOCATED AT 768, 810, AND 850 BARRET AVENUE AND 1236 EAST BRECKENRIDGE STREET CONTAINING APPROXIMATELY 9.6742 AND BEING IN LOUISVILLE METRO (CASE NO. 19ZONE0046)(AMENDMENT BY SUBSTITUTION)

Sponsors: Brandon Coan (D-8)

Indexes:

Code sections:

Attachments: 1. O-373-19 PROPOSED FABS 010920 Overturning 19ZONE0046 - Coan.pdf, 2. O-373-19 V.2 CAM 120319 Rezoning from R6 & OR2 to C2 at 768-850 Barret Ave 19ZONE0046.pdf, 3. 19-zone-0046.pdf, 4. O-373-19 V.1 110719 Rezoning from R6 & OR2 to C2 at 768-850 Barret Ave 19ZONE0046.pdf, 5. 19-ZONE-0046 PC Minutes (1).pdf, 6. 19-ZONE-0046 Other Minutes.pdf, 7. 19-ZONE-0046 Staff Reports.pdf, 8. 19-ZONE-0046 Public Materials.pdf, 9. 19-ZONE-0046 Miscellaneous.pdf, 10. 19-ZONE-0046 Oct 17, 2019 PC Mins.pdf, 11. ORD 002 2020.pdf

| Date | Ver. | Action By | Action | Result |
|------------|------|-------------------------------|--------------------------|--------|
| 1/9/2020 | 2 | Metro Council | approved | Pass |
| 1/9/2020 | 2 | Metro Council | passed | Pass |
| 12/12/2019 | 2 | Metro Council | held | |
| 12/3/2019 | 1 | Planning and Zoning Committee | untabled | Pass |
| 12/3/2019 | 1 | Planning and Zoning Committee | amended | Pass |
| 12/3/2019 | 1 | Planning and Zoning Committee | recommended for approval | Pass |
| 11/12/2019 | 1 | Planning and Zoning Committee | recommended for approval | |
| 11/12/2019 | 1 | Planning and Zoning Committee | tabled | Pass |
| 11/7/2019 | 1 | Metro Council | assigned | |

ORDINANCE NO. _____, SERIES 2020

AN ORDINANCE OVERTURNING THE RECOMMENDATION OF THE PLANNING COMMISSION AND MAINTAINING THE EXISTING ZONING OF R-6 RESIDENTIAL MULTI-FAMILY AND OR-2 OFFICE-RESIDENTIAL ON PROPERTY LOCATED AT 768, 810, AND 850 BARRET AVENUE AND 1236 EAST BRECKENRIDGE STREET CONTAINING APPROXIMATELY 9.6742 AND BEING IN LOUISVILLE METRO (CASE NO. 19ZONE0046)(AMENDMENT BY SUBSTITUTION)

SPONSORED BY: COUNCIL MEMBER BRANDON COAN

WHEREAS, the Legislative Council of the Louisville/Jefferson County Metro Government (the

“Council”) has considered the evidence presented at the public hearing held by the Louisville Metro Planning Commission (the “Planning Commission”) and the recommendations of the Planning Commission and its staff as set out in the minutes and records of the Planning Commission in Case No. 19ZONE0046; and

WHEREAS, the Council rejects the findings of the Planning Commission for the zoning change in Case No. 19ZONE0046 and has made alternative findings of fact based upon the Planning Commission’s record that support maintaining the existing OR-2 Office-Residential zoning designation for the time being; and

WHEREAS, the Council makes the following findings of fact based upon the record established before the Planning Commission for Case No. 19ZONE0046 to overturn the recommendation of the Planning Commission and maintain for the time being the existing OR-2 Office-Residential zoning designation on the property located at 768, 810, and 850 Barret Avenue and 1236 East Breckenridge Street and being in Louisville Metro; and

WHEREAS, a number of the findings of fact made by the Planning Commission were based upon the idea that *some* uses which are allowed in C-2 Commercial would be appropriate for the site, but those same findings fail to enumerate, discuss, and/or weigh the potential impacts of those other C-2 Commercial allowed uses which would not be appropriate; and

WHEREAS, the findings of fact made by the Planning Commission regarding the *potential* for mixed use development, community-serving uses, residential/affordable development, and/or aging in place on the site if zoned C-2 in no way guarantee that such developments would actually occur; and

WHEREAS, the finding of fact made by the Planning Commission regarding the *potential* for preservation of the structures on the site fails to even contemplate any such preservation; and

WHEREAS, the finding of fact made by the Planning Commission which *claims* that the

existing zoning classification is inappropriate provides little discussion of why it is inappropriate; and

WHEREAS, the current zoning of OR-2 meets many of the very same standards which the Planning Commission used to justify its recommendation to rezone the property; and

WHEREAS, maintaining for the time being the current zoning of OR-2 is appropriate for the site given the past history and uncertain future of the site's redevelopment; and

WHEREAS, many of the remaining findings of fact made by the Planning Commission are also speculative in nature, such as those dealing with traffic issues, as there is no specific proposed use, development plan, or traffic study provided;

NOW THEREFORE BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISIVLLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

SECTION I: That the zoning of the property located at 768, 810, and 850 Barret Avenue and 1236 East Breckenridge Street containing approximately 9.6742 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 19ZONE0046, shall remain R-6 Residential Multi-Family and OR-2 Office-Residential for the time being, and that the decision of the Planning Commission in that case is overridden.

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

Sonya Harward
Metro Council Clerk

David James
President of the Council

Greg Fischer
Mayor

Approval Date

APPROVE AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: _____

O-373-19 19ZONE0046 Rejection (Coan edits).docx (TF)