

ZONING APPLICATION **JUSTIFICATION STATEMENT**

LOUISVILLE OCCUPATIONAL AND GENERAL HEALTH SERVICES LLC (OWNER & APPLICANT)
1056 BLUEGRASS AVENUE, LOUISVILLE, KY 40215 – PARCEL ID 054A00320000
(ALT. ADDRESS 4201 TAYLOR BOULEVARD, LOUISVILLE, KY 40215)

November 11, 2024

The applicant and property owner, Louisville Occupational and General Health Services LLC (the “Applicant” and/or “Owner”) is requesting approval of a formal zoning application that requests to change the zoning district designation of property located at 1056 Bluegrass Avenue, Louisville, KY 40215 (the “Property”) from its existing R-5, Single-Family Residential designation to the C-1, Commercial designation. Previously this year, the Applicant submitted its application for a conditional use permit pursuant to Section 4.2.29 of the Land Development Code for all of Louisville – Jefferson County Kentucky (“LDC”) to allow an appropriate reuse of a church building as a medical clinic to support the surrounding neighborhoods and beyond (the “CUP”). Currently, the church building is unused and unfortunately has been the subject of breaking and entering and, worse, significant vandalism of the church’s interior. Dr. Wilson Esemé with Louisville Occupational and General Health Services LLC successfully operates a medical facility on Preston Highway and desires to expand his needed medical services to the Beechmont neighborhood area. Dr. Esemé estimates he will initially have around five (5) other medical employees assisting him at the proposed medical clinic, where, together, they will provide primary medical care to patients, care for work injuries, conduct medical evaluations, take x-rays, administer various treatments, etc. At some point in the future, Dr. Esemé ideally would like to operate a training/teaching program for those who want to enter the medical workforce and become a nurse or nurse’s assistant. To this end, Dr. Esemé would be seeking accreditation for the operation of the training school on the Property (the “Proposal”).

The Property is zoned R-5, single-family residential and within the Beechmont Traditional Neighborhood Form District (TNFD), where it holds the southeast corner of the intersection of Taylor Boulevard, a major arterial roadway, and Bluegrass Avenue, a primary collector level roadway, both of which have pedestrian connections and are served by TARC (the Taylor Boulevard and Bluegrass Avenue intersection will be referred to hereinafter as the “Intersection”). Therefore, the location of a medical office to access medical services on the Property aligns with Plan 2040’s policy language acknowledging how appropriately located neighborhood-serving uses, such as medical services, are allowable components to the TNFD. Here, the Property is appropriately located to support a neighborhood-serving medical services clinic because it is within a small neighborhood activity center positioned at the Intersection, which contains various commercial uses such as a Thorntons, Dollar General Store, Save A Lot, automotive uses, restaurants, retail, and a dental office, among others. Hazelwood Elementary School, Kentucky School of Phlebotomy and South Central Neighborhood Place are located along Bluegrass Avenue, just west of the Intersection. To the east of the Property are single-family homes fronting Bluegrass Avenue; to the south, across the alleyway, is an automotive repair use operating as a nonconforming use on property

zoned R-5, single-family, which is currently part of a pending formal zoning application seeking C-2, Commercial.

The Proposal asks for no new construction or added impervious surfaces for the Property. Updating and repairs to the interior of the church building will occur and the existing residential structure across the parking lot from the church building will remain as it is today. Consequently, the existing development pattern of the Property and how the Property relates to its neighboring properties will be preserved should the zoning be approved. To the south of the Property is an alleyway that runs between Taylor Boulevard and Peachtree Avenue to the east. Access from the parking area to the alleyway is also proposed to stay “as-is.” As depicted on the Detailed District Development Plan, drafted by Bowman and accompanying this Formal Zoning Application (the “Plan”), the Applicant proposes to keep the parking area as it is today, which provides eighty-one (81) parking spaces on the Property, more than enough to serve the medical services clinic use. The curb cut from the parking area to Bluegrass Avenue will be widened, as requested by Metro Public Works.

As more detailed within this statement, the Proposal is compatible with the surrounding mix of commercial, residential, and institutional uses in the surrounding area; in the surrounding commercial activity center at and around the Intersection, uses of various densities and intensities currently co-exist with one another. The Property is 1.709 acres in area and the existing church building sits closer to Taylor Boulevard than the single-family residences to the east of the Property on Bluegrass Avenue. The secondary structure across the parking area from the church building on the Property is residential in look and character, which appropriately serves as a nice transition from the medical clinic and the residential properties to the east, preserving the residential feel between the two structures. Maintaining the existing appearance of the residential structure will also preserve the current compatibility of how the residential structure relates to its neighboring residential structure, as well as the ones across Bluegrass Avenue from the Property; the residential appearance, intensity of its use, height, bulk and scale, etc. will relate compatibly with each other. Landscaping will be added to the Property, including along the eastern property line, which will help screen the neighboring residential property from the medical clinic and its parking area. Dr. Esemé desires to use the accessory residential structure as space to allow a medical clinic nurse to stay overnight in the house and for use as teaching/training. The medical services clinic will operate daily from 8 a.m. to 5 p.m. Consequently, the Proposal will not adversely affect the character and integrity of the neighborhood or the physical appearance of the Property; rather, the CUP, if approved, will allow the successful reuse of an unused church building located at an important, active intersection in the Beechmont TNFD. Moreover, reuse of the building as a medical services clinic will improve security in the immediate area, as neighbors who attended the neighborhood meetings voiced concerns about an empty building on the Property and the invitation of crime to said unoccupied building.

THE PROPOSAL'S AGREEMENT WITH PLAN 2040 LOUISVILLE METRO'S COMPREHENSIVE PLAN

Louisville Occupational and General Health Services LLC's medical clinic application to rezone its Property from the existing R-5, Single-Family Residential to the C-1, Commercial Zone designation is in agreement with Plan 2040, A Comprehensive Plan for Louisville Metro ("Plan 2040"), as justified in detail below, and therefore C-1 zoning is an appropriate designation for the Property and should be approved.

Plan Element 1 - Community Form

The Proposal conforms to Community Form Plan Element 1 and all of its applicable Goals, Objectives and Policies adopted thereunder. The Community Form plan element guides the shape, scale and character of development in ways intended to promote a connected, healthy, authentically, sustainably and equitably built environment. Community Form encourages redevelopment while promoting land use flexibility. As described herein, the applicant's Proposal advances these stated principles of the Community Form because the Proposal involves the appropriate reuse of an already built environment on a corner property located within an established commercial activity center outfitted with roadways with sufficient capacity to handle traffic, pedestrian connections, and safe access to transit. The Property had formerly long been used as a religious use and now the Applicant wishes to maintain the existing structure and use it as a medical center that will provide various medical services and, eventually, the hope is to also implement training of medical workers onsite. The request to rezone the Property to C-1 will bring the last corner property of this the Intersection into commercial zoning, aligning its zoning with the zoning of the properties that hold the other three corners of the Intersection, all of which are either C-1 or C-2, Commercial designations. Being a key corner property of a well-established commercial activity center located just over a half mile south of the Watterson Expressway, should the Applicant ever leave the Property in the future for whatever reason, the proposed C-1 zoning for the Property, if approved, would support various compatible uses that would positively add to the existing activity center, including various forms/styles of residential land uses. The C-1 zoning designation will permit no industrial uses, however, that are more appropriately located within the workplace form districts, and not within the Beechmont TNFD.

The Proposal complies with Community Form Goal 1, Policy 3.1.2 because the Property is located within the TNFD, which, per 2040, 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. 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.* (Goal 1, Policy 3.1.2, Plan 2040; emphasis added). The Property is already improved with a structure and is located within an established neighborhood commercial center. The Property formerly served the neighborhood as a

religious use, but after the congregation has moved on from the Property, the Applicant now seeks to reuse the religious structure as a location to continue serving the neighborhood as a place for people to access medical services. Other than undertaking minor improvements to the Property in various areas, the Applicant has no plans to change the general layout of the Property nor make significant changes to the exterior of the existing church building and residential structure on the Property. C-1 zoning is appropriate for the Property and for the Beechmont TNFD because it is served by roadways, an alley, pedestrian connections and transit, which allows for access to the Property via multi-modal transportation options and not solely via vehicular transportation.

The Proposal aims to reinforce the Beechmont TNFD because it intends to reuse an already developed site without significantly changing a religious building that has long held the corner of a popular, active commercial center that serves the surrounding residential properties within the neighborhood form, the Applicant's intended reuse of the Property of which would increase accessible medical services within the TFND. The herein described C-1 zoning designation strengthens the commercial activity center because the rezoning of the Property aligns this southeastern corner of the Intersection with the other commercially-zoned corners of this activity center, allow for commercial, neighborhood-serving uses while disallowing any industrial use or hazardous use from operating on the Property.

The C-1 zoning is appropriate for the Property and the applicable TNFD because should the Applicant ever outgrow the Property, various TNFD-serving commercial uses, including retail, restaurant, and office uses could locate on the Property, thereby permitting other compatible uses of similar nature and intensities that would be served by adequate infrastructure and transportation facilities already in place, and without allowing for uses that would be incompatible or a nuisance to nearby residential uses. The Property is 1.709 acres in area and the existing church building sits closer to Taylor Boulevard than the single-family residences to the east of the Property on Bluegrass Avenue. The secondary structure across the parking area from the church building on the Property is residential in look and character, which appropriately serves as a nice transition from the medical use of the existing building, although low in intensity of use itself, and the residential properties to the east, preserving the residential character and feel between the two structures. Maintaining the existing appearance of the residential structure will also preserve the current compatibility of how the residential structure relates to its neighboring residential structure, as well as the one across Bluegrass Avenue; the residential appearance, intensity of its use, height, bulk and scale, etc. will relate compatibly with each other.

Landscaping will be added to the Property, including along parts of the eastern property line, which will help screen the neighboring residential property from the medical use and its parking area on the Property. The Applicant desires to use the accessory residential structure as space to allow individuals associated with the Property's medical use, such as nurses or visiting doctors, to stay overnight in the house and for use generally as teaching/training medical providers associated with the medical use on the Property. Generally, the medical use will operate daily from 8 a.m. to 5 p.m. Consequently, the use of the Property will not adversely affect the character and integrity of the neighborhood or the physical appearance of the Property nor require hours of the day that might disrupt the quiet hours of a residential use; rather, the Proposal, if approved, will allow the successful reuse

of an unused church building located at an important, active intersection in the Beechmont TNFD. Moreover, reuse of the building as a place to conduct medical services for patients on a daily basis will improve security in the immediate area, as neighbors who attended the first neighborhood meeting (held March 26, 2024) voiced concerns with an empty building on the Property and the invitation of crime to said unoccupied building. The Proposal on the Property will not invite traffic through properties developed at lesser intensities or densities to access the C-1 property, if approved. The Proposal is not a large generator of daily traffic or peak hour traffic and considering the medical services will be provided inside of a building located on the Property, the Proposal will not generate noise on the Property that will offend neighboring properties. Therefore, the Applicant's zoning request would appropriately expand the existing commercial activity center at the Intersection. Because no new structures are proposed for the Property, current building scales and setbacks remain the same. The existing parking serving the Property is adequate.

Goal 2 of the Community Form encourages sustainable growth and density around mixed-use centers and corridors. The Proposal advances Goal 2 of Plan 2040's Community Form because it will repurpose and revitalize currently underperforming property that is part of an already established activity center appropriately located at the Intersection for serving the surrounding Beechmont TNFD. The Property has frontage along both Taylor Boulevard and Bluegrass Avenue, where vehicular access to the Property can be safely achieved, pedestrian connections exist, and whereas this portion of Taylor Boulevard is served by TARC and the portion of Bluegrass Avenue west of the Intersection is also served by TARC. C-1 zoning for the Property is in agreement with Community Form, Goal 2 policies that recommend having commercial uses in activity centers with sufficient populations to support them and in areas that are connected and served by multi-modal transportation options, all of for which the Property qualifies. And should the Applicant's medical services use move to another location, the C-1 zoning designated for the Property will allow for other commercial users compatible to the surrounding TNFD that would positively add to the existing neighborhood activity center, including mixed-use developments with office and residential components. The C-1 zoning requested for the Property, if approved, can help sustain the commercial activity center because with its added flexibility and list of commercial uses, the C-1 district better equips the Property to meet changing needs, trends, technology and preferences over time than the R-5, single-family zoning district does. Moreover, strengthening this particular activity center through reinvestment and reuse of the existing structures on the Property will support the surrounding Beechmont TNFD because it can also provide the residents of these neighborhoods with additional job opportunities or a pathway, via training/studying, to be part of the medical field.

The Applicant proposes no changes to the existing grid pattern of streets is proposed and onsite parking is sufficient for the existing use. There are no out lot developments existing with or planned for the Property. The Property contains no known historic or archaeological resources that contribute to Louisville Metro's authenticity. But, the Applicant's Proposal intends to preserve and reuse the existing church building on the Property, which the Applicant believes contributes to the authenticity, character and feel of the Beechmont TNFD, and specifically the commercial activity center located at and around the Intersection. Although the Proposal established a new use on the Property, maintaining the existing structures on the Property give a nod to the past and maintains its historic

presence as a thread of continuity throughout the years at the Intersection. The Property does not contain watersheds, viewsheds, karst areas or natural resources to leave undisturbed and protected. No flood prone areas or wet or highly permeable soils, or severe, steep or unstable slopes exist on the Property to avoid. No environmental resource or water features are present on the Property, thereby nothing on the site is worth protecting for the purpose of enhancing residential neighborhoods. Consequently, the Proposal complies with the applicable objectives and policies of Plan 2040 Community Form's Goals 1, 2, 3 and 4. Plan 2040's Goal 5 is inapplicable to this Property and specific Proposal.

Plan Element - 2 Mobility

The Applicant's Proposal complies with the intent of Plan 2040's Mobility Plan Element and its applicable goals, objectives and policies. Goal 1 of Plan 2040's Mobility Plan Element is to implement an accessible system of alternative transportation modes. Goal 2 of the Mobility Plan Element is to plan, build and maintain a safe, accessible and efficient transportation system, while Goal 3 encourages land use and transportation patterns that connect Louisville Metro and support future growth. The Applicant's Proposal complies with Plan 2040's Mobility Plan Element because the Proposal is for Property located within an established commercial activity center at the intersection of a major arterial roadway, Taylor Boulevard, and a primary collector level roadway, Bluegrass Avenue, that also is served by TARC and pedestrian connections that are already established within the public rights-of-way along both Taylor Boulevard and Bluegrass Avenue. Pedestrian connections along both public roadways the Property fronts allows for connections between nearby residential uses and commercial uses located within the activity center. Multi-modal transportation options will allow for patients accessing the Property to do so without vehicular transportation of their own. Primary access to the site is from Bluegrass Avenue, and secondary access for vehicles to drive to the Property can be achieved via an alleyway that intersects with Taylor Boulevard's eastern right-of-way boundary – both access points of which will not direct cars to the site via property of less intense zoning designations. The Property is just over a half mile from the Watterson Expressway.

There are no site-distance, corner-clearance or site-line issues affiliated with the existing curb cuts serving the Property. The Proposal will not significantly add to the existing volume of traffic in the immediate area, will not contribute to peak hour traffic, and the current roadway network maintains more than adequate traffic carrying capacity. Moreover, other than widening the curb cut from the Property to Bluegrass Avenue, no changes or improvements to the roadway network are needed to serve the Proposal on the Property or the other existing users in the immediate area of the TWFD.

Adequate parking for the Proposal is already established on the Property, including space for necessary onsite ADA spaces. The Applicant will work with Louisville Metro Public Works to ensure the parking area on the Property will safely and efficiently move vehicles around the interior of the site. The rezoning of the Property to C-1, Commercial will permit a mixture of compatible, neighborhood-serving land uses to locate on the Property. For the foregoing reasons, the Proposal complies with the Mobility Plan Element of Plan 2040, including its Goals 1, 2 and 3 and their applicable Policies.

Plan Element 3 – Community Facilities

Plan 2040's Community Facilities Plan Element provides guidance and recommendations for the proper integration of necessary community resources across Louisville Metro to plan and maintain accessible facilities that will improve the quality of life for existing and future residents and visitors of Louisville Metro. The Proposal complies with Plan 2040's Community Facilities Plan Element, and all applicable Goals, Objectives and Policies thereunder, because the Property is already developed and has access to all necessary utilities to support the existing use. The Property also has an adequate supply of potable water and water for fire-fighting purposes and is served by Louisville Fire Department District 3 and Louisville Metro Police Department's Fourth Division. Therefore, the proposed rezoning will promote the general health, safety and welfare, and will not have a negative effect on neighboring properties. Accordingly, the Applicant's Proposal for the Property is in accordance with Plan 2040.

Plan Element 4 – Economic Development

The intent of Plan Element 4 of Plan 2040 is to provide a positive, healthy economic climate for citizens of Louisville Metro in a way that cultivates a vibrant city to attract and retain a highly-skilled workforce. Sound economic development planning allows for equitable, sustainable and innovative growth that strengthens our community's ability to attract and retain a strong and diverse workforce. The Applicant's request for C-1 zoning for the Property advances the intent of Plan 2040's Economic Development because it will designate consistent and appropriate zoning for the Property and for the Intersection, where an established commercial activity center exists, thereby improving and expanding it with an appropriate zoning designation. Here at this Intersection, the other corner properties are already commercially zoned C-1 or C-2 and where additional properties near the Intersection are currently the subject of pending zoning applications seeking commercial zoning. If the Property is successfully rezoned to C-1, Commercial, and should the Applicant relocate its medical center in the future, the commercial zoning being sought for the Property with this application will make the Property marketable to facilitate a new neighborhood-serving commercial user within an existing commercial area already outfitted with infrastructure that serves commercial and neighborhood uses compatible with the TNFD. No industrial uses are permissible in the C-1 zoning being sought, however.

As it relates to the particular use the Applicant intends to establish on the Property, a medical center offering various medical health services in an area easily accessible to a large number of residences is supportive of economic development because a strong, healthy workforce needs easy, efficient access to medical services and this Proposal will offer them. Moreover, the Proposal will provide necessary health screenings for job applicants – a prerequisite that must be met before certain workers can start their respective jobs. Therefore, access to these necessary work screenings supports economic development. The Proposal promotes the Goals and Objectives of Plan 2040's Economic Development Plan Element because it would permit land uses on the Property that are compatible with the established commercial center at the Intersection and the commercial uses on both sides of Taylor Boulevard north of the intersection without disrupting the established residential neighborhood. TARC serves Bluegrass Avenue west of the intersection and both directions

of Taylor Boulevard, giving future patients of the Proposal multiple ways to access medical services on the Property. For the reasons specified herein, the Proposal is in agreement with the Economic Development Plan Element of Plan 2040.

Plan Element 5 – Livability

The Livability Plan Element of Plan 2040 provides guidance and direction for the provision and maintenance of resources necessary for the health and well-being of citizens, including a focus on designing and developing places while prioritizing the protection and enhancement of the natural environment and the integration of it with the built environment as development occurs. Applicant's Proposal is consistent with the applicable Goals, Objectives and Policies of Plan 2040's Livability Plan Element, primarily those set forth under Goal 1 of the Plan Element, because the rezoning of the Property proposes no new development or construction on the Property, as the Applicant intends to reuse the existing former church building to house the various medical services the Applicant will offer. A detailed district development plan showing the dimensions of the existing improvements on the Property is submitted alongside the formal zoning application. The existing built environment will remain; the Applicant will install more plantings on the site and a privacy fence will be erected along a portion of the eastern property line to provide screening of the Property for the existing single-family properties to the east. The existing residential structure on the Property will remain, which will maintain an appropriate transition between the commercial property and the neighboring residential property.

The Proposal requires no additional impervious surfaces and will utilize existing sewer facilities and infrastructure already in place to further handle stormwater runoff. As mentioned, parking is already in place on the Property and located on the eastern side of the building, which screens most of Taylor Boulevard from the larger parking area. No area associated with the Proposal is located in the regulatory floodplain nor the 100-year flood hazard area (per FEMA FIRM Panel 21111C0073F). Hydric soils are not present on the Property. The site does not display thereon any characteristics of carbonate or karst areas being present; nor does the Property contain any protected waterways, riparian zones, nor blue line streams – perennial or intermittent; the Property contains no known archaeological features on it; and no severe, steep or unstable slopes exist on site of which would cause impediments to the current use or redevelopment of the site, whenever that may occur in the future. The Property is mostly level without topographical features. Consequently, Applicant's Proposal will not generate any negative impacts to mitigate on site.

The Proposal conforms to the requirements of APCD, represents an efficient land use that maintains the existing pattern of development for the Property and its immediate surrounding area within the TN Form, and utilizes current traffic patterns and infrastructure. The Property is located within a small commercial activity center supported by nearby transit services whereby accessing the site is not limited to only vehicle access.

Plan Element 6 – Housing

The Housing Plan Element strives to enhance housing opportunities for all citizens of Louisville Metro by promoting equitable housing means ensuring diverse, quality, physically accessible, affordable housing choices with access to opportunities, services and amenities.

The following three Goals are set forth within the Housing Plan Element: 1) Expand and ensure a diverse range of housing choices; 2) Facilitate the development of connected mixed-use neighborhoods; and 3) Ensure long-term affordability and livable options in all neighborhoods. The Proposal advances all three Goals of the Housing Plan Element because the C-1 zoning designation being sought for the Property permits a range of housing options and styles, including market rate, affordable rates and mixed-income communities. Additionally, the Proposal itself brings medical services to the activity center currently serving this TNFD and will reuse and repurpose the religious building onsite, thereby leaving unchanged the established neighborhood feel of the Property, given the fact the existing structure has been on the Property for a long duration. Locating neighborhood-serving medical uses also facilitates the development of mixed-use neighborhoods, which will cut down on residents' reliance on vehicles as the sole means of mobility in the surrounding area. Moreover, this activity center is served by transit, which, with equipping residents in the area with multi-modal transportation options helps said residents age in place and the Proposal will give these residents access to medical services in closer proximity to their homes. No existing residents will be displaced by the Proposal. Lastly, the Property contains a residential structure along its eastern property line, which abuts single-family residences to the east. The Applicant will maintain this residential structure in its existing character, which will keep a nice transition from the parking area of the Property to the residential neighbor to the east, thereby strengthening the existing built environment and how the Property positively relates to those abutting residential properties.

For all the foregoing reasons, including the information shown on the submitted detailed development plan to be discussed at the Planning Commission's Land Development & Transportation Committee, and for all other reasons presented at the LD&T review and the Planning Commission's public hearing, this Proposal to bring the Property and its long-established use under one zoning designation appropriate for the Property and for the surrounding Traditional Neighborhood Form District complies with all other applicable Guidelines and Policies of Plan 2040, Louisville Metro's adopted Comprehensive Plan.

Respectfully submitted,

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