

6.

Request:
Project Name: Texas Avenue Rezoning
Location:
Applicant:
Representative:
Jurisdiction:
Council District:
Case Manager:

**Land Development and Transportation
Committee
Staff Report
March 13, 2025**



Case No:	24-ZONE-0133
Project Name:	Texas Avenue Rezoning
Location:	1325 Texas Avenue
Owner(s):	Nathan Ryan Albert and Victoria Elizabeth Petko
Applicant:	Albert Johns Property Holdings, LLC.
Jurisdiction:	Louisville Metro
Council District:	15 – Jennifer Chappell
Case Manager:	Molly Clark, Planner II

REQUEST

- **Change in zoning** from OR-1 Office Residential to C1 Commercial
- **Waiver** from Land Development Code section 10.2.4 to not provide the required property perimeter 15 foot landscape buffer plantings along the southeast property line.
- **Revised Detailed District Development Plan** with revisions to binding elements

CASE SUMMARY/BACKGROUND

The subject site is currently zoned OR-1 office residential in the Traditional Neighborhood form district. The subject site is located at the intersection of Texas Avenue and Ash Street and consists of one parcel developed with a mixed-use structure and a detached garage. The applicant proposes to rezone the site to C-1 commercial in order to utilize the existing building for a restaurant/deli with outdoor seating. The subject site was previously rezoned from R-5 single family residential to OR-1 office residential under 22-ZONE-0132 that was approved at Metro Council on February 16, 2023.

STAFF FINDING

The proposal is ready for a public hearing date to be set.

TECHNICAL REVIEW

Land Development Code (2023) Louisville Metro

INTERESTED PARTY COMMENTS

All comments received have been placed in the record and made available to the Committee in advance of the public hearing.

STANDARD OF REVIEW FOR REZONING

Criteria for granting the proposed form district change/rezoning: KRS Chapter 100.213

1. The proposed form district/rezoning change complies with the applicable guidelines and policies Plan 2040; OR
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Plan 2040 which have substantially altered the basic character of the area.

STAFF ANALYSIS FOR CHANGE IN ZONING

Following is staff's analysis of the proposed rezoning against the Guidelines and Policies of Plan 2040.

The site is located in the Traditional Neighborhood Form District

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

REQUIRED ACTIONS

- **SET** the public hearing date for Planning Commission.

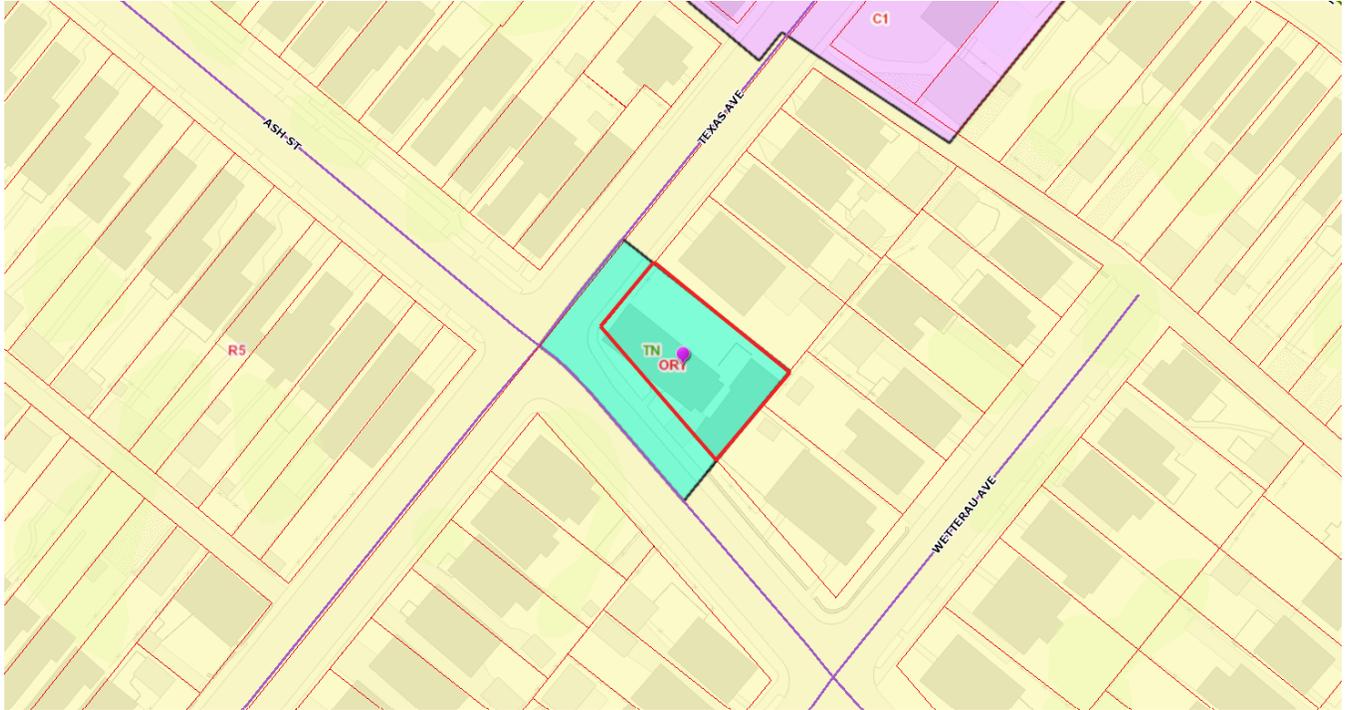
NOTIFICATION

Date	Purpose of Notice	Recipients
2-26-25	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 6
	Hearing before PC	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 6
	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Staff Plan 2040 Checklist

1. **Zoning Map**



2. Aerial Photograph



3. Existing Binding Elements with Proposed Changes

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee) for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. **There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.**
7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
8. **Hours of operation shall be from 10am to 11pm.**

Clark, Molly

From: Clark, Molly
Sent: Friday, February 28, 2025 11:01 AM
To: Luckett, Amy; Mary Cambron
Subject: RE: Request for stripping in Schnitzelburg
Attachments: 24-ZONE-0133_Plan_022125.pdf; 24-ZONE-0133_letterofexplanation.pdf

Hello all,

Thank you for forwarding this to me. I see Mary's comment below and will add this to the record.

Please email me if you have any other comments about the rezoning at 1325 Texas Avenue so I can add to the file and make available to the commissioners on Planning Commission.

I have attached the plan and letter of explanation for your review.

Best,

Molly Clark
Planner II
Office of Planning
Louisville Metro Government
444 S. Fifth St. #300, Louisville, KY 40202



OFFICE OF
PLANNING

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From: Luckett, Amy <Amy.Luckett@louisvilleky.gov>
Sent: Thursday, February 27, 2025 5:59 PM
To: Mary Cambron <mlcambron@gmail.com>; Clark, Molly <Molly.Clark@louisvilleky.gov>
Subject: RE: Request for stripping in Schnitzelburg

Hi, Mary,

@Clark, Molly is the Case Manager with the Office of Planning for this zoning request. You can send your comments to her to add to the case file and she can answer any questions you have about the zoning application. Please let me know if you have any questions or if there is anything else our office can assist you with.

Thank you!

Amy Luckett

Hi, Mary Lou,

I hope you are doing well. I agree with you this is a concern and a project that should be completed. I have reached out to Public Works in the past to see about the feasibility of having multiple streets striped in your neighborhood as a larger project that would help create uniformity for the neighborhood and address these problem areas. The issue is that Public Works does not have the capacity for all the request they receive and usually can only handle a few special projects like this per council district each year. Last fall the department came up with a new protocol for these types of requests and I am hoping once we address a couple of areas that have seen fatal accidents in the district that we can then shift our top request to marking many of these problematic areas in the Schnitzelburg neighborhood where parking causes line of sight issues.

I know that you are passionate about making your streets safer and I very much appreciate your advocacy and will continue to uplift your request. Please let me know if you have any questions or if there is anything else our office can help you with.

Thank you!

Amy Lockett

Legislative Assistant, [District 15](#)

Louisville Metro Council

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amy.lockett@louisvilleky.gov



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From: Smartsheet Automation <automation@app.smartsheet.com>

Sent: Thursday, January 30, 2025 5:23 PM

To: Lockett, Amy <Amy.Lockett@louisvilleky.gov>

Subject: New Contact Form Submitted by Mary Lou Cambron

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New Contact Form Submitted by Mary Lou Cambron

The link below will allow you to see more details about the submission.

 District 15 Contact Log

Details

Changes since 1/30/25, 2

1 row added

1 row added or updated (shown in yellow)

[Row 36](#)

Name	Mary Lou Cambron
Phone Number	+1 (502) 644-3722
Email	<u>mlcambron@gmail.com</u>
Full Address	1258 LYDIA ST
Subject	Corners
Message	I have spoken to someone before about getting corner painted. As you may know, many cross streets are only two way stops. People park in the right of way, i.e., over the curb at corners. You CANNOT see if traffic is coming in other directions. You CANNOT access the sidewalk when people park

this way. There are two solutions....police write a ticket (which will never happen as we don't see police in our neighborhood) or corners need to be marked by paint or street signs so people stop parking in the right of way, or to prevent someone getting T-boned.

Changes made by web-form@smartsheet.com

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Waiver Justification

To justify approval of any waiver, the Planning Commission considers the four criteria. Please answer **all** the following items. Use additional sheets if needed. Responses of **yes, no, or N/A** will **not** be accepted.

1. Will the waiver adversely affect adjacent property owners?

No. The proposed changes to the lot include noise and visibility barriers and low-density outdoor dining with thoughtful landscaping design to support both of the aforementioned disturbance mitigations.

2. Will the waiver violate the Comprehensive Plan?

No. The area of Schnitzelburg/Germantown has been going through a change to mixed use buildings at the corner of intersections. The existing building has been occupied by a barber shop and residence for several years and, until recently, believed they were operating with Non-Conforming Rights approval. The barber shop is no longer an occupant.

3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?

Yes. The request is the minimum zone that allows restaurant dining area and residence.

4. Has either (a) the applicant incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) or would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?

The strict application of the Code would require the restaurant to fail to realize an ability to financially succeed at the level represented by access to the presently vacant, unused lot.