

**PLANNING COMMISSION MINUTES**  
**May 7, 2015**

**PUBLIC HEARING**

**CASE NO. 14ZONE1007**

Request: Change in Zoning from R-5A to R-6  
Project Name: 2160 Sherwood Avenue  
Location: 2160 Sherwood Avenue

Applicant/Owner: Eric Hansen  
2027 Bonnycastle  
Louisville, Ky. 40205

Representative: Eric Hansen  
2027 Bonnycastle  
Louisville, Ky. 40205

Jurisdiction: Louisville Metro  
Council District: 8 – Tom Owen

**Staff Case Manager: Julia Williams, AICP, Planner II**

Notice of this public hearing appeared in **The Courier Journal**, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

**An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

**Agency Testimony:**

00:11:47 Mrs. Williams discussed the case summary, standard of review and staff analysis from the staff report.

**The following spoke in favor of this request:**

Eric Hansen, 2027 Bonnycastle, Louisville, Ky. 40205

**Summary of testimony of those in favor:**

00:22:06 Mr. Hansen said he was counseled for requesting R-6 and having done so will give more flexibility for design change or additions.

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Mr. Hansen remarked, "Any project will have an impact on parking and traffic, but the character and spirit of the Highlands don't come out of the fact that it's got smooth traffic flow and plenty of parking. It comes from being a walkable neighborhood with safe quiet streets and Sherwood is a very good example of that."

**Deliberation**

00:31:15 The commissioners agree that the plan is appropriate and the design is thoughtful and fits with the space available.

**Zoning Change from R-5A to R-6**

On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted.

**WHEREAS**, The Traditional Neighborhood Form District 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; and

**WHEREAS**, 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 fifty to one hundred twenty years old, it is hoped that the Traditional Neighborhood Form will be revitalized under the new Comprehensive Plan. 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) the preservation of the existing grid pattern of streets and alleys, (c) preservation of public open spaces; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal will preserve the existing street pattern, sidewalks and alley. The lot pattern will not be affected.

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The public realm is maintained. Parking is located both on street and within a garage along an existing alley. The proposal can be accessed by all forms of transportation except transit which is not directly available along this local level road. The proposal follows the setbacks of the two closest adjacent residential structures. Carriage houses are not typically found in the general vicinity but are consistent with the form districts pattern of development; and

**WHEREAS**, the Commission further finds that, based on the evidence and testimony presented, the staff report, and applicant's findings of fact that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

**RESOLVED**, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the legislative body of Louisville Metro Government that the requested change in zoning from R-5A to R-6 on property described in the attached legal description be **APPROVED**.

**The vote was as follows:**

**YES: Commissioners Brown, Jarboe, Kirchdorfer, Peterson, Proffitt, Tomes and Turner**

**NO: No one**

**NOT PRESENT AND NOT VOTING: Commissioners Blake, Butler and White**

**ABSTAINING: No one**

**Development Plan and Binding Elements**

On a motion by Commissioner Brown, seconded by Commissioner Turner, the following resolution was adopted.

**WHEREAS**, There are no natural features evident on the site. Trees will be provided; and

**WHEREAS**, Vehicles and pedestrians are provided for with existing infrastructure; and

**WHEREAS**, Open space is provided in the form of the proposed public realm and private yard area; and

**WHEREAS**, MSD has preliminarily approved the proposal; and

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**WHEREAS**, the Louisville Metro Planning Commission finds, the structure's location meets the setbacks of the infill standards in the traditional form district; and

**WHEREAS**, the Commission further finds that, based on the evidence and testimony presented, the staff report, and applicant's findings of fact that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan and binding elements as found on page 13 of the staff report for Case No. 14ZONE1007 based on the staff report and testimony heard today and **SUBJECT** to the following Binding Elements:

**Proposed Binding Elements**

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. The development shall not exceed 2,932 square feet of gross floor area.
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 Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. The property owner/developer must obtain approval of a detailed plan for tree canopy compliance as described in Chapter 10 prior to obtaining a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

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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. 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.
7. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the May 7, 2015 Planning Commission meeting.

**The vote was as follows:**

**YES: Commissioners Brown, Jarboe, Kirchdorfer, Peterson, Proffitt, Tomes and Turner**

**NO: No one**

**NOT PRESENT AND NOT VOTING: Commissioners Blake, Butler and White**

**ABSTAINING: No one**