

**PLANNING COMMISSION MINUTES  
MARCH 29, 2018**

**PUBLIC HEARING**

**CASE NUMBER 17ZONE1001**

Project Name: 1312 E Washington Street  
Location: 1312 E Washington Street  
Owner(s): Estate of Allen Gene Rosenstein  
Applicant: Estate of Allen Gene Rosenstein  
Jurisdiction: Louisville Metro  
Council District: 4- Barbara Sexton Smith  
Case Manager: Julia Williams, RLA, AICP, Planning Supervisor

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. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

**Agency Testimony:**

**01:48:20** Julia Williams discussed the case summary, standard of review and staff analysis from the staff report.

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

Kathy Matheny, 9009 Preston Hwy., Louisville, KY 40219

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

**01:53:17** Kathy Matheny summarized the applicant's proposal and showed a presentation.

**The following spoke in opposition to this request:**

No one spoke.

**Deliberation:**

**01:55:53** The Commissioners concur that the proposal is justified.

**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.**

**Change in Zoning**

**01:56:50** On a motion by Commissioner Carlson, seconded by Commissioner Tomes, the following resolution, based on the Cornerstone 2020 Checklist and the applicant's findings of fact, was adopted:

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**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the proposal will preserve the existing street pattern, sidewalks and alley. The existing lot pattern and the lots will not change with the proposal. The public realm is maintained. The proposal is for the preservation and renovation of existing historic structures on the site, and

**WHEREAS**, the Commission further finds that the proposal meets the Centers guideline because the proposal is for residential uses on a residential site in a mixed residential area. The proposal is for one residential type use. The proposal is not for new construction in an area where there is mixed residential. The proposal is not a large development. The proposal uses 1 onsite parking space and 2 on street spaces. On street parking is shared by the public. No new utility easements are necessary. The site can be accessed by alternate forms of transportation, and

**WHEREAS**, the Commission further finds that the proposal meets the Compatibility guideline because the existing buildings are to remain and are historic and are compatible with the form district. No new construction is proposed. The proposal is for a higher density than the adjacent R-6. However, utilizing a carriage house for a residential unit is consistent with the historic nature of the neighborhood. Transportation planning has determined no negative effects of the proposal on traffic. Lighting will meet LDC requirements. The proposal is for high density and is not located directly along a transit route but where transit is available nearby. Also nearby and across the alley is an existing commercial zoned activity corridor. A specific user of the property has not been identified. No buffers are required between multi-family and other multi-family zoning districts, and

**WHEREAS**, the Commission further finds that the proposal meets the Open Space guideline because open space is not required. No new construction is proposed. Any natural features will remain, and

**WHEREAS**, the Commission further finds that the proposal meets the Natural Areas and Scenic and Historic Resources guideline because no new construction is proposed. Any natural features will remain. The proposal preserves 2 historic structures in the existing historic neighborhood. Soils are not an issue with the proposal, and

**WHEREAS**, the Commission further finds that the proposal meets the Circulation guideline because ROW improvements are not necessary. No new roadways are proposed. Additional dedication of ROW is not necessary, and

**WHEREAS**, the Commission further finds that the proposal meets the Transportation Facility Design guideline because stub streets are not required. Access to the development is to and from public rights of way, and

**WHEREAS**, the Commission further finds that the proposal meets the Bicycle, Pedestrian and Transit guideline because the public rights of way provide for the movement of all transportation, and

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**WHEREAS**, the Commission further finds that the proposal meets the Flooding and Stormwater guideline because MSD has no issues with the proposal, and

**WHEREAS**, the Commission further finds that the proposal meets the Landscape Character guideline because no new construction is proposed. Any natural features will remain, and

**WHEREAS**, the Commission further finds that the proposal meets the Infrastructure guideline because existing utilities will serve the site. An adequate water supply is available to the site. The health department has no issues with the proposal, and

**WHEREAS**, the Commission further finds that based upon a review of the Planning Commission Record, public hearing testimony and exhibits submitted that the application to rezone the subject property at 1312 E. Washington Street from R-6 to R-7, is appropriate and conforms with the intent and policies of Guidelines 1 and 2 because the site's use is a rezoning of existing residential structures and the use is compatible with the area in which the property is located, and

**WHEREAS**, the Commission further finds that in cornerstone 2020 Comprehensive Land Use Plan, the property is in the Traditional Neighborhood Form District which is appropriate for multifamily housing. Further, the Commission finds it is in the Butchertown Neighborhood and its block it designated as a "residential" block on the Butchertown Planning map and that currently on the block, there are a mixture of types of residential uses and offices uses and the site's use as a 3 plex is consistent with the Butchertown Neighborhood Plan and with the Traditional Neighborhood Form District which encourages a range of housing style options, and

**WHEREAS**, the Commission further finds that this proposal is for existing structures to be zoned from R-6 to R-7 to allow for this existing 120 year old home and carriage house to be renovated and serve as a three unit residential dwelling place and the only need for the zoning change is density requirements, thus making the request zoning change appropriate under KRS 100.213 and consistent with the Guidelines and Policies of the current Comprehensive Plan under Guideline 1, Policy B.2, and

**WHEREAS**, the Commission further finds that this proposal complies with the intent and the policies of Guideline 3 for all the location reasons set forth above and because this is an existing home and proposed use which is compatible with the neighboring uses and represents no change to this traditional neighborhood. Further, the requested rezoning designation is compatible because no discernible changes to the appearance of the neighborhood will occur by this project. The issue of appropriate size and shape of the structure, setbacks, transitions and visual impact to the neighborhood are basically non-existent because this home is existing and the streetscape will remain the same. The use as multifamily allows for a variety of housing types and one which is found already on the block. Further, the building is being restored, thus adding to the streetscape along the historic area. For these reasons, the proposal is consistent with Guideline 3, Policies 1, 3, 9, 10, 11, 22 and 23, and

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**WHEREAS**, the Commission further finds that the proposal is of low impact to the neighborhood and should not generate any nuisances, new traffic issues or lightening issues making the proposal consistent with, Guideline 3, Policies 6, 7, 8 and 24, and

**WHEREAS**, the Commission further finds that based upon a review of the Planning Commission Record, public hearing testimony and exhibits submitted that the application to rezone this tract to R-7 Zoning complies with the Open Space requirements of Guideline 4 because no Open Space is required with such a small lot, and

**WHEREAS**, the Commission further finds that based upon a review of the Planning Commission Record, public hearing testimony and exhibits submitted that the application to rezone this tract to R-7 zoning complies with the intent and the policies of Guideline 5 because the subject property is not to be altered and is in conformance with the historical Butchertown Neighborhood style of housing. Additionally, there are no special districts or soil and slope issues facing this proposal, and

**WHEREAS**, the Commission further finds that based upon a review of the Planning Commission Record, public hearing testimony and exhibits submitted that the application to rezone a this tract to R-7 zoning promotes and is consistent with the policies of Guideline 6 because the proposal is an investment in an older neighborhood and is located in an area served by existing public infrastructure and utility connections of water, and electric services thus reducing the cost of land development and preventing sprawl as desired by Guideline 6, Policy 10. Further, this proposal promotes and is consistent with the policies of Guideline 6, Policy 3 because the project is an investment in an older neighborhood which is targeted for historical preservation. The proposal restores a carriage house and preserves an old home and is good for the neighborhood's economic revitalization and is consistent with the neighborhood plan, and

**WHEREAS**, the Commission further finds that based upon a review of the Planning Commission Record, public hearing testimony and exhibits submitted that the application to rezone this Tract to R-7 is appropriate because it provides adequate parking and the site is in an area with access to mass transit a few blocks away which promotes pedestrian and bike travel all being factors in compliance Guideline 7, Policy 10, and

**WHEREAS**, the Commission further finds that based upon a review of the Planning Commission Record, public hearing testimony and exhibits submitted that the application to rezone this tract to R-7 zoning complies with the intent and the policies of Guidelines 8 and 9 because the Development Plan does not impact any environmentally sensitive areas, scenic corridors or streetscape issues, and

**WHEREAS**, the Commission further finds that based upon a review of the Planning Commission Record, public hearing testimony and exhibits submitted that the application to rezone this tract complies with the intent and the policies of Guidelines 10 and 11 because no construction is proposed and the property is not in floodplain, and

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**WHEREAS**, the Commission further finds that based upon a review of the Planning Commission Record, public hearing testimony and exhibits submitted that the application to rezone a this tract to R-7 zoning complies with the intent and the policies of Guideline 12 because the proposal is in a developed area which works to decrease vehicular miles traveled between home and trips to neighboring businesses, and

**WHEREAS**, the Commission further finds that based upon a review of the Planning Commission Record, public hearing testimony and exhibits submitted that the application to rezone this tract to R-7 zoning complies with the intent of Guideline 13 by maintaining the existing residential look of the area and complying with all required landscaping buffers, and

**WHEREAS**, the Commission further finds that based upon a review of the Planning Commission Record, public hearing testimony and exhibits submitted that the application to rezone this tract to R-7 zoning complies with the intent and the policies of Guideline 14 because all necessary utilities are available, and

**WHEREAS**, the Commission further finds that based on all of the foregoing, the Commission finds that the proposal to rezone this tract to R-7 zoning is compatible with this Traditional Neighborhood Form District and in conformance with all applicable guidelines of the Cornerstone 2020 Comprehensive Plan and is consistent with KRS Chapter 100; now, therefore be it

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the change in zoning from R-6 to R-7 on 0.12 acres of property described in the attached legal description be **APPROVED**.

**The vote was as follows:**

**YES: Brown, Howard, Carlson, Ferguson, Tomes, and Jarboe**  
**NOT PRESENT: Lindsey, Lewis, Smith, and Peterson**

**District Development Plan**

**01:57:40** On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution, based on Standard of Review and Staff Analysis, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that the development proposes to preserve the site and buildings as is with only renovation to the existing historic structures, and

**WHEREAS**, the Commission further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan, and

**WHEREAS**, the Commission further finds that there are no open space requirements pertinent to the current proposal, and

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**WHEREAS**, the Commission further finds that the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community, and

**WHEREAS**, the Commission further finds that the overall site design and land uses are compatible with the existing and future development of the area, and

**WHEREAS**, the Commission further finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code; now, therefore be it

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the district development plan, **SUBJECT** to the following 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 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.

**The vote was as follows:**

**YES: Brown, Howard, Carlson, Ferguson, Tomes, and Jarboe**

**NOT PRESENT: Lindsey, Lewis, Smith, and Peterson**