

Historic Landmarks and Preservation Districts Commission Minutes

August 26, 2021

A meeting of the Louisville Metro Historic Landmarks and Preservation Districts Commission was held on Thursday, August 26, 2021 at 9:00 a.m. online via Cisco Webex Video Teleconferencing.

Commission Members present:

Howard Rosenberg
Ashlyn Ackerman
Tamika Jackson
Lori Stahlgren
Morgan Ward
Carrye Jones
Emily Liu
Robert Kirchdorfer

Commission Members absent:

Stefanie Buzan
John Mays
Amin Omidy
Christopher Fuller
David Morgan

Staff Members Present:

Joe Haberman, Planning & Design Manager
Brian Davis, Planning & Design Manager
Joe Reverman, Planning & Design Assistant Director
Dave Marchal, Deputy Director
Cynthia Elmore, Historic Preservation Officer
Kat Groskreutz, Historic Preservation Specialist
Savannah Darr, Planning & Design Coordinator
Travis Fiechter, Legal Counsel
Sue Reid, Management Assistant

On the recommendation of the Louisville Metro Department of Public Health & Wellness regarding congregate events and social distancing, and as permitted by Commonwealth of Kentucky Senate Bill 150, the August 26, 2021 Historic Landmarks & Preservation Districts Commission meeting was held online.

The following matters were considered:

Historic Landmarks and Preservation Districts Commission Minutes

August 26, 2021

APPROVAL OF MINUTES

AUGUST 19, 2021 HISTORIC LANDMARKS AND PRESERVATION DISTRICTS COMMISSION MEETING MINUTES

Prior to approval of minutes, Chair Ward read into the record the opening statement, which included instructions for today's proceedings.

00:05:11 On a motion by Commissioner Rosenberg, seconded by Commissioner Liu, the following resolution was adopted:

RESOLVED, the Louisville Metro Historic Landmarks and Preservation Districts Commission does hereby **APPROVE** the Minutes of the meeting conducted on August 19, 2021.

The vote was as follows:

Yes: Commissioners Stahlgren, Rosenberg, Liu, Ackerman, Jones, and Chair Ward

Abstain: Commissioner Kirchdorfer

Absent: Commissioners Buzan, Mays, Omidy, Fuller, Morgan, and Jackson

Historic Landmarks and Preservation Districts Commission Minutes

August 26, 2021

PUBLIC HEARING

21-COA-0079_Appeal_01

| | |
|-------------------|--|
| Request: | Appeal of the Butchertown Architectural Review Committee's decision 21-COA-0079 for the new construction of a six-story, mixed use apartment building with ground floor commercial space |
| Project Name: | 835 E. Main St. |
| Location: | 835 E. Main St. |
| Owner: | NuLu East Main, LLC |
| Applicant: | Clifford Ashburner |
| Appellant: | Owen Ronald |
| Jurisdiction: | Louisville Metro Government |
| Council District: | District 4 – Jecorey Arthur |
| Case Manager: | Cynthia Elmore |

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 at Planning and Design Services offices, 444 South 5th Street.)

An audio/visual recording of the Historic Landmarks and Preservation Districts Commission meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to obtain a copy.

Prior to Public Hearing, Chair Ward stated since this case as well as the following case are appeals pertaining to the same case, the cases would be deliberated simultaneously. Chair Ward stated the Public Hearing for these cases was heard at last week's meeting and would not be repeated today. Chair Ward stated each case would be voted on separately (see recording for detailed presentation).

00:13:42 Travis Fiechter, Legal Counsel, discussed the required actions of the Commission and provided examples of the clearly erroneous standard. Attorney Fiechter responded to questions from the Commissioners (see recording for detailed presentation).

00:21:35 Commissioners' deliberation

Historic Landmarks and Preservation Districts Commission Minutes

August 26, 2021

PUBLIC HEARING

21-COA-0079_Appeal_01

01:05:44 On a motion by Commissioner Rosenberg, seconded by Commissioner Jones, the following resolution was adopted:

WHEREAS, the Louisville Metro Historic Landmarks and Preservation Districts Commission finds that the Butchertown ARC found that the proposed new multi-family structure generally meets the applicable design guidelines for New Construction –Commercial, Site, and Streetscape, and

WHEREAS, the Commission further finds that the ARC found that Butchertown developed as a high mix of land use intensities, with industrial or commercial directly adjacent to residential sites. Because of this pattern of land use development, a site like this, which is located along a historic and current high traffic commercial corridor, does not provide the same level of buffer or step down between land use intensities that can be found in more traditional neighborhoods within the city, and

WHEREAS, the Commission further finds that the Butchertown ARC's decision was not clearly erroneous as to a material finding of fact related to whether the proposed exterior alteration complied with the guidelines; now, therefore be it

RESOLVED, the Louisville Metro Historic Landmarks & Preservation Districts Commission in Case Number 21-COA-0079_Appeal_01 does hereby **AFFIRM** the Butchertown Architectural Review Committee's decision and **DENY** the appeal. The motion carried by the following vote:

The vote was as follows:

Yes: Commissioners Rosenberg, Liu, Ackerman, Jones, and Chair Ward

No: Commissioner Stahlgren

Abstain: Commissioner Kirchdorfer

Absent: Commissioners Buzan, Mays, Omidy, Fuller, Morgan, and Jackson

Historic Landmarks and Preservation Districts Commission Minutes

August 26, 2021

PUBLIC HEARING

20-COA-0079_Appeal_02

| | |
|-------------------|--|
| Request: | Appeal of the Butchertown Architectural Review Committee's decision 21-COA-0079 for the new construction of a six-story, mixed use apartment building with ground floor commercial space |
| Project Name: | 835 E. Main St. |
| Location: | 835 E. Main St. |
| Owner: | NuLu East Main, LLC |
| Applicant: | Clifford Ashburner |
| Appellant: | Jan Marie Hemberger |
| Jurisdiction: | Louisville Metro Government |
| Council District: | District 4 – Jecorey Arthur |
| Case Manager: | Cynthia Elmore |

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 at Planning and Design Services offices, 444 South 5th Street.)

An audio/visual recording of the Historic Landmarks and Preservation Districts Commission meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to obtain a copy.

NOTE: This case was deliberated in conjunction with Case Number 21-COA-0079_Appeal_01 (see pages 3 and 4 of these minutes).

01:10:15 On a motion by Commissioner Rosenberg, seconded by Commissioner Ackerman, the following resolution was adopted:

WHEREAS, the Louisville Metro Historic Landmarks and Preservation Districts Commission finds that the Butchertown ARC found that the proposed new multi-family structure generally meets the applicable design guidelines for New Construction –Commercial, Site, and Streetscape, and

WHEREAS, the Commission further finds that the ARC found that Butchertown developed as a high mix of land use intensities, with industrial or commercial directly adjacent to residential sites. Because of this pattern of land use development, a site like this, which is located along a historic and current high traffic commercial corridor, does not provide the same level of buffer or step

Historic Landmarks and Preservation Districts Commission Minutes

August 26, 2021

PUBLIC HEARING

20-COA-0079_Appeal_02

down between land use intensities that can be found in more traditional neighborhoods within the city, and

WHEREAS, the Commission further finds that the Butchertown ARC's decision was not clearly erroneous as to a material finding of fact related to whether the proposed exterior alteration complied with the guidelines; now, therefore be it

RESOLVED, the Louisville Metro Historic Landmarks & Preservation Districts Commission in Case Number 21-COA-0079_Appeal_02 does hereby **AFFIRM** the Butchertown Architectural Review Committee's decision and **DENY** the appeal. The motion carried by the following vote:

The vote was as follows:

Yes: Commissioners Rosenberg, Liu, Ackerman, Jones, and Chair Ward

No: Commissioner Stahlgren

Abstain: Commissioner Kirchdorfer

Absent: Commissioners Buzan, Mays, Omidy, Fuller, Morgan, and Jackson

Historic Landmarks and Preservation Districts Commission Minutes

August 26, 2021

01:12:25 Prior to adjournment, the Commissioners and Staff discussed training opportunities (see recording for detailed presentation).

The meeting adjourned at approximately 10:36 a.m.

Chairman

Division Director