



# Louisville Metro Government

## Legislation Text

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File #: R-151-19, Version: 1

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### RESOLUTION NO.\_\_\_\_\_, SERIES 2019

#### **A RESOLUTION INITIATING A REVIEW OF THE DECISION OF THE LANDMARKS COMMISSION DESIGNATING THE PROPERTY LOCATED AT 2914 S. 3<sup>RD</sup> STREET AND 2911 S. 4<sup>TH</sup> STREET IN LOUISIVLLE METRO AS A LOCAL LANDMARK.**

**SPONSORED BY: COUNCIL MEMBER TRIPLETT**

**WHEREAS**, the Landmarks Commission held public hearings on August 29<sup>th</sup>, 2019 and September 19, 2019 on a petition to designate four structures on the property at 2914 S. 3<sup>rd</sup> Street and 2011 S. 4<sup>th</sup> Street in Louisville Metro (“Subject Property”) as a local landmark (19DESGNATION1000), and on September 19<sup>th</sup> the Commission approved that designation by a vote of 7 For, 3 Opposed and 3 Absent; and

**WHEREAS**, in 2018, the Legislative council of the Louisville/Jefferson County Metro Government (“Council”) convened a committee comprised of various members of the Landmarks Commission, Metro Council, and their staff to work together, review, and identify various ways to strengthen the Louisville/Jefferson County Metro Government Code of Ordinances (“LMCO”) Sections 32.250 to 32.263 (the “Landmarks Ordinance”); and

**WHEREAS**, On July 25, 2019, the Council, after receiving input on proposed changes to the Landmarks Ordinance from said committee and after receiving proposed amendments to the Landmarks Ordinance from the Landmarks Commission, adopted Ordinance No. 96, Series 2019 wherein the Council amended several sections of the Landmarks Ordinance to effect changes strengthening necessary public policies around preservation in Louisville Metro; and

**WHEREAS**, among the July 2019 amendments, the Council adopted language within Section 32.260 (O) (f) to allow the Landmarks Commission to consider whether the owner of the subject

structure of property qualifies for an economic hardship exemption pursuant to Section 32.257 (L) while it responds to a petition for designation of any individual landmarks; and

**WHEREAS**, in Case No. 19DESGNATION1000, pursuant to Sections 32.260 (O) (f) and 32.257 (L) of the Landmarks Ordinance, the owner of the Subject Property requested an economic hardship exemption should the Subject Property be adjudged appropriate to designate as a local landmark, presenting considerable evidence relevant to that exemption at the public hearings held on August 29 and September 19, 2019; and

**WHEREAS**, at the conclusion of the Commission's September 19, 2019 public hearing for Case No. 19DESGNATION1000, the accepted motion to designate the Subject Property a local landmark was made by Commission Jay Stottman, who stated, "I think the issue here ... is the consideration of economic hardship, which I don't think we need to consider - it just says we may consider economic hardship. And, and I think in Metro Council's ignorance, they have saddled us with, with this process, which is essentially putting the cart before the horse...And perhaps it's an oversight on Metro Council's part that, that allowed us to 'may consider' it, and I think we shouldn't. We shouldn't have to consider that;" and

**WHEREAS**, the Council has the power and authority under Section 32.260(Q) of the Landmarks Ordinance to review and uphold, modify or overturn that designation; and

**WHEREAS**, the Council finds such a review is warranted.

**NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATIVE COUNCIL OF THE LOUISIVLLE/JEFFERSON COUNTY METRO GOVERNMENT ("COUNCIL") AS FOLLOWS:**

**SECTION I:** The council hereby initiates a review of the September 29, 2019 decision of the Landmarks Commission designation of the four structures on the property at 2914 S. 3<sup>rd</sup> Street and 2911 S.4<sup>th</sup> Street in Louisville Metro as a local landmark. The review of the information presented to the Landmarks Commission will be held by the Planning and Zoning Committee.

**SECTION II:** This Resolution shall take effect upon its passage and approval.

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H. Stephen Ott  
Metro Council Clerk

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David James  
President of the Council

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Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

By: \_\_\_\_\_  
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