

**CITY OF LA GRANGE, KENTUCKY
ORDINANCE NO. 16- SERIES 2024**

**AN ORDINANCE AMENDING THE ZONING MAP
OF THE CITY OF LA GRANGE FOR
109 S. WALNUT AVE.**

WHEREAS, the City of La Grange did receive an application for an amendment to the Oldham County zoning map for real property located within the city limits of La Grange, specifically at 109 S. Walnut Ave. (hereinafter, "property");

WHEREAS, on July 23, 2024, the Oldham County Planning and Zoning Commission in Docket No. PZ-24-011, did recommend: (i) approval by the City of La Grange of a proposed zoning map amendment and accompanying development plan for the property, and (ii) passage by the La Grange City Council of an ordinance amending the zoning map of Oldham County in accordance with the provisions of KRS 100 and the Oldham County Zoning Ordinance;

WHEREAS, at a regular meeting of the La Grange City Council, after a second reading of the proposed ordinance and conducting a properly noticed public hearing, the City Council did review the recommendations of the Oldham County Planning Commission set out in the minutes of that meeting, and the Council did hear testimony and receive additional evidence and comments; and

WHEREAS, upon motion regularly made and seconded, the La Grange City Council voted to accept the recommendations of the Oldham County Planning and Zoning Commission and to adopt the findings and decisions of the Planning Commission concerning the above property, which are incorporated herein by referenced, and to enact this ordinance amending the Oldham County zoning map with respect to property within the city limits.

NOW THEREFORE BE IT ENACTED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA GRANGE, KENTUCKY, THAT:

The real property located at **109 S. Walnut Ave.**, more particularly described in the legal description of the deed recorded in DB 1325 PG 426 of the Oldham County Clerk's Office attached hereto as **EXHIBIT A**, shall be and hereby is rezoned as follows:

From R-4 Residential District to C-N Commercial Neighborhood District

Further, the City Council, having reviewed the minutes of the Oldham County Planning Commission meeting and hearing on Docket No. PZ-24-011, which shall be incorporated herein by reference, the La Grange City Council hereby adopts the findings and decisions of the Planning Commission approving the proposed zoning amendment and development plan, including any binding elements,

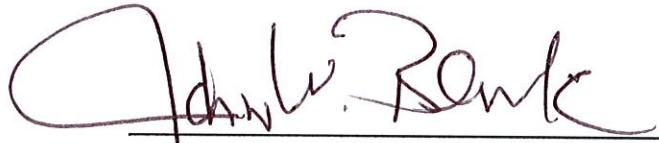
This Ordinance shall take effect upon passage and be enforceable 30 days following enactment and publication as prescribed by KRS 424.

First reading: September 3, 2024

Second reading: October 7, 2024

VOTE: For 8 Against 0 Abstain 0

SO APPROVED this 7 day of October, 2024.



JOHN W. BLACK, MAYOR

ATTEST:


CITY CLERK OR DESIGNEE



City of La Grange City Council

October 7, 2024

Summary of Application:

Docket:	Ordinance No. 16-2024	
Request:	Zoning Map Amendment	
Applicant:	Cornell Property LLC.	
Location:	109 S. Walnut Avenue, La Grange	
Existing Land Use:	Residential	
Existing Zoning:	R-4	
Proposed Zoning:	C-N	
Total Site Size:	0.22 acres	
Tax Parcel:	46-L.4-09-3	

Surrounding Zoning:

North – Land Use: Commercial
Zoning: C-2

East – Land Use: Commercial
Zoning: C-2

South – Land Use: Commercial / Residential
Zoning: C-N

West – Land Use: Residential
Zoning: R-4

Site History:

On July 23, 2024, the Oldham County Planning Commission heard a Zoning Map Amendment (PZ-24-011) for 109 S. Walnut Street, La Grange. The proposal was to change the zoning from R-4 to C-N for future use as a short-term rental and museum. A motion was made to recommend the approval to the City of La Grange. **The motion was approved on a vote of 12-0.**

Case History:

Neighborhood Meeting: 06/12/2024
Planning Commission Hearing: 07/23/2024
First Reading: 09/03/2024
Adjoining Property Owner Notices Mailed: 09/20/2024
Sign Posted on Property: 09/23/2024
Public Notice Appeared in Oldham Era: 09/26/2024
Second Reading: 10/07/2024

Conformance with Comprehensive Plan:

See applicant's statement of compliance.

The Oldham County Future Land Use Map (2019) predicts that the use of this tract will be Single Family - City.

Conformance with Zoning Ordinance:

The proposed plan meets all standards in the Oldham County Zoning Ordinance.

Agency Comments: None.

Notes:

1. The applicant is proposing a zoning map amendment to change the zoning from R-4 to Commercial Neighborhood C-N on approximately 0.22 acres.
2. The purpose of the C-N Commercial Neighborhood District is to promote the reuse of structures located in urban areas of Oldham County that have been constructed for mixed commercial and residential use, which may be currently under used or vacant, and which are located at street corners or on blocks with a significant number of retail business uses.
3. The proposed development will be used as a non-owner-occupied short-term rental as well as a small museum relating to the history of the property.
4. The property resides in the City of La Grange and their short-term rental regulations are governed under Ordinance No. 20, Series 2023 approved on January 3, 2024.
5. In Section B, a short-term rental property in zoning C-N, requires a Conditional Use Permit from the appropriate Board of Adjustments when used as either an owner occupied or non-owner-occupied rental.
6. According to their regulations, a non-owner-occupied host may be eligible for a Conditional Use Permit only if the owner currently resides in Oldham County or within twenty-five (25) miles of the short-term rental property.

Motions and Findings:

Every motion to approve a zoning change, variance, waiver, preliminary subdivision plan or development plan which is not a subdivision plan must state the finding(s) required by statute or regulation and must also state the reasons for the motion. Every motion to deny must state the reasons for the motion.

These are procedural due process requirements for all cases before the Commission.

Suggested motions to approve or deny are set out below.

Zoning Map Amendment:

Motion to approve the zoning map amendment because (any or all of the following):

- a. It complies with objectives _____ of the comprehensive plan because

- _____; and/or
- b. The existing zoning classification given to the property is inappropriate and the proposed zoning is appropriate because _____; and/or
 - c. There have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the adopted Comprehensive Plan and which have substantially altered the basic character of such area. The major changes are _____ and the basic character has changed from _____ to _____.

Motion to deny the zoning map amendment because (any or all of the following):

- a. It does not comply with the comprehensive plan because _____; and/or
- b. The existing zoning classification given to the property is appropriate and the proposed zoning is inappropriate because _____; and/or
- c. There have *not* been major changes of an economic, physical or social nature within the area involved which were not anticipated in the adopted Comprehensive Plan and which have substantially altered the basic character of such area in that _____.

Proposed Binding Elements (approved at the July 23, 2024, Planning Commission hearing):

1. The approval applies only to the plan presented at the July 23, 2024, Oldham County Planning Commission public hearing.
2. There shall be no changes to the plan without review by the Oldham County Planning Commission and Engineer's Office.
3. The plan must comply with all established federal, state and county ordinances and requirements and comply with all necessary easement restrictions at the time of construction plan approval.

DIVISION 140 C-N COMMERCIAL NEIGHBORHOOD DISTRICT

Sec. 140-010 Commercial Neighborhood District: Intent

The purpose of the C-N Commercial Neighborhood District is to promote the reuse of structures located in urban areas of Oldham County that have been constructed for mixed commercial and residential use, which may be currently under used or vacant, and which are located at street corners or on blocks with a significant number of retail business uses. C-N zoning may also be appropriate for new construction where a mixture of business and residential use is found to conform with the Comprehensive Plan and to any Master Plan covering that area.

Sec. 140-020 C-N Commercial Neighborhood District: Development Regulations

Minimum Lot Area:

- 5,000 square feet with sanitary sewers
- 43,560 square feet without sanitary sewers
- 43,560 square feet within the city of Pewee Valley

Minimum Lot Width:

- 50 feet; or
- 150 feet without sanitary sewers

Maximum Density/Intensity:

- 16 dwelling units per acre
- 2.0 Floor Area Ratio

Maximum Structure Height:

- 45 feet (agriculture structures are exempt)

Minimum Front Yard Setback: None

Minimum Side Yard Setback:

- None except when abutting a residential district (shall take on that of the abutting district)

Minimum Street Side Yard Setback:

- None except when abutting a residential district (shall take on that of the abutting district)

Minimum Rear Yard Setback:

- None except when abutting a residential district (shall take on that of the abutting district)

Maximum Lot Coverage for Structures:

- 65 percent of the lot area

Maximum Impervious Surface Including Structures:

- 85 percent of the lot area

B. Short Term Rental Property Permitted Use & Conditional Use Standards

Zoning District	Owner Occupied Host Short Term Rental Property	Non Owner Occupied Host Short Term Rental Property
AG-1	CU	X
AG-2	CU	X
CO-1	CU	X
R-1	CU	X
R-1A	CU	X
R-2	CU	X
R-2A	CU	X
R-3	CU	X
R-4	CU	X
R-4A	CU	X
T	X	X
O-1	P	P
O-2	P	P
C-N	CU	CU*
C-1	P	P
C-2	P	P
C-3	P	P
C-4	P	P
I-1	P	P
I-2	P	P
IPD	P	P
SWF-1	X	X
PUD	DS	DS
PRD	DS	DS
PND	DS	DS

CU = Conditional Use P = Permitted Use X = Not Permitted DS = Development Specific

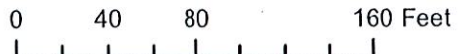
*A Non Owner Occupied Host Short Term Rental Property may be eligible for a Conditional Use Permit for Short Term Rental only if the Owner currently resides in Oldham County or within 25 miles of the Short Term Rental Property.

Oldham County Planning Commission

Zoning Map Amendment

R-4 to C-N

109 S Walnut St
46-L-4-09-3



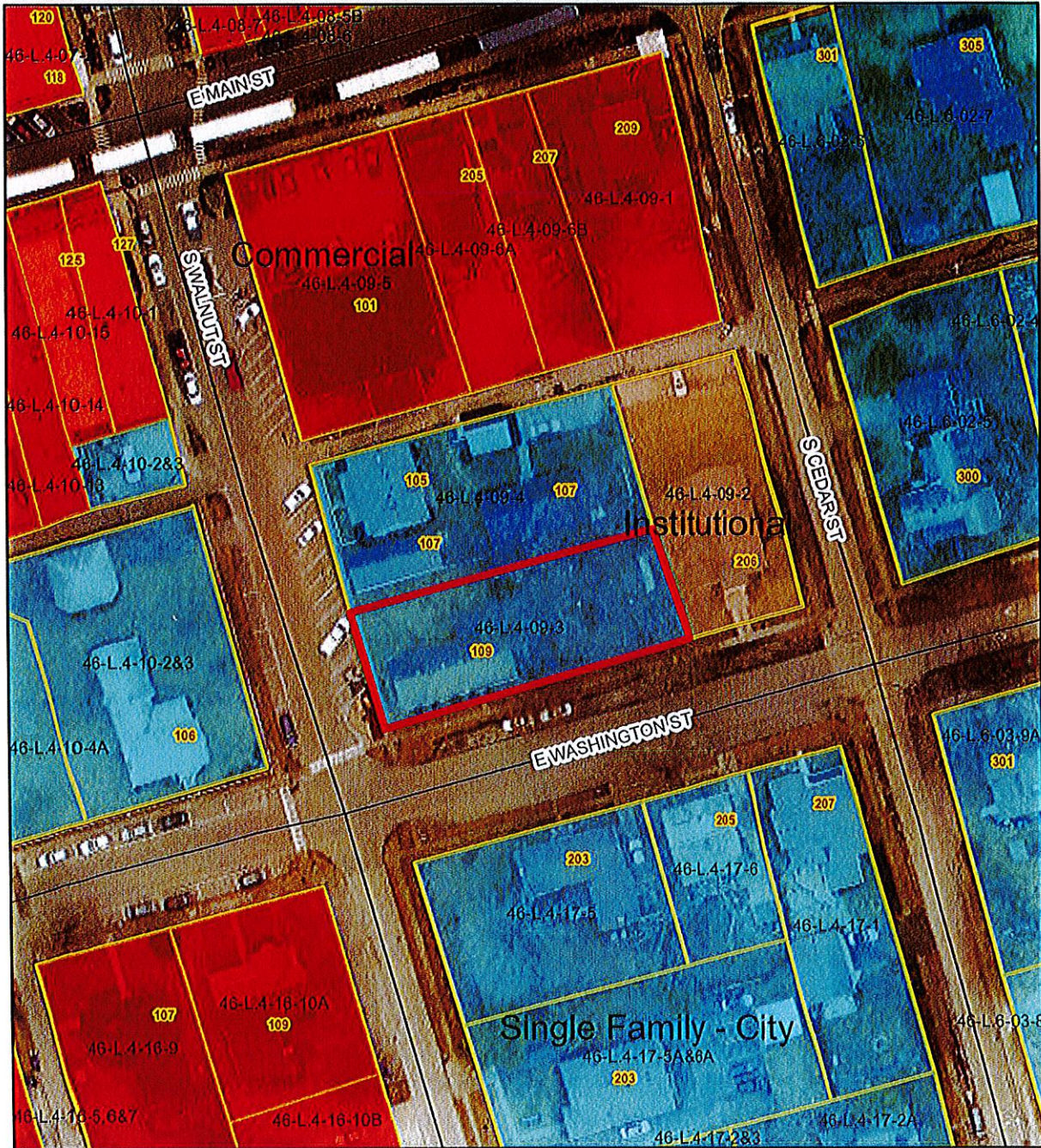
This map is not a legal document and should only be used for general reference and identification. Oldham County Geographic Information Consortium and Oldham County Fiscal Court make no guarantee as to the accuracy, validity or usefulness of data contained herein.

Oldham County Planning Commission

Zoning Map Amendment

R-4 to C-N

109 S Walnut St
46-L-4-09-3



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Oldham County Planning and Development Services
Application for Legislative Body Review

Oldham County

AUG 23 24

Planning & Development

<i>For Staff Use Only:</i>			
Date: _____	Docket No.: <u>16-2024</u>	Staff: <u>BF</u>	Fee: <u>\$675</u>
Ordinance #: <u>16-2024</u>	1 st Reading: <u>9/3/24</u>	2 nd Reading: <u>10/7/24</u>	

This application must be submitted in person at the Planning and Development Services Office.

Legislative Body: Fiscal Court Crestwood LaGrange Pewee Valley

*CK #181
Swansburg + Smith PLLC*

General Information: (A separate application must be submitted for each individual request.)

Project Name: 109 S. Walnut Avenue Re-Zoning Approval

Project Address: 109 S. Walnut Avenue, La Grange, Kentucky, 40031

Planning Commission Docket Number(s): PZ-24-011

Planning Commission Review Date(s): July 23, 2024

Total Site Acreage: 0.22 acres Parcel ID 46-L.4-09-3

Current Land Use: Residential Proposed Land Use: Short-Term Rental / Museum

Current Zoning: R-4 Proposed Zoning: C-N

Proposed Number of Lots/Units: N/A

Signatures:

Owner(s):

Name: Marsa & Don Cornell Signature: _____

Address: 1219 Weible Road, Crestwood, Kentucky, 40014

Phone: _____ Email Address: marsacornell@icloud.com

Applicant(s): (if other than owner)

Name: _____ Signature: _____

Address: _____

Phone: _____ Email Address: _____

Contact: (if other than owner)

Name: Michael G. Swansburg, Jr., Esq. Signature: [Signature]

Address: c/o Swansburg & Smith, PLLC, 117 W. Main Street, La Grange, Kentucky, 40031

Phone: (502) 805-5960 Email Address: mgs@swansburgandsmith.com

RE-ZONING JUSTIFICATION STATEMENT (R-4 TO C-N)
109 S. WALNUT AVENUE PROJECT
107 S. Walnut Avenue
La Grange, Kentucky 40031

The Applicant, Cornell Property, LLC, (hereinafter “Cornell”) respectfully seeks the re-zoning of 0.222 acres of property located at 109 S. Walnut Avenue (hereinafter, the “Property”) within the limits of the City of La Grange, being Oldham County PVA Parcel No. 46-L,4-09-3, from the present designation of R-4 to C-N (hereinafter, the “Project”). The underlying purpose of the Project is the establishment of a short-term rental property coupled with a museum about the home and some of its more famous residents.

1. The Existing Zoning Classification for the Property Is Inappropriate, While the Proposed Classification Is Applicable.

Kentucky law provides that “[b]efore any map amendment is granted, the planning commission . . . must find that the map amendment is in agreement with the adopted comprehensive plan, or, in the absence of such a finding, that one (1) or more of the following apply . . . : (a) That the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate.” KRS 100.213(1)-(a).

Presently, the Property is zoned “R-4,” which generally applies to high-density residences (*e.g.*, apartments, multi-family structures). That said, the Property, which was first build in 1845, has always served as a single-family residence. In other words, the present “R-4” zoning designation does not adequately convey how the Property has been, and continues to be, used.

Conversely, a “C-N” designation, which Cornell respectfully seeks for the Property, generally applies to “promote the reuse of structures located in urban areas of Oldham County that have been constructed for mixed commercial and residential use, which may be currently under used or vacant, and which are located at street corners or on blocks with a significant number of retail business uses.” Oldham Co. Comprehensive Zoning Ordinance (2019) p. 35. Thus, the intended use of the Property (*i.e.*, museum and short-term rental property) is consistent with the general application of a “C-N” designation.

2. The Proposed Classification Adheres to the Oldham County Comprehensive Plan

A. Land Use Objective LU-2-1: “Establish neighborhood development guidelines that promote connectivity between neighborhoods, encourage integration of community and civil facilities, and address issues of neighborhood identity and compatibility with adjacent development and assure that adjacent development is sensitive in both design and environmental impact of historic sites, neighborhoods and districts.

Subsection 1. of LU-2-1 expressly identifies as a sub-goal the “encourage[ment of] new mixed-use development in addition to existing mixed-use centers and planned unit developments.” As noted above, the Project is designed to recognize a mixed-use Property, one that combines a short-term rental property with a public museum, thus meeting this objective squarely.

B. Land Use Objective LU-3-1: “Support existing business retention and growth compatible with adjacent land uses and the availability of community facilities and services.”

The Project is designed to support existing business retention by providing a space for individuals to stay within downtown La Grange and establishing a new spot to attract visitors from inside and outside the area. This space also will supplement an already-vibrant retail thoroughfare located just a few blocks away on Main Street by giving consumers an additional location to visit while availing themselves of the shopping opportunities close by.

C. Business and Industry Objective BI-1-2: “Support existing business and industry to thrive and grow in Oldham County.”

As noted above, the Project is designed to supplement the current businesses located within the City of La Grange’s historic downtown retail district. By giving consumers another location to stay within the limits of downtown La Grange (and thus stay closer to the shopping opportunities along Main Street), the Project is designed to make the downtown area more attractive for residents and out-of-town visitors alike.

D. Business and Industry Objective BI-2-2: “Protect and enhance the historic character of the cities.”

The proposed Project will retain the existing mid-19th century home located on the Property but with modern renovations. Cornell has already invested significant time and money into updating the property to make a top-rate spot for visitors and guests alike.

**MINUTES OF REGULAR MEETING
OLDHAM COUNTY
PLANNING AND ZONING COMMISSION
Tuesday, July 23, 2024**

At 9:00a.m., local time on the above date, this meeting of the Oldham County Planning and Zoning Commission, hereinafter called the Commission, was called to order in the Courtroom of the Oldham County Fiscal Court Building, La Grange, Kentucky, by Chairman Greg King.

Other Commission members present were:

Iva Davis	William Douglas	Thomas Elder
John Falvey	Sam Finney	Rollo Fox
Berry Hampton	Sue Ann Jones	Debbie Kraus
Bob Klingenfus	Katie Nasser	Ben Winters

Commissioner Tom Marsh and Suzy Walser were absent.

Others present and sworn in were Planning and Development Services Director Jim Urban, Senior Planner Ryan Fischer and Oldham County Engineer Jim Silliman. County Attorney Berry Baxter was present for the meeting and Administrative Assistant Christy Edgar was the Secretary for the meeting.

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Secretary Christy Edgar called and read Docket:

DOCKET PZ-24-011 – Application has been filed by Cornell Property LLC for a Zoning Map Amendment for a nonowner occupied short-term rental property & museum located at 109 South Walnut Street, La Grange. The property is 0.222 acres and currently zoned R-4 Residential District, and the proposed zoning is C-N Commercial Neighborhood District.

1. Introduction of the new information by staff and questions by the Commission:

Senior Planner Ryan Fischer, presented the following:

- Summary of the application.
- Case History (see Exhibit A, Staff Report dated, July 23, 2024).
- Site history.

- Aerial Photos of the site.
- Photos of property.

Commissioner Douglas asked, why can't the City of LaGrange make the binding elements when they make the approval?

Senior Planner Fischer replied, the binding elements are approved with the development plan and the zoning map amendment will go to the city and they usually don't alter the binding elements.

2. Presentation by the applicant or representative and others in support of the application:

Brooken Smith, Swansburg & Smith PLLC, 117 W. Main Street La Grange, was present and representing the applicant.

- This house was built in 1845.
- Requesting a zoning map change from R-4 to CN.
- The plan is to use the property as a short-term rental and a public museum.
- This project is designed to support existing businesses by providing a space for people to stay downtown.

Marsa Cornell, 1219 Weible Road, Crestwood, was present and sworn in prior to presenting.

- During the renovation of the house a time capsule was found in the attic which belonged to Howard Strawn who was one the Marines that was killed aboard the USS Indianapolis.
- The front room would be a museum and will be opened a couple of times a month and by appointment for groups.

3. Questioning of the applicant and those in support of the application by the Commission: None

4. Testimony and questions by those opposing the application: None

5. Questioning of the applicant and those opposing the application by the Commission: None

6. Rebuttal evidence and Cross Examination by the Applicant: None

7. Rebuttal evidence and Cross Examination by the Opposition: None

8. Final statement of the Opposition: None

9. Final statement of the Applicant:

Attorney Smith's final statement, because we're talking about this being a mixed-use property, both short-term rental and a public museum it conforms to the two objectives of the Oldham County Comprehensive Plan LU-2-1 and LU-3-1. And the

current zoning is inappropriate for the use, but the CN would be appropriate for the intended use.

END OF PUBLIC HEARING

Director Urban summarized the docket.

FINDINGS AND DECISIONS

Docket PZ-24-011

Recommendation Zoning Map Amendment

109 S. Walnut Street, LaGrange

Motion was made by Commissioner Falvey and seconded by Commissioner Jones to recommend the approval to City of LaGrange of a zoning map amendment for 109 S. Walnut Street, LaGrange because it complies with objectives KRS 100.21, LU 2-1 and LU 3-1 of the comprehensive plan and the existing zoning classification given to the property is inappropriate and the proposed zoning is appropriate because the neighborhood has changed.

The vote was as follows:

YES: Commissioners Davis, Douglas, Elder, Falvey, Finney, Fox, Hampton, Jones, Kraus, Klingenfus, Nasser, and Winters.

NO: None

ABSTAIN: None

ABSENT: Commissioner Marsh and Walser.

Motion approved for zoning map amendment on a vote of 12-0.

Motion was made by Commissioner Falvey and seconded by Commissioner Jones to approve the preliminary development plan for 109 S. Walnut Street, LaGrange, because it complies with objectives LU 2-1 and LU 3-1 of the comprehensive plan, the zoning ordinance and the subdivision regulations. The following binding elements are included in this motion.

Binding Elements

1. The approval applies only to the plan presented at the July 23,2024, Oldham County Planning Commission public hearing.
2. There shall be no changes to the plan without review by the Oldham County Planning Commission and Engineer's Office.
3. The plan must comply with all established federal, state, county, and City of LaGrange ordinances and requirements and comply with all necessary easement restrictions at the time of construction plan approval.

The vote was as follows:

YES: Commissioners Davis, Douglas, Elder, Falvey, Finney, Fox, Hampton, Jones, Kraus, Klingenfus, Nasser, and Winters.

NO: None

ABSTAIN: None

ABSENT: Commissioner Marsh and Walser.

Motion approved for preliminary development plan on a vote of 12-0.

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