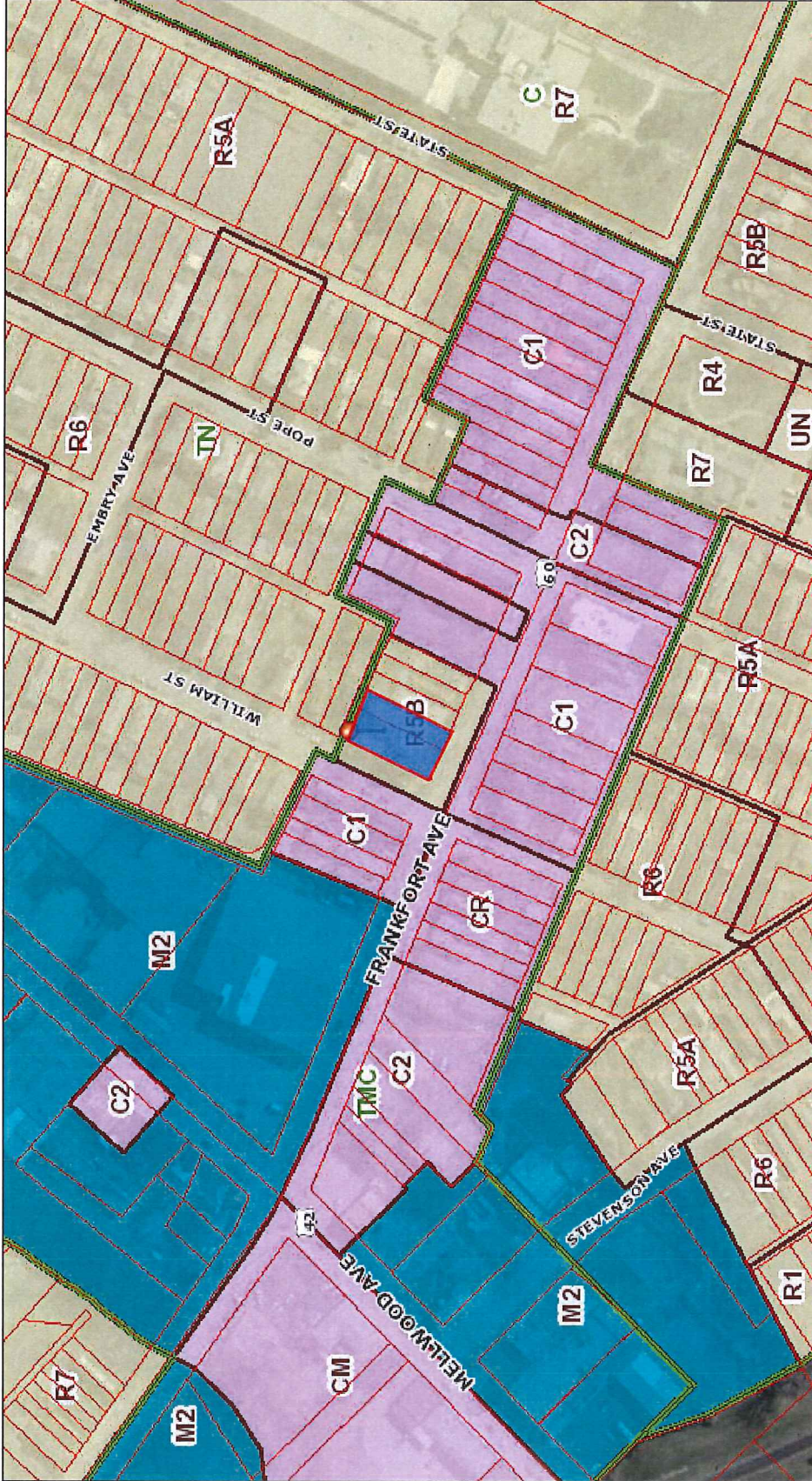


**EXHIBITS FOR APPLICANT
JDA Properties, LLC
1741 Frankfort Ave**

**Louisville Metro Planning Commission
Case No. 15 Zone 1049**

- 1) Zoning Map
- 2) Site Photography
- 3) Development Plan
- 4) Landmarks Certificate of Appropriateness
- 5) Zoning Change Demonstration of Appropriateness
- 6) Waiver Justification
- 7) Proposed Findings of Fact

**Glenn A. Price, Jr.
Attorney for Applicant
Frost Brown Todd LLC
400 West Market Street, 32nd Floor
Louisville, Kentucky 40202
502/779-8511
gaprice@fbtlaw.com**

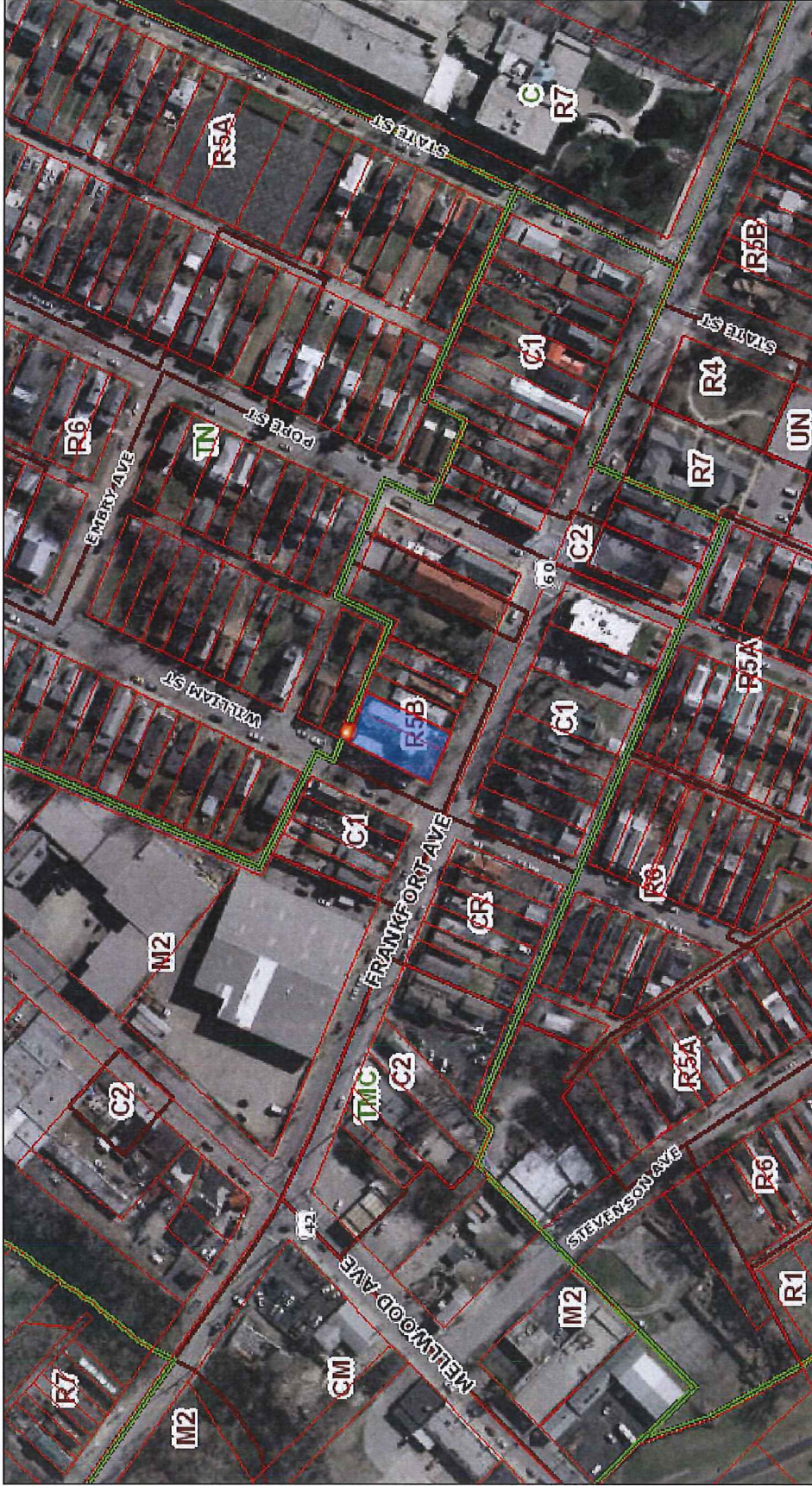


12/2/2015, 6:09:31 PM

Zoning Map



Louisville Metro, MSD, LWC & PVA © 2015
 This map is not a legal document and should only be used for general reference and identification.



Lojic Aerial

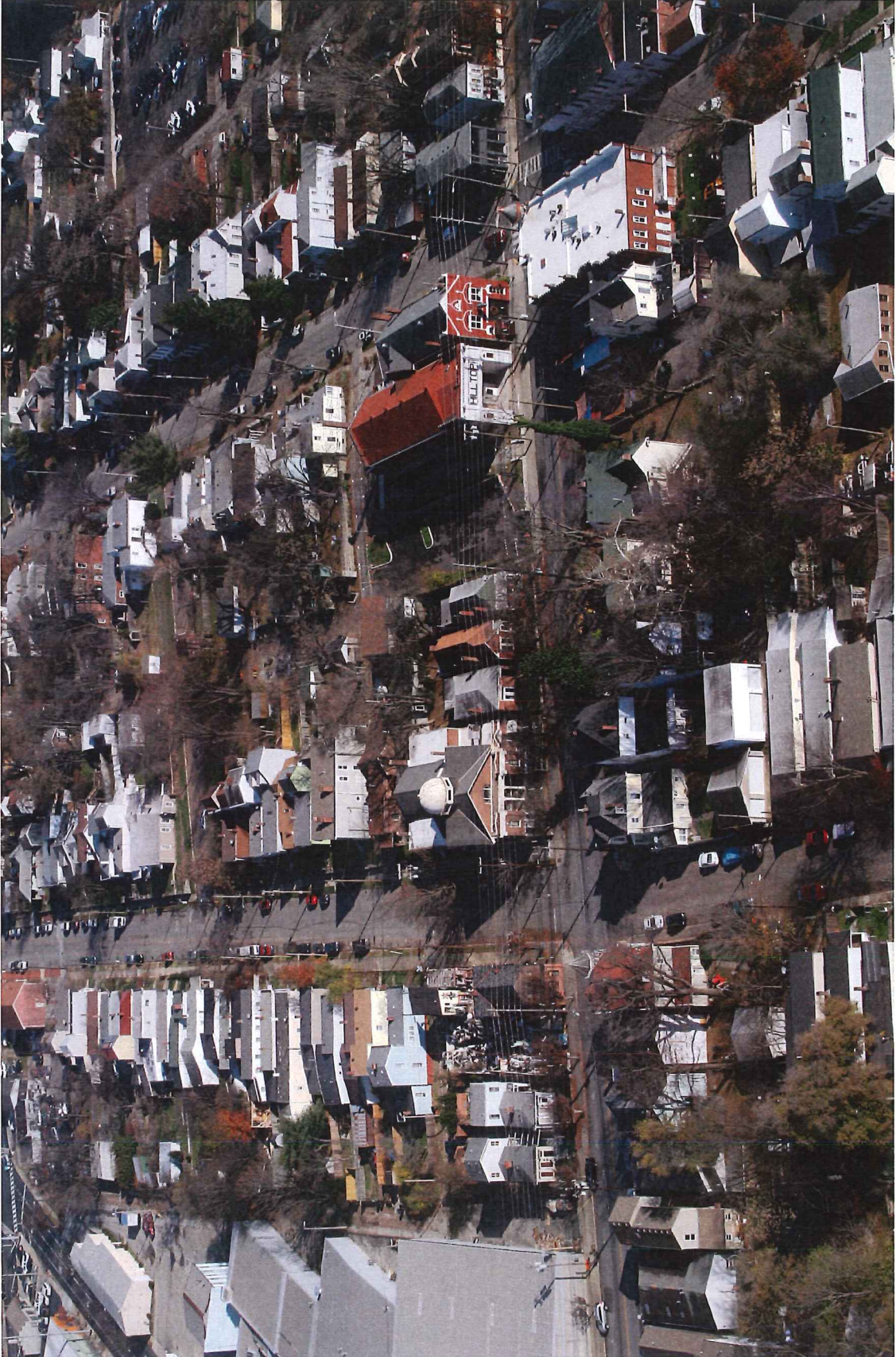
12/2/2015, 6:14:37 PM



Louisville Metro, MSD, LWC & PVA © 2015
 This map is not a legal document and should only be used for general reference and identification.









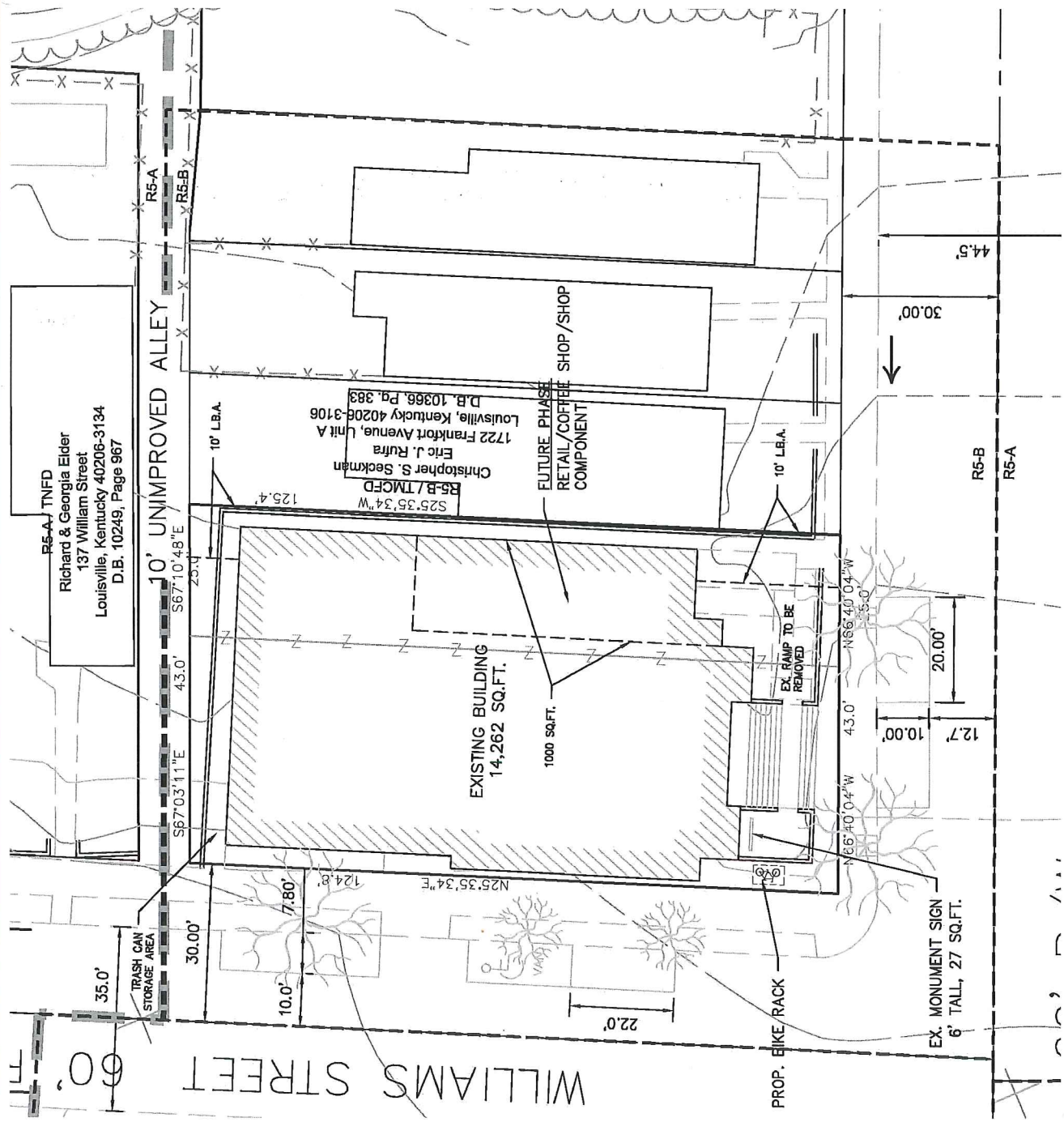














**Historic Landmarks and Preservation
Districts Commission**

Certificate of Appropriateness

To: Laura Leach
Thru: Bob Keesaer, AIA, NCARB, Landmarks Supervisor
From: Savannah Darr, Historic Preservation Specialist
Date: November 13, 2015

Case No: 15COA1243
Classification: Staff Review

GENERAL INFORMATION

Property Address: 1741 Frankfort Avenue

Applicant: Laura Leach
Abel Construction Company
3401 Bashford Avenue Court
Louisville, KY 40218
502-451-2235
lleach@abelconstruct.com

Owner: Bill Abel
JDA Properties LLC
3401 Bashford Avenue Court
Louisville, KY 40218
502-451-2235
babel@abelconstruct.com

Architect/Design: Laura Leach

Contractor: TBD

Estimated Project Cost: \$695,000

Description of proposed exterior alteration:

This application is for the adaptive re-use of the James Lee Memorial Presbyterian Church building. The applicant requests approval to add an ADA entry on the William Street elevation by changing an existing window to a door. The new door will be a ¾ lite wood door to match the front doors. The current metal double doors to the south will be replaced with ¾ wood doors that also match the front doors. The applicant will also remove the wooden handicap ramp

from the front elevation, which is hiding stairs to an entry door east of the main church entry. A new metal tube guard/hand rail will be added for safety. Storm windows will be installed over the existing stained glass windows and window frames after frame restoration. The stained glass that need repair will be repaired. Specific details on the storm windows will be provided to Landmarks on a later date. Roofing and gutter materials will be replaced like kind with like kind. Other general maintenance will be conducted including tuck-pointing the masonry; repairing concrete stairs, retaining walls, and sidewalks; repairing parge coat on the retaining wall; and repairing and reusing the existing church sign. Furthermore, the applicants worked with Metro arborist Russell Stevens to remove a damaged tree on the William Street side. It will be replaced with two smaller Type C trees.

Communications with Applicant, Completion of Application

The application was received on November 6, 2015. The application was considered complete and requiring staff review on November 9, 2015. The PVA assessed value of the building is quite low because it was used as a church. The true assessed value would be much higher and thus the case was not sent to committee.

FINDINGS

Guidelines

The following design review guidelines, approved for the Clifton Preservation District, are applicable to the proposed exterior alterations: **Window, Door and Entrance, Streetscape, and Masonry**. The report of the Commission Staff's findings of fact and conclusions with respect to these guidelines is attached to this report.

The following additional findings are incorporated in this report:

Site Context/ Background

The R5B zoned property in the Traditional Marketplace Corridor form district is located on the north side of Frankfort Avenue at the northeast corner of William Street. The former James Lee Memorial Presbyterian Church building is surrounded by one- and two-story residences.

Conclusions


The project generally meets the design guidelines for **Window, Door and Entrance, Streetscape, and Masonry**. Storm windows will be installed over the existing stained glass windows and window frames after frame restoration. The stained glass that need repair will be repaired. Specific details on the storm windows will be provided to Landmarks on a later date. Roofing materials will be replaced like kind with like kind. The dome currently contains metal roofing and asphalt shingles as a wall cover. **The applicant can leave the asphalt shingles but if they decide to replace them, staff recommends metal or EIFS. Staff also recommends that the metal dome roofing be white or gold.**

DECISION

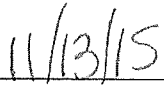
On the basis of the information furnished by the applicant, the application for a Certificate of Appropriateness is **approved** with the following conditions.

1. The new doors shall match existing wooden historic doors.
2. The existing bonding pattern, coursing, color, size, and strength of masonry should be matched when repairing a section of brick wall. Bricks should be toothed-in to historic brickwork to strengthen the joint between new and old, except where new construction (e.g., a room addition) meets old construction.
3. Re-point only those joints that are no longer sound. Do not remove all joints, sound and unsound, in an effort to achieve a uniform appearance when re-pointing.
4. Historic mortar joints should be matched in color, texture, joint size, and tooling when repairing or re-pointing.
5. The mortar mix used for re-pointing should be compatible with the historic masonry. The re-pointing mortar should be equivalent to or softer than the original mortar.
6. If exterior storm windows are installed they should duplicate the shape of the original window.
7. Two Type C trees shall be planted when the William Street tree is removed.

The foregoing information is hereby incorporated in the Certificate of Appropriateness as approved and is binding upon the applicant, his successors, heirs or assigns. This Certificate does not relieve the applicant of responsibility for obtaining the necessary permits and approvals required by other governing agencies or authorities.



Savannah Darr
Historic Preservation Specialist



Date

Attached Documents / Information

1. Staff Guideline Checklist
2. Application

Door and Entrance

Clifton Design Guideline Checklist

- + Meets Guidelines
 - Does Not Meet Guidelines
 +/- Meets Guidelines with Conditions
 NA Not Applicable
 NSI Not Sufficient Information

	Guideline	Finding	Comment
D1	Front-facing (i.e., street-address façade) doors proposed for replacement should be replaced with the same or in-kind materials. Many options exist for repairing or restoring historic doors and producing historically compatible and durable results. Some of these options may be more economical, in the long run, than replacement. All options should be reviewed with Landmarks staff before replacing historic doors. If replacement is necessary, there are many new products to choose from for economical, compatible replacement doors and building materials.	+	New doors will match existing wooden historic doors and will be an upgrade to what is currently there
D2	Replacing non-original, non-historic doors is recommended when the replacement doors are more appropriate to the period and style of the building, and match the size of the original opening.	+	
D3	Replacement doors should – whenever possible – duplicate the design, proportion, and arrangement of paneling and glazing of the original door or period of architectural significance. Replacing a missing historic door with one that matches the historic door is preferable if physical, pictorial, or photographic evidence exists to document its appearance. Absent that, the door may be replaced with a new door that is compatible with the style and character of the historic building.	+	
D4	The character of doors and entrances should be maintained by keeping decorative features and historic elements. Avoid the addition of elements for which there is no historic precedent.	+	
D5	Creating new entrances on street-address or street-facing facades should be avoided.	+/-	This is a required side ADA entry and will match the historic character of the building
D6	Historically clear-finished (i.e., stained then lacquered or top-coated) doors should be refinished in the same manner and should not be painted. Leave historically clear-finished doors unpainted.	NA	Painted doors
D7	Replacing historic double-entry (leaf) doors with a single door should be avoided.	NA	
D8	Original entrance or door openings should not be altered to accommodate stock doors. The historic entrance including the door, transom or fanlight, sidelights, pilasters, and entablature should be retained and repaired.	+	
D9	Architectural features that are proposed for reconstruction or replacement must be photographically documented by the property owner as part of the application submitted to Landmarks for approval of any exterior modification. Historic elements cannot be removed until after approval has been obtained.	NA	
D10	When undertaking the reconstruction of a missing entrance or porch feature, historical, pictorial, and physical documentation should be used. If there is not sufficient information to determine the original design, a new design should be prepared that is compatible with the architectural character of the building and the district. Conjectural or falsely historical designs are not appropriate.	NA	
D11	Screen doors, storm doors and security doors should be	NA	

	Guideline	Finding	Comment
	simple with a narrow-frame design that enables the inner door to be seen and does not obscure the architectural character of original doors or damage historic fabric.		
D12	Commercial security grilles should retract out of sight during business hours and preferably be mounted inside the glass. Security bars should be painted an unobtrusive color.	NA	
D13	Vestibules should not be added to the street-address or street-facing facade on commercial use or leased buildings unless there is a historic precedent. Such additions alter the character, proportion, and massing of the facade.	NA	
D14	Character-defining features of an historic building should be retained when undertaking work required for ADA accessibility and code compliance.	+	
D15	ADA-accessibility ramps should be located on secondary elevations wherever possible. If locating a ramp on the primary facade is required, it should be installed in a way that does not damage historic fabric and is as unobtrusive as possible.	NA	Sidewalk will work as the ramp

Masonry

Clifton Design Guideline Checklist

+	Meets Guidelines	NA	Not Applicable
-	Does Not Meet Guidelines	NSI	Not Sufficient Information
+/-	Meets Guidelines with Conditions		

	Guideline	Finding	Comment
M1	Do not paint masonry, stucco, limestone walls, and masonry retaining walls that have never been painted. Painting unpainted surfaces creates an on-going maintenance issue. Paint is difficult to remove, accumulated layers will obscure decorative detail, and paint coatings (even "breathable" paints) will affect the wall's vapor transmission performance.	NA	
M2	New masonry features shall not be constructed that are either falsely historical (characteristic of periods prior to the building's actual construction), or are incompatible with the building or historic district in terms of size, scale, material, or color.	NA	
M3	New openings shall not be cut into exterior walls that constitute the building's street-address or street-facing facade. (For example, do not create an opening in an exterior wall for the installation of an air conditioning unit on a street-address or street-facing facade including structures on a corner lot or sited diagonally.) For these purposes, an alley is not a street-facing facade.	NA	
M4	Architectural features that are proposed for reconstruction or replacement must be photographically documented by the property owner as part of the application submitted to Landmarks for approval of any exterior modification. Historic elements cannot be removed until after approval has been obtained.	NA	
M5	The existing bonding pattern, coursing, color, size, and strength of masonry should be matched when repairing a section of brick wall. Bricks should be toothed-in to historic brickwork to strengthen the joint between new and old, except where new construction (e.g., a room addition) meets old construction.	+	
M6	Substantial portions of exterior walls should not be removed or rebuilt if such an action would adversely impact a structure's historic integrity.	NA	
M7	Exterior replacement bricks should be suited for exterior use. Do not replace sections of historic brick with brick that	NA	

	Guideline	Finding	Comment
	is substantially stronger. New brick is stronger than old brick.		
M8	Re-point only those joints that are no longer sound. Do not remove all joints, sound and unsound, in an effort to achieve a uniform appearance when re-pointing. Large-scale removal of mortar joints often results in damage to historic masonry. Old mortar is softer than new mortar.	+	
M9	Unsound mortar joints should be carefully removed with hand tools that are narrower than the mortar joint. Power tools should not be used because they have the potential to scar adjacent masonry.	+	
M10	Unsound mortar should be removed to a depth of two-and one-half the times the width of the joint or to sound mortar, whichever is greater.	+	
M11	Historic mortar joints should be matched in color, texture, joint size, and tooling when repairing or re-pointing.	+	
M12	The mortar mix used for re-pointing should be compatible with the historic masonry. The re-pointing mortar should be equivalent to or softer than the original mortar. (When re-pointing mortar is harder than the surrounding masonry, as is the case with many modern mixtures, moisture cannot escape through the joints. Trapped moisture will freeze within the walls and fracture surrounding masonry.)	+	
M13	The mortar should be analyzed to determine the chemical composition of the mortar mix for the specific application at the historic structure. If possible, send a sample of the original mortar to a lab for analysis. If this is not feasible, a high lime and low Portland cement content mortar mix (1 part cement, 1 part lime, 6 parts sand) is often acceptable.	+	
M14	Joints that have been re-pointed using a very hard mortar – or in an un-workmanlike manner – should not be removed until natural weathering has begun to weaken and crack them. Removal prior to that time would likely damage the adjoining brick, block, or stone.	+	
M15	Synthetic caulking should not be used to re-point historic masonry.	+	
M16	Masonry surfaces should not be cleaned with harsh chemicals, abrasive brushes or high pressure power tools. It is better to under clean than over clean. A "like new" appearance is rarely desirable.	+	
M17	The physical and chemical properties of the masonry should be known before proposing or testing any chemical cleaning treatments. If improperly applied, chemical treatments may cause permanent damage that significantly outweighs any benefits of cleaning. Contractors and homeowners may wish to consult the Landmarks staff for the best practices and techniques for cleaning masonry surfaces.	NA	
M18	Cleaning treatments should be tested in an inconspicuous area of the building to evaluate potential adverse effects to the masonry. Observation over a complete seasonal cycle is preferred so any long-term effects may be ascertained. For any proven acceptable chemical cleaning treatments, be sure to follow all manufacturer's instructions.	NA	
M19	Sandblasting or high-pressure water treatments should not be used to clean historic masonry. Both sandblasting and high-pressure water (greater than 300 psi) remove the tough, outer-protective surface of the brick and loosen mortar joints, accelerating deterioration.	NA	
M20	The masonry on buildings with deteriorated mortar joints should not be cleaned. Such masonry should be properly re-pointed prior to cleaning to ensure water does not penetrate the wall during the cleaning process.	NA	
M21	Water- or chemical-based cleaning systems should not be used when there is a chance of freezing temperatures.	NA	

	Guideline	Finding	Comment
	be durable, easy to maintain, and of a simple traditional design that is not falsely historical. If reproduction fixtures are desired for elements, such as benches and street lights, their design should be based upon historic precedent as established by photographic or pictorial evidence.		
SS5	Excavations, trenching, or re-grading adjacent to a building or site should be performed cautiously so as not to cause the foundation to shift or destroy significant archeological resources. Every reasonable effort shall be made to protect and preserve architectural resources affected by, or adjacent to, any project (example: utility line replacement).	NA	
SS6	Street and alley lighting fixtures should be a simple traditional design that is not falsely historical and should not become a focal point.	NA	
SS7	Energy-efficient lights should be used to create a soft illumination where public street and alley lighting is desired.	NA	
SS8	Street trees help define the streetscape and should be planted, maintained and retained unless they pose a safety hazard. Removal of trees within or immediately adjacent to a public right-of-way or within public open spaces requires Landmarks staff review unless directed by the city arborist in cases of emergency or for other reasons of public safety.	+	Arborist Russell Stevens recommended removal of tree and replanting two Type C trees
SS9	Street tree patterns should be enhanced by planting additional trees along public rights-of-way and on private property. Consult the 2012 Frankfort Avenue Street Tree Master Plan (or most current revision), Landmarks staff, and the city arborist to determine the right tree for the right place. Street trees should be selected and placed so as upon maturity they do not obscure historic storefronts.	+	
SS10	The health and shape of trees should be taken into account when pruning. Consult the city arborist or reputable certified arborist for proper pruning guidelines to avoid over pruning and harmful pruning.	NA	
SS11	Public utility lines should be installed underground whenever possible.	NA	

Windows

Clifton Design Guideline Checklist

+	Meets Guidelines	NA	Not Applicable
-	Does Not Meet Guidelines	NSI	Not Sufficient Information
+/-	Meets Guidelines with Conditions		

	Guideline	Finding	Comment
W1	The maintenance and repair of historic windows are essential to preserving the historic character and fabric of Clifton structures and the overall Clifton historic district. For that reason, historic windows on street-address façades and street-facing façades shall not be replaced with new windows unless the Clifton ARC determines that the condition of existing windows, safety or energy efficiency considerations, or other relevant factors support window replacement. During the planning stage for possible window replacement on any façade, and prior to submittal of an application for a Certificate of Appropriateness for window replacement, property owners should consult with the Landmarks staff on the application of these guidelines to their structure, options for addressing the property owner's needs, and concerns regarding their windows.	NA	
W2	If historic windows on façades other than street-address façades or street-facing façades are replaced, or the owner	NA	

	Guideline	Finding	Comment
	is authorized to replace windows on street-address façade or street-facing façade pursuant to W1, the new windows shall convey the same visual appearance as the historic windows. The visual appearance of a window is based on details such as sash dimension, muntin configuration, reveal depths, glass-to-frame ratios, glazing patterns, frame dimensions, trim profiles, and other decorative features. Replacement windows may either be accurate reproductions using historical, pictorial, and physical documentation or be a new design that is compatible with the historic character of the building and the district. Use of wood, metal, or synthetic window systems for authorized window replacement is permissible. During the planning stage for possible window replacement on any façade, and prior to submittal of an application for a Certificate of Appropriateness for window replacement, property owners should consult with the Landmarks staff on the application of these guidelines to their structure, options for addressing the property owner's needs, and concerns regarding their windows.		
W3	Replacement sash should not be used that does not fit historic window openings. Original openings should never be blocked-in to accommodate stock-sized windows.	NA	
W4	Replacement windows proposed for façades other than street-address façades or street-facing façades, and those authorized pursuant to W1 for street-address façades and street-facing façades, shall operate in the same way as the original windows - double-hung windows are replaced with double hung, and casement windows are replaced with casements.	NA	
W5	Thermal glazing windows that have muntins in accordance with W2 shall have such muntins permanently applied and may also incorporate internal dividers between the glass panes.	NA	
W6	Reflective or insulating film shall not be applied to window glass on street-address façades or street-facing façades.	NA	
W7	Smoked, tinted, or reflective glass shall not be used on windows on street-address façades or street-facing façades.	NA	
W8	Transoms or sidelights shall not be blocked-in or back-painted.	NA	
W9	The number, size, location, or shape of original windows shall not be altered on street-address façades or street-facing façades by making new window openings or permanently blocking existing openings. If windows are no longer needed, they should be shuttered if original shutters exist. If shutters do not exist, a temporary closure should be prepared, leaving the window frame intact.	NA	
W10	Any new window openings for a new use shall not be located on street-address façades or street-facing façades.	NA	
W11	The front face of historic window trim shall not be covered with metal or siding material. Siding may butt up to the side of historic window trim.	NA	
W12	New floors or dropped ceilings shall not be installed that block the glazed area of windows. If such an approach is required, the design should incorporate setbacks that allow the full height of the window to be seen unobstructed.	NA	
W13	If exterior storm windows are installed they should duplicate the shape of the original window.	+	
W14	When installing exterior storm windows or screens do not damage or obscure historic windows or frames.	+	
W15	Window sashes shall not be altered to accommodate window air-conditioning units.	NA	
W16	When installing security bars do not obscure the architectural character of original windows or damage historic fabric. Commercial security grills should retract out	NA	

	Guideline	Finding	Comment
	of sight during business hours.		
W17	Awnings shall be designed to complement existing architectural features. They should not overwhelm the façade.	NA	
W18	Awnings shall be of a material and form compatible with the building's historic character. Contemporary designs may be considered if compatible with the design and character of the building.	NA	
W19	Awnings shall be installed in a way that does not harm the building. Limit hardware installation to that which is required for structural stability. Anchors shall be installed in mortar joints, not masonry units.	NA	
W20	On commercial buildings attach awnings between the window display area and the signboard or second-floor window sills. Awnings shall be attached below the transom line where historic prism glass is present and building scale allows.	NA	
W21	Awnings shall be installed so that the valance is no lower than permissible by code (Building Code or Public Works).	NA	
W22	Replacement shutters should match the visual appearance, size, and location of the originals and may be constructed of wood, metal, or synthetic material.	NA	
W23	Shutters shall be installed only where there is historic evidence for them.	NA	

DEMONSTRATION OF APPROPRIATENESS

**JDA Properties, LLC
1741 Frankfort Avenue
Request for Change in Zone from R-5B to CR**

This is a proposal for the adaptive re-use of the historic James Lees Memorial Presbyterian Church at 1741 Frankfort Avenue to office and small retail use. Designed by Louisville's Samuel M. Plato, a prominent African American architect, the Church was built in 1914, and is listed on the National Register of Historic Places.

I. The proposal conforms to the Comprehensive Plan for Louisville and Jefferson County, Kentucky.

The proposed zone change from R-5B Residential Two Family District to CR Commercial Residential District at property having a street address of 1741 Frankfort Avenue¹ conforms to KRS 100.213 because it is in agreement with the adopted Comprehensive Plan for Louisville and Jefferson County, Kentucky, within which this property lies. Comprehensive Plan Goals, Objectives, Guidelines and Policies are discussed in this Demonstration of Appropriateness.

Community Form Guideline 1. The proposal conforms to Community Form Guideline 1 and all applicable Policies adopted thereunder, including Policy 7. The site lies within the Traditional Marketplace Corridor Form District and is compliant therewith. The proposed land use is an office and a retail coffee shop or other shop. This is a new development that respects the predominant rhythm, massing, spacing and design of the existing building. The building will be easily accessible by pedestrians on foot, bicyclists due to bicycle storage facilities on the Site (southwest corner of the Site as shown on the development plan) and by transit service because Frankfort Avenue is a transit route. This development is an adaptive re-use of the James Lees Memorial Presbyterian Church. The existing Church building and existing setbacks will be maintained.

Centers Guideline 2. The proposal conforms to Centers Guideline 2 and all applicable Policies adopted thereunder, including Policies 2, 3, 4, 5, 7, 8 and 15 and 16. The proposal will re-use the existing historic Church building for office and commercial uses. The proposed retail commercial component is located in the Clifton Neighborhood, which has an existing population to support it. This is a mixed-use proposal, but it is not a large development. No garage is proposed to be located within the building and parking facilities are not part of this proposal except that on-street parking bordering the Subject Property exists. The site and the building will be made accessible for persons with disabilities. The proposal

¹ References to the proposed zone change are referred to as the "Proposal;" references to the site are referred to as the "Subject Property" or the "Site."

will be supported by existing utilities. Existing Church building materials will be maintained.

Compatibility Guideline 3. The proposal conforms to Compatibility Guideline 3 and all applicable Policies adopted thereunder, including Policies 1, 2, 4, 5, 6, 7, 11, 21, 22, 23, 24, 25 and 28. The proposal is compatible with the scale and site design of nearby existing development because the Church building will be retained and will continue to be utilized. Building materials will remain unchanged from its historic materials except for the addition of the William Street elevator entrance which will comply with the requirements of the Clifton Architectural Review Guidelines. The proposal will cause no adverse impact to existing residential uses in the immediate vicinity. The proposal will not be a source of odor or adverse air quality emissions, significant traffic, noise, excessive lighting or nuisance visual impacts. The existing historic signage will be restored and used by the new occupants. No new signage is proposed. Setbacks, building height and building location will remain unchanged.

Open Space Guideline 4. The proposal conforms to Open Space Guideline 4 and all applicable Policies adopted thereunder, including Policies 1, 2, 3, 4, 5 and 7. Open space is not required for the site. There are no natural features in existence on the site.

Natural Areas and Scenic and Historic Resources Guideline 5. The proposal conforms to Natural Areas and Scenic and Historic Resources Guideline 5 and all applicable Policies adopted thereunder, including Policies 1, 2, 3, 4 and 6 and 7, Social and Cultural Resources Goal D1 and Objective D1.1. There are no steep or severe slopes on site. On-site soils drain well and are highly permeable. No soils on-site are classified as wet soils. The proposal will incorporate an adaptive re-use of the historic Church for the proposed office and commercial uses. The Site has no archaeological features thereon.

Circulation Guideline 7. The proposal conforms to Circulation Guideline 7 and all applicable Policies adopted thereunder, including Policies 1, 2, 3, 4, 6, 9, 13 and 16. Although there is no motor vehicle parking or access on the Subject Property, it is anticipated that the Department of Public Works will approve the proposal. Such approval would indicate, among other things, that the development provides adequate access for motorists and pedestrians and meets the minimum parking requirements of the Land Development Code. The Transit Authority of River City ("TARC") provides public transit service along this segment of Frankfort Avenue via TARC Routes 15 and 31. Existing transportation facilities will be maintained with this proposal. It is anticipated that no dedication of right-of-way will be required by the Department of Public Works. Cross or joint access is not appropriate for the Subject Property because it is located adjacent to residential property. The proposal maintains the existing street grid. The proposal provides for the movement of pedestrians, bicyclists and persons with disabilities.

Although no off-street parking is required pursuant to Land Development Code requirements the owners of the Site will provide surplus parking in the vicinity for employees working at the Subject Property.

Transportation Facility Guideline 8. The proposal conforms to Transportation Facility Guideline 8 and all applicable Policies adopted thereunder, including Policies 7, 9 and 10. Adequate measures have been taken to minimize glare, vibration, air pollution, and visual intrusion due to on-site buffering and screening. The landscaping business does not produce odors. The anticipated approval from Transportation Review will indicate that the development has adequate sight distance and appropriate on-site access for pedestrians and vehicles.

Bicycle, Pedestrian and Transit Guideline 9. The proposal conforms to Bicycle, Pedestrian and Transit Guideline 9 and all applicable Policies adopted thereunder, including Policies 1, 2, 3 and 4. The site is bordered by sidewalks providing easy pedestrian access to and through the Subject Property. Bicycle storage facilities are shown on the development plan (southwest corner of the Site) to encourage the use of bicycles. Transit service is provided along this segment of Frankfort Avenue via TARC Routes 15 and 31.

Flooding and Stormwater Guideline 10. The proposal conforms to Flooding and Stormwater Guideline 10 and all applicable Policies adopted thereunder, including Policies 1, 2, 3, 4, 7, 10 and 11. The development of the site will minimize the potential for the impacts of flooding and effectively manages stormwater runoff. There is no impact to the regulatory floodplain because all structures will be located above the floodplain. No buildings are proposed to be located within the 100-year FEMA regulatory floodplain. It is anticipated that the proposal will receive the approval of the Metropolitan Sewer District ("MSD"). Moreover, the on-site drainage system will accommodate the "through" drainage system of water flows on-site and off-site. Peak stormwater runoff rates post-development will not exceed pre-development rates.

Air Quality Guideline 12. The proposal conforms to Air Quality Guideline 12 and all applicable Policies adopted thereunder, including Policies 1, 2, 6 and 8. It is anticipated that the Louisville Air Pollution Control District ("APCD") will approve the proposal. If granted, the APCD approval will indicate, among other things, that the proposal conforms to Air Quality Guideline 12 and related all Policies because no adverse air quality impacts will be generated by the proposal.

Landscape Character Guideline 13. The proposal conforms to Landscape Character Guideline 13 and all applicable Policies adopted thereunder, including Policies 1, 2, 4, 5 and 6. Landscaping – native plant species -- will be provided in accordance with Chapter 10 wherever possible. Planting and buffering plans, wherever required, will be implemented.

Infrastructure Guideline 14. The proposal conforms to Infrastructure Guideline 14 and all applicable Policies adopted thereunder, including Policies 2, 3, 4, 6 and 14.7. The proposal has adequate service for all necessary utilities. A common utility corridor exists in the development that includes gas, electric, water, telephone, cable and telecommunications. An adequate water supply for domestic and fire-fighting purposes will serve the site. Utilities will be located underground and will be situated where recommended by each utility for appropriate maintenance and repair access.

Community Facilities Guideline 15. The proposal conforms to Community Facilities Guideline 15 and all applicable Policies adopted thereunder, including Policy 15.9. Adequate fire fighting services will be provided by the Louisville Fire Protection District No. 2.

The proposal conforms to all other applicable Goals, Objectives, Guidelines and Policies of the Comprehensive Plan.

- II. **All necessary utilities, including gas, electric, water, telephone, cable and telecommunications, either presently exist on-site or will be constructed. Essential public services, including sidewalks, will be constructed to serve the site as described above.**
- III. **Implementation of proposed use is anticipated to begin upon final approval.**

LAND DEVELOPMENT CODE WAIVER
JDA Properties, LLC
1741 Frankfort Avenue
LAND DEVELOPMENT CODE §10.2.4

THIS IS A REQUEST FOR A WAIVER OF LAND DEVELOPMENT CODE (“LDC”) §10.2.4 NOT TO PROVIDE A MINIMUM 10-FOOT LANDSCAPE BUFFER AREA (“LBA”) WITH TREES OR A FENCE OR WALL IN LIEU OF A PERIMETER LBA.

REASON. Designed by prominent African-American Architect Samuel M. Plato, the Lees Memorial Presbyterian Church at 1741 Frankfort Avenue is listed on the National Register of Historic Places. The Frankfort Avenue vista of the site is generally free from trees and vegetation. It would be inappropriate to alter the historic setting of the Church by placing trees or a fence or wall in the small front yard.

A. The waiver will not adversely affect adjacent property owners.

The waiver would allow the existing Frankfort Avenue frontage of the site to remain “as is” without the existing ramp. The ramp on the east side of the front yard will be removed, thereby restoring the frontage to its original condition. Hence, the waiver will not adversely affect adjacent property owners.

B. The waiver will not violate the Comprehensive Plan, its applicable Goals, Objectives, Guidelines and Policies.

The only sections of the Comprehensive Plan applicable to this request are Compatibility Guideline 3 and Natural Areas and Scenic and Historic Resources Guideline 5.

Compatibility Guideline 3. The waiver will not violate Compatibility Guideline 3 or Policies 21 (Transitions), 22 (Buffers). The abutting land use to the east appears to be a single-family house in the R-5B zone. Both the Church and the house are located near the common property line leaving little or no room for landscaping or a fence. Landscaping (or a fence or wall) are unnecessary to create an appropriate transition of land uses. Moreover, these structures have not been and are not now incompatible. Hence, buffering should not be required.

Natural Areas and Scenic and Historic Resources Guideline 5. The waiver will not violate Natural Areas and Scenic and Historic Resources Guideline 5 or Policies 2 (Historic Resources) and 4 (Preservation and Reuse of Historic Sites). Clifton

Preservation District Design Guidelines would be violated by the alteration of the original front yard topography or use of historically inappropriate materials.

C. The waiver will conform to the intent of the Land Development Code.

LDC Chapter 10 Part 2 establishes the intent of LDC §10.2.4, which, in this case is to utilize landscaping (a) to create a suitable transition from varying forms of development which adjoin each other, and (b) to minimize the negative impacts resulting from adjoining incompatible land uses. On this site, a "suitable" transition is already present because it has existed since the Church and next door residence were built, given the historic nature of the Church building. Moreover, there are no negative impacts resulting from these land uses adjoining one another because they are indeed compatible.

D. The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.

The extent of the waiver is the minimum necessary to afford relief to the applicant because (a) the front yard area of the site is very small, and (b) the Church building is very close to the eastern side property line (see photograph), both of which conditions would eliminate or greatly reduce the possibility of plantings or a fence/wall between the buildings or in the front yard. Hence, the extent of the waiver request is the minimum necessary to afford relief to the applicant.

E. The strict application of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

The strict application of the regulation would both deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant because it would cause trees to be placed in the small front yard which would alter the historic setting of the Lees Memorial Presbyterian Church.

Project Number: 15ZONE1049

Location: 1741 Frankfort Avenue, Louisville, KY 40206

November 24, 2015

Dear Mr. Brown,

I will be out of town on December 10th so I will not be able to testify in person at the Land Development and Transportation Committee.

I am writing in support of a LDC Waiver regarding the landscape buffer requirement for this property.

Issue #1: Requirement to plant 5 trees in the 10' buffer between the church and the residence on Frankfort Avenue. A 10' buffer does not exist, therefore the zoning board is requesting 5 trees planted elsewhere on the site.

The property has two mature and healthy trees on Frankfort Avenue in front of the building. The property has three mature and health trees on William Street at the west side of the building. I'd like to suggest these five existing trees be incorporated and accepted as part of their landscape plan.

If, however, additional trees need to be planted I ask new trees be planted along the Frankfort Avenue corridor or within the 9th City Council District of Louisville Metro.

Issue #2: Because there is not 10' space between the existing structures, LD&T is requesting we install a 6' high, solid fence to substitute for the buffer width.

The structure at 1741 Frankfort Avenue was built in 1914 as a church. The residential brick shot-gun house at 1745 Frankfort Avenue was built in 1900. The residential brick shot-gun house has one window on its west side facing toward the former church.

For one hundred and one years these two structures have co-existed next to each other without a buffer to visually separate the two properties. I do not feel the change of zoning of the former church will cause harm for its residential neighbor due to the lack of a visual buffer between the two properties.

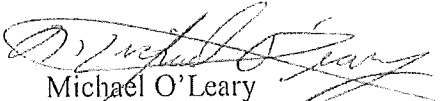
A visual landscape buffer in the front of the property at the property line between 1741 and 1745 Frankfort Avenue may be in violation of our Clifton Historic Preservation District Guidelines.

- SITE: ST6, ST10, ST11, ST12.
- CULTURAL LANDSCAPE: CL4 (7).

I have lived in the Clifton neighborhood for eighteen years. I have been part of the grass roots leadership who have worked so hard to stabilize and have our Clifton neighborhood become strong and grow. The rezoning and repurpose of the James Lees Memorial Presbyterian Church building is an example of our vision for the neighborhood as it moves forward.

The building was designed and built by nationally known architect Samuel M. Plato. Visual barriers and buffers should not prevent the public from seeing and appreciating the architecture of this historically significant building.

As a Clifton neighborhood preservationist, neighborhood leader, and Clifton home owner I ask you to grant the requested waiver for this fine project.


Michael O'Leary
1963 Payne Street, Louisville, KY 40206

Site

- ST1** Paving materials (concrete, brick, paver stones, cobblestones, asphalt, gravel, stone, permeable or pervious materials) that are compatible with adjacent sites and architectural character should be used for private sidewalks, drives, and roadways.
- ST2** Historic paving materials for streets, alleys, sidewalks, and curbing (brick, hexagonal pavers, cobblestones, limestone, granite, or natural stone) should be protected, maintained, restored, and reused. The historic relationship between the road surface and edging should be preserved. Replacement with historic materials is encouraged. If replacement with original materials is not technically or economically feasible, a substitute material may be used if it duplicates the color, texture, and visual appearance of the original. See Masonry M13 guideline for cement mortar mix recipe.
- ST3** Steps on private property made of brick, stone, or poured concrete should be maintained wherever present. If replacement is required, original materials should be used. New construction should incorporate steps where they are a character-defining feature.
- ST4** Paving companies and utility contractors shall not harm historic resources during road or underground utility repair projects.
- ST5** Driveways, parking areas, and loading docks should be constructed or located to the side and rear of properties. Alley access is preferred.
- ST6** Maintain original front yard topography, including grades, slopes, elevations, and earthen berms where present. New construction should match the grade of adjacent properties. Do not re-contour front yard berms into stepped terraces. Do not use railroad ties, landscape timbers, or any other historically inappropriate material for retaining walls.
- ST7** Excavations, trenching or re-grading adjacent to a building or site should be performed cautiously so as not to cause the foundation to shift or destroy significant archeological resources. Every reasonable effort shall be made to protect and preserve architectural resources affected by, or adjacent to, any project.
- ST8** Masonry walls in street-visible locations should not be installed unless they are used to retain earth at changes in grade, screen service areas, or unless an historic precedent exists.
- ST9** Retaining wall and curbing should match the existing character of the original materials when carrying out limited replacement projects. If an exact match cannot be made, a simplified design is appropriate.
- ST10** Fencing should match existing sections of fencing in material, height, design, and detail when carrying out limited replacement projects. If an exact match cannot be made, a simplified design is appropriate.
- ST11** Iron fencing should be installed, historically compatible, and of a similar height where there is a demonstrable historic precedent.
- ST12** Front yard fencing should not be installed where there is no historic precedent.
- ST13** Rear yard or side yard privacy fencing should be installed with the finished side out and a side wall setback from the front of the house of at least two feet. Privacy fencing should be less than seven feet in height. Refer to the Land Development Code or contact the Department of Codes and Regulations regarding additional restrictions on fencing at corner properties.
- ST14** Chain-link fencing painted black or dark color may be installed in residential front yards or along commercial corridors at the street where there is an historic precedent. Split-rail, woven-wood fencing, opaque fencing, painted or stained pressure-treated wood fencing, or recycled or reclaimed materials may be permitted with appropriate design. Synthetic or composite fencing that is durable may be considered.

PROPOSED FINDINGS OF FACT
Submitted by:
JDA Properties, LLC
1741 Frankfort Avenue
Request for Change in Zone from R-5B to CR

WHEREAS, The Planning Commission Finds That the proposal conforms to KRS 100.213 because it is in agreement with the Comprehensive Plan for Louisville and Jefferson County, Kentucky as detailed in these Findings; and

WHEREAS, The Planning Commission Further Finds That the proposal conforms to Community Form Guideline 1 and all applicable Policies adopted thereunder, including Policy 7 because the site lies within the Traditional Marketplace Corridor Form District and is compliant therewith; because the proposed land use is an office and a retail coffee shop or other shop and this new development will respect the predominant rhythm, massing, spacing and design of the existing building; because the building will be easily accessible by pedestrians on foot, bicyclists due to bicycle storage facilities on the Site (southwest corner of the Site as shown on the development plan), and by transit service because Frankfort Avenue is a transit route; and because the development is an adaptive re-use of the James Lees Memorial Presbyterian Church and the existing Church building and existing setbacks will be maintained; and

WHEREAS, The Planning Commission Further Finds That the proposal conforms to Centers Guideline 2 and all applicable Policies adopted thereunder, including Policies 2, 3, 4, 5, 7, 8 and 15 and 16 because the proposal will re-use the existing historic Church building for office and commercial uses; because the proposed retail commercial component is located in the Clifton Neighborhood, which has an existing population to support it; because the proposal is a mixed-use proposal but is not a large development; because no garage is proposed to be located within the building, and parking facilities are not part of this proposal except that on-street parking bordering the Subject Property exists; because the site and the building will be made accessible for persons with disabilities; and because the proposal will be supported by existing utilities and existing Church building materials will be maintained; and

WHEREAS, The Planning Commission Further Finds That the proposal conforms to Compatibility Guideline 3 and all applicable Policies adopted thereunder, including Policies 1, 2, 4, 5, 6, 7, 11, 21, 22, 23, 24, 25 and 28 because the proposal is compatible with the scale and site design of nearby existing development because the Church building will be retained and will continue to be utilized; because building materials will remain unchanged from its historic materials except for the addition of the William Street elevator entrance which will comply with the requirements of the Clifton Architectural Review Guidelines; because the proposal will cause no adverse impact to existing residential uses in the immediate vicinity; because the proposal will not be a source of odor or adverse air quality emissions, significant traffic, noise, excessive lighting or nuisance visual impacts; because the existing historic signage will be

restored and used by the new occupants; because no new signage is proposed; and because setbacks, building height and building location will remain unchanged; and

WHEREAS, The Planning Commission Further Finds That the proposal conforms to Open Space Guideline 4 and all applicable Policies adopted thereunder, including Policies 1, 2, 3, 4, 5 and 7 because open space is not required for the site and there are no natural features in existence on the site; and

WHEREAS, The Planning Commission Further Finds That the proposal conforms to Natural Areas and Scenic and Historic Resources Guideline 5 and all applicable Policies adopted thereunder, including Policies 1, 2, 3, 4 and 6 and 7, Social and Cultural Resources Goal D1 and Objective D1.1 because there are no steep or severe slopes on site; because on-site soils drain well and are highly permeable; because no soils on-site are classified as wet soils; because the proposal will incorporate an adaptive re-use of the historic Church for the proposed office and commercial uses and the Site has no archaeological features thereon; and

WHEREAS, The Planning Commission Further Finds That the proposal conforms to Circulation Guideline 7 and all applicable Policies adopted thereunder, including Policies 1, 2, 3, 4, 6, 9, 13 and 16 because although there is no motor vehicle parking or access on the Subject Property, the Louisville Department of Public Works has approved the proposal; because the Department of Public Works' approval indicates, among other things, that the development provides adequate access for motorists and pedestrians and meets the minimum parking requirements of the Land Development Code; because the Transit Authority of River City ("TARC") provides public transit service along this segment of Frankfort Avenue via TARC Routes 15 and 31; because existing transportation facilities will be maintained with this proposal; because the Department of Public Works required no dedication of right-of-way for this proposal; because cross or joint access is not appropriate for the Subject Property because it is located adjacent to residential property; because the proposal maintains the existing street grid; because the proposal provides for the movement of pedestrians, bicyclists and persons with disabilities; because although no off-street parking is required pursuant to Land Development Code requirements the owners of the Site will provide surplus parking in the vicinity for employees working at the Subject Property; and

WHEREAS, The Planning Commission Further Finds That the proposal conforms to Transportation Facility Guideline 8 and all applicable Policies adopted thereunder, including Policies 7, 9 and 10 because adequate measures have been taken to minimize glare, vibration, air pollution, and visual intrusion due to on-site buffering and screening; because the landscaping business does not produce odors and because the approval from the Department of Public Works indicates that the development has adequate sight distance and appropriate on-site access for pedestrians and vehicles; and

WHEREAS, The Planning Commission Further Finds That the proposal conforms to Bicycle, Pedestrian and Transit Guideline 9 and all applicable Policies adopted

thereunder, including Policies 1, 2, 3 and 4 because the site is bordered by sidewalks providing easy pedestrian access to and through the Subject Property; because bicycle storage facilities are shown on the development plan (southwest corner of the Site) to encourage the use of bicycles; and because transit service is provided along this segment of Frankfort Avenue via TARC Routes 15 and 31; and

WHEREAS, The Planning Commission Further Finds That the proposal conforms to Flooding and Stormwater Guideline 10 and all applicable Policies adopted thereunder, including Policies 1, 2, 3, 4, 7, 10 and 11; because the development of the site will minimize the potential for the impacts of flooding and effectively manages stormwater runoff; because there is no impact to the regulatory floodplain because all structures will be located above the floodplain; because no buildings are proposed to be located within the 100-year FEMA regulatory floodplain; because the proposal has been approved by the Metropolitan Sewer District (“MSD”) which indicates, among other things, that the on-site drainage system will accommodate the “through” drainage system of water flows on-site and off-site and peak stormwater runoff rates post-development will not exceed pre-development rates; and

WHEREAS, The Planning Commission Further Finds That the proposal conforms to Air Quality Guideline 12 and all applicable Policies adopted thereunder, including Policies 1, 2, 6 and 8; because the Louisville Air Pollution Control District (“APCD”) has approved the proposal which indicates, among other things, that the proposal conforms to Air Quality Guideline 12 and related all Policies because no adverse air quality impacts will be generated by the proposal; and

WHEREAS, The Planning Commission Further Finds That the proposal conforms to Landscape Character Guideline 13 and all applicable Policies adopted thereunder, including Policies 1, 2, 4, 5 and 6 because landscaping – native plant species -- will be provided in accordance with Chapter 10 wherever possible and because planting and buffering plans, wherever required, will be implemented except where one waiver has been granted; and

WHEREAS, The Planning Commission Further Finds That the proposal conforms to Infrastructure Guideline 14 and all applicable Policies adopted thereunder, including Policies 2, 3, 4, 6 and 14.7 because the proposal has adequate service for all necessary utilities and a common utility corridor exists in the development that includes gas, electric, water, telephone, cable and telecommunications; because an adequate water supply for domestic and fire-fighting purposes will serve the site and utilities will be located underground and will be situated where recommended by each utility for appropriate maintenance and repair access; and

WHEREAS, The Planning Commission Further Finds That the proposal conforms to Community Facilities Guideline 15 and all applicable Policies adopted thereunder, including Policy 15.9 because adequate fire fighting services will be provided by the Louisville Fire Protection District No. 2; and

WHEREAS, The Planning Commission Further Finds That the proposal conforms to all other applicable Goals, Objectives, Guidelines and Policies of the Comprehensive Plan; and

WHEREAS, The Planning Commission Further Finds That all necessary utilities, including gas, electric, water, telephone, cable and telecommunications, are either presently exist on-site or will be constructed and essential public services, including sidewalks, presently exist to serve the site as shown on the development plan; and

WHEREAS, The Planning Commission Further Finds that implementation of proposed use is anticipated to begin upon final approval;

NOW, THEREFORE, BE IT RESOLVED, THAT THE PLANNING COMMISSION DOES HEREBY RECOMMEND APPROVAL OF THE ZONE CHANGE FROM R-5b TO CR.

0116521.0630413 4834-1166-9036v1