

### **Case No. 17ZONE1031 Findings of Fact**

**WHEREAS**, the Louisville Metro Planning Commission finds that that the Proposal is in agreement with KRS 100.213 because it is in agreement with the adopted Comprehensive Plan applicable in Louisville and Jefferson County, Kentucky and further conforms to the Bonnycastle Neighborhood Plan, all as detailed in these Findings; and

**WHEREAS**, The Commission further finds that the Proposal conforms to the Bonnycastle Neighborhood Plan because it conforms to the Vision for Bonnycastle as being a diverse neighborhood, with condominium and rental housing, higher and lower density housing, and the development, its architecture, design and landscaping will all honor the characteristics of Bonnycastle's history, and will preserve the condominium- rental balance of the neighborhood; and because of its location on the Cherokee Road Corridor, the 12-unit building will be a distinctive and appropriate addition to Bonnycastle's "one-of-a-kind asset," which is Cherokee Park immediately across Cherokee Road; because as a multi-family building it retains Bonnycastle's diversity and as a condominium building it introduces home ownership where rental units presently sit which will help counter the 565 - 545 renter-to-owner-unit breakdown of housing in Bonnycastle referred to in the Bonnycastle Plan, P.4; because based upon expressions of interest to date, many or most of the Cherokee Springs units will be purchased by persons of retirement age (i.e., 65 years and older) thereby providing a housing opportunity for older Bonnycastle residents who wish to remain in the neighborhood; and

**WHEREAS**, The Commission further finds that the Proposal conforms to the Bonnycastle Neighborhood Plan because it conforms to all applicable Neighborhood Goals of the Bonnycastle Neighborhood Plan, as follows:

1. The Proposal does not convert a single-family structure to multi-family. The existing 1959 apartment building is multi-family and the proposed building is multi-family. If approved, the only change will be from four (4) *rental* units to fourteen (14) *condominium ownership* units; and
2. The Proposal will maintain the character of the residential and commercial aspects of the neighborhood as well as their balance and interdependence. The proposed building will promote the character of Bonnycastle's early history by its classical Beaux-Arts style and extensive use of stone and brick. It will maintain the desired character of locating a multi-family building on Cherokee Road overlooking Cherokee Park. It will have no impact on the commercial aspects of the neighborhood; and
3. The Proposal takes advantage of the form district concepts in the comprehensive plan to adopt neighborhood zoning revisions that recognize and preserve the distinct characteristics of the diverse sub-neighborhoods in Bonnycastle; because Comprehensive Plan Community Form Guideline 1.B.2 provides in relevant part that preservation and renovation of existing buildings is required *if the building design is consistent with the predominant building design in those neighborhoods*), and the existing 1959-era 4-plex apartment building on the site is not consistent with the predominant building design in Bonnycastle and Cherokee Triangle in that it has no outstanding architectural features and no distinctive characteristics, its plain brick facade is not in keeping with the level of architectural detail throughout the neighborhood, because the design does not respect the historic neighborhood's architecture of creating a base, middle and top, because detailing should be more of a 1:1 height-to-width ratio, because the existing structure on a site this wide is not in keeping with the proportions of

the neighboring buildings and its design is not consistent with the predominant building design in the neighborhood; simply put, the current structure does not represent a building design desirable in the Bonnycastle neighborhood; and consequently, Comprehensive Plan Community Form Guideline 1.B.2 allows this building to be replaced with a building having a design more faithful to the predominant Beaux Arts style for larger scale buildings in Bonnycastle; and

4. The Proposal will maintain public safety (actual and perceived) because the Proposal has been approved by the Louisville Department of Public Works, which indicates that the roadway network, both on-site and off-site, will provide safe and efficient access to, from and through the site for motorists, bicyclists and pedestrians; and
5. The Proposal will ensure streets and thoroughfares reinforce cohesiveness because parking is permitted on Cherokee Road in front of the Subject Property, because off-street parking will be provided on-site at a ratio of 2.5 spaces per dwelling unit as recommended by the Bonnycastle Neighborhood Plan, p. 8, because alley access will be enhanced due to the paving of the alley by the Applicant at his own expense; because the traffic study prepared by Accurus Engineering, Inc. demonstrates that the proposal will have minimal traffic impact to the vicinity, and because a bicycle storage room will be located in the building to ensure that residents have easy internal access to bicycles. Although a sidewalk is proposed from the building entrance to Cherokee Road, no sidewalk has been proposed because there are no sidewalks on either side of the Subject Site to connect with. Moreover, the Bonnycastle Neighborhood Plan states that adding a sidewalk to the south side of Cherokee Road should only be implemented "very carefully" due to "significant challenges" due to potential drainage problems that should be addressed with a meeting with all Cherokee Road residents allowing for participation in the design process.
6. The Proposal will preserve and expand alleys and sidewalks because the alley, having 15-feet of pavement width, provides vehicular access to the site via connection to Bonnycastle Avenue (approximately 185 feet from the surface parking entrance to Bonnycastle Avenue and approximately 145 feet from the garage entrance to Bonnycastle Avenue) and Alta Avenue (approximately 240 feet from the surface parking entrance to Alta Avenue and approximately 210 feet from the garage driveway to Alta Avenue); because the 15-foot alley width conforms to Land Development Code Table 6.2.2, which requires alleys in the Traditional Neighborhood Form District to have 15 feet of pavement; because the 20-foot alley right-of-way is consistent with the right-of-way width of the entire length of the alley; because at his own expense, the Applicant proposes to pave the entire alley, running from Bonnycastle Avenue to Alta Avenue, which provides access to the site; because a sidewalk is proposed to extend from the front entrance of the building to Cherokee Road. A sidewalk in the right-of-way running parallel to Cherokee Road has not been proposed since a sidewalk in this area would likely necessitate the removal of three (3) substantial trees that lie in the right-of-way, and because the Bonnycastle Neighborhood Plan indicates on p. 17 that sidewalks along Cherokee Road should not be implemented until Cherokee Road property owners participate in a sidewalk design strategy focusing on the prevention of drainage issues; and
7. The Proposal will enhance the urban forest while minimizing utility impact because existing trees will be saved wherever possible and the three (3) trees in the Cherokee Road right-of-way will remain; because twenty-one (21) additional trees together with

evergreen shrubs will be provided primarily in the front of the lot, including the proposed Front Courtyard Area, to establish a visual connection to Cherokee Park; because this new landscaping will also protect adjacent properties; because this substantial landscaping, which is significantly more than required by Land Development Code Chapter 10 requirements for tree canopy, will activate the front yard with a connection to Cherokee Park across the street; because tree planting areas will not impact utility locations; and

**WHEREAS**, The Commission further finds that the Proposal conforms to all applicable Goals, Objectives, Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan ("Comprehensive Plan"), as is set forth below in these Findings; and

**WHEREAS**, The Commission further finds that the Proposal conforms to Traditional Neighborhood, Neighborhood and Village Form District Goal CI because the proposed building design, height and bulk are appropriately located adjacent to Cherokee Park within the Bonnycastle neighborhood and will help to provide a safe and healthy place to live with a shared sense of place; because the Proposal further conforms to Objectives C1.1 and C1.2 because the development is consistent with the traditional neighborhood form and is consistent with the Bonnycastle Neighborhood Plan and the character of the Bonnycastle neighborhood; and

**WHEREAS**, The Commission further finds that the Proposal conforms to Community Design Goal C2, and Objectives C2.1, C2.3, C2.4, C2.5, C2.6, and C2.7 because of the building's design characteristics which will assist the development to share the "sense of place" that is exhibited in the Bonnycastle neighborhood, and will do so in a far more dynamic fashion than does the existing 1959-era 4-plex presently on the Property; because, the Proposal conforms to the Bonnycastle Neighborhood Plan, its Vision and Neighborhood Goals; because the development will promote the health, vibrancy and livability of the Bonnycastle neighborhood by its ease of access to Cherokee Park and Bardstown Road as indicated by the low trip generation volumes shown in the Accurus Engineering, Inc. traffic study; because the Bonnycastle Neighborhood Plan has established Cherokee Road as the boundary of the neighborhood, and the proposed larger scale multi-family development is appropriately located on the neighborhood "edge," adjacent to Cherokee Park; because trees and landscaping, typical of the Bonnycastle neighborhood and Cherokee Park, will be located on-site; because open space is plentiful in Cherokee Park, immediately opposite the site across Cherokee Road; because the proposed building will have only 8 more units than the existing 4-plex, the Bonnycastle neighborhood will remain an inclusive neighborhood; and because the development of Cherokee Springs will not cause the Traditional Neighborhood Form District, the Bonnycastle neighborhood or the Highlands, generally, to exclude or diminish its numerous appropriate housing opportunities; and

**WHEREAS**, The Commission further finds that the Proposal conforms to Land Use Goal C3 and all applicable Objectives adopted thereunder, including Objective C3.2 ("Traditional Neighborhood Districts") because the development will continue the utilization of Bonnycastle's existing street and alley patterns; because as shown on the development plan, the proposed building will be properly spaced on the lot (no side yard variances are requested) and buffered (see the development plan for landscaping); because as recommended by the Bonnycastle Neighborhood Plan, off-street parking will be provided at a ratio of 2.5 parking spaces per unit to accommodate residents and visitors, and the development will be accommodated by streets and alleys (i.e., Cherokee Road and Bonnycastle Avenue and the alley running behind 1576 Cherokee Road and extending from Bonnycastle Avenue to Alta Avenue) existing in Bonnycastle; and

**WHEREAS**, The Commission further finds that the Proposal conforms to Traditional Neighborhood Districts Objective C.3.2.b. [“a]ppropriate locations for larger scale multi-family developments include land adjacent to parks. Comprehensive Plan, p. 19] and the site at 1576 Cherokee Road lies immediately opposite Cherokee Park and is therefore appropriate for a “larger scale” multi-family development; and

**WHEREAS**, The Commission further finds that the Proposal conforms to Site Design Goal C4 and all applicable Objectives adopted thereunder, including Objectives C4.2 (“Intensity”), C4.3 (“Building Height”), C4.4 (“Setbacks and Lot Dimensions”), C4.5 (“Building Design”), C4.6 (“Buffers and Compatibility”) and C4.7 (“Parking and Transit Access”) because the development will be compatible with the pattern of the neighborhood, including observing a similar scale and height to other taller multi-family residential buildings in Bonnycastle and the Cherokee Triangle; because the development plan will observe traditional neighborhood form district setbacks and orientations; because the proposed building height will be less than the existing building heights of other larger scale multi-family developments in Bonnycastle and the Cherokee Triangle; because the building design, which will employ traditional features of The Commodore, for example, will be compatible with the streetscape and character of the neighborhood; because landscape buffers will be utilized on-site even though the proposed building will be a similar building type (i.e., a multi-family building) as the existing building, and will be of high quality design; and because screening and other techniques will be employed, as necessary to protect adjacent single-family residences; and

**WHEREAS**, The Commission further finds that the Proposal conforms to Community Form Guideline 1 and all applicable Policies adopted thereunder, including Policies I.A.2.e., discussed above, and Policy I.B.2 (“Traditional Neighborhood”) because the Property is located within the Traditional Neighborhood Form District; because the Comprehensive Plan describes the “Traditional Neighborhood Form District” as follows:

This form is characterized by predominantly residential uses, by a grid pattern of streets with sidewalks and often including alleys. Residential lots are predominantly narrow and often deep, but the neighborhood may contain sections of larger estate lots, and also sections of lots on which appropriately integrated higher density residential uses may be located. The higher density uses are encouraged to be located in centers or near parks and open spaces having sufficient carrying capacity. There is usually a significant range of housing opportunities, including multi-family dwellings. Traditional neighborhoods often have and are encouraged to have a significant proportion of public open space such as parks or greenways, and may contain civic uses as well as appropriately located and integrated neighborhood centers with a mixture of mostly neighborhood-serving land uses such as offices, shops, restaurants and services. Although many existing traditional neighborhoods are fifty to one hundred twenty years old, it is hoped that the Traditional Neighborhood Form will be revitalized under the new Comprehensive Plan. Revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on (a) preservation and renovation of existing buildings in stable neighborhoods (if the building design is consistent with the predominant building design in those neighborhoods), (b) the preservation of the existing grid pattern of streets and alleys, (c) preservation of public open spaces. [Comprehensive Plan pp. 73-74]; and

**WHEREAS**, The Commission further finds that the Proposal conforms with Community Form Guideline 1 and all applicable Objectives because the Proposal, with 12 dwelling units [28 dwelling units/acre], is in the High Density category established by the Comprehensive Plan,

and is proposed to be situated adjacent to Cherokee Park; because the Proposal will be located on a lot that is twice as wide as the typical Bonnycastle lot; because the Applicant, at his own expense, will reconstruct the full length of the 15-foot wide alley from Bonnycastle Avenue to Alta Avenue; because the Proposal provides more ownership housing opportunities in a condominium (multi-family) building, which is typical in the Traditional Neighborhood Form; because the Proposal will promote Bonnycastle's connection to Cherokee Park because the side yard setbacks for the existing 1959-era apartment building will be preserved with the proposed building; because the preservation of the side yard setback will maintain the existing visual connection between Bonnycastle and Cherokee Park; because the Proposal will have no adverse impact on the commercial sections of Bonnycastle, which are located primarily on Bardstown Road, a considerable distance away; because the existing 1959 4-plex building is devoid of a meaningful architectural style **and is not consistent with the predominant building style in Bonnycastle**; because the 4-plex is inconsistent with the Beaux Arts multi-family building design predominant in Bonnycastle; because the Proposal contemplates a new building faithful to an historic Bonnycastle design with street access that preserves and enhances the existing pattern of streets and alleys; because no public open spaces are impacted by the Proposal; because neither Comprehensive Plan Community Form Guideline 1.B.2 nor any other provision of the Comprehensive Plan or Bonnycastle Neighborhood Plan require the preservation of the existing 4-plex rental building; because the Proposal preserves the present side yard building setback, thereby preserving the existing visual access to Cherokee Park for homes situated "behind" the proposed building; because homes situated "behind" the Proposal are not taller than the existing 1959 apartment building and these homes do not presently have visual access to the park "over" the building and will not become less connected to the park due to the proposed building; because, as is indicated by the Joseph & Joseph Shadow Study, in January and during the winter months the proposed building will impact sunlight to the houses at 1572 Cherokee Road and 1568 Cherokee Road between 10 AM - noon; the proposed building will also impact sunlight to the house at 1572 Cherokee Road between noon -- 2 PM, however, the building will not impact sunlight to 1568 Cherokee Road at any other time of the year; and it will impact the rear yard of house at 1572 Cherokee Road around the noon hour in June and the summer months and during March/September; however, the proposed building will not prevent sunlight from falling onto other houses or properties - including 2335 Bonnycastle Avenue; because the Proposal "would not be disruptive to the balance of rental vs. owned units" because it will provide 12 ownership condominium units where 4 rental units presently exist, which will help to provide a positive balance to the number of owner-occupied vs. renter occupied units in the neighborhood and more owner-residents in the neighborhood provide for more neighborhood stability; because neither the Comprehensive Plan nor the Bonnycastle Neighborhood Plan advocates taller structures *only when* a "much greater density" is provided; because the condominium units envisioned by the Proposal will not create or constitute "exclusive housing" since the Pre-application Staff Report [p, 4 of 14] states "[t]he neighborhood as a whole would remain relatively inclusive;" and

**WHEREAS**, The Commission further finds that the Proposal conforms to Community Form Guideline 1.B.2. because 1.B.2 encourages higher density uses to be located "near parks" such as Cherokee Park, where the Proposal is located; because Cherokee Road has sufficient carrying capacity for vehicular traffic to and from Cherokee Springs as is indicated by the minimal traffic generation shown in the Accurus Engineering, Inc. traffic study; because the Proposal will not impact the existing grid pattern of streets, and will utilize the alley for vehicular access; because the Proposal observes applicable Traditional Neighborhood Form District setbacks, although a height variance will be required; because the height variance is justified

due to the proximity of the building to Cherokee Park; because the building will not adversely impact viewsheds to the park from nearby residences and will not substantially impact the ordinary trespass of sun and light for most nearby properties; because the Proposal respects the Cherokee Road Corridor by observing the front setback and side yard setbacks; and because the Proposal activates the public realm between the building and Cherokee Road by providing for a Courtyard and appropriate landscaping in the front yard and a sidewalk extending from the front building entrance to Cherokee Road; and

**WHEREAS**, The Commission further finds that the Proposal conforms to Centers Guideline 2 and all applicable Policies adopted thereunder, including Policies 1 and 4 because the Proposal does not constitute an "activity center" as that term is defined in the Comprehensive Plan because it will not have concentrated mixed uses on-site, and the proposed development is compact and has been designed to utilize the 0.5- acre site efficiently; and

**WHEREAS**, The Commission further finds that the Proposal conforms to Compatibility Guideline 3 and all applicable Policies adopted thereunder, including Policies 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 21, 22, 23, 24, 25 and 28 because, as is shown on the Joseph & Joseph, Architects' renderings of the proposed building, the building design will be consistent with the Beaux-Arts design of the most highly prized multi-family residential buildings in the Bonnycastle neighborhood; because the design is consistent with the Traditional Neighborhood Form District and will share design similarities with The Commodore at 2140 Bonnycastle Avenue and 1589 Parsons Place, as well as other multi-family buildings, such as 2000 Lauderdale Rd, 1601 Spring Drive and 2001 Spring Drive; because the building will be compatible with the scale and site design of nearby existing development and with the pattern of the form district because the proposed building will be no wider than the existing 1959-era 4-plex, and observes Traditional Neighborhood setbacks; and because the building has been designed to blend seamlessly into the neighborhood and is not intended to be a modern architectural statement; because the requested height variance will not block views of Cherokee Park from residences located "behind" Cherokee Road; because landscaping and a sidewalk leading from the front entrance in the front of the building will serve to connect the site to Cherokee Park, and landscaping will be provided to buffer the single-family house at 1572 Cherokee Road and the multi-family building at 1578 Cherokee Road; because numerous properties in the Bonnycastle neighborhood have scales greater than nearby properties (the foremost examples being The Commodore in Bonnycastle and 1400 Willow in Cherokee Triangle); because the brick and stone building materials will also be consistent with prevailing historical residential structures in Bonnycastle; because residential units will be designed to conform with all federal, state and local requirements to accommodate persons with disabilities; because the size of the units within the proposed building will have a mixture of unit sizes, varying from 1800 square feet to 3000 square feet; because the development plan demonstrates an appropriate transition of land uses through landscaping, compatible building design, materials and setbacks; because the proposed building height of 76 feet, which requires a variance, is appropriate because (1) it will have no adverse impact to homes or properties in the vicinity [it will not block the viewshed of Cherokee Park from any vantage point more than does the existing building]; (2) the predominate building elevation proportion is a 1:1 height-to-width ratio in the Bonnycastle neighborhood, and the proposed building will be quite similar to this proportion at 1:1.2; (3) none of the existing assets highlighted in the Bonnycastle Neighborhood Plan are impacted by the size, height, mass and scale of the proposed building and (4) other multi-story buildings are located compatibly throughout the Bonnycastle neighborhood; because the parking garage, accessed via rear entry, exhibits an inviting street-level appearance from the alley; because the proposed building is additionally compatible with existing homes because of all of the existing tall multi-family structures in this neighborhood sub-area along Cherokee Road and elsewhere

in Bonnycastle and the Cherokee Triangle; because the proposed building will be constructed in accordance with all federal, state and local requirements for housing for older persons and persons with disabilities; and because the on-site rear parking area will be lit pursuant to the requirements and limitations of Land Development Code Chapter 4; and

**WHEREAS**, The 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, 6, 7 and 8 because seating areas are provided both in the front yard and rear yard to serve the function of the Private Yard Area; because a 1,351 square foot Private Yard Area (a cohesive area on the north side of the parking area) is provided between the rear of the building and the rear property line; because the width and length of this area is sufficient to provide a lawn area for a seating area or a dog walking area or it may be a paved area with a grill and it is large enough to be a functional outdoor space; because a roof garden of 4,563 square feet will also be provided; because balconies in each unit (aggregating 3,142 square feet) will provide private opportunities to enjoy views of Cherokee Park; because the development is located immediately adjacent to Cherokee Park, an Olmsted-designed park, where an abundance of open space is available for leisure and recreation; because the extensive new landscaping, seating areas and brick and stonework to be placed in the proposed 1,000 square foot Courtyard in the front yard will serve to "connect" the Property to the Cherokee Park Corridor and Cherokee Park; and because altogether, 10,056 square feet of private area is proposed to be provided, which is 46% of the total site area, whereas only 30% is required for Private Yard Area; and

**WHEREAS**, The 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 because the development of the Property will avoid substantial changes to site topography and degradation of natural systems (such as the flow of surface water); because there are no known historic resources or distinctive cultural features on-site; and because the site has no wet soils, highly permeable soils or severe, steep or unstable slopes with erosion potential; and

**WHEREAS**, The Commission further finds that the Proposal conforms to Moving People and Goods Goals A2, A3 and A4 because, as is indicated by the traffic study provided by Accurus Engineering, Inc., the development's 12 units generate such minimal traffic as to allow Cherokee Road to continue to provide a very high and appropriate level of transportation service; and

**WHEREAS**, The Commission further finds that the Proposal conforms to Land Use and Transportation Connection Pattern of Development Goals E1, E2 and E3 and all applicable Objectives adopted thereunder, including Objectives E1.1, E1.2, and E1.3 because persons residing at the Cherokee Springs development will appropriately utilize Cherokee Road for access to many parts of the city and the region; because development access supports the existing street and alley network of Bonnycastle; because post-development, residents of the development and others living in the vicinity may continue to safely utilize Cherokee Park, Cherokee Road, Bonnycastle Avenue and the alley running between Bonnycastle Avenue and Alta Avenue, whether as pedestrians, bicyclists or in motor vehicles; and because safe access is demonstrated by the approval of the development plan by the Louisville Department of Public Works; and

**WHEREAS**, The Commission further finds that the Proposal conforms to Circulation Guideline 7 and all applicable Policies adopted thereunder, including Policies 1, 2, 6, 8, 9, 10, 12 and 15 because even though the Louisville Department of Public Works has not so requested, the

Applicant will pave the entire alley from Bonnycastle Avenue to Alta Avenue; because rights-of-way will be dedicated pursuant to request of the Louisville Department of Public Works; because the proposal is appropriately located within an area with accessible transportation facilities, including a sidewalk shown on the development plan, a nearby bus stop (at 1578 Cherokee Road) and major roadways; and the Proposal was approved by the Department of Public Works on or about January 10, 2018, which indicates that the roadway network on and near the site will be safe and efficient for all forms of transportation, i.e., motor vehicles, bicycles and pedestrians on foot; and

**WHEREAS**, The Commission further finds that the Proposal conforms to Transportation Facility Design Guideline 8 and all applicable Policies adopted thereunder, including Policies 9, 10 and 11 because access to the development will not occur through an area of significantly lower intensity; because this development will not create significant nuisances for adjacent residents due to its minimal traffic generation, as is demonstrated by the Accurus Engineering, Inc. traffic study; because the site will have no driveway access from Cherokee Road; because safe vehicular access will occur from an alley (to be improved at the cost of the Applicant) via Bonnycastle Avenue and Alta Avenue; and because on-site circulation patterns will be safe for motorists, bicyclists and persons on foot, as is indicated by the approval of the Department of Public Works; and

**WHEREAS**, The Commission further finds that the Proposal conforms to Safety Goal H3 and Objective H3.1, and Promotion Goal H4 because it encourages the use of bicycles by providing for a bicycle storage room which will be located in the building; and

**WHEREAS**, The 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 bicycle storage facilities will be located on-site; because a sidewalk waiver has been requested not to provide a sidewalk in the Cherokee Road right-of-way for the reasons expressed in the Bonnycastle Neighborhood Plan, although a sidewalk will extend from the front entrance of Cherokee Springs to Cherokee Road; and because transit facilities provided by the Transit Authority of River City ("TARC") are provided along Cherokee Road [i.e., TARC Route No. 29- Eastern Parkway] and a transit stop is located on the south side of Cherokee Road at Bonnycastle Avenue in front of Bonnycastle Condominiums at 1578 Cherokee Road, within easy access of 1576 Cherokee Road; and

**WHEREAS**, The Commission further finds that the Proposal conforms to Quality of Life Goal D2 because the high quality of design of the Cherokee Springs development will affirm, promote and protect the economic value of the Bonnycastle neighborhood; and

**WHEREAS**, The Commission further finds that the Proposal conforms to Water Goal B1 and all applicable Objectives adopted thereunder, including Objectives BI.1, BI.2, BI.3 and BI.8 because the development will preserve on-site natural drainage features to accommodate runoff assuming the full buildout of the watershed as required, and will maximize the saturation capacity of the soil by reducing impervious surface area in accordance with Metropolitan Sewer District ("MSD") requirements; and

**WHEREAS**, The 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 design of the development minimizes the potential for flooding by viewing the watershed as a whole, and efficiently accommodates stormwater runoff waters by providing a storm water management system as directed by MSD; because the

development plan was approved by MSD on or about January 10, 2018, which approval means, among other things, that the development will accommodate "through" drainage systems, that peak stormwater runoff rates after development will be consistent with regional and watershed plans and are acceptable to MSD, and impervious surfaces on-site have been minimized; and

**WHEREAS**, The Commission further finds that the Proposal conforms to Social and Cultural Resources Goal D1 and Objectives D1.1, D1.2 and D1.3 because the development and the utilization of Cherokee Road by residents and guests will not overtax the use of the roadway, as indicated by the Accurus Engineering, Inc. traffic study, and will allow for the continued use of Cherokee Park as a community asset; and

**WHEREAS**, The Commission further finds that the Proposal conforms to Transportation and the Environment Goal C1 and Objectives C1.1 and C1.2, Air Goal C1 and Objectives C1.2 and C1.3, and Air Quality Guideline 12 and all applicable Policies adopted thereunder, including Policies 1, 2, 8 and 9 because air quality considerations have been evaluated comprehensively by APCD in this zone change request and the Louisville Air Pollution Control District ("APCD") approved the development on July 5, 2017, which indicates, among other things, that the Proposal will not cause ambient air quality to be degraded, and will not cause any noise-related impacts to nearby residences; and

**WHEREAS**, The Commission further finds that the Proposal conforms to Archaeological and Agricultural Resources and Environmental Review Process Goal G4 and all applicable Objectives adopted thereunder because all appropriate environmental and quality of life impacts have been evaluated and have been satisfactorily addressed and because drainage measures have been approved by the Metropolitan Sewer District; and

**WHEREAS**, The Commission further finds that the Proposal conforms to Landscape Character Guideline 13 and all applicable Policies adopted thereunder, including Policies 1, 2, 3 4 and 5 because all landscaping will be designed and implemented utilizing native plant communities as specified in the Land Development Code; because with the planting of 21 trees in the front of the Subject Property, the development will observe and surpass minimum tree canopy requirements required by Article 10 of the Land Development Code; and because a natural corridor providing animal habitat areas and allowing for migration is located across Cherokee Road in Cherokee Park; and

**WHEREAS**, The Commission further finds that the Proposal conforms to Infrastructure Guideline 14 and all applicable Policies adopted thereunder, including Policies 2, 3, 4, 6 and 7 because the site is served by existing utility services for all necessary utilities; because sewer service will be provided by the Metropolitan Sewer District; because MSD has prepared a "downstream facilities capacity" report indicating that sanitary sewer service is available to the Subject Property; because potable water and water for fire-fighting purposes will be provided to the site by the Louisville Water Company; and because utilities will be located within easements and will be provided as required by each utility; and

**WHEREAS**, The Commission further finds that the Proposal conforms to Community Facilities Guideline 15 and all applicable Policies adopted thereunder, including Policy 9, because the Property will be adequately served by the fire-fighting services of Louisville Fire Protection District No. 4 located at 1735 Bardstown Road (Bardstown Road at Maryland Avenue); and

**WHEREAS**, The Commission further finds that the Proposal conforms to these and all other applicable Goals, Objectives, Guidelines and Policies of the Comprehensive Plan and all applicable provisions of the Bonnycastle Neighborhood Plan; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the proposal preserves the existing grid pattern of streets, sidewalks and alleys. The proposal does not impact the existing grid pattern of streets and utilizes the alley for vehicular access. No sidewalks are currently present within the Cherokee Road right-of-way and sidewalks are not proposed to be provided; and

**WHEREAS**, the Commission further finds that the lotting pattern reflects the existing lotting pattern of the area, with predominately long and narrow lots, sections of larger estate lots, and appropriately-integrated higher density residential uses. The subject site follows this lotting pattern as it is located furthest from the transit corridor and provides density at an appropriate location adjacent to a public park. The proposal preserves public open spaces, and if the proposal is a higher density use, is located in close proximity to such open space, a center or other public areas. The proposal respects the Cherokee Road corridor and activates the public realm between the built and natural environment in a manner that is compatible with the character of public realm in the area, aesthetically pleasing to users of Cherokee park/passers-by, and encourages its residents and guests to use the park; and

**WHEREAS**, the Commission further finds that the proposal does not preserve the existing multi-family structure; however, this structure is being replaced with another multi-family structure that takes cues from the character of surrounding neighborhoods and is sensitive to the established historic character of these neighborhoods; and

**WHEREAS**, the Commission further finds that the proposal meets the Centers guideline because the proposed development is for multi-family residential use; the proposed development is compact and utilizes the majority of this small site while providing options for increased density in an urban area; the proposed development is for residential use only and is located in a residential zoning district. Non-residential uses would not be appropriate or permitted at this location; the residential use is not located in a center and does not include retail or office space. Retail or office space at this location would however be inappropriate; and

**WHEREAS**, the Commission further finds that access to the site is provided from the rear alley which is consistent with the guidelines of the form district; the subject site is located in the urban services district and will maintain an appropriate level of connection and access to services; and although the subject site is not located in an activity center, its proximity to public transit, services, and amenities allows for ease of access to multiple forms of transportation; and

**WHEREAS**, the Commission further finds that the proposal meets the Compatibility guideline because the proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development as the general vicinity contains a range of housing styles from the more common 2/2.5 story single-family residential structure to the 20-story multi-family "landmark" dominating a single corner of Cherokee Park. Multi-family structures in the area possess a wide variety of bulk, height, layout, orientation, and design that adds to the diversity and uniqueness of these historic neighborhoods. The proposed structure would fall within the range of bulk and height, and be architecturally consistent with the area. The form district in combination with the size of individual parcels controls the style and design of development, while the maximums (density and bulk) of the zoning district permitted

are more fully reflected by the true capacity of land to accommodate and not necessarily the district standards; and

**WHEREAS**, the Committee further finds that the proposed building materials increase the new development's compatibility as the style and design of the building provided in the applicant's renderings demonstrate consistency with the character of the area. The proposed zoning district introduces a higher density than is currently present on the subject site. It does not, however, introduce a type of density that would be uncommon in the area or be unable to be accommodated for in the area as the area has the capacity to handle increased density with respect to proximity of services, multi-modal transportation options, and access to employment centers and public amenities. The surrounding vicinity contains a wide range of building styles of varying height and bulk allowing for flexibility in architectural style and design on the subject site and throughout the neighborhood. The proposal would not appear to adversely impact traffic in the area as the site is located in an urban area with many options for movement, along with having amenities, goods, and service located with walking distance which would reduce vehicular trips; and

**WHEREAS**, the Committee further finds that lighting will be in compliance with LDC 4.1.3. The proposed zoning district allows for a variety of housing types. The proposed development does not introduce an uncommon or uncharacteristic housing style to the area which contains and maintains a wide range of housing options. The proposal is not for a higher density than what is already permitted. It is located along a collector roadway within proximity to a transit corridor. The neighborhood is walkable and access to a major transit corridor is readily available and convenient. The subject site is located in an urban area close to shopping, transit routes, and medical facilities, along with having amenities, goods, and service located with walking distance. While this individual development would not appear to provide units that are attainable for all persons, the neighborhood as a whole is relatively inclusive. The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development as landscape buffers and tree canopy will be provided as required, architectural design is consistent with the area, and setbacks along the corridor and at the side are being met. The proposed height is consistent with the diversity of options in the area; and

**WHEREAS**, the Commission further finds that the proposal is compatible with adjacent development and all buffers and setbacks are to be provided as required. Setbacks, lot dimensions and building heights are compatible with those of nearby developments in the general vicinity. The form district and infill standards limit the allowable height; however, the height requested is consistent with the range of heights and architectural diversity that form the area; and

**WHEREAS**, the Commission further finds that the proposal meets the Open Space guideline because the development is located immediately adjacent to an Olmstead park where an abundance of open space is available for leisure and recreation. The private yard area is being reduced on-site. Compensation for the rear yard is provided in a landscape amenity at the front of the building which provides transition between the natural and built environment of the adjacent park. Trees within the Cherokee road corridor will be preserved; and

**WHEREAS**, the Commission further finds that the proposal meets the Natural Areas and Scenic and Historic Resources guideline because the proposal would not appear to adversely impact natural features of the site or change the topography as seen by the public. Any impact of construction activities upon nearby property and the environment will be conducted in accordance with applicable statutes. The proposal does not preserve the existing multi-family

structure; however, this structure is being replaced with another multi-family structure that takes cues from the character of surrounding neighborhoods and is sensitive to the established historic character of these neighborhoods. The site does not appear to possess any issues related to wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion; and

**WHEREAS**, the Commission further finds that the proposal meets the Circulation guideline because the proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means. The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The dedication of right-of-way has been waived by the Director of Works and Planning and Design Services; and

**WHEREAS**, the Commission further finds that the proposal meets the Transportation Facility Design guideline because No new streets or lots are being created for this residential development. Access to the site is from public roads and through areas of similar density. Access is from the rear alley which is consistent and compatible with the area and traditional neighborhood where alley access is available and feasible; and

**WHEREAS**, the Commission further finds that the proposal meets the Bicycle, Pedestrian and Transit guideline because the proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development. The subject site is located in a well-connected urban neighborhood; and

**WHEREAS**, the Commission further finds that the proposal meets the Flooding and Stormwater guideline because the proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area; and

**WHEREAS**, the Commission further finds that the proposal meets the Landscape Character guideline because the subject site is located an urban area without natural corridors as the site abuts on all sides residential development and transportation routes. A natural corridor and environmental habitat is located across Cherokee Road in Cherokee Park; and

**WHEREAS**, the Commission further finds that the proposal meets the Infrastructure guideline because the proposal is located in an area served by existing utilities or planned for utilities. The subject site is located in the urban services district. The proposal has access to an adequate supply of potable water and water for fire-fighting purposes. The subject site is located in the urban services district.

**The vote was as follows:**

**YES: Commissioners Brown, Tomes, and Jarboe.**

**NO: Commissioners Smith, Carlson, Ferguson, and Lindsey.**

**NOT PRESENT: Commissioners Lewis, Howard, and Peterson.**

**MOTION FAILS.**

05:06:46 On a motion by Commissioner Carlson, seconded by Commissioner Lindsey, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that the requested zoning change does not comply with the Comprehensive Plan to include elements of the Bonnycastle Neighborhood Plan because it does not fit within the mass and scale of the area, nor is it consistent with the pattern of development in the surrounding area; now, therefore be it

**RESOLVED**, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the requested change in zoning from R-7 Multi-Family Residential to R-8A, Multi-Family Residential on property described in the attached legal description be **DENIED**.